

AGENDA
NELSON COUNTY BOARD OF SUPERVISORS
August 12, 2014
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 – **R2014-52** Minutes for Approval
 - B. Resolution – **R2014-53** COR Refunds
 - C. Resolution – **R2014-54** Extension of Filing Deadline- Final Plat, Elk Meadows
 - D. Resolution – **R2014-55** Local Board Concurrence with School Division Retirement Plan Contribution Rate Election

- III. Public Comments and Presentations**
 - A. Public Comments
 - B. Presentation – 2015 Regional Legislative Program (D. Blount)
 - C. VDOT Report

- IV. New Business/ Unfinished Business**
 - A. Sheriff’s Department Request for Funding (Vehicles)
 - B. 2014 LOCKN Festival Special Events Permit Status Report
 - C. Authorization to Execute Contract with Architectural Partners (Historic Courthouse Renovation **R2014-56**)
 - D. Closed Session Pursuant to Virginia Code §2.2-3711(A) (5) Discussion concerning the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in expanding its facilities in the community.

- 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 at the Nelson Middle School Auditorium**

EVENING SESSION

7:00 P.M. – NELSON COUNTY MIDDLE SCHOOL AUDITORIUM

I. Call to Order

II. Public Hearings and Presentations

A. Public Hearing – Special Use Permit #2014-005 – Adial Cabins: Special Use Permit application, submitted by property owners Duane and Lisa Blakeslee, seeking approval to operate a Motel pursuant to §4-1-25a of the Zoning Ordinance. The subject property located at 2781 Adial Road, Faber is a 200.4 acre parcel Zoned Agricultural (A-1) and is identified as Tax Map Parcel #33-A-8.

B. Public Hearing – Amendment to the Nelson County Comprehensive Plan, Addition of a Transportation Chapter. Proposed revisions include a new summary of the 2013 Route 151 Corridor Study in the “Existing Plans and Studies” section; a revised description of Route 29 and Route 151 and other minor modifications in the “Existing Roadway Inventory” section; and the introduction of a new principle, relating to greenways, in the “Recommendations and Vision” section.

C. Presentation – Dominion Transmission, Inc. Southeast Reliability Project

III. Public Comments

IV. Other Business (As May Be Presented)

V. Adjournment

RESOLUTION R2014-52
NELSON COUNTY BOARD OF SUPERVISORS
APPROVAL OF MEETING MINUTES
(June 26, 2014 and July 8, 2014)

RESOLVED, by the Nelson County Board of Supervisors that the minutes of said Board's meetings conducted on **June 26, 2014 and July 8, 2014** be and hereby are approved and authorized for entry into the official record of the Board of Supervisors meetings.

Approved: August 12, 2014

Attest: _____, Clerk
Nelson County Board of Supervisors

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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, Lovingston, Virginia.

Present: Allen M. Hale, East District Supervisor
Constance Brennan, Central District Supervisor – Chair
Thomas H. Bruguiera, Jr. West District Supervisor
Larry D. Saunders, South District Supervisor – Vice Chair
Thomas D. Harvey, North District Supervisor
Stephen A. Carter, County Administrator
Susan Rorrer, Director of Information Systems
Stormy Hopkins, Planning and Zoning Secretary

Absent: Candice W. McGarry, Administrative Assistant/Deputy Clerk

I. Call to Order

Ms. Brennan called the meeting to order at 4:03 pm, with all Supervisors present to establish a quorum.

II. Public Comments

Ms. Brennan opened the floor for public comments on any topic other than the pipeline; which she noted would be heard later in the meeting, and the following persons were recognized:

1. Donna Small, Nellysford

Ms. Small spoke in support of both Linda Russell and Philippa Proulx being reappointed to the Planning Commission.

2. Mark Rosenthal, 140 Magnolia Acres Lane

Mr. Rosenthal noted that he thought the Planning Commission as it was now was very functional and he spoke in support of leaving it intact.

3. David Jergens, 215 Rosewood Drive

Mr. Jergens noted that the Planning Commission has experienced service in Linda Russell who has been a dedicated servant for the past twelve years. He added that Ms. Brennan, the Central District Supervisor, recommended Ms. Russell, the incumbent. He noted she was a willing participant and should be reappointed for another four (4) year term.

III. Presentation – Blue Ridge Railway Trail (E. Harper)

Ms. Harper began by noting that the three (3) phases of the trail were now complete and consisted of 7 miles of trail that currently had no exit at the end of it.

Ms. Harper then presented a PowerPoint presentation photographically depicting the improvements that have been made during the three phases of construction on the trail from 1996-2014. She noted that the funding of the improvements were made through the combined efforts of Nelson and Amherst Counties that consisted of the following:

PHASE I

Architectural Services: Land Planning & Design Associates, Inc. –Bill Mechnick
Contractor: Keith Barber Construction Inc. Project Manager: Fred Boger
Completed: Piney River to Rose Mill
Funding: Enhancement Grant (VDOT)

PHASE II

Architectural Services: Land Planning & Design Associates, Inc. –Bill Mechnick
Contractor: Keith Barber Construction Inc. Project Manager: Fred Boger
Completed: 4 bridges -Enhancement Grant (VDOT)
Trail -Recreational Trail Fund (DCR)
Congressional Grant –Goodlatte

PHASE III

Architectural Services: Architectural Partners –Mark Smith
Land Planning & Design Associates, Inc. –Julie Basic
Contractor: Keith Barber Construction, Inc. Project Manager: Fred Boger & Emily Harper
Completed: Depot Restoration, Covered Naked Creek Bridge, Restored the Scales, Tip Car, & Push Car
Funding: Enhancement Grant (VDOT)

Ms. Harper noted that the 2013 Rockfish River Elementary School Destination Imagination Team donated a wooden bench along the trail that some additional “Kids in Parks” benches were donated by Boxley, and some were to be donated as Eagle Scout projects.

Following the presentation, Ms. Harper noted that each of the Counties maintained their own sections of the trail; however they were working on generating funds for upkeep on the bridges etc. She noted that the County’s property ran out to the Norfolk-Southern rail line.

Mr. Carter then noted his appreciation of the Board’s concurrence with the project over the past twelve (12) years. He added that Nelson County staff had administered all of the grants and that 98% of the project was constructed with State and Federal grant funding. He added that the federal and state regulations were not easy to keep up with.

IV. Board/Commission Appointments

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The following list of appointments was presented for the Board’s consideration and Ms. Brennan noted that traditionally, Supervisors have nominated candidates from their districts; however it was the full Board’s decision in the end.

(1) New Vacancies/Expiring Seats & New Applicants :					
Board/Commission	Term Expiring	Term & Limit Y/N	Incumbent	Re-appointment	Applicant (Order of Pref.)
Nelson County Service Authority	6/30/2014	4Years/No Limit	Allen Hale - East	N	Robert McSwain
			Russell Otis - Central	Y	
			Tommy Harvey - North	Y-Verbal	
Local Board of Building Code Appeals	6/30/2014	4Years/No Limit	Robert L. Yoder	Y	
			Robin Meyer	Y	
Economic Development Authority (EDA)	6/30/2014	4Years/No Limit	Natt A. Hall, Jr.	Y	
			J. Alphonso Taylor	Y	
Library Advisory Committee	6/30/2014	4Years/No Limit	Ellen Bouton - North	Y	
			Nancy K. Kritzer - East	N	
Planning Commission	6/30/2014	4Years/No Limit	Phillipa Proulx - North	Y	
			Emily Hunt - East		
			Linda Russell - Central	Y	
Department of Social Services Board	6/30/2014	4Years/2 Term Limit	Joan Giles - West	Y	
			Pauline Page - East	Y	
	6/30/2017		Donald Gray - North	N	
TJ Area Community Criminal Justice Board	6/30/2014	3Years/2 Term Limit*	Jim Hall	Y	
<i>* term limit does not apply if noone else is qualified</i>					
(2) Existing Vacancies:					
Board/Commission	Terms Expired	Term & Limit Y/N	Number of Vacancies		
JABA Advisory Council	12/31/2013	2 Year/No Limit	Deborah Harvey	N	No Applications Received

The Board then considered the appointments as follows:

1. Nelson County Service Authority:

Mr. Hale moved to nominate Mr. Robert McSwain as the East District representative on the Service Authority Board and to re-appoint Mr. Russell Otis representing the Central District on the Service Authority Board. Mr. Bruguire seconded the motion and Mr. Hale noted he was gratified to see the public attending their meetings. He added that Mr. McSwain has been a regular attendee at NCSA meetings and would do an excellent job. He added that Mr. Otis has also served the Board well and there being no further discussion, Supervisors voted

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unanimously (5-0) by roll call vote to approve the motion. It was noted that appointment of the North District seat would be deferred.

2. Local Board of Building Code Appeals:

Mr. Harvey moved to re-appoint Robert Yoder and Robin Meyer to the Local Board of Building Code Appeals and Mr. Bruguere seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

3. Economic Development Authority (EDA):

Mr. Hale moved to re-appoint Natt A. Hall, Jr. and J. Alphonso Taylor to the Economic Development Authority (EDA) and Mr. Harvey seconded the motion. Mr. Hale noted having served with both of them on the EDA and that they were very conscientious. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

4. Library Advisory Committee:

Mr. Harvey moved to reappoint Ellen Bouton as the North District representative to the Library Advisory Committee and Mr. Hale seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

5. Planning Commission:

Mr. Harvey noted he would like to defer these appointments as he was not quite ready to vote on these. Mr. Hale noted that he was still looking for an East District candidate. Mr. Bruguere and Mr. Saunders agreed with Mr. Harvey that these appointments be deferred.

Mr. Hale then noted that he had attended the Planning Commission's meeting the previous night where there were two public hearings and even though they did not always agree with the Board he found Linda Russell and Philippa Proulx to be very conscientious members. He added that he told them they did not necessarily want to find someone who would always agree with them and that the Board valued all opinions. Ms. Brennan noted she agreed and added that Ms. Russell had been her appointee for most, if not all, of her term and that even if she also did not agree with everything she said, she was very diligent in understanding the ordinance and going out to talk to people on every application.

Following brief discussion, Supervisors agreed by consensus that they were not prepared to consider these appointments and these were tabled until the next meeting.

6. Department of Social Services Board:

Ms. Brennan noted that sadly, the Board had lost Mr. Gray from the North District. She noted she served on the Board and all three of the incumbents had done an excellent job. Mr.

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Harvey then indicated that he was working on finding a replacement candidate for the North District.

Mr. Bruguiere moved to reappoint Ms. Joan Giles representing the West District and Ms. Pauline Page representing the East District to the Social Services Board and Mr. Hale seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

7. Thomas Jefferson Community Criminal Justice Board:

Ms. Brennan noted she served on this Board with Mr. Jim Hall who does a great job. Mr. Saunders noted that he agreed and moved to reappoint Mr. Jim Hall to the Thomas Jefferson Community Criminal Justice Board and Mr. Hale seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

Ms. Brennan then noted the vacancy on the Jefferson Area Board for Aging Advisory Council that met every other month. She noted this was a countywide position and applications for all Boards was on the county website. She added one could always put an application in for any Board at any time.

V. Other Business

A. Resolution Authorizing Sole Source Procurement for a Maintenance Agreement with Alcatel-Lucent (R2014-45)

Mr. Carter noted that this was concerning an agreement with the County's communications systems vendor. The County had upgraded the public safety radio communications, which was also used by the County and the Schools and was done to comply with the Federal narrow banding mandate. He noted that Alcatel Lucent had provided the technology to update the County's simulcast radio system and staff was recommending to the Board to enter into a three year maintenance agreement with them. He added that because of the County's Board approved purchasing policy, this was a sole source decision where Alcatel-Lucent was the sole source available to provide maintenance on the system. He then recommended approval of the proposed resolution.

Mr. Harvey asked if it was set up for emergency response if something went down and Ms. Rorrer noted that it would be monitored 24/7 with a 4 hour guaranteed response time.

Mr. Hale questioned the need for this on a brand new system and Ms. Rorrer noted that the system was not covered under a full time maintenance agreement and if the simulcast radio network went down, the radios would go down. He then questioned why the price of this could not be based on the actual demand for services as opposed to a lump sum.

Mr. Harvey noted that it was not able to work that way and it was a key component to the radio system. Ms. Rorrer added that that the new system would be cut over in August or early September and that the manufacturer's warranty had passed. Mr. Carter added that the

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simulcast part of the radio project dealing with Alcatel Lucent had completed two years ago and it had moved forward with Motorola on the radio equipment. Mr. Carter added that staff was concerned about the cost as well; however it was somewhat unavoidable.

Ms. Rorrer then noted that preventative maintenance would be done to make sure the system was at 100%. Mr. Harvey noted that if one radio transmission site was down, the signal would go to the other sites simultaneously (simulcast) and Ms. Brennan noted that this helped with the inter-jurisdictional communications for emergency services. Mr. Carter reiterated this and added that the County had been working on this for 3-4 years now and it was a \$3 million to \$4 million dollar project.

Mr. Carter moved to approve resolution **R2014-45** Procurement Exception Alcatel-Lucent Microwave Maintenance Agreement and Mr. Saunders seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion and the following resolution was adopted:

**RESOLUTION R2014-45
PROCUREMENT EXCEPTION
ALCATEL-LUCENT MICROWAVE MAINTENANCE AGREEMENT**

WHEREAS, the Nelson County Purchasing Manual amended November 10, 2011 prescribes procedures for Sole Source purchasing such that the purchase of non-professional services greater than \$100,000 requires a resolution approved by the Board of Supervisors reflecting the written sole source determination; and

WHEREAS, Title 2.2-4303 of the Code of Virginia requires the local governing body to make written determination and documentation that competitive sealed bidding or competitive negotiation is either not practicable or not fiscally advantageous; and

WHEREAS, the County currently utilizes Alcatel-Lucent microwave technology in the delivery of its public safety communications and desires to enter into a 3-year maintenance agreement with Alcatel-Lucent for a total of \$133,071 versus a year to year agreement that would cost the County approximately \$6,243 more over the same three year period;

NOW, THEREFORE, BE IT RESOLVED by the Nelson County Board of Supervisors that the formal bidding process is not practicable or fiscally advantageous because the microwave network system was manufactured by Alcatel-Lucent and is the equipment that the County wishes to cover under the maintenance agreement. Alcatel-Lucent is the only source available for manufacturer provided technical support, is the only source available to obtain software patches and maintenance releases from, and is the only source available to provide for the manufacturer's return for repair services;

BE IT FINALLY RESOLVED by the Nelson County Board of Supervisors that a procurement exception is allowed such that the County is authorized to enter into a 3-year maintenance agreement with Alcatel-Lucent in the amount of \$133,071.

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B. FY14 Budget Amendment (R2014-46)

Mr. Carter noted that the budget amendment consisted of a request by the Commonwealth Attorney for asset forfeiture funds in the amount of \$3,252 for the purchase of office equipment and a transfer of funds for fire and rescue fuel expenses in the amount of \$4,000. It was noted it was for the remainder of the fiscal year and fuel was purchased through the County's Tiger Fuel account.

Mr. Hale then moved to approve resolution **R2014-46** Amendment of Fiscal Year 2013-2014 budget and Mr. Brugiure seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion and the following resolution was adopted:

**RESOLUTION R2014-46
NELSON COUNTY BOARD OF SUPERVISORS
AMENDMENT OF FISCAL YEAR 2013-2014 BUDGET
NELSON COUNTY, VA
June 26, 2014**

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

I. Appropriation of Funds (General Fund)

<u>Amount</u>	<u>Revenue Account (-)</u>	<u>Expenditure Account (+)</u>
\$ 3,252.00	3-100-009999-0001	4-100-022010-5419

II. Transfer of Funds (General Fund)

<u>Amount</u>	<u>Credit Account (-)</u>	<u>Debit Account (+)</u>
\$ 4,000.00	4-100-999000-9901	4-100-032020-5415

Introduced: Sheriff's Department Vehicles and Ammunition:

Mr. Harvey then inquired about the Sheriff's Department's request for the purchase of two cars for deputies that did not have them and ammunition. Mr. Carter noted that this was originally removed from the budget and the department agreed to use asset forfeiture funds for the purchase of three vehicles once the anticipated asset forfeiture funds were available. He added that he had reminded Captain Robertson of this and he had not heard back. Mr. Harvey asked whether or not the vehicles could be purchased now and the asset forfeiture funds applied to these when the funds became available. Mr. Carter noted he would have to check on that and Mr. Harvey noted he wanted to stay on schedule with vehicle purchases. Mr. Carter reiterated that the Board had previously agreed to purchase vehicle equipment when needed in exchange for the Sheriff using asset forfeiture funds to purchase the three

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new vehicles. Mr. Harvey noted he was suggesting the same, however he preferred not to wait when the cars were presently needed.

Mr. Harvey then noted that ammunition was a big issue as there were training exercises coming up and Mr. Carter noted that he would check on this with the Sheriff's Office; however during the budget cycle; staff was told that they were going to store the ammunition; which was a concern to staff and it was taken out. Mr. Harvey noted that he had been told that the ammunition was hard to get and it took a while to be received. Mr. Carter noted that his understanding was that the ammunition they wanted was premium ammo and a large quantity was to be purchased per Captain Robertson. Mr. Harvey noted that there may be a difference in training results between using cheaper ammunition versus the premium rounds. He added that after staff had questioned the need for this, they had not yet come back to ask for this again. Mr. Saunders indicated that if it were a concern for them, they would be present at the meeting to ask for it. Mr. Hale agreed and noted that this would require a change to the budget that has been adopted and is effective July 1st and they would certainly entertain a change in the budget based upon their presentation to the whole Board rather than going on hearsay related to this.

Mr. Hale and Mr. Bruguiere noted that they did not want them to buy the ammunition retail and Ms. Brennan noted that at this point the funding would require a FY15 budget amendment. Mr. Carter reiterated that the request was part of the original budget discussions and concerns were reported back to them; however the budget could be easily amended. Mr. Carter advised that the concern of staff was not so much the type of ammunition to be purchased, but rather the stockpiling of so much ammunition.

Supervisors then agreed by consensus to add this subject to the next meeting's agenda for discussion.

Introduced: State Budget

Mr. Bruguiere then inquired whether or not the State Budget had been ratified and Mr. Carter noted that it had and the summary budget had been distributed to the Board. He noted that the Revenue assumptions used would have to be updated, the State was facing a shortfall of about \$1.2 Billion; however there was no significant impact on the Schools.

Introduced: Public Comments on Pipeline:

Ms. Brennan then thanked the public for their attendance, noted that comments should be kept to under 3 minutes and that the Board would not be responding to comments; however the Board was very interested in what the public had to say. She added that the Board was waiting to hear from Dominion as to when they would come to the County to explain what they were doing. She added that this information would be made available to the public. She noted that Dominion had not yet visited any Counties in Virginia impacted by the proposed pipeline thus far. She then advised speakers to address the Board using the podium and it was also noted that there was no sign up sheet for speakers.

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She then opened the floor for public comments regarding the proposed Dominion Transmission Pipeline and the following persons were recognized:

1. Beth Golden, Shipman

Ms. Golden spoke in opposition to the pipeline and noted she had lived in the County for 20 years and loved it. She noted the beautiful character of the County and that the pipeline did not belong in it. She added that the RFP for the project called for future low cost expansions; which included fracking. She also supposed the route through Nelson County was chosen as it was the path of least resistance; having the fewest number of landowners to oppose it and the fewest documented natural and historic resources. She then cited several recent instances in the country where natural gas lines had exploded and noted the various reasons Dominion would provide to support the pipeline. She then advised that Dominion had been approved by the Federal Government to export natural gas to foreign countries from its Maryland plant. She then asked the Board of Supervisors to be unified in telling Dominion that the pipeline was not wanted and she encouraged landowners to contact Friends of Nelson to get information concerning their rights. She then referred to a 2006 Attorney General's Opinion that would eventually allow Dominion onto property but noted that this could be revisited by the current administration at the request of an elected official at any level of government. She concluded by noting that Nelson was known for its hospitality, however in this instance, Nelson County should be less hospitable.

2. Andre Derdeyn, Lovingson

Mr. Derdeyn spoke in opposition to the pipeline. He noted that he participated in the Davis Creek Conservancy and was concerned about the potential wilderness destruction in National Forests and the apparent lack of regard for the destruction of pristine forests. He then stated he hoped the Board would pass a resolution opposing the pipeline project.

3. Robert Gubisch, Afton

Mr. Gubisch spoke in opposition to the pipeline and noted that if the Board and Sheriff stood against the pipeline with the group present, there would be no doubt that the pipeline could be defeated. He noted that he was confident that there would be no pipeline especially if the County Sheriff stood with them.

4. Matt Dwyer, Howardsville

Mr. Dwyer spoke in opposition of the pipeline and noted that the James River was in peril with it crossing the river. He cited several instances where the James River had been negatively impacted through oil and sewage spills. He then read a quote from Dickie Bell from the Lynchburg paper that indicated that citizens should avoid over-reacting and that it was unknown if the environmental impacts would be negative. He noted that Representative Bell had indicated he had spoken with Dominion who said they understood the concerns and would be above board with any environmental codes and that the company was usually very responsible. He concluded that was not acceptable and there would not be a pipeline.

5. Jane Taylor, Afton

Ms. Taylor spoke in opposition to the pipeline and noted that neighbors had received letters from a subsidiary of the pipeline company that would be transporting gas that had come from fracking. She noted that the fracked gas would come from many wells and that they had applied for fracking in the George Washington National Forest. She then recommended the movies Gasland 1 & 2. She added that Cove Point had been designated as the recipient of the gas from this pipeline, which would be liquefied and would be sold to the highest bidder on the world market. She added that she thought this would negatively affect gas pricing here and this should be considered.

6. Ernie Reid, Nelson County Property Owner

Mr. Reid spoke in opposition to the pipeline. He noted that after a previous Board meeting it was realized that the County did not have the information from Dominion that was needed. He added Friends of Nelson created a petition and read it aloud noting that "We the undersigned residents and/or property owners of/in Nelson County request that Nelson County Board of Supervisors convene a special public hearing on the Southeast Reliability Project and request that Dominion Transmission, Inc. make a presentation of their pipeline project and its impact on the county. The meeting must allow questions from the public. Dominion shall provide answers immediately or within two weeks of the meeting in a written response to the Board of Supervisors, who then shall disseminate to the public." Mr. Reid noted that the petition had 280 signatures from residents or property owners, relatives of property owners, former property owners, and concerned citizens from surrounding counties. He noted that Dominion had cancelled its meetings with the County and other impacted counties that have requested meetings. He then reported that the Acorn Inn owners had an agent of Dominion show up on their property to speak about the pipeline and supposed that if they could send these people out now, then they could send someone to a Board of Supervisors meeting. He concluded that he did not believe they intended to impart any information ahead of time. He asked for the Board's support in opposing the pipeline and noted that Friends of Nelson County would continue to work against it. He then provided the petition to the Board.

7. Charlie Weinberg, Afton

Mr. Weinberg spoke in opposition to the pipeline. He noted details reported in the New York Times pertaining to a pipeline in Kansas that had ruptured on June 23, 2014 during routine maintenance. He added that three Board members had not yet gone on record opposing the pipeline and he wondered about their position.

8. Digna Gantt, Wingina

Ms. Gantt spoke in opposition to the pipeline. She noted they had written two letters to Dominion denying them access to their property. She added they were concerned about the pipeline and compressor station that would affect theirs and their neighbor's property. She

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noted reading that compressor stations generated a lot of noise. She added that more information was needed from Dominion quickly.

9. James Ford, Lovington

Mr. Ford spoke in opposition to the pipeline. He then reminded the Board and public of the formerly proposed nuclear power plant in the County that was nixed. He added that he did not trust Dominion to do the right thing and he hoped the Board would stand up to the State and Dominion to protect their lives in the County.

10. Sarah Thomas, Shipman

Ms. Thomas spoke in opposition to the pipeline. She noted that she had spoken to Mr. Hale regarding the subject of the petition and then noted that if the citizens of the county allowed the pipeline, they would be promoting fracking. She added that fracking wells were leaking methane and this could promote erosion of the ozone layer. She urged the remaining Board of Supervisors members to go on record opposing the pipeline in order to let the citizens know the right folks were elected.

11. Frank David Holub, Nellysford

Mr. Holub spoke in opposition to the pipeline and noted he was reluctant to speak; however he had worked his entire career on all types of pipelines and power plants. He noted that the amount of destruction and damage done to the environment involved in the pipeline construction process was a lot more than met the eye. He added that he would do his part to prevent this.

12. George Staton, Afton

Mr. Staton spoke in opposition to the pipeline. He noted that tourism in the County would be greatly hurt by this. He noted that he had not seen an issue where all types of people agreed and did not want to see the pipeline happen. He added that he hoped the Board would see how detrimental it would be and urged them to help it be stopped.

13. Rob-Ann Griffin, Faber

Ms. Griffin spoke in opposition to the pipeline. She noted that she had heard about the dangers of the pipeline and that construction would cause environmental damage. She noted her main concern was that even though Dominion claimed there would be no fracking in Nelson, she knew it to be very dangerous and destructive. She added that to deny the pipeline in Nelson County would make a statement that the County was against fracking.

14. Charles Flickinger, Nellysford

Mr. Flickinger spoke in opposition to the pipeline noting his agreement with the previous speakers. He added that there was no neutrality on the issue and he felt as though it was an assault on the County and something should be done about it.

15. Gale Troy, Shipman

Ms. Troy spoke in opposition to the pipeline. She noted that earthquakes did occur occasionally in the County and that pipelines did not fare well with them. She noted the County should be kept as the beautiful County it was. She advised that citizens conserve energy so that it could be said the natural gas was not needed. She added that the pipeline gas was geared towards export and the County would not benefit from it. She added that the Board could do something positive to help the opposition.

16. Ann Catherine Briddell, Afton

Ms. Briddell spoke in opposition to the pipeline. She reported that on May 1st, Dominion formed an MLP, or Master Limited Partnership which meant they would not have to pay taxes and she questioned who paid for this.

17. Donna Truslow, Crozet

Ms. Truslow spoke in opposition to the pipeline noting that there were major faults in Nelson County listed on the US Geological website. She cited Leabon Church Fault listed in Virginia which was on Route 250 as you went from Crozet towards the bottom of Afton Mountain and near Greenwood Road. She added that the fault was named after the church it sat upon. She added the process of fracking and blasting could ripple out and affect people where there were known and unknown faults. She noted a Senator who supported fracking until it was to be done in his backyard and noted if it was not good enough for him, it should not be for the County either.

18. Vian Evans, Lovingston

Ms. Evans spoke in opposition to the pipeline. She noted she had a small farm and has been proud of farming in Nelson County. She added that small sustainable agricultural businesses would be truly affected by the construction of the pipeline.

19. Flo Hollis, Faber

Ms. Hollis spoke in opposition to the pipeline. She noted her understanding was that the gas was not going to be used in this county or Country, with the profits going to a faceless entity. She added that fracking was a bad technology. She noted there would be some jobs created; however she suggested that jobs be created through the implementation of alternative energy means. She added she loved Nelson County and would hate to see the pipeline happen.

20. Hilary Day, Nellysford

Ms. Day spoke in opposition to the pipeline. She noted fracking operations were shrouded in secrecy and were highly toxic. She noted her properties depended on local wells and she was concerned about water safety if the pipeline were constructed. She noted this would be the beginning of fracking in Virginia where there was a large shale deposit. She added it would be a matter of time before the water became poisoned. She described contaminated spring water at a relative's place in Pennsylvania where fracking occurred. She added that she would fight to keep the pipeline out of the county and she hoped the Board of Supervisors would too.

21. Eleanor Amidon, Afton

Ms. Amidon spoke in opposition to the pipeline. She noted that she saw the movie Gasland 2, in which a Cornell University Professor said that the cement casing of pipes in 5% of the cases failed immediately upon installation and roughly half of the casings failed in about 50 years. She then recommended that the Board see the movies Gasland 1 and 2 due to the wealth of information they provided. She added that it was all horrifying and she hoped the Board would do all it could to keep Nelson County as beautiful as it was.

22. Previous Male Speaker (name not provided)

This speaker noted that the spray that went on top of the stripped out areas was not good and that the right of ways would be sprayed forever and it was not good for the environment. He added that they may also use drones to check the lines.

23. Charlotte Rea, Afton

Ms. Rea spoke in opposition to the pipeline. She noted that an area not addressed had been the immediacy of Dominion's actions. She noted that citizens were now going out to find lawyers to protect their rights and not everyone could afford to do this. She added most retired people put their money into their land and she noted her land was her long term care insurance should she need to be in a nursing home and she felt that she stood to lose that. She added that the pipeline coming was something to be concerned with now and that citizens were being stressed by this issue and it was happening now.

Ms. Brennan then thanked all of the public for their attendance and comments.

Mr. Hale noted that he would like to state that his interest was in knowing the more precise location of the proposed pipeline as the information received so far was inadequate. He noted that he had requested that County staff ask Dominion for this so that they were able to see the proposed route on a topographic map. He added that staff had tried taking the crude rough line and placing it on a more legible map and this had made it easier to see. He noted that he thought one of the things to be looked at most carefully was the terrain of the planned pipeline and he thought a less favorable route had been chosen based on the proximity to conservation areas, wilderness areas, and natural forests etc. which were more

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reasons than not to oppose the pipeline as opposed to tackling the overall question of how energy was produced and used. He added that this would be the basis of his analysis. He noted that he realized that the Board had very limited power; however they would try to exercise whatever power they could. He concluded that they needed to have very solid reasons for the position the Board takes.

Mr. Harvey then stated that he could not think of any reason anyone would want the pipeline. Mr. Hale noted that he did not want the pipeline and the real question for him was how they could effectively oppose it. Mr. Harvey then added that it did not make sense that landowners' rights were being threatened and it was scary.

Ms. Brennan then noted that Mr. Hale had made some good points and they would have to look at this issue as a Board as to how best to fight this politically and any other way. She noted that they were looking at what other Boards were doing in other areas. She noted that the Board was concerned about all of the issues presented and she hoped that the public would not castigate the Board until they had actually come together to figure out their plan of action. She concluded by noting that they cared deeply about everyone who lived or would live in the county.

VI. Adjournment

At 5:51 PM, Mr. Harvey moved to adjourn until the next scheduled meeting and Mr. Hale seconded the motion. There being no further discussion, Supervisors voted unanimously by voice vote to approve the motion and the meeting adjourned.

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Virginia:

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

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

Absent: None

I. Call to Order

Ms. Brennan called the meeting to order at 2:03 pm, with all Supervisors present to establish a quorum.

Ms. Brennan then asked if there were any changes to the agenda and Mr. Carter noted there was a correction to be made under the consent agenda; the resolution designating the unpaved rural rustic roads needed to be amended to add Route 654 - Cedar Creek Road as it was a previously approved priority of the Board that had been omitted.

Mr. Hale then noted that under New Business, he would like to introduce a resolution regarding the proposed natural gas pipeline.

Mr. Carter then noted that under New Business, he would like to introduce a communication from the Sheriff’s Department requesting additional funding.

Members agreed by consensus to these agenda changes.

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

I. Consent Agenda

Ms. Brennan noted the resolutions for approval under the consent agenda and Mr. Hale moved to approve the consent agenda with the understanding that resolution **R2014-50** would be amended to include Route 654, Cedar Creek Road. Mr. Harvey seconded the

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

A. Resolution – **R2014-47** Minutes for Approval

**RESOLUTION R2014-47
NELSON COUNTY BOARD OF SUPERVISORS
APPROVAL OF MEETING MINUTES
(May 29, 2014 and June 10, 2014)**

RESOLVED, by the Nelson County Board of Supervisors that the minutes of said Board's meetings conducted on **May 29, 2014 and June 10, 2014** be and hereby are approved and authorized for entry into the official record of the Board of Supervisors meetings.

B. Resolution – **R2014-48** Reimbursement Resolution, Future Courthouse Renovations

**RESOLUTION R2014-48
NELSON COUNTY BOARD OF SUPERVISORS
DECLARING ITS INTENTION TO REIMBURSE ITSELF FROM THE
PROCEEDS OF ONE OR MORE TAX-EXEMPT FINANCINGS FOR
CERTAIN EXPENDITURES MADE AND/OR TO BE MADE IN
CONNECTION WITH THE ACQUISITION, CONSTRUCTION,
EXPANSION, RENOVATION AND EQUIPPING OF NELSON
COUNTY COURTHOUSE FACILITIES**

WHEREAS, the County of Nelson (**the "Issuer"**) is a political subdivision organized and existing under the laws of the Commonwealth of Virginia; and

WHEREAS, the Issuer has paid beginning no earlier than 60 days prior to the date of adoption of this resolution, and will pay, on and after the date hereof, certain expenditures (**"Expenditures"**) for the acquisition, construction, expansion, renovation and equipping of Nelson County Courthouse facilities and related administrative space and holding areas (**the "Project"**); and

WHEREAS, the Board of Supervisors of the Issuer (**the "Board"**) has determined that those moneys previously advanced no earlier than 60 days prior to the date of adoption of this resolution and to be advanced on and after the date hereof to pay the Expenditures are available only for a temporary period and it is necessary to reimburse the Issuer for the Expenditures from the proceeds of one or more issues of tax-exempt bonds (**the "Bonds"**).

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD AS FOLLOWS:

Section 1. The Board hereby declares the Issuer's intent to reimburse the Issuer with the proceeds of the Bonds for the Expenditures with respect to the Project made on and

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after the dates referenced above. The Issuer reasonably expects on the date hereof that it will reimburse the Expenditures with the proceeds of the Bonds.

Section 2. Each Expenditure was and will be either (a) of a type properly chargeable to capital account under general federal income tax principles (determined in each case as of the date of the Expenditures), (b) a cost of issuance with respect to the Bonds, (c) a nonrecurring item that is not customarily payable from current revenues, or (d) a grant to a party that is not related to or an agent of the Issuer so long as such grant does not impose any obligation or condition (directly or indirectly) to repay any amount to or for the benefit of the Issuer.

Section 3. The maximum principal amount of the Bonds expected to be issued for the Project is \$5,000,000.

Section 4. The Issuer will make a reimbursement allocation, which is a written allocation by the Issuer that evidences the Issuer's use of proceeds of the Bonds to reimburse an Expenditure, no later than 18 months after the later of the date on which the Expenditure is paid or the Project is placed in service or abandoned, but in no event more than three years after the date on which the Expenditure is paid. The Issuer recognizes that exceptions are available for certain "preliminary expenditures," costs of issuance, certain de minimis amounts, expenditures by "small issuers" (based on the year of issuance and not the year of expenditure) and expenditures for construction projects of at least 5 years.

Section 5. This resolution shall take effect immediately upon its passage.

C. Resolution – **R2014-49** Approval of Virginia Cooperative Extension MOU

RESOLUTION R2014-49
NELSON COUNTY BOARD OF SUPERVISORS
APPROVAL OF MEMORANDUM OF UNDERSTANDING WITH
VIRGINIA COOPERATIVE EXTENSION

RESOLVED, by the Nelson County Board of Supervisors that the County Administrator is hereby authorized to execute the attached Memorandum of Understanding between the County and Virginia Cooperative Extension for the purpose of establishing a mutual agreement between Virginia Cooperative Extension and Nelson County related to the local Extension Office's administration, programs, personnel, and financial arrangement.

Memorandum of Understanding
between
Virginia Cooperative Extension
(Virginia Tech and Virginia State University)
and
Nelson County, Virginia

Established in 1914, Cooperative Extension was designed as a partnership of the U.S.

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Department of Agriculture, the Land-Grant Universities, and local governments. Today, Virginia Cooperative Extension provides research based educational programs to the people of the Commonwealth through Extension Agents in 106 county and city offices.

Local citizens are engaged in helping Extension agents design, implement and evaluate educational programs in the areas of Agriculture and Natural Resources, 4-H Youth Development, Family and Consumer Sciences, and Community Viability to address the educational needs of local residents.

Agriculture and Natural Resources:

Agriculture and natural resources (ANR) programs help sustain the profitability of agricultural and forestry production and enhance and protect the quality of our land and water resources. We help the agriculture industry use the most current technology and management practices to develop strong businesses that prosper in today's economy. We deliver programs that help put research-based knowledge to work for Virginia's agriculture industry.

4-H Youth Development:

4-H is a community of young people across America who are learning leadership, citizenship, and life skills. 4-H, the largest comprehensive youth development program in the nation, educates young people, ages 5-18, through a variety of experiential techniques that encourage hands-on, active learning.

Family and Consumer Sciences:

Virginia Cooperative Extension views the family unit as the cornerstone of a healthy community. We strive to improve the well-being of Virginia families through programs that help participants put research-based knowledge to work in their lives in the areas of family financial management, family and human development, and nutrition education.

Community Viability:

Community viability programs are dedicated to strengthening communities and their economic viability by creating innovative programs that allow citizens and local governments to respond to local issues. Our faculty can assess community needs, design a plan of action, and determine the appropriate delivery method suitable for various programs.

I. Purpose of Memorandum

The purpose of the memorandum of understanding is to establish a mutual agreement between Virginia Cooperative Extension and Nelson County related to Extension's administration, programs, personnel, and financial arrangement.

II. Administrative Responsibility

Extension faculty (Agents and Unit Coordinators) in the Nelson County Extension office will report administratively to the Virginia Cooperative Extension District Director. The District Director will appoint a Unit Coordinator for the Nelson County office after consultation with local government. The Unit Coordinator will supervise the support staff in the Nelson County Extension Office, and is responsible for office operations. Also, the Unit Coordinator is responsible for those additional assignments which are mutually agreed to by Virginia Cooperative Extension and Nelson County. Appointment of the Unit Coordinator may require a local interview when multiple faculty members express interest in this role. **Specific Administrative Responsibility agreements can be outlined in Appendix 1, Section A.*

III. Program Responsibility

Programs will be developed in accordance with the Virginia Cooperative Extension programming process. This process involves citizens in the determination and implementation of programs that will address their needs. Supervision of the total program will be under Virginia Cooperative Extension with the expectation that there will be close program coordination and collaboration with local government and other key agencies and organizations. Reports of Extension programs and program impacts will be provided to the local government at least quarterly. **Specific Program Responsibility agreements can be outlined in Appendix 1, Section B.*

IV. Personnel

There may be two types of employees within a Virginia Cooperative Extension office. These are employees of Virginia Cooperative Extension and employees of Nelson County assigned to Virginia Cooperative Extension. Virginia Cooperative Extension employees are those employees who are payrolled by Virginia Cooperative Extension and may be funded 100 percent by Nelson County, or funded jointly by Virginia Cooperative Extension and Nelson County. These employees will be employed through the procedures prescribed by the Commonwealth of Virginia and the Virginia Tech EEO/ Affirmative Action Program. A minimum of one-third combined local funding is required for funding extension agents.

Local government input will be sought on the selection of Virginia Cooperative Extension personnel and on their annual performance evaluation. The District Director will work with local government to secure this input. Any employees pay-rolled by Nelson County and assigned to Virginia Cooperative Extension will be employed in accordance with the local government's established hiring procedures. Virginia Cooperative Extension is not liable for actions of Nelson County employees and Nelson County is not liable for actions of Virginia Cooperative Extension employees.

Virginia Cooperative Extension agents are faculty of the University and subject to the guidelines of the Faculty Handbook. Virginia Cooperative Extension employees who are

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members of the State of Virginia Personnel Classification System are subject to system guidelines, including salaries and employee benefits. Wage employees pay-rolled by Virginia Cooperative Extension are subject to the applicable state and university guidelines. Wage employees pay-rolled by Nelson County and assigned to Virginia Cooperative Extension are subject to applicable Nelson County guidelines. The title of Extension Agent is reserved for the employees of Virginia Cooperative Extension. No County employee can assume the title of Extension Agent. **Specific Personnel Agreements can be outlined in Appendix 1, Section C.*

IV. Financial Arrangement

Virginia Cooperative Extension will annually submit a formal budget request for Nelson County funds to support the Extension program. The guidelines for the budget are:

Salaries and Employee Benefits

VCE Employees

Virginia Cooperative Extension will payroll all Extension employees and will bill Nelson County for the locality's portion of salaries and benefits on a quarterly basis. Virginia Cooperative Extension will pay employee benefit costs on the state portion of salaries. The percentage of employee benefits to be applied to salary costs will be requested in the local budget document.

This includes Virginia Cooperative Extension (VCE) employees funded 100 percent by VCE, funded 100 percent by Nelson County, or funded jointly by VCE and Nelson County. Salary adjustments for Extension Agents are based on an annual evaluation. The local government will be asked by the District Director to provide input into Extension Agents' evaluations. Nelson County is responsible for the local portion of the approved salary increase. Any salary increases designated by the University Board of Visitors for Extension employees will occur on November 25th unless the University Board of Visitors or the Governor of Virginia designate additional salary increases during the course of the fiscal year. By contrast, when the locality provides a raise to their employees, this does not apply to Virginia Cooperative Extension employees.

Staff Support

Virginia Cooperative Extension agrees to provide Faculty Specialist assistance from Virginia Tech and Virginia State University, base level secretarial support, university laboratory services both fee based and non-fee based, office equipment, publications, travel funds, office supplies, postage budget, personal computers, in-service education, and program development support to the extent of budget limitations.

Nelson County agrees to provide office space and appropriate insurance, custodian services, additional secretarial assistance (where needed), and telephone service. Nelson County agrees, as funding permits, to provide printing, equipment, supplies, training opportunities,

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information technology support and travel funds not furnished by Virginia Cooperative Extension and approved by Nelson County. **Specific Financial Arrangements can be outlined in Appendix 1, Section D.*

VI. Amendment

This memorandum supersedes all previous versions. It may be further amended upon written consent of the parties involved. However, before the memorandum can be terminated by either party, a three month notice must be given in writing to the appropriate party.

The following representatives of Virginia Cooperative Extension and Nelson County agree to the above MOU and attached Appendices.

Appendix 1 Specific Arrangements between Virginia Cooperative Extension and Nelson County

A. Administrative Responsibility

(This section would be used to describe arrangements in Units where Unit Coordinators are County/City Department Heads or where Unit Coordinators are responsible for specific functions such as County/City Emergency Operation Teams, FEMA Disaster Liaison, etc.)
No additional UC administrative responsibilities at this time (June 2, 2014).

B. Program Responsibility

(This section would be used to describe specific programmatic arrangements desired by the locality such as the addendum that the City of Richmond requires that outlines VCE involvement with specific City initiatives such as the Mayor's Youth Academy).

C. Personnel

*4-H Agent housed in Nelson County
ANR Agent (Environmental Horticulture emphasis) housed in Nelson County
ANR Agent (Animal Science emphasis) shared with-and housed in--Amherst County*

D. Financial Arrangement

*ANR Agent (Env. Hort) 66.66% State 33.34% County
4-H Agent 66.66% State 33.34% County
ANR Agent (Animal Science) 50.00% State 50.00% County (85%Amherst, 15%Nelson)
Unit Administrative Assist. 100% State*

D. Resolution – **R2014-50** Designation of Unpaved Rural Rustic Roads

RESOLUTION R2014-50

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**NELSON COUNTY BOARD OF SUPERVISORS
DESIGNATION OF RURAL RUSTIC ROADS
VIRGINIA DEPARTMENT OF TRANSPORTATION**

WHEREAS, Section 33.1-70.1 of the *Code of Virginia*, permits the hard surfacing of certain unpaved roads deemed to qualify for designation as a Rural Rustic Road; and

WHEREAS, any such road must be located in a low-density development area and have no more than 1,500 vehicles per day; and

WHEREAS, the Board of Supervisors of Nelson County, Virginia desires to consider whether these Routes should be designated as Rural Rustic Roads as follows:

- Route 640, Wheelers Cove Road, From: Route 623 To: Route 620,
- Route 613, Lodebar Estates, From: Route 151 To: Route 612,
- Route 634, Old Roberts Mountain Road, From: Route 619 To: Route: 754,
- Route 654, Falling Rock Road, From: 1.00 mile East Route 657 To: Route 661,
- Route 680, Cub Creek Rock Road, From: 0.51 mile West Route 669 To: 1.90 mile West Route 669,
- Route 721, Greenfield Drive, From: Route 626 To: 0 .50 mile West Route 626,
- Route 756, Wrights Lane, From: Route 623 To: Dead End,
- Route 814, Campbell's Mountain Road, From: 0.99 mile North Route 56 To: 1.99 mile North Route 56,
- Route 654, Cedar Creek Road, From: Route 655 To:1.0 mile West of Route 655, and

WHEREAS, the Board is unaware of pending development that will significantly affect the existing traffic on these roads; and

WHEREAS, the Board believes that these roads should be so designated due to their qualifying characteristics; and

WHEREAS, these roads are in the Board's six-year plan for improvements to the secondary system of state highways.

NOW, THEREFORE, BE IT RESOLVED, the Board hereby adopts the resolutions designating these roads as Rural Rustic Roads, and requests that the Residency Administrator for the Virginia Department of Transportation concur in this designation.

BE IT FURTHER RESOLVED, the Board requests that these roads be hard surfaced and, to the fullest extent prudent, be improved within the existing right-of-way and ditch-lines to preserve as much as possible the adjacent trees, vegetation, side slopes, and rural rustic character along the roads in their current state.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Virginia Department of Transportation Residency Administrator.

II. Public Comments and Presentations

A. Public Comments

Ms. Brennan opened the floor for public comments and the following persons were recognized:

1. Diana Driver, High School Drama Teacher

Ms. Driver thanked the Board for their contributions to the drama team trip, and the recognition and provision of the state championship rings. She added that she brought pictures from the New York trip for the Board to see; noting that they saw three Broadway shows and worked with an actor while they were there.

2. Marion Kanour, Afton

Ms. Kanour spoke in opposition to the pipeline. She reported that she was forming an organization called Free Nelson to celebrate property boundaries. She added that anyone interested could call 434-465-4946 and they would come for a party of the celebration of the boundaries of properties in Nelson. She noted that July 12th there would be training for hosts and hostesses and they would invite the public to join the parties. She then noted that natural gas was not renewable and required fracking; which impacted water sources. She added that the solution was to develop renewable energy sources and she urged the Board to speak with one voice to oppose the pipeline.

3. Charlie Weinberg, Afton

Mr. Weinberg noted he appreciated the service of the Planning Commissioners who knew the ordinances, who could convey things accurately, and who were accessible. He noted that Linda Russell and Philippa Proulx were these things. Mr. Weinberg then asked the Board to remind VDOT to maintain the paving once the rural rustic roads were paved; such as the southern end of Ennis Mountain Road.

Mr. Weinberg then added that the proposed ordinance change scheduled for public hearing in the evening session would weaken the ordinance as it would make the change for one parcel of land.

4. Kim Cash, Montebello

Ms. Cash spoke in favor of the reappointment of Linda Russell and Philippa Proulx to the Planning Commission. She noted that these seats required specialized knowledge and required them to balance land owner interests with those of the public. She noted this was the same for the Board of Zoning Appeals of which she was a member. Ms. Cash added that she attended Planning Commission meetings and endorsed both Linda Russell and Philippa Proulx and commended them for their knowledge as Planning Commissioners. Ms. Cash noted that Ms. Russell served on the site plan review committee and visited each site

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personally. She noted that she spent a great deal of volunteer time serving the County in these capacities and she disagreed that new blood was needed on specialized boards. In addition she noted that 90% of the legwork on applications was done by the Planning Commission before they came to the Board of Supervisors for consideration. She noted that experience was valuable and she asked for the Board to reappoint Linda Russell and Philippa Proulx. She added that if they did not, they should choose carefully.

5. Donna Small, Nellysford

Ms. Small spoke in favor of the re-appointment of Linda Russell and Philippa Proulx to the Planning Commission.

6. Ernie Reid, Nelson County property owner & Friends of Nelson member

Mr. Reid spoke on behalf of Friends of Nelson regarding a petition signed by citizens requesting a public meeting be held by the Board with Dominion being present and questions allowed to be asked. He noted that they had an additional 130 names on the petition and the total was now up to 500 signatures of which 3/4 were from County residents. He then read aloud some comments made by signers of the petition. He then thanked the Board for the attention given to the matter and submitted the additional petition names to Mr. Carter.

7. Eleanor Amidon, Afton

Ms. Amidon noted that she had spoken with Captain Robertson of the Sheriff's Department regarding surveyors coming onto property. She advised that property needed to be marked with No Trespassing signs that were highly visible and landowners should call the Sheriff's Department or call 911 should unwanted surveyors come on the property. She added that she would like to know from the Board what landowners should do and would like the information posted on the County's website.

Mr. Harvey noted that the Board and County staff did not give out legal advice as they were not attorneys. He noted that there were different rules that applied to pipeline surveyors.

8. Beth Cunningham, Shipman

Ms. Cunningham spoke in opposition to the pipeline coming through her property and noted she was concerned about water contamination. She noted that the path of the proposed line would go right through her current garden plot and she hoped the Board would also oppose it as it was not needed in the county.

9. Marion Kanour, Afton

Ms. Kanour re-addressed the Board and noted that a second letter was required from Dominion per the Virginia Code. She noted that these letters had been dated June 30th;

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which meant according to the Code, the soonest they could begin surveying should be July 15th. She added that they would not be in compliance if they came in before that.

B. VDOT Report

Mr. Don Austin of VDOT reported the following:

Mr. Austin reported that the Secondary Six Year Plans had now been approved statewide. He noted that there had been a small change in funding that he would send to Mr. Carter.

Mr. Austin then noted they would start back on primary mowing on Monday and that secondary roads were now done.

Mr. Austin then reported that they were currently meeting with LOCKN Festival representatives to come up with a traffic management plan. He noted that traffic would come off of Rt. 29 into the field at Oak Ridge Road this year and that all events would be South of Oak Ridge with nothing being on the left side. He noted that these discussions were ongoing. Mr. Austin clarified that traffic would go south on Route 29 and would be brought back, crossing the field on the corner instead of primarily using Diggs Mountain Road. He added that Diggs Mountain Road would be a backup.

Mr. Harvey noted that people needed to be able to get home in the evening and Mr. Austin noted that they were looking at traffic flows etc. now. Mr. Carter added that he would ask Mr. Frey to meet again soon to advise staff on their plans and he would report back thereafter.

Mr. Austin then noted he would check on the south end of Ennis Mountain Road as noted by Mr. Weinberg during public comments.

Supervisors then noted the following issues within their districts:

Mr. Harvey had none.

Mr. Saunders noted that the pothole on Centenary Road was still there but now had a flag on it and the shoulders and ditches on Greenfield Drive needed attention.

Mr. Bruguere inquired about the ditching on Dickie Road and Mr. Austin noted that the environmental side of it had been checked, they would get clearance, and it would move forward. He added that he had seen where the curve was washing out there.

Mr. Bruguere then noted that per Jimmy Allen, Firehouse Lane had been surveyed and was ready to go. Mr. Austin noted he would contact him to see what he knew. It was noted that they had recently purchased the property and he would also speak to Gary Baldwin to see.

Mr. Hale noted that the pothole on Route 617 was still there and was close to the railroad pipe. Mr. Austin noted he had looked at it the other week and he thought it would probably involve an environmental evaluation.

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Ms. Brennan thanked Mr. Austin and inquired as to who would repaint the lettering on the historical sign at Nelson Wayside, as the paint was coming off. Mr. Austin noted that their traffic engineer could possibly repaint this and he would check.

III. New Business/ Unfinished Business

A. Emergency Services and Revenue Recovery Program Report (J. Miller & D. McCann)

Mr. Carter noted that Jaime Miller would present call statistics for 2013 and for January 2014 through June 2014 and Ms. McCann would report on the financial status of the revenue recovery program.

Ms. Miller had provided the Board with the following report:

Review of the Revenue Recovery Program Purpose

The purpose of this report is to give a brief overview of the progress achieved with the Revenue Recovery Program during the past year; the call statistics are collected and reported on a calendar year basis while the revenue billed and collected has historically been collected and reported on a fiscal year basis. This report will include call statistics as well as billing and revenue information.

Background Information

In April 2006, an agreement was entered into between the County, Wintergreen Property Owners Association (“WPOA”), and Gladstone Volunteer Rescue Squad, Montebello Volunteer Rescue Squad, Nelson County Volunteer Rescue Squad, Rockfish Valley Volunteer Fire Department, Roseland Volunteer Rescue Squad, and Wintergreen Property Owners Volunteer Rescue Squad (collectively, the “Volunteer Companies”); due to the increasing demand for emergency medical services in Nelson County and the burden placed upon the volunteers to meet the demands to provide such care. It was agreed that to augment the work performed by the Volunteer Companies and WPOA Fire and Rescue, the County shall provide funding to employ six full-time personnel (the “Paid Personnel”), one of whom shall be designated shift captain.

The dynamics of the program have drastically changed since 2006; the Career Staff now operates with one 12-hour crew and one 24-hour crew, both operating from Nelson Station 2 in Lovington, to provide a central response to all calls for service. With the two Career Crews in place, they are able to provide coverage 24/7, to include weekends and holidays. There are still times that are necessary to have the volunteers provide crews to supplement the Career Crews when call volumes are higher, however; this has been harder to obtain.

Call Statistics

Agency	2013 Calls for Service																
	Total Dispatches	Total Calls Answered	% of Total Answered	Total Transports	% of Total Transports Answered	Calls answered for:											
						NELS	ROSE	ROCK	MONT	GLAD	WINT	AMHR	APPO	BUCK	AUGU	ALBE	DUAL
NELS	1067	138	12.93%	57	4.73%	125	13	0	0	0	0	0	0	0	0	0	0
ROSE	983	266	27.06%	98	8.14%	75	158	0	2	3	1	26	1	0	0	0	0
ROCK	290	100	34.48%	27	2.24%	15	4	68	0	0	2	0	0	0	0	7	4
MONT	91	78	85.71%	25	2.08%	2	11	0	64	0	0	0	0	0	1	0	0
GLAD	201	150	74.63%	68	5.65%	13	6	6	0	80	0	12	25	8	0	0	0
WINT	165	161	97.58%	92	7.64%	55	33	46	2	0	5	0	0	0	0	0	20
151 Crew	751	751		481	39.95%	395	200	131	5	18	2	0	0	0	0	0	0
29 Crew	869	869	64.47%	356	29.57%	374	450	7	6	30	1	1	0	0	0	0	0
	<u>4417</u>	<u>2513</u>		<u>1204</u>		<u>1054</u>	<u>875</u>	<u>258</u>	<u>79</u>	<u>131</u>	<u>11</u>	<u>39</u>	<u>26</u>	<u>8</u>	<u>1</u>	<u>7</u>	<u>24</u>

3213 Nontransports or Nonresponses

Ms. Miller referred to the chart above and gave the following explanation:

Total dispatches was the number of calls for service that each agency was toned to respond on; this number indicated that the agency was toned to respond for a call for service either in their first due area or as a mutual aid response because another agency failed to respond to the call. **Total Calls Answered** was the number of calls that the agency actually responded on.

Percentage of Total Answered was that particular agencies response percentage, i.e. Montebello Rescue responded to 85.71% of their total calls during 2013. **Total transports** was the number of billable transports that resulted from these calls for service.

Percentage of Total Transports Answered was a comparison of the agencies to show who was providing the bulk of the billable transports within the system. The remainder of the chart was a breakdown of how many calls were answered by each agency either in their first due area, for a specific Nelson agency, or outside of Nelson County.

Nelson Rescue: Nelson Rescue received 1,067 dispatches for calls for service in 2013; of which **they answered 138 calls for service or 12.9% of their total calls for service.** Fifty-seven of Nelson Rescue’s calls for service resulted in a billable transport. One hundred twenty five calls for service that were answered by Nelson Rescue were located within their first due area and 13 were mutual aid calls for Roseland Rescue. **The transports performed by Nelson Rescue make up 4.73% of the total transports for 2013.** The total calls answered by Nelson Rescue make up 5.49% of the total calls for service for 2013.

Roseland Rescue: Roseland Rescue received 983 dispatches for calls for service in 2013; of which **they answered 266 calls for service or 27.06% of their total calls for service.** Ninety-eight of Roseland Rescue’s calls for service resulted in a billable transport. One hundred fifty eight calls for service that were answered by Roseland Rescue were

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located within their first due area, 75 were mutual aid calls for Nelson, 2 were mutual aid calls for Montebello, 3 were mutual aid calls for Gladstone, 1 was a mutual aid call for Wintergreen, 26 were calls in their first due area in Amherst County, and 1 call was in Appomattox County. **The transports performed by Roseland Rescue make up 8.14% of the total transports for 2013.** The total calls answered by Roseland Rescue make up 10.58% of the total calls for 2013.

Rockfish Rescue: Rockfish Rescue received 290 dispatches for calls for service in 2013; of which **they answered 100 calls for service or 34.48% of their total calls for service.** Twenty-seven calls for service that were answered by Rockfish Rescue resulted in a billable transport. Sixty-eight calls for service that were answered by Rockfish Rescue were located within their first due area, 15 were mutual aid for Nelson, four were mutual aid for Roseland, two were mutual aid for Wintergreen, seven were in their first due area in Albemarle, and four were in their dual response area with Wintergreen. **The transports performed by Rockfish Rescue make up 2.24% of the total transports for 2013.** The total calls answered by Rockfish Rescue make up 3.98% of the total calls for 2013.

Montebello Rescue: Montebello Rescue received 91 dispatches for calls for service in 2013; of which **they answered 78 calls for service or 85.71% of their total calls for service.** Twenty-five calls for service that were answered by Montebello Rescue resulted in a billable transport. Sixty-four calls for service that were answered by Montebello Rescue were located within their first due area, two were mutual aid calls for Nelson, 11 were mutual aid calls for Roseland, and one was a mutual aid call for Augusta County. **The transports performed by Montebello Rescue make up 2.08% of the total transports for 2013.** The total calls answered by Montebello Rescue make up 3.10% of the total calls for 2013.

Gladstone Rescue: Gladstone Rescue received 201 dispatches for calls for service in 2013; of which **they answered 150 calls for service or 74.63% of their total calls for service.** Sixty-eight calls for service that were answered by Gladstone resulted in a billable transport. Eighty calls for service that were answered by Gladstone Rescue were located within their first due area, 13 were mutual aid calls for Nelson, six were mutual aid calls for Roseland, six were mutual aid for Rockfish, 12 were in their first due area in Amherst County, 25 were in their first due area and/or mutual aid for Appomattox County, and eight were mutual aid for Buckingham County. **The transports performed by Gladstone Rescue make up 5.65% of the total transports for 2013.** The total calls answered by Gladstone Rescue make up 5.97% of the total calls for 2013.

Wintergreen Rescue: Wintergreen Rescue received 165 dispatches for calls for service in 2013 of which **they answered 161 calls for service or 97.58% of their total calls for service.** Ninety-two calls for service that were answered by Wintergreen Rescue resulted in a billable transport. Five calls for service that were answered by Wintergreen Rescue were located within their first due area, 55 were mutual aid for Nelson, 33 were mutual aid for Roseland, 46 were mutual aid for Rockfish, two were mutual aid for Montebello, and 20 were in their dual response area with Rockfish. **The transports performed by**

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Wintergreen Rescue make up 7.64% of the total transports for 2013. The total calls answered by Wintergreen Rescue make up 6.41% of the total calls received for 2013. Ms. Miller noted that these were calls not in the Master Plan area.

Career Staff: The Career Staff received one thousand six hundred twenty dispatches for calls for service in 2013, of those eight hundred thirty seven calls for service resulted in a billable transport. Seven hundred sixty nine calls were answered in the Nelson Rescue area, 650 calls were answered in the Roseland Rescue area, 138 calls were answered in the Rockfish Rescue area, 11 calls were answered in the Montebello Rescue area, 48 calls were answered in the Gladstone Rescue area, three calls were answered in the Wintergreen Rescue area, and one call was answered in Amherst County. **The transports performed by the Career Staff comprise 69.52% of the total billable transports for 2013. The total calls answered by the Career Staff make up 64.47% of the total calls received in 2013.**

Ms. Miller then referred to the following Chart for 2014 January - June

2014 Calls for Service - January through June

Total Calls Answered	% of Total Answered	Total Transports	% of Total Transports Answered	Calls answered for:												
				NELS	ROSE	ROCK	MONT	GLAD	WINT	AMHR	APPO	BUCK	AUGU	ALBE	DUAL	
46	12.04%	20	2.99%	21	8	2	0	0	0	0	0	0	0	0	0	0
70	22.01%	34	5.07%	25	54	1	0	0	0	10	0	0	0	0	0	0
108	54.55%	40	5.97%	6	5	77	0	2	0	0	0	0	0	0	11	0
18	81.82%	13	1.94%	1	0	0	21	0	0	0	0	0	0	0	0	0
82	76.64%	27	4.03%	6	14	1	0	26	0	8	20	4	0	0	0	0
138	86.25%	68	7.64%	25	11	51	1	0	11	0	0	0	0	0	0	38
121		93	13.88%	46	34	33	2	7	0	0	0	0	0	0	0	0
480		375	55.97%	260	177	24	0	18	0	0	0	0	0	0	0	0
		<u>670</u>		<u>390</u>	<u>303</u>	<u>189</u>	<u>24</u>	<u>53</u>	<u>11</u>	<u>18</u>	<u>20</u>	<u>4</u>	<u>0</u>	<u>11</u>	<u>38</u>	

1124 Nontransports or Nonresponses

Ms. Miller concluded by noting that career staff were answering more calls and the number of calls answered by volunteers was declining. She added that a nonresponse was when the crew went on a call and it did not result in a transport or the call was canceled.

Mr. Carter then distributed an updated financial report from Ms. McCann as follows for 2013 and year to date 2014.

PAID EMS PROGRAM FINANCIAL INFORMATION

July 1, 2012 – June 30, 2013	
Gross Charges Billed	\$1,361,890.90

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Contractual Allowances & Other Adjustments	-\$409,637.48
Net Charges Billed	\$952,253.42
Cash Collections (56.3% of Net Charges)	\$536,333.30
Year End Expenditures	\$656,290.00
Net Program Shortfall	-\$119,956.70

July 1, 2013 – March 31, 2014	
Gross Charges Billed	\$852,192.60
Contractual Allowances & Other Adjustments	-\$213,062.13
Net Charges Billed	\$639,130.47
Cash Collections (55.7% of Net Charges)	\$355,922.08
YTD Expenditures	\$501,824.28
Net Program Shortfall YTD	-\$145,902.20

Ms. McCann noted that for July 1, 2012 to June 30, 2013 Gross Charges Billed were \$1,361,891 and explained that the \$409,637 of Contractual Allowances were amounts that exceeded the allowable charges for Medicare or Medicaid. She noted that the Net Billed amount was \$952,253 and Cash Collections (56.3% of Net Charges) were \$536,333 with Year End Expenditures being \$656,290 which resulted in a Net Program Shortfall of \$119,956.

She then reported that for July 1, 2013 to March 31, 2014 Gross Charges Billed were \$852,193 and there was \$213,062 of Contractual Allowances deducted for a Net Charges billed amount of \$639,130. Cash Collections (55.7% of Net Charges) was \$355,922 with Year to Date (YTD) Expenditures being \$501,824 which resulted in a Net Program Shortfall Year to Date of \$145,902.

Ms. McCann reported that receipts provided 81.7% of the total program expense in FY13 and YTD receipts provided 70.9% of YTD program expenses.

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Ms. McCann then noted that the three month average collections with the new billing company was about \$38,000 per month. She noted that in projecting out for June the total expenditures were \$665,000 not including the \$34,000 spent at Nelson Rescue Station II for capital improvements and the revenues should be around \$494,000; therefore the revenue paid for about 74% of operating costs with a net program shortfall anticipated to be \$171,000.

Mr. Harvey then inquired as to whether the collection ratio was lower with the new billing company and Ms. McCann noted that the new company started billing in December 2013 and it took about 6 months for everything to iron out. She noted that generally, insurance companies were slower to pay; however the May receipts were \$51,000. She suggested that the County give them a year before looking at their collections. She added that the current company was much timelier in getting charges billed to insurance companies which resulted in more timely payments. She added that the billed charges were less because the actual number of transports had declined. Ms. Miller noted that this would increase during the summer months.

Mr. Carter noted that at the start of the program, staff projected a collection rate in the 60% range and he added that a lot of charges were written off because of nonpayment.

Mr. Bruguiere then inquired about the Medicare Allowable Charges and Ms. McCann noted that staff tried to keep the charges in line with these rates and noted that the last time it was evaluated, it was not thought that a rate change was warranted.

Mr. Carter noted that 70% of the call volume was handled by the career staff and that revenue needed to be picked up.

Ms. Brennan then inquired about the soft billing process and Ms. McCann noted that based on the current billing policy approved by the Board, the billing company billed a patient a certain number of times and then they did not get sent to collections. She added that the County did provide for a hardship waiver based on Federal Poverty guidelines. She then added that copays for Nelson residents were waived per the policy. Ms. Brennan then inquired as to how many patients with insurance were getting written off and Ms. McCann noted that this was uncertain and this analysis would be very tedious to do.

Mr. Carter noted that he thought the County would have better results and less write-offs of those with insurance, with the new company.

In response to questions regarding crews using electronic reporting, Ms. Miller noted that a couple of agencies still used paper reporting and then entered the data into their computer at a later date. She noted in looking at this, it was discovered that there was no physical signature from the provider which created a backlog of calls that they had to get an affidavit for from each provider that care was given before the calls could be billed.

Ms. Miller noted that staff had provided training to the squads multiple times and some would still not use the computers. Ms. McCann added that the new billing company would

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also provide training. Mr. Carter added that the squads were encouraged to use the toughbooks to report electronically.

Ms. Brennan then noted she was concerned that if people who had insurance weren't paying, then others were subsidizing this.

Mr. Carter then reiterated that the County could not charge a copay because of operating under the OIG opinion. Ms. Miller added that taxes paid by citizens was considered the copay per the OIG opinion. Mr. Carter reiterated that the County had not gone to using collections thus far and was making substantial write-offs.

Ms. Miller noted that the new billing company had better relationships with hospitals and providers which enabled them to get insurance information on the back end if it was not provided on the front end by patients. She added that they had been very successful in getting insurance information for billing. Mr. Carter noted that this had been a problem with the former billing company and was a large part of the reason the County solicited a new one. He added that he thought the career program worked extremely well. Ms. McCann concurred that the current billing company was much better so far.

Mr. Bruguere then suggested that the County look at changing the soft billing policy. Supervisors and staff then discussed use of the hardship waiver form and Mr. Carter noted that it would take considerable staff time to make sure that hardship waiver forms were filled out by those account holders being written off. He added that he was confident that after a year, the County would achieve the collection rate expected.

B. Reconsideration of Authorization for Public Hearing -Planning Commission Referred Comprehensive Plan Updates (**R2014-44 Deferred**)

Mr. Carter reported that for consideration was authorization of a public hearing on the new transportation chapter of the Comprehensive Plan that had been discussed at the previous regular meeting. He added that it had been presented at the regular June meeting and the Board had asked for additional time to review it. He added that staff was reintroducing the subject in case the Board was ready to consider it and staff was waiting for the Board's direction. He added that Mr. Padalino was present to address any questions they may have.

Ms. Brennan indicated she was happy with the changes and Mr. Hale noted he thought they should move forward with a public hearing in August and it was noted that the Board would have time afterwards to rethink any of it. Mr. Carter noted that he concurred; however he was not pushing it and Mr. Bruguere indicated they should move forward as well.

Mr. Hale then moved to approve resolution **R2014-44** Authorization for Public Hearing, Comprehensive Plan Updates – Transportation Chapter at 7pm on August 12, 2014.

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:

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RESOLUTION R2014-44
NELSON COUNTY BOARD OF SUPERVISORS
AUTHORIZATION FOR PUBLIC HEARING
COMPREHENSIVE PLAN UPDATES –TRANSPORTATION CHAPTER

BE IT RESOLVED, that pursuant to §15.2-1427, §15.2-2204, §15.2-2223, §15.2-2225, and §15.2-2226 of the Code of Virginia 1950 as amended, the County Administrator is hereby authorized to advertise a public hearing to be held for the purpose of receiving public input on proposed amendments to the Nelson County Comprehensive Plan, specifically, Chapter 5, the Transportation Chapter.

The public hearing will be held at 7:00 PM on August 12, 2014 in the General District Courtroom of the Nelson County Courthouse, 84 Courthouse Square, Lovingston, Virginia.

Introduced: Resolution Regarding the Proposed Dominion Pipeline

Mr. Hale noted that in regards to the proposed pipeline, he moved to approve resolution **R2014-51**, Request for Meeting on Proposed Dominion Transmission Inc., Natural Gas Pipeline (Southeast Reliability Project) and he read the proposed resolution aloud.

Mr. Bruguere noted he had no problem with the resolution except for the statement that “no further research or surveys be taken”. He clarified that if these continued it may prove to them that this may not be the best way to go.

Mr. Hale explained that the resolution included the phrase because Dominion had approached this in a high handed manner and if the clause were not put in, they would just say they were not ready. He added that they may say this anyway; however the resolution was saying that they should tell the Board something and that they did not want them to do any more work until they did. He added that the language made it more persuasive. He added that when they say they did not know the route, he believed they did and that they did not want to show it. He noted he thought the resolution was a step in the right direction to put pressure on them. He noted that this project was the biggest expenditure on infrastructure in the county ever.

Mr. Bruguere then seconded the motion and discussion followed.

Mr. Harvey questioned whether or not the resolution was worth the paper it was written on and Mr. Hale acknowledged that it was a federally regulated project; however he thought that Dominion was morally obligated and responsible to talk with the Board. He added that they would argue that they were in the pre-application phase and nothing had been determined and that once their application was made to FERC, they would do all of these things as a matter of requirement. He added there was nothing that said they had to talk to the Board specifically.

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Mr. Carter noted that when Emmett Toms of Dominion called him, he indicated they were in pre-filing mode and had indicated they would come to this meeting; however they called back and said open season had been extended and they would defer coming to a meeting to make a presentation until it had closed.

Mr. Harvey noted he thought things were more than preliminary at this point. Mr. Hale agreed and added that he thought they had determined the route, which may move around houses etc. but he was not sure to what extent. He noted he wanted to know the amount of capital investment to be made and the size of the pipe etc. Mr. Hale then stated that the Board could not request an advisory opinion of the Attorney General as was previously noted; however this could come from the County Attorney, the Commonwealth Attorney, or a member of the General Assembly. He then noted that in his discussion with Mr. Payne, who had looked over the previous AG advisory opinion, it was noted that it was not likely that a new opinion would differ and the process could take nine months.

Mr. Hale then noted that he thought the appropriate place to ask for this opinion was with the General Assembly; noting that Senator Deeds should be addressed on the subject. Ms. Brennan then noted that she would contact him regarding making this request.

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

RESOLUTION R2014-51
NELSON COUNTY BOARD OF SUPERVISORS
REQUEST FOR MEETING ON PROPOSED DOMINION TRANSMISSION INC.
NATURAL GAS PIPELINE (SOUTHEAST RELIABILITY PROJECT)

WHEREAS, the Nelson County Board of Supervisors was first informed of Dominion Transmission, Inc.'s (Dominion) proposed natural gas pipeline project on May 14, 2014; and

WHEREAS, said notice included a crude General Location Map of the proposed route traversing Nelson County from the Blue Ridge Mountains to the James River, some talking points, and a copy of the letter to be sent to landowners to be affected by said pipeline; and

WHEREAS, Dominion has failed to provide the County or its residents the rationale for the route selection; and

WHEREAS, Dominion has failed to provide the County or its residents technical details as to the proposed specifications for the pipeline; and

WHEREAS, the Nelson County Board of Supervisors has insufficient information to understand or evaluate the consequences of a project of this magnitude on Nelson County and its residents; and

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WHEREAS the County has requested a meeting with Dominion representatives as well as a more accurate depiction of the proposed route and Dominion has failed to provide either,

NOW THEREFORE BE IT RESOLVED, the Nelson County Board of Supervisors requests that a representative of Dominion meet with the entire Board at the earliest possible date to fully explain the project, the proposed route, and address our questions and concerns; and that until such time as that meeting takes place, no further research or surveys be undertaken on the proposed natural gas pipeline in Nelson County.

Mr. Carter then advised that the resolution would be sent to Dominion.

Introduced: Sheriff's Department Funding Request dated July 7, 2014

Mr. Carter reported that staff had received an appropriations request from the Sheriff's Department on 7-7-14 as follows:

The Nelson County Sheriff's office request the continual support of the Nelson County Board of supervisors at the generous levels it has received. With the aging fleet of vehicles being used today, this has a potential safety concern for me and my officers. Please consider restoring vehicle allocation money into the county budget for the cost of 2 2014/2015 Dodge Chargers. The amount requested is the price quote received from Southern Auto Group, using the York County Contract, which is less expensive than the Virginia State Contract price.

2	2014 Dodge Charger Police Pursuit RWD, 5.7L Hemi V-8 Engine @23,829eac	\$47,658.00
2	Lettering/Stripping of Vehicle @ 625.00ea	\$ 1,250.00
2.	Installing vehicle equipment, Light bars, Radio, Siren, Cages, Push bumper etc, approx @\$7,000.00ea	\$14,000.00
Total Requested Funding for Vehicles:		\$62,910.00

The Nelson County Sheriff's Office also request that \$5,000.00 be added to Line Item 30102-5409 for the purchase of ammo .At present we do not have enough ammo on hand to complete service weapons qualifications this year as directed by DCJS (Department of Criminal Justice Services) ,which mandates that we qualify at least once per calendar year. Due to the war effort there is a long waiting period to receive ammo of about 6 to 8 months. Last week we received ammo that was ordered in September 2013,

Mr. Carter noted that the funding could be approved that day; however it would come back as a budget amendment the following meeting.

Captain Ron Robertson then addressed the Board concerning the request and noted that he was in the process of answering Mr. Carter's questions. He noted that one of the vehicles would be replacing Officer McDonald's car with a blown engine. He noted it would have cost \$4,400 dollars to fix it and it needed repainting which would have cost another \$8,000 and it was not worth the investment. He noted the other vehicle would replace a transport car

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that had engine problems. He added that the Department had no spare vehicles besides the car known as "the gray ghost".

He then noted that as far as the ammunition request, they had very little ammunition on hand and had to qualify annually. He noted it took 1,600 rounds per DCJS specifications to qualify. He then explained that they had two different types of ammo: full metal jacket or a ball and they had to practice with one and qualify with the other. He noted that they had 2,600 rounds on hand of one type of which 1,600 would be used in qualification leaving 1,000 rounds.

He then noted that the Tactical Team would take 6,000 rounds to practice and qualify. He noted that the 223 rifles for the Tactical Team would require 3,000 rounds of that.

He noted that the total was \$5,695 for ammunition and they were asking for \$5,000. He added that this would get them up to par and if something happened in the meantime, they would be woefully unprepared.

Captain Robertson then noted that the ammunition was ordered off of State Contract and that there was a 6-8 month delivery on all orders. He noted that County regulations required them to use the State contract or they would have to get 3 prices per the purchasing policy, which took time. He noted that 40 caliber rounds took longer to get for some reason and that was what was being used.

Mr. Saunders noted he could not imagine this many rounds (3,000) would be needed if something happened.

Captain Robertson noted that the DCJS students required 1,400 rounds to practice and 200 rounds to qualify. Mr. Saunders clarified that he was questioning the Captain's statement that 3,000 rounds were needed to have on hand and he was not sure what could happen that would require this kind of stockpile. Captain Robertson clarified that he stated that 3,000 rounds would be needed for the Tactical Team training.

Supervisors then revisited the request for cars.

Mr. Harvey noted that his understanding was that the two cars being requested were for the two new officers and that the Sheriff had said he would pay for those out of asset forfeiture funds.

Captain Robertson then noted that the case did not come up until July 24, 2014, it had to go through trial, and the assets had to be seized and sold. He added that some of the funds would go to the State and Courts. He noted that if the Department received these funds, they would buy as many vehicles as they could afford. He added that there was some uncertainty that they would get the funds. Ms. McCann noted that the current asset forfeiture fund balance was around \$4,000 to \$5,000.

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Mr. Harvey then posed the question of whether or not these cars were for the new Officers or would be replacement cars and Captain Robertson noted that the new Officers got new cars and these would be replacement cars for those that weren't running.

In response to questions regarding the cars requested, Ms. McCann noted that they did make a Ford Police Interceptor; however Captain Robertson noted that they wanted the Dodges because they were trying to save money by transferring old Dodge equipment to the new Dodges. He added that the Department was in a transition period of moving from one vehicle make to the other and they were trying to be consistent.

Ms. McCann noted that the last two vehicles purchased by them were Ford Tauruses or Police Interceptors. It was noted that any excess equipment went back to the County and was disposed of as it was generally not worth reusing.

Mr. Saunders inquired as to the model years of the two vehicles coming out of service, and Captain Robertson noted he thought they were 2005 and 2006 models. Ms. McCann added that she thought Officer McDonald's vehicle was a 2008.

Captain Robertson then noted that he did not have all of the information that the Board was asking for and that he was in the process of getting the answers to Mr. Carter's questions.

Captain Robertson then explained that Officer McDonald was currently using the only spare car they had; and they had an extra truck that could be used. He added that they had assigned their spare cars to personnel so now they had no spares. He noted that everyone had a vehicle now except for Officer McDonald.

Supervisors then agreed by consensus to defer any action on the request until August.

Supervisors then revisited the request for ammunition.

Captain Robertson reiterated that the ammunition requested would allow them to have enough for training and qualification and have some on hand. He noted that they intended to go ahead and order it and pay for it; which would not leave any funds for equipment. It was noted that the Department spent \$1,200 for ammunition last year and it was more of a timeliness issue. Mr. Carter noted that the Department currently had \$17,000 in that line item; which was sufficient funds for the time being.

In response to questions Captain Robertson reiterated that the Department had four or five 223 rifles and these took 480 rounds to qualify. He added that the Tactical Team was requesting 3,000 rounds for school.

In conclusion, Supervisors agreed by consensus to also defer action on this request.

IV. Reports, Appointments, Directives, and Correspondence

A. Reports

1. County Administrator's Report

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Mr. Carter reported the following:

- I. Courthouse/Government Center Project:** Complete.
- II. Courthouse Project Phase II:** Interviews with prospective AE firms scheduled for 6-11-14.
- III. Jefferson Building:** Complete.
- IV. Massies Mill School Demolition:** Complete (including retention pond rehabilitation).
- V. Lovington Health Care Center:** Planning meeting conducted on 6-27 with concurrence of participants (County, JABA, Region 10) to contact potential re-development partners.
- VI. BR Tunnel and BR Railway Trail Projects:** **A) BRRT** – Construction complete with VDOT close out in process. Retainage pending payment. **B) BRT** – Bid receipt delayed to 6-22. Phase 2 grant funding formally approved by Commonwealth Transportation Board.

Mr. Carter noted that the BRT bid receipt date was July 22nd not June 22nd as noted above. He added that revisions had been made and he was hopeful the County would be successful.

- VII. 2014 Lockn Festival:** Special Event Permit approval of the 2014 festival is in process.

Mr. Carter noted that some elements of the festival had changed from last year and he wanted to meet with Dave Frey. Ms. Brennan asked to be included in this meeting. Mr. Saunders then inquired if 2013 had been settled yet and Mr. Carter noted this would be discussed at the meeting. Mr. Saunders reiterated that he did not want the 2014 permit issued until it was settled.

- VIII. Broadband:** Fiber installations to Rockfish Orchard Subdivision completed. Consent received from Nature Conservancy on proposed High Top Tower co-location. Feasibility of CDBG grant application for fiber network extension being reviewed.

Mr. Carter reported that 11 of the Rockfish Orchard installations had been completed.

- IX. Radio Project:** In process with project completion projected at 9-30-14.

Mr. Carter added that preliminary testing was occurring that day and would continue for the next several weeks.

- X. Rockfish Valley Area Plan:** Contract completed with TJPDC for project assistance. Project status is very preliminary.

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Mr. Carter noted that a draft had been provided to the Board in their mailboxes.

XI. Roseland/Ferguson's Store PER: Agreement with Draper Aden Associates to update the previous PER in partnership with VA-DEQ completed on 7-2. Work to commence within ensuing two weeks, approximate, with draft report submittal 30 days thereafter.

Mr. Carter noted that the update may take 45-60 days and the total cost was \$7,500 with \$5,100 paid by DEQ.

XII. Sturt Property Plan: Site visit by VT-Community Design Assistance Center completed on 6-25. A decision is pending on agreement between County and CDAC for planning project.

XIII. Personnel: Recruitment in process for Secretary 3 position in Co. Administrator's office.

Mr. Carter noted that approximately 30 applications had been received and were being reviewed by staff.

XIV. Staff Reports: Provided within the July 8, 2014 Agenda

2. Board Reports

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

Mr. Hale gave an update on the Service Authority noting that they had a number of projects underway. He noted that Engineers were doing a PER on the Schuyler Water treatment plant to replace the membranes. He noted that the old membrane at the Wintergreen water treatment plant was being refurbished. He noted that in the Lovington water system, the Henry Hill system had lines replaced. Mr. Hale then noted that Gladstone wastewater treatment was still a problem and that the Service Authority received letters from DEQ saying that they had to do something about storm water intrusion into the lines making the ratios out of line for the treatment plant. He added that the water intrusion was on the laterals and the Service Authority policy was to not replace these. Mr. Hale then noted that their reserves for debt service were met earlier in the year and that they could take care of these proposed projects with balances on hand.

Mr. Hale then reported that a meeting on the Rockfish Valley Area Plan with the Executive Director of the PDC had been postponed until the following week if it could be arranged. He added that he would like to include Mr. Harvey in the meeting.

Mr. Hale then reported that the Virginia Tech CDAC would look at the Sturt property this fall after tick season.

Ms. Brennan reported attending meetings of Friends of Nelson concerning the pipeline. She noted that Southern Environmental Law Group was there to develop questions to be answered.

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Ms. McGarry noted that the sheet had been revised from the original in the packet to include additional applications received. She noted that a further addition was the application submitted by Ms. Diane Harvey to represent the North District on the Social Services Board.

Supervisors then considered the following appointments:

Nelson County Service Authority Board – North District:

Mr. Harvey noted he wanted to check into the applicants. He added that he knew Mr. Shimp who had previously served on the Louisa County Board; however he was not familiar with Mr. Cupo. Supervisors agreed by consensus to defer consideration of the appointment.

Library Advisory Committee – East District

It was noted that no applications had been received for this vacancy and Ms. Brennan encouraged those in attendance to consider submitting an application.

Planning Commission – North, East, and Central Districts

Supervisors questioned whether or not Daniel L. Rutherford would be an East District candidate or a Central District candidate and Ms. McGarry noted that she had checked this with the Registrar who had verified him to be in the East District. Supervisors discussed this further noting that the Registrar's records were incorrect. Ms. McGarry noted she would re-verify this and Supervisors agreed by consensus to defer consideration of these appointments until such time as there was an East District applicant and they could all be appointed at once.

Department of Social Services Board – North District

Ms. McGarry reiterated that Ms. Diane Harvey had submitted an application to represent the North District on the Board. She added that she had served in this capacity before, her last full term had ended in 2009 and the two (2) year break period as required by the Code had passed, and she was eligible for appointment.

Ms. Brennan noted that she would love for Ms. Harvey to be on the Board and Mr. Hale noted he had served on that Board with her during her last term and he thought her experience would serve them well.

Mr. Hale then moved to nominate Ms. Diane Harvey to serve on the Department of Social Services Board representing the North District and Mr. Saunders seconded the motion. There being no further discussion, Supervisors voted (4-0-1) by roll call vote to approve the motion, with Mr. Harvey abstaining.

Ms. Brennan then noted the remaining vacancy on the JABA Advisory Council noting that this was a Board that advised the JABA Board of Directors on various issues.

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C. Correspondence

Staff noted that they had no correspondence to present and Ms. Brennan noted that she has had a lot of email correspondence lately. Mr. Carter then noted that staff was keeping a file with public input about the pipeline. Mr. Hale added that he has been getting numerous things on the pipeline and he could not answer each one personally. He noted therefore his response would be made in the public forum.

D. Directives

Mr. Harvey and Mr. Saunders had no directives.

Mr. Hale directed staff to fix the middle railing of the steps that went out to Court Street as they wiggled when he used them.

Mr. Bruguiere inquired as to where the County was with Stewart Computer Services signing the lease for use of the Massie's Mill tower. Mr. Carter noted that the last he heard was the lease was on Mr. Stewart's desk for signature. Mr. Hale added that Mr. Stewart had noted he was very busy had he had not signed the papers yet. He added that he was replacing a lot of equipment and this was keeping him busy. It was then clarified that the County was not holding Mr. Stewart back from locating on and providing services from that tower. Staff then noted it took him about six months after signing the lease to put equipment on the Martin's Store tower.

Ms. Brennan then asked for an update on LOCKN 2013 etc. and noted she would attend the meeting with staff and Mr. Frey. Mr. Harvey then inquired if there were things in place to ensure that the issues with payment of local taxes would not happen again. Mr. Carter noted that plans were in place and he had suggested to the Commissioner of Revenue and the LOCKN sponsors that all vendors needed to be registered and obtain business licenses individually, whereas they were allowed to operate under a blanket license last year.

Mr. Hale suggested that the Commissioner should have her office staff out there on site to get the paperwork and provide them with instructions on what was to be reported and paid. Mr. Saunders added that the vendors should fill this out and pay the license fee beforehand. Mr. Carter noted that the Commissioner could be included in the upcoming meeting and he noted that someone besides Mr. Frey was in charge of the vendors. He noted that the ABC issue had not been resolved yet.

Ms. Brennan then directed staff to invite the new School Superintendent to a meeting for introductions. Supervisors noted having met Dr. Comer in between the earlier Broadband meeting and the Board meeting prior to Ms. Brennan's arrival.

Ms. Brennan then inquired as to why the windowsills were not also white on the exterior of the Jefferson Building and Mr. Harvey and Mr. Hale noted that they liked it that way as it broke up the all-white exterior.

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Ms. Brennan noted that she had been in contact with Hank Theiss regarding the new Business Council that RVCC was putting together and he wanted to have a 2x2 meeting with the Board soon. She noted she would set it up and then would invite another member to attend.

Ms. Brennan then inquired whether or not the Board wanted to resume the 2x2s with the School Board and Mr. Hale noted that they had discussed having another joint meeting in the fall to discuss things in October.

Ms. Brennan then directed staff to resume provision of the Board's punch list.

V. Adjourn and Reconvene for Evening Session

At 4:15 PM, Mr. Harvey moved to continue the meeting until 7:00 PM and Mr. Hale seconded the motion. There being no further discussion, Supervisors voted unanimously by voice vote to approve the motion and the meeting adjourned.

EVENING SESSION

7:00 P.M. – NELSON COUNTY COURTHOUSE

I. Call to Order

Ms. Brennan called the meeting to order at 7:00 PM with all Supervisors present to establish a quorum.

II. Public Comments

1. Carl Denney, Afton

Mr. Denney spoke in opposition to the pipeline and referred to the Board's resolution adopted in the afternoon session; reading aloud the last sentence. He noted that this statement had tremendous value and reflected the hearts and minds of the citizens. He then noted the value of the Board's actions and thanked the Board.

2. Charlotte Rea, Afton

Ms. Rea noted that as Chair of the Friends of Nelson Committee she wanted to publicly thank the Board for passing resolution **R2014-51** and she paraphrased the words of the resolution. She added that they were looking forward to working with the Board against the pipeline.

3. Clay Stewart, Arrington

Mr. Stewart noted he was the owner of SCS Broadband and that he could not make it to the earlier Broadband meeting to provide them with an update as there was a CVEC power

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outage at noon that disrupted service etc. Mr. Stewart reported that he had engaged the Secretary of Technology and CIT in order to help meet the Governor's mandate to expand Internet throughout the state. He noted that he had proposed to tie School Lunch Vouchers to Internet service provision and he had asked for access to VDOT locations for community relays. Mr. Stewart then noted that they had been tied up with growth and that May to June was the hardest month with installs and storms. He added that his network was growing tremendously and they had taken over a Crozet company. He noted that progress had been made on High Top and on the establishment of other community relays. He added that growth including filling in with more community relays took time; however they were doing it. He then asked the Board to support, in any way they could, the endeavors coming out of a third meeting at the State level and he requested that the County Administrator attend. He added that he would sign the Massie's Mill tower lease that week and he asked once again for a sixty (60) day bill time for all future leases be applied retroactively to the Martin's Store tower lease.

4. Jane Taylor, Afton

Ms. Taylor spoke in opposition to the Dominion Pipeline. She noted that Humpback Rock and the Appalachian Trail were in her backyard. She noted she was proud that they were still mostly intact and they would be severely marred if the pipeline went through. She added that she wanted citizens to go on record with a resolution that prohibited all construction of natural gas pipelines in the County; sending it to the Board and State Representatives, the President, EPA, U.S. Dept. of Interior, Office of Surface Mining Reclamation and Enforcement, and the U.S. Dept. and State Dept. of Forestry. She added that she hoped that she could get an earnest response to corporate power.

5. Matt Dwyer, Howardsville

Mr. Dwyer speaking in opposition to the Dominion Pipeline noted that Eminent Domain had been used to take land from private citizens and it would now be used to give it to private corporations. He suggested that the Board ask for assistance from adjoining counties especially Albemarle County, noting that they would not go near Albemarle. He added that that the County needed assistance and could not fight the pipeline by itself.

Ms. Brennan then thanked the speakers and noted that the resolution that had been passed was a starting point.

III. Public Hearings and Presentations

A. Public Hearing - Consideration of Proposed Amendments to Nelson County Zoning Ordinance, Article 4 (Agricultural District A-1) – “Lots Allowed and Area Regulations” Proposed Ordinance to amend the Code of Nelson County, Virginia, Appendix A, Zoning Ordinance. The proposed amendments would reduce the minimum required acreage required for a two-family detached dwelling or “duplex” from 4 acres (minimum) to 2 acres (minimum). (O2014-04)

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Mr. Padalino had provided the Board with the following staff report:

On February 12th, 2014, the Department of Planning & Zoning received a referral from the Board of Supervisors (BOS) containing suggested text to amend Article 4 (“Agricultural District A-1”), Section 3 (“Lots Allowed and Area Regulations”) as it pertains to regulations for “two-family detached dwellings,” or duplexes. Specifically, the proposed amendments would reduce the minimum acreage required for a duplex in the A-1 District from 4 acres (minimum) to 2 acres (minimum). The full text of the proposed amendment is as follows:

4-2-1a The minimum lot area shall be two (2) acres (87,120 sq.ft.) or more per dwelling unit for single and two-family detached dwellings. For family subdivisions lots the minimum lot area shall be one (1) acre (43,560 square feet) per dwelling unit.

Please note that the proposed amendments, as written, would not actually achieve the intended effect of reducing the minimum acreage requirements from 4 acres to 2 acres for a duplex. As written, the proposed amendments still require, “two (2) acres or more per dwelling unit...for two family detached dwellings.” Using a straightforward interpretation and application of the Zoning Ordinance definitions, this would still require two acres for each of the two dwelling units contained in the duplex, i.e. a requirement for a minimum of 4 acres for a duplex.

Therefore, in order to achieve the Board’s referred objective of reducing the required minimum acreage from 4 acres (minimum) to 2 acres (minimum) for all duplexes in the A-1 District, County staff recommend that the phrase “per dwelling unit” be removed and the proposed amendments be re-written as follows:

4-2-1a The minimum lot area shall be two (2) acres (87,120 sq.ft.) or more per dwelling unit for single-family detached dwellings and two-family detached dwellings. For family subdivisions lots the minimum lot area shall be one (1) acre (43,560 square feet) per dwelling unit.

Review of Amendment Process To-Date

Please recall that the BOS originally referred the following proposed amendments, as detailed in the March 20th staff report:

4-2-1a: The minimum lot area shall be two (2) acres (87,120 sq. ft.) or more **per single-family detached dwelling or two-family detached dwelling containing a total of four (4) or fewer bedrooms and two (2) or fewer bathrooms**. For family subdivision lots the minimum lot area shall be one (1) acre (43,560 sq. ft.) per dwelling unit.

4-2-2: For permitted uses utilizing individual sewage disposal systems, **the Health Department shall review and approve** the required area for any such use shall be approved by the health official **in consideration of the average daily water usage, as calculated by the number and size of bedrooms and bathrooms**. The administrator may require a greater area if considered necessary by the health official. *(Note: As explained in the referral memo from Mr. Carter, the Commission was invited to consider the proposed changes to 4-*

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2-2 at their discretion; but the BOS did not discuss these specific amendments or formally refer them to the Commission.)

After reviewing this issue in March and April, the Planning Commission acted at their April 23rd meeting to have Chair Proulx provide a formal recommendation to the Board of Supervisors (BOS), recommending that the BOS not proceed with the proposed amendments as referred; but to instead explore an alternative policy approach that would potentially modify (reduce) minimum acreage requirements for duplexes only when being developed by the Nelson County Community Development Foundation (NCCDF).

This alternative approach was formally recommended to the BOS for two general reasons. The first reason is because the PC identified several questions and concerns at their February 26th Work Session, summarized as follows:

- Concern that the Health Department has not reviewed and endorsed this proposed policy amendment;
- Concern about residential density and concern about possible future “relaxations” of similar density requirements;
- Concern that too many uses are being suggested for the A-1 District;
- Concern that the proposed amendments are too broad in scope – that they could work well for NCCDF but may not be appropriate for all other scenarios;
- Concern that this type of “limited duplex” could be easily expanded or renovated to eventually include more than the proposed restrictions for a maximum total of four (4) bedrooms and two (2) bathrooms; and
- Concern that the proposed amendments are not enforceable.

The second reason for this recommended alternative approach is that the PC felt that a more narrow set of amendments, pertaining specifically (and only) to the NCCDF, would be a more appropriate solution. Upon County staff consultation with County Attorney Phil Payne, this recommended alternative was determined to be a legally-defensible approach. That is because NCCDF duplexes are developed in conjunction with the Foundation’s mission to provide affordable housing opportunities for low- and moderate-income residents, elderly residents, and residents with disabilities; and such affordable housing efforts are considered a legitimate expression of the locality’s “police power” and a legitimate promotion of the County’s public health, safety, and/or welfare.

The PC’s formal recommendation was provided to County staff by Chair Proulx on May 7th. At the subsequent May 13th BOS meeting, the Board reviewed the PC recommendation before moving to authorize and advertise a Public Hearing at the June 10th BOS meeting for consideration of proposed amendments as they were composed in the original BOS referral from February (i.e. proposed amendments that would reduce the minimum required acreage for all duplexes in the A-1 District from 4 acres to 2 acres).

After the June 10th public hearing was scheduled and advertised, the BOS then postponed that hearing, and have since re-scheduled a BOS public hearing for July 8th. The purpose of that postponement and re-scheduling was to ensure that the Planning Commission properly

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conducted a Public Hearing at their regularly-scheduled June 25th meeting, before the BOS could legally conduct their own public hearing (and/or take any legislative action on the proposed amendments).

Planning Commission Public Hearing

A public hearing was conducted at the June 25th Planning Commission meeting, and was properly advertised in the Nelson County Times on June 5th and June 12th, in accordance with State Code provisions contained in §15.2-2204.

The first and only member of the public to speak was Mr. Allen Hale, of 3130 Laurel Road in Shipman. Mr. Hale noted that he has been a land surveyor in Nelson County for forty years; and that he is a Board of Supervisors member, where this matter has been previously discussed. Mr. Hale expressed two concerns. One is that the larger the lot size requirement, the greater the expense is for a homeowner. The second concern is that the Board of Supervisors sent this proposed amendment to the Planning Commission as a result of so many things happening in this County, with a specific request from Nelson County Community Development Foundation to build duplexes on two acres per structure, rather than four acres per structure. He further stated that the means by which the Planning Commission reached a verdict – recommending that the Board of Supervisors make a special exemption for the NCCDF – did not seem to be a good solution, in his opinion.

After the Public Hearing was closed by Chair Proulx, Commissioner Russell made the following motion:

“The Planning Commission has received a proposal from the Board of Supervisors to hold a public hearing to amend Section 4-2-1-a, which would allow single and two family detached dwellings on two acres, referred by the Board of Supervisors for the Planning Commission to hold a public hearing and recommend a course of action. The Planning Commission has previously met, reviewed a more restrictive request, which limited the reduction of area to two bedroom and one bathroom units per two unit building. Chair Proulx has responded for the Planning Commission on May 7th. The Board of Supervisors has again referred that we have held a public hearing and have made the decision to recommend to the Board of Supervisors that we do not recommend approval of this amendment for the following reasons:

- 1. We are concerned about the residential density and possible future relaxation of similar density requirements that could increase future buildout totals for the entire County.**
- 2. We are concerned that the A-1 district is becoming a catch-all with very little focus on the ordinance’s description of this district. The description reads, *“this district is designed to accommodate farming, forestry, and limited residential use. While it is recognized that certain desirable rural areas may logically be expected to develop residentially, it is the intent, however, to discourage the random scattering of residential, commercial, or industrial uses in this district.”***

3. We are concerned that the proposed amendment is too broad, though it might work very well for the NCCDF, it might not be appropriate for all scenarios. This limited focus is not generally considered a very good principle of zoning.

4. The proposal is not easily enforceable.

5. The County has been advised that it has other means to achieve the desired result of encouraging affordable housing, which is the stated goal of the Board of Supervisors, the Comprehensive Plan, and of course this Commission. However, if the Board wishes to proceed along these lines, we suggest that they consider a Special Use Permit be added to the Zoning Ordinance in the Agriculture District, which would allow four bedrooms, per two family detached dwellings on less than four acres.”

Commissioner Hunt seconded Commissioner Russell’s motion; and the Planning Commission voted 4-0.

In addition to the spoken comments, Mr. George Krieger of Nelson County Community Development Foundation provided County staff with written comments prior to the meeting, on June 24th. He also stated that he was providing each of the County Supervisors with a copy of the same written comments.

Summary & Staff Recommendation

In conclusion, County staff recommend that the Board of Supervisors take into consideration the Planning Commission’s recommendation and the comments from the public hearing, as well as the clarification from County staff that the Board’s referred amendments would need to be modified (as noted on page 1) in order to accomplish the Board’s original intentions with these proposed amendments.

Mr. Tim Padalino noted the existing language in the Ordinance. He then noted the process of the Board’s referral to the Planning Commission who recommended an alternative solution without holding a public hearing. He noted that the Planning Commission then held a properly advertised public hearing and had now made its recommendation to the Board.

Mr. Padalino noted that the originally referred language would not have provide for the reduced acreage for duplexes and he noted that the proposed language would strike the “per dwelling unit” from the section.

Mr. Brugiure then noted that the word “detached” was confusing and Mr. Hale clarified that it was used because a duplex was detached from other buildings.

Ms. Brennan questioned the rationale behind the suggestion of just using a Special Use Permit application process to provide for this as was noted in the staff report. Mr. Padalino noted that this suggestion had originated from the Planning Commission trying to cap how many rooms would be in the duplexes if allowed on 2 acres.

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Ms. Brennan noted she was sympathetic to the need for duplexes but was concerned regarding the concerns expressed by the Planning Commission on the impacts of the amendments to Agricultural (A-1) districts. She added that these would be by right if the amendment was adopted. Mr. Padalino then noted that a duplex was more in line with core A-1 uses. He added that the Board and staff were working on other amendments in order to keep A-1 from being a catch all. Ms. Brennan then noted that she did not think the County would have an abundance of these types of dwellings.

Mr. Hale noted he disagreed and noted that the County was largely A-1. He added that the reality was that people who were seeking to own homes would likely be in A-1. He added that the notion of using an SUP was absurd. He noted that by-right a person could build a mansion on two acres and have twenty bedrooms if the drainage field passed muster. He added that the notion that these would pop up all over the County was not a reality. Mr. Hale then noted that he was the only one who spoke at the Planning Commission public hearing and there was no uproar over duplexes.

Ms. Brennan noted she was in favor of increasing affordable housing in the county and agreed that the SUP was not necessary.

Mr. Padalino noted that Mr. George Krieger had provided staff with written comments on the issue.

Ms. Brennan then opened the public hearing and the following persons were recognized:

1. Woody Greenberg, President of Nelson County Community Development Foundations (NCCDF)

Mr. Greenberg reiterated that the goal of the NCCDF was to provide affordable housing and the proposed Ordinance change would make that more likely and possible. He noted it would be helpful to NCCDF as it tried to create more affordable housing. He added that there was no big rush from private developers to develop duplexes in the county.

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

Mr. Bruguiere then moved to approve **O2014-04** an Ordinance to Amend and Reenact Appendix A, Article 4, Agricultural District A-1, Section 4-2 Lots Allowed and Area Regulations of the Code of the County of Nelson, 1989 Generally Relating to zoning.

Mr. Hale seconded the motion and thanked Mr. Padalino for making the change in the proposed Ordinance language to accomplish the Board's objective of reducing the required acreage from four (4) to two (2) for single and two-family detached dwellings. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion and the following Ordinance was adopted:

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**ORDINANCE O2014-04
NELSON COUNTY BOARD OF SUPERVISORS
AN ORDINANCE TO AMEND AND REENACT
APPENDIX A, ARTICLE 4, AGRICULTURAL DISTRICT A-1,
SECTION 4-2 LOTS ALLOWED AND AREA REGULATIONS
OF THE CODE OF THE COUNTY OF NELSON, 1989,
GENERALLY RELATING TO ZONING**

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

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF NELSON: that Pursuant to §15.2-1427 and §2.2-2204 of the Code of Virginia 1950 as amended, the Nelson County Board of Supervisors does hereby amend and reenact the Code of Nelson County, Virginia, Appendix A – Zoning:

1. That Article 4, Agricultural District A-1, §4-2-1a, be, and the same is amended to read as follows:

4-2-1a the minimum lot area shall be two (2) acres (87,120sq.ft) or more for single and two-family detached dwellings. For family subdivisions lots the minimum lot area shall be one (1) acre (43,560 square feet) per dwelling unit.

B. Public Hearing – Consideration of Class C Communication Tower Permit #2014-005, CV488 for Velocitel, Inc. on behalf of AT&T Wireless

Application is for a 130 ft. Class C tower identified as CV488 on Tax Map parcel #67-A-49 located adjacent to Route 29 with access at 6391 Thomas Nelson Highway, Lovingson VA.

Mr. Padalino had provided the following Staff Report to the Board for Class C Tower Permit #2014-005 Application (AT&T / CV488):

Site Address / Location: 301 Drumheller Orchard Lane / Lovingson / Central District

Tax Map Parcel: #67-A-49

Parcel Size: 81 acres

Zoning: Agriculture (A-1)

Request: Class C Tower Permit #2014-005 / pursuant to Article 20, Section 13

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Application Overview

The Department of Planning & Zoning originally received an application on February 24th from Mr. John Milisitz of Velocitel, Inc., seeking approval for Class III Tower Permit #2014-005, on behalf of AT&T. This application seeks permission for the, “installation and operation of antennas and associated equipment inside a new fenced compound on a new 130’ monopole.” The proposed new tower site is identified as “CV488.”

The subject property is identified as Tax Map Parcel #67-A-49, and is located on the western side of Thomas Nelson Highway (Rte. 29). It adjoins the Nelson County High School property, which is located to the northeast across Drumheller Orchard Lane. The 81-acre subject property is zoned Agricultural (A-1) and is currently used for agricultural and residential purposes. The application includes the required approval signature of the property owner (Mr. Ronald L. Collins) on the affidavit (item #5). Vehicular access to the proposed site is from 6391 Thomas Nelson Highway (Tax Map Parcel#67-A-49A). Please see the attached maps (pages 5 and 6).

Application Update and Revisions

In response to the County’s recent “repeal and replacement” of the Tower Ordinance, the members of the applicant team (including Mr. Milisitz as well as Mr. Preston Lloyd and Mrs. Valerie Long of Williams Mullen) have worked in close coordination with County staff to revise and resubmit application materials for this proposed facility.

These new application materials include the following:

- Revised site plan drawings conforming to and satisfying the requirements of §20-12-C (which were received electronically on Tuesday, May 6th, with hard copies being provided on Monday, May 19th);
- An additional \$1,500 to bring their total fee payment to \$2,000, pursuant to §20-18; and
- Photo simulations of the proposed facility, which were developed from photographs taken at a second balloon test which was conducted on Friday, May 16th at 9:00am (and which included proper public notice as required by §20-13-D-1).

In addition, to satisfy the Code of Virginia advertising requirements contained in §15.2-2204, the applicant team caused a Legal Notice of Public Hearing advertisement to be published in the Daily Progress on Friday, May 9th and in the Nelson County Times on Thursday, May 15th and Thursday, May 22nd. The applicant team was responsible for this re-advertising due to their previous request for a one-month deferral from their original Public Hearing (which was scheduled for the April 23rd Planning Commission meeting).

Overview of Proposed Uses

This application for Tower Permit #2014-005 seeks approval for a new Class C Communication Tower, which is the classification for (proposed) 130’ tall facilities per

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§20-5. Specifically, the application seeks approval to install the following, as specified on Sheets C-1, C-2, and C-3 of the site plan drawings:

- a 130' tall monopole (as specified on Sheet C-2), with a potential maximum total of three separate arrays (including the proposed AT&T array at 127' above ground level (AGL), plus two possible future co-location arrays at 117' AGL and 107' AGL);
- a total of twelve (12) AT&T antennas and an additional six (6) "TMAs" mounted on a three-sided platform mount, which is 12' wide on each side (as specified on Sheet C-2); and
- associated ground equipment (as specified on Sheet C-1), located within a 60' x 60' lease area that is surrounded by an eight (8) feet tall security fence (as specified on Sheet C-3).

For more information, please reference the site plan drawings.

April 9th Site Plan Review Committee Meeting and Comments

The Site Plan Review Committee convened on April 9th to review the application materials. The committee members' comments are as follows:

VDOT: Mr. Jeff Kessler requested that additional stone be laid at the access point for this proposed project, in order to accommodate the construction equipment which would access the lease area from Thomas Nelson Highway. Mr. Kessler said he considered the addition of the requested material to be part of the maintenance of the existing entrance.

VDH: Mr. Tom Eick of the Health Department was not in attendance, and has not provided comments at the time of this report. County staff do not believe this application pertains to Mr. Eick's or VDH's scope of responsibilities.

TJSWCD: Mrs. Alyson Sappington of the Thomas Jefferson Soil & Water Conservation District was not in attendance, and has not provided comments at the time of this report. Because this project will involve approximately 2,500 SF of disturbance (as specified in the "Project Summary" table on Sheet T-1), County staff believe there should be no problematic issues with erosion, sediment control, or stormwater management.

Nelson County Building Code Official: Mr. David Thompson was not in attendance, but provided comments prior to the meeting. Mr. Thompson's comments remind the applicant that an approved Erosion & Sediment Control Plan is required for projects that disturb 10,000 square feet or more; and that a Building Permit would be required to authorize the construction activity for this site, if the County permits the proposed project.

Nelson County Planning Commission: Commissioner Linda Russell, in collaboration with County staff, reviewed the site plan drawings and discussed the following issues with Mr. Milisitz:

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- Sheet C-2: specify the dimensions of how far from the monopole the platform antenna mounts will extend outward (two separate dimensions were requested – the shortest dimension and the longest dimension);
- Sheet C-2: specify and clarify the exact height of the proposed monopole, the height of antenna, and the total height of tower facility (inclusive of the lightning rod);
- Sheet C-2: regarding the note “tower comes in its natural galvanized steel but can be painted if jurisdiction prefers it,” a suggestion was provided for the monopole to be painted java brown (or some similar natural / neutral color, to be approved by the final approving authority);
- (New Sheet): Provide details (including dimensions) of all types of AT&T antennas and other equipment that are proposed to be mounted in conjunction with this application;
- *Please note: these issues were all addressed on revised Sheet C-2*

In addition to the details associated with the monopole and all the associated tower equipment, there were several issues regarding the landscaping requirements found in §20-12-D-9. In the weeks after the April 9th Site Plan Review Committee meeting, the applicant team has worked with County staff to revise the Site Plans accordingly, satisfying items a), b), and c) of §20-12-D-9. Please reference Sheet L-1 for more detailed information on the revised Landscape Plan.

Additionally, Section 20-8-3 states that, “A Class III Communication Tower cannot be located closer than two (2) miles to another Class III or Class II Communication Tower.” The applicant submitted his analysis of the proposed tower’s location relative to existing Class II and Class III facilities on April 15th. He concluded that, according to FCC data, there are no such existing towers within a 2-mile radius of the proposed site.

I reached the same conclusion through my own independent analysis: the County Broadband Project tower at Cooperative Way is approximately 2.5 miles away; the County Broadband Project tower at the Courthouse is approximately 2.9 miles away; and the Mountain Cove tower farm in Lovington is approximately 2.8 miles away. There are existing telecommunication facilities mounted to the transmission line towers across Rte. 29 (approximately 0.5 miles away), but they are not Class II or Class III Communication Towers and thus do not pertain to Section 20-8-3.

Finally, §20-12-C-11 requires that applicant provide documentation that the Federal Aviation Administration (FAA) has determined that the proposed project would not present any hazard to any airport. This determination (dated May 12th) was provided on May 15th.

Balloon Test

Section 20-13-D requires that scaled depictions of the proposed facility be superimposed onto photographs of the balloon test (referred to as a photo simulation or “photosim”). To

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satisfy this photosim requirement, the applicant team conducted a balloon test on Friday May 16th at 9:00am.

During the balloon test, I went to the proposed tower site and observed the balloon and lease area. I then drove around the high school property, Drumheller Orchard Lane, a small residential area on League Lane, and Route 29 to further observe the balloon test and to take photographs.

The balloon was visible from all sites I visited; and it also was apparent that the lease area and ground equipment would be visible from locations to the northeast, east, southeast, and south.

Planning Commission Review and Public Hearing

On May 28th, the Planning Commission conducted a public hearing in accordance with Code of Virginia requirements for public notification and public advertisement. There were no comments from the public.

After reviewing the proposed facility with the applicant, Mr. John Milisitz, and with Ms. Valerie Long of Williams Mullen, the Commission entertained the following motion by Commissioner Russell:

The Planning Commission recommends that the Board of Supervisors approve the Class C Tower Permit #2014-005, based on the application submitted by Mr. John Milisitz from Velocitel, Inc., on behalf of AT&T, to install a 130' Class C telecommunication tower identified as "CV488" on Tax Map parcel #67-A-49 located adjacent to Route 29 with access at 6391 Thomas Nelson Highway, Lovingston, VA. The Planning Commission further recommends that the following conditions be attached to any approval:

- 1. Clarification that the tower height, by Zoning Ordinance regulations, be 130' including all attachments (including lightning rod)*
- 2. Antennas per triangular platform leg (or array or sector) be limited to 3 (as required in Section 20-12-D4)*
- 3. Landscaping requirement (Section 20-12-D9) – all plant materials as submitted on sheet L-1 of site plan packet submission be maintained annually and replaced so as to provide a continual thick buffer*
- 4. The minimum and maximum distances from the pole to the sector (or array or leg of triangular platform) be shown on the site plan packet (Sheet C-2)*
- 5. New appropriate site plan page(s) be submitted for approval by the Planning & Zoning Director before final submittal to the Board of Supervisors.*

The four Planning Commissioners present voted unanimously in favor of this motion.

Please note that the Commission's "recommended conditions" were made in direct connection with existing requirements contained in the Tower Ordinance; they are not new obligations or additional requirements. For example: recommended condition #1 is meant to ensure compliance with §20-4 (specifically "Tower Height" and "Class C Communication Tower" definitions); #2 is meant to ensure compliance with §20-12-D-4; and #3 is meant to ensure compliance with §20-12- D-9-a.

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Additionally, recommended condition #4 was a request originally made by the Site Plan Review Committee at their April 9th meeting to enable an accurate review of the proposed facility relative to §20-13-F-2; and recommended condition #5 is a request that the applicant submit revised documentation to the County to demonstrate that the proposed facility has been sufficiently revised to be fully compliant with all applicable regulations for a Class C Communication Tower.

Summary

In summary, County staff have attempted to evaluate the potential (negative) visual impacts to the immediate vicinity and adjoining properties, with consideration to the potential (positive) benefits of improved cellular coverage and data capacity.

It is clear that due to the proposed tower site being located on the top of a knoll that does not contain any existing vegetation in the immediate vicinity, the tower (and more specifically the ground equipment and security fencing) will be visible from the high school, from the adjoining properties on League Lane and Drumheller Orchard Lane (which contain single-family dwellings), and possibly from Thomas Nelson Highway. However, the applicant team has revised the site plan drawings to include additional landscaping materials on the sides of the ground equipment compound that would be visible from the League Lane neighborhood and from the Nelson County High School.

Regarding improved capacity and expanded coverage, this proposed facility would benefit the high school's day-to-day users, as well as visitors at public school events (such as sports competitions), and other residential sites in the immediate area. Please reference the coverage maps on page 9.

Conclusion & Staff Recommendation

With all of the above factors in mind, and with confirmation that the applicant has properly revised and resubmitted their Site Plan drawings in conjunction with the Planning Commission's "recommended conditions," County staff recommend that the Board of Supervisors consider approving Class C Tower Permit #2014-005 (CV488 / AT&T).

Mr. Padalino noted that this had been the first tower application processed under the replaced Tower Ordinance. He then noted the location of the proposed tower on the 80 acre parcel adjacent to the High School and owned by Ronald Collins, Tax Map #67-A-49.

He added that the proposed site would be on the western edge of property and that there were no trees in the immediate adjacency to the site but there were some 150 feet away. Mr. Padalino noted the revised site plan drawings and relation of the parcel to Thomas Nelson Highway. He added that there would be the potential for colocation at the site; and the tower would be 130 feet tall, the maximum height allowed by the new classifications. Mr. Padalino noted that there would be a platform mount of a triangular shape that would have three (3) antenna per array for a total maximum of nine (9) antenna.

July 8, 2014

He then showed the Board the landscape plan and noted that the applicant had been very responsive to site plan review suggestions. He noted that the bottom of pole was visible to the High School and that they had shifted the landscaping to better screen the bottom of the facility.

Mr. Padalino noted a comparative picture denoting the existing coverage vs. the new coverage with the new tower. He added that a map had been provided by the applicant showing other tower facilities in the area and they complied with the requirement of being outside of a two (2) mile radius of another facility. He then showed photo simulations with balloon test from various locations. He added that the site was visible from Freshwater Cove Lane and that he did not see the balloon from Oak Ridge Road; however the photo simulation suggested it would be visible from there.

Following Mr. Padalino's presentation, the applicant was invited to speak and Ms. Valerie Long, the Attorney representing ATT addressed the Board.

Ms. Long thanked the Board for its work on the new Tower Ordinance and noted she appreciated Mr. Padalino's guidance through the new procedures. Ms. Long then noted that the tower pole would be brown and that the coverage maps shown were ATT's area of coverage. She added that they were projecting they would have seamless coverage along the highway there. She noted that they had worked hard to find a location that balanced the elevation with some screening and that the addition of landscaping around the base of the tower would help shield its visibility. She added that they had also made minor revisions based on the Planning Commission's review.

In response to questions, Ms. Long noted that there was an existing entrance from Route 29 that was essentially an old farm road that would become a gravel road as it approached the tower site. She added that it did pass by Mr. Collin's house; however it was their old driveway.

There being no further questions for the applicant, Ms. Brennan opened the public hearing and the following persons were recognized:

1. Clay Stewart, Arrington

Mr. Stewart noted he hated seeing large towers coming in and he would like to see more local access on this tower. He noted that the Board should request Radio Propagation maps from applicants. He then added that this was a corridor tower for travelers; however it would help Steven's Cove which he could not reach for Broadband expansion and would help the Route 56 corridor towards Shipman. Mr. Stewart then requested that the Board consider a similar lease contract where he could have space set aside on a lower tier to provide for the expansion of his Broadband service.

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

July 8, 2014

Ms. Brennan then inquired as to whether or not SCS could collocate on this tower. Mr. Harvey then noted that there was a difference between this tower and the one in Gladstone. He explained that the County owned the property on which the Gladstone tower was located and it had subleased the top spot on the tower to Mr. Stewart. He noted this was not the case on this tower and the County could not force ATT to do this; however Mr. Stewart could negotiate this with them.

Mr. Harvey then moved to approve the Class C tower permit #2014-005 CV488 for Velocitel on behalf of ATT and Mr. Bruguire seconded the motion.

Mr. Harvey commented that he thought it was ridiculous that tower companies had to provide so much information and that the Engineer's drawings were unreadable by the average person.

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

IV. Other Business (As May Be Presented)

There was no other business considered by the Board.

V. Adjournment

At 7:45 PM, Mr. Harvey moved to adjourn and Mr. Hale seconded the motion. There being no further discussion, Supervisors voted unanimously by voice vote to approve the motion and the meeting adjourned.

**RESOLUTION R2014-53
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>
\$240.51	2012/2013 PP Tax & Vehicle License Fee	Raymond, M. Miller, Jr. 964 Horseshoe Rd. Arrington, VA 22922

Approved: August 12, 2014

Attest: _____, Clerk
Nelson County Board of Supervisors

COUNTY OF NELSON
JEAN W. PAYNE
COMMISSIONER OF REVENUE
P. O. Box 246
Lovington, VA 22949

Telephone: 434-263-7070
Fax: 434-263-7074
Email: jpayne@nelsoncounty.org

August 5, 2014

Mrs. Constance Brennan, Chairperson
Nelson County Board of Supervisors
P. O. Box 336
Lovington, VA 22949

Re: Miller, Jr. Raymond Millard
964 Horseshoe Road Arrington, VA 22922
2004 Harley Davidson FLSTC Motorcycle #1996

This letter shall serve as written request that a 2012/2013 personal property and vehicle license fee refund, including penalty and interest, of \$240.51 be issued to the above referenced taxpayer. The vehicle was sold July 23, 2012.

Supporting data is available in this office for you review.

Respectfully requested,



Jean W. Payne
Commissioner of Revenue

The undersigned has reviewed the request of the Commissioner and consents to the refund requested above.

Phillip D. Payne, IV
County Attorney

RESOLUTION R2014-54
NELSON COUNTY BOARD OF SUPERVISORS
APPROVAL OF EXTENSION OF THE FINAL PLAT FILING DEADLINE
ELK ROCK MEADOW SUBDIVISION

WHEREAS, the Code of Nelson County, Virginia Appendix B, Subdivision Ordinance Article 5, Section 5-E requires that final subdivision plats be recorded in the Circuit Court Clerk's Office within six (6) months of final approval; and

WHEREAS, the final plat for Elk Rock Meadow Subdivision was approved on January 22, 2014 and pursuant to the Subdivision Ordinance, Article 5, Section 5-E, the corresponding recordation deadline was July 22, 2014; and

WHEREAS, on July 21, 2014, Elk Mountain Land Company LLC requested a six (6) month extension of the filing deadline of the final subdivision plat for Elk Rock Meadow Subdivision in order to finalize the financing requirement for road construction; and

WHEREAS, the Nelson County Board of Supervisors has favorably considered the circumstances precipitating the request,

NOW THEREFORE BE IT RESOLVED, by the Nelson County Board of Supervisors that pursuant to Section 15.2- 2241.A.8 of the Code of Virginia, which provides that a longer period to file a final subdivision plat may be approved by the governing body, the request made by Elk Mountain Land Company LLC to extend the filing deadline of the final subdivision plat for Elk Rock Meadow Subdivision for six (6) months is hereby granted.

Approved: August 12, 2014

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: August 6, 2014

**Subject: Staff Report for Approved Elk Rock Meadow Final Subdivision Plat
(Request for Extension to Filing/Recording Deadline)**

Site Address / Location: Howardsville Turnpike / Afton / North District

Tax Map Parcels: #2-A-1C, #3-A-82C, and #3-A-82D

Property Size: 80.86 acres

Zoning: Agriculture (A-1)

Request: Property owner seeks a six (6) month extension to the deadline to file (record) their approved Final Subdivision Plat in the Office of the Clerk of the Circuit Court for Nelson County

Review of Subdivision Application Process To Date

- October 26, 2012: Preliminary Subdivision Plat for “Elk Rock Orchard” submitted
- December 19, 2012: Preliminary Subdivision Plat for “Elk Rock Orchard” approved by PC, establishing a six (6) month deadline to submit a Final Subdivision Plat (by June 19, 2013) (*Subdivision Ord. §5-5-A*)
- December 20, 2012: Board of Supervisors (BOS) approved Exception to §4-5 “Fire Protection,” allowing this project to utilize an off-site dry hydrant for fire protection purposes
- June 17, 2013: County staff approved six (6) month extension for submitting the Final Subdivision Plat (from June 19, 2013 to December 19, 2013) (*Subdivision Ord. §5-5-A*)
- December 19, 2013: Final Subdivision Plat for “Elk Rock Meadow” submitted for review
- January 22, 2014: Final Subdivision Plat for “Elk Rock Meadow” approved by PC, establishing a six (6) month deadline to file (record) the approved plat by July 22, 2014 (*Subdivision Ord. §5-5-E*)
- July 21, 2014: County receives written request from Mrs. Margaret V. Blackmon, representing Elk Mountain Land Company (property owners), seeking approval for a six (6) month extension to extend filing (recording) deadline from July 22, 2014 to January 22, 2015

Staff Comments

1. Please note that the applicant has obtained approval for their Final Subdivision Plat from the Planning Commission on January 22, 2014; and has properly submitted copies of the proposed road plan and profile drawings, as required by §5-5-D-1 and §5-5-D-2 respectively.
2. The applicant has also provided the requested infrastructure cost estimate from Haley, Chisholm & Morris, Inc., which was utilized in setting the amount of the bond for the private streets, as required by §4-2-B of the Subdivision Ordinance. The approved bond estimate (\$242, 250) has been included in this packet. However, the bond has not been secured, which is necessary to accomplish prior to recording of the final plat, as required by §4-2-B. This outstanding issue is a primary reason for this request for an extension.

Mrs. Blackmon provided the following details on August 5th to explain the reasons for this request:

First, my siblings and I have chosen to work with BB&T because we have had our LLC account there since we formed the LLC in 2005 after we inherited the Afton Mountain property from our parents. Mike Boggs encouraged us to also explore working with Rutherford because his company Haley, Chisholm & Morris (HCM) has worked with them. As to why we have not contacted other financial institutions, we recognize that their requirements would be similar. We prefer to continue a relationship with BB&T because it is a local bank and a southeast regional company or to work with Rutherford, with which HCM has a history.

Second, both BB&T and Rutherford want all four members of Elk Mountain Land Company LLC to provide full financial documentation and securitize the letter of credit or bond. One member of the LLC is not participating and we are currently in an extended process of buying out the interests of that member. We were also surprised to discover that our 401k and IRA investments are not assignable to the bank or bonding company as acceptable security.

Third, we are diligently working through these problems, but expect the process could take six months.

In the meantime, we are committed to this project and are making plans to proceed with infrastructure construction.

Staff Summary

In summary, County staff finds no objection to this request for an extension. The applicant team has worked cooperatively, with diligence and detail, throughout the previous steps of this subdivision process. The applicant has stated that this requested six (6) month extension would allow them to resolve any legal and/or financial issues they are currently working through, in order to establish the required bond or secured letter of credit for the permanent improvements.

Therefore, County staff recommends that the Board of Supervisors consider approving this request to extend to the deadline for filing (recording) the approved Final Subdivision Plat for Elk Rock Meadow Subdivision until January 22, 2015.

Thank you for your attention to this request; please contact me if you have any questions about this report, or if I may be of assistance in any other way.

Elk Mountain Land Company LLC
4486 Howardsville Turnpike
Afton, Virginia 22920

Margaret VanDeman Blackmon
1808 Artillery Ridge Road
Fredericksburg, Virginia 22408
434-603-1941
margaretblackmon@gmail.com

July 21, 2014

Mr. Stephen A. Carter, County Administrator
Mr. Timothy M. Padalino, Director of Planning and Zoning
P. O. Box 558
80 Front Street
Lovingston, Virginia 22949

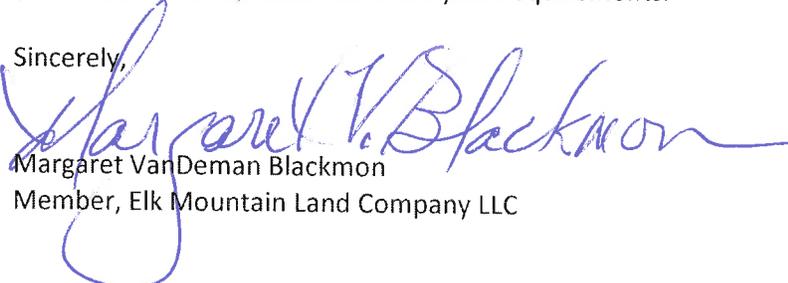
Dear Mr. Padalino and Mr. Carter,

On behalf of the Elk Mountain Land Company LLC, I write this letter on July 21 and request a six-month extension for filing and recording the final plat for Elk Rock Meadow subdivision. Because the initial approval was January 22 of this year, July 22 is the deadline for filing. Bryan Ray has delivered the final plat. Mike Boggs, my brother Edward, and I have completed the CC&Rs. We have not, however, finalized the bond or letter of credit to meet the financing requirement of \$242,500 for road construction. We plan to continue to negotiate with Bryan Thomas at BB&T and with Kathy Moore and Clint Diers at Rutherford.

My siblings and I appreciate your providing this request to the Nelson County Board of Supervisors for their review at the August 12th meeting.

Thank you for your assistance with this important matter. I am mailing a copy of this letter to each of you in case an email does not meet your requirements.

Sincerely,


Margaret VanDeman Blackmon
Member, Elk Mountain Land Company LLC



June 16, 2014

Ms. Margaret VanDeman Blackmon, Ed. D.
Elk Mountain Land Company
1808 Artillery Ridge Road
Fredericksburg, Virginia 22408
margaretblackmon@gmail.com

Dear Ms. Blackmon,

Thank you for inquiring about the required bond for the improvements at the Elk Rock Meadow Subdivision project, which was approved by the Nelson County Planning Commission on January 22nd, 2014.

Regarding Elk Rock Meadow Subdivision, this letter is being sent to confirm the following:

- (1) Pursuant to Subdivision Ordinance §4-2-B; and based on the project cost estimate (attached) provided by Mr. Michael T. Boggs, President & CEO of Haley, Chisholm & Morris, Inc. (dated January 24th, 2014); and also based on subsequent information provided by Mr. Boggs to the County on January 29th, **the bond amount for proposed improvements at Elk Rock Meadow Subdivision shall be set at \$242,500.** Please note that this amount accounts for the estimate plus a “reasonable allowance for estimated administrative costs, inflation,” etc. pursuant to Subdivision Ordinance §4-2-B.
- (2) Pursuant to Subdivision Ordinance §4-2-C, **your proposed project completion date of July 15, 2015 is accepted.** Please note that the ordinance authorizes the County to call the bond due if the bonded improvements are not completed by this date and if no new completion date has been approved by the Planning Commission.

To comply with the bonding requirements, please note the following language contained in §4-2-B:

B. Bonding requirements.

The Agent shall require the bonding of all private streets and all improvements to be dedicated to public use. The developer/subdivider shall, prior to recordation of the final plat, comply with any bonding requirement by one of the following procedures:

- (1) Provide certification, supported by documentation, to the Agent that the construction costs of improvements have been paid to the person constructing such improvements.*
- (2) Furnish to the Agent a certified check in the amount of the estimated cost of construction; or a bond, with surety satisfactory to the Agent, in an amount sufficient for and conditioned upon the construction of such improvements; or a contract for the construction of such improvements with the contractor's bond, with surety.*
- (3) Furnish to the Agent a bank or savings and loan association's letter of credit on certain designated funds satisfactory to the Agent as to the bank or savings and loan association, the amount of credit and the form thereof.*

The amount of such certified check, cash escrow, bond or letter of credit shall not exceed the total of the estimated cost of construction based on unit prices for new public or private sector construction in the locality and a reasonable allowance for estimated administrative costs, inflation, and potential damage to existing roads or utilities.

Additionally, please note the following requirements for the final complete release of the bond, as contained in Subdivision Ordinance §4-2-E and §4-2-F:

E. Final Complete Release of Bond.

After the completion of all improvements required by this Ordinance to be constructed under a bond or other performance guarantee described in subsection 4-2 B., the developer /subdivider shall give written notice of completion to the Agent and request the final complete release of any bond or other performance guarantee. The Agent shall within thirty (30) days after receipt of such documentation accept the improvements or notify the developer /subdivider, in writing of specific defects or deficiencies in construction and of suggested corrective measures, or of nonreceipt of approval by applicable state agency. If no action is taken by the Agent within thirty (30) days the request shall be deemed approved and accepted, and final complete release of the bond or other performance guarantee granted to the developer /subdivider.

F. Completion and Acceptance of Bonded Improvements.

- (1) *For the purposes of subsections 4-2 D. and 4-2 E., a certificate of partial or final completion of such improvements from either a duly licensed professional engineer or land surveyor, as defined in and limited to Title 54.1 of the Virginia Code, or from a department or agency designated by the Agent may be accepted by the Agent without further inspection of such improvements.*
- (2) *For the purpose of final release the term “acceptance” is deemed to mean: when said improvement is accepted by the County or accepted by and taken over for operation and maintenance by a state agency, local government department or agency, or other public authority which is responsible for the operation and maintenance of such improvements upon acceptance.*

If you have any questions regarding this matter, or if you wish to request assistance, please feel free to contact the Department of Planning & Zoning at any time.

Thank you very much. Sincerely,



Timothy M. Padalino

Director of Planning & Zoning | tpadalino@nelsoncounty.org

CC: Mr. Stephen A. Carter | Nelson County Administrator
Mr. David Thompson | Nelson County Building Code Official
Mr. Michael T. Boggs | President & CEO | Haley, Chisholm & Morris, Inc.

Candy McGarry

From: Tim Padalino
Sent: Monday, August 04, 2014 4:43 PM
To: Steve Carter; Candy McGarry
Cc: Stormy Hopkins
Subject: FW: Request Six-Month Extension Elk Mt LLC

As requested, here is Margaret Blackmon's explanation of her request for an extension to the filing deadline for her approved final subdivision plat (below). I'll include this info in the BOS staff report (forthcoming).

Thanks,

Tim Padalino
[434]-263-7090

From: Tim Padalino
Sent: Monday, August 04, 2014 4:41 PM
To: 'Margaret Blackmon'
Subject: RE: Request Six-Month Extension Elk Mt LLC

As always, you're welcome. I'll pass this info along. Thank you for providing some additional explanation in written format.

Please let me know if you have questions, or if you need anything, leading up to next week's Board of Supervisors meeting.

Thanks again,
Tim

Tim Padalino
[434]-263-7090

From: Margaret Blackmon [<mailto:margaretblackmon@gmail.com>]
Sent: Monday, August 04, 2014 3:01 PM
To: Tim Padalino
Cc: Ed Van Deman; John Van Deman; Michael T. Boggs
Subject: Request Six-Month Extension Elk Mt LLC

Tim, thank you for your assistance and email.

As I promised, I am getting back to you regarding our Elk Mountain LLC request to extend the time for our final plat approval of the 68-acre Elk Rock Meadow development. I will address your three questions.

First, my siblings and I have chosen to work with BB&T because we have had our LLC account there since we formed the LLC in 2005 after we inherited the Afton Mountain property from our parents. Mike Boggs encouraged us to also explore working with Rutherford because his company Haley, Chisholm & Morris (HCM) has worked with them. As to why we have not contacted other financial institutions, we recognize that their requirements would be similar. We prefer to continue a relationship with BB&T because it is a local bank and a southeast regional company or to work with Rutherford, with which HCM has a history.

Second, both BB&T and Rutherford want all four members of Elk Mountain Land Company LLC to provide full financial documentation and securitize the letter of credit or bond. One member of the LLC is not participating and we are currently in an extended process of buying out the interests of that member.

We were also surprised to discover that our 401k and IRA investments are not assignable to the bank or bonding company as acceptable security.

Third, we are diligently working through these problems, but expect the process could take six months.

In the meantime, we are committed to this project and are making plans to proceed with infrastructure construction.

Thank you again for your help with this important process.

--

Margaret

Margaret VanDeman Blackmon
Member, Elk Mountain Land Company LLC
4486 Howardsville Turnpike
Afton, Virginia 22920

Executive Coach
Virginia Association of School Superintendents
Executive Director Emerita
Women Education Leaders in Virginia
margaretblackmon@gmail.com
Fredericksburg, Virginia
434-603-1941
welv.org



§ 15.2-2241. Mandatory provisions of a subdivision ordinance.

A. A subdivision ordinance shall include reasonable regulations and provisions that apply to or provide:

1. For plat details which shall meet the standard for plats as adopted under § [42.1-82](#) of the Virginia Public Records Act (§ [42.1-76](#) et seq.);
2. For the coordination of streets within and contiguous to the subdivision with other existing or planned streets within the general area as to location, widths, grades and drainage, including, for ordinances and amendments thereto adopted on or after January 1, 1990, for the coordination of such streets with existing or planned streets in existing or future adjacent or contiguous to adjacent subdivisions;
3. For adequate provisions for drainage and flood control, for adequate provisions related to the failure of impounding structures and impacts within dam break inundation zones, and other public purposes, and for light and air, and for identifying soil characteristics;
4. For the extent to which and the manner in which streets shall be graded, graveled or otherwise improved and water and storm and sanitary sewer and other public utilities or other community facilities are to be installed;
5. (Effective until July 1, 2017) For the acceptance of dedication for public use of any right-of-way located within any subdivision or section thereof, which has constructed or proposed to be constructed within the subdivision or section thereof, any street, curb, gutter, sidewalk, bicycle trail, drainage or sewerage system, waterline as part of a public system or other improvement dedicated for public use, and maintained by the locality, the Commonwealth, or other public agency, and for the provision of other site-related improvements required by local ordinances for vehicular ingress and egress, including traffic signalization and control, for public access streets, for structures necessary to ensure stability of critical slopes, and for storm water management facilities, financed or to be financed in whole or in part by private funds only if the owner or developer (i) certifies to the governing body that the construction costs have been paid to the person constructing such facilities or, at the option of the local governing body, presents evidence satisfactory to the governing body that the time for recordation of any mechanics lien has expired or evidence that any debt for said construction that may be due and owing is contested and further provides indemnity with adequate surety in an amount deemed sufficient by the governing body or its designated administrative agency; (ii) furnishes to the governing body a certified check or cash escrow in the amount of the estimated costs of construction or a personal, corporate or property bond, with surety satisfactory to the governing body or its designated

administrative agency, in an amount sufficient for and conditioned upon the construction of such facilities, or a contract for the construction of such facilities and the contractor's bond, with like surety, in like amount and so conditioned; or (iii) furnishes to the governing body a bank or savings institution's letter of credit on certain designated funds satisfactory to the governing body or its designated administrative agency as to the bank or savings institution, the amount and the form. The amount of such certified check, cash escrow, bond, or letter of credit shall not exceed the total of the estimated cost of construction based on unit prices for new public or private sector construction in the locality and a reasonable allowance for estimated administrative costs, inflation, and potential damage to existing roads or utilities, which shall not exceed 10 percent of the estimated construction costs. If the owner or developer defaults on construction of such facilities, and such facilities are constructed by the surety or with funding from the aforesaid check, cash escrow, bond or letter of credit, the locality shall be entitled to retain or collect the allowance for administrative costs to the extent the costs of such construction do not exceed the total of the originally estimated costs of construction and the allowance for administrative costs. "Such facilities," as used in this section, means those facilities specifically provided for in this section.

If a developer records a final plat which may be a section of a subdivision as shown on an approved preliminary subdivision plat and furnishes to the governing body a certified check, cash escrow, bond, or letter of credit in the amount of the estimated cost of construction of the facilities to be dedicated within said section for public use and maintained by the locality, the Commonwealth, or other public agency, the developer shall have the right to record the remaining sections shown on the preliminary subdivision plat for a period of five years from the recordation date of any section, or for such longer period as the local commission or other agent may, at the approval, determine to be reasonable, taking into consideration the size and phasing of the proposed development, subject to the terms and conditions of this subsection and subject to engineering and construction standards and zoning requirements in effect at the time that each remaining section is recorded. In the event a governing body of a county, wherein the highway system is maintained by the Department of Transportation, has accepted the dedication of a road for public use and such road due to factors other than its quality of construction is not acceptable into the secondary system of state highways, then such governing body may, if so provided by its subdivision ordinance, require the subdivider or developer to furnish the county with a maintenance and indemnifying bond, with surety satisfactory to the governing body or its designated administrative agency, in an amount sufficient for and conditioned upon the maintenance of such road until such time as it is accepted into the secondary system of state highways. In lieu of such bond, the governing body or its designated administrative agency may accept a bank or savings institution's letter of credit on certain designated funds satisfactory to the governing body or its designated administrative agency as to the bank or savings institution, the amount and the form, or accept payment of a negotiated sum of money sufficient for and conditioned upon the maintenance of such road until such time as it is accepted into the secondary system of state highways and assume the subdivider's or developer's liability for maintenance of

such road. "Maintenance of such road" as used in this section, means maintenance of the streets, curb, gutter, drainage facilities, utilities or other street improvements, including the correction of defects or damages and the removal of snow, water or debris, so as to keep such road reasonably open for public usage.

As used in this section, "designated administrative agency" means the planning commission of the locality or an agent designated by the governing body of the locality for such purpose as set forth in §§ [15.2-2258](#) through [15.2-2261](#);

5. (Effective July 1, 2017) For the acceptance of dedication for public use of any right-of-way located within any subdivision or section thereof, which has constructed or proposed to be constructed within the subdivision or section thereof, any street, curb, gutter, sidewalk, bicycle trail, drainage or sewerage system, waterline as part of a public system or other improvement dedicated for public use, and maintained by the locality, the Commonwealth, or other public agency, and for the provision of other site-related improvements required by local ordinances for vehicular ingress and egress, including traffic signalization and control, for public access streets, for structures necessary to ensure stability of critical slopes, and for storm water management facilities, financed or to be financed in whole or in part by private funds only if the owner or developer (i) certifies to the governing body that the construction costs have been paid to the person constructing such facilities or, at the option of the local governing body, presents evidence satisfactory to the governing body that the time for recordation of any mechanics lien has expired or evidence that any debt for said construction that may be due and owing is contested and further provides indemnity with adequate surety in an amount deemed sufficient by the governing body or its designated administrative agency; (ii) furnishes to the governing body a certified check or cash escrow in the amount of the estimated costs of construction or a personal, corporate or property bond, with surety satisfactory to the governing body or its designated administrative agency, in an amount sufficient for and conditioned upon the construction of such facilities, or a contract for the construction of such facilities and the contractor's bond, with like surety, in like amount and so conditioned; or (iii) furnishes to the governing body a bank or savings institution's letter of credit on certain designated funds satisfactory to the governing body or its designated administrative agency as to the bank or savings institution, the amount and the form. The amount of such certified check, cash escrow, bond, or letter of credit shall not exceed the total of the estimated cost of construction based on unit prices for new public or private sector construction in the locality and a reasonable allowance for estimated administrative costs, inflation, and potential damage to existing roads or utilities, which shall not exceed 25 percent of the estimated construction costs. If the owner or developer defaults on construction of such facilities, and such facilities are constructed by the surety or with funding from the aforesaid check, cash escrow, bond or letter of credit, the locality shall be entitled to retain or collect the allowance for administrative costs to the extent the costs of such construction do not exceed the total of the originally estimated costs of construction and the allowance for

administrative costs. "Such facilities," as used in this section, means those facilities specifically provided for in this section.

If a developer records a final plat which may be a section of a subdivision as shown on an approved preliminary subdivision plat and furnishes to the governing body a certified check, cash escrow, bond, or letter of credit in the amount of the estimated cost of construction of the facilities to be dedicated within said section for public use and maintained by the locality, the Commonwealth, or other public agency, the developer shall have the right to record the remaining sections shown on the preliminary subdivision plat for a period of five years from the recordation date of any section, or for such longer period as the local commission or other agent may, at the approval, determine to be reasonable, taking into consideration the size and phasing of the proposed development, subject to the terms and conditions of this subsection and subject to engineering and construction standards and zoning requirements in effect at the time that each remaining section is recorded. In the event a governing body of a county, wherein the highway system is maintained by the Department of Transportation, has accepted the dedication of a road for public use and such road due to factors other than its quality of construction is not acceptable into the secondary system of state highways, then such governing body may, if so provided by its subdivision ordinance, require the subdivider or developer to furnish the county with a maintenance and indemnifying bond, with surety satisfactory to the governing body or its designated administrative agency, in an amount sufficient for and conditioned upon the maintenance of such road until such time as it is accepted into the secondary system of state highways. In lieu of such bond, the governing body or its designated administrative agency may accept a bank or savings institution's letter of credit on certain designated funds satisfactory to the governing body or its designated administrative agency as to the bank or savings institution, the amount and the form, or accept payment of a negotiated sum of money sufficient for and conditioned upon the maintenance of such road until such time as it is accepted into the secondary system of state highways and assume the subdivider's or developer's liability for maintenance of such road. "Maintenance of such road" as used in this section, means maintenance of the streets, curb, gutter, drainage facilities, utilities or other street improvements, including the correction of defects or damages and the removal of snow, water or debris, so as to keep such road reasonably open for public usage.

As used in this section, "designated administrative agency" means the planning commission of the locality or an agent designated by the governing body of the locality for such purpose as set forth in §§ [15.2-2258](#) through [15.2-2261](#);

6. For conveyance of common or shared easements to franchised cable television operators furnishing cable television and public service corporations furnishing cable television, gas, telephone and electric service to the proposed subdivision. Once a developer conveys an easement that will permit electric, cable or telephone service to be furnished to a subdivision, the developer shall, within 30 days after written request by a cable television operator or telephone service provider, grant an easement to that cable television

operator or telephone service provider for the purpose of providing cable television and communications services to that subdivision, which easement shall be geographically coextensive with the electric service easement, or if only a telephone or cable service easement has been granted, then geographically coextensive with that telephone or cable service easement; however, the developer and franchised cable television operator or telephone service provider may mutually agree on an alternate location for an easement. If the final subdivision plat is recorded and does not include conveyance of a common or shared easement as provided herein, the local planning commission or agent designated by the governing body to review and act on submitted subdivision plats shall not be responsible to enforce the requirements of this subdivision;

7. For monuments of specific types to be installed establishing street and property lines;

8. That unless a plat is filed for recordation within six months after final approval thereof or such longer period as may be approved by the governing body, such approval shall be withdrawn and the plat marked void and returned to the approving official; however, in any case where construction of facilities to be dedicated for public use has commenced pursuant to an approved plan or permit with surety approved by the governing body or its designated administrative agency, or where the developer has furnished surety to the governing body or its designated administrative agency by certified check, cash escrow, bond, or letter of credit in the amount of the estimated cost of construction of such facilities, the time for plat recordation shall be extended to one year after final approval or to the time limit specified in the surety agreement approved by the governing body or its designated administrative agency, whichever is greater;

9. For the administration and enforcement of such ordinance, not inconsistent with provisions contained in this chapter, and specifically for the imposition of reasonable fees and charges for the review of plats and plans, and for the inspection of facilities required by any such ordinance to be installed; such fees and charges shall in no instance exceed an amount commensurate with the services rendered taking into consideration the time, skill and administrator's expense involved. All such charges heretofore made are hereby validated;

10. For reasonable provisions permitting a single division of a lot or parcel for the purpose of sale or gift to a member of the immediate family of the property owner in accordance with the provisions of § [15.2-2244](#); and

11. For the periodic partial and final complete release of any bond, escrow, letter of credit, or other performance guarantee required by the governing body under this section in accordance with the provisions of § [15.2-2245](#).

B. No locality shall require that any certified check, cash escrow, bond, letter of credit or other performance guarantee furnished

pursuant to this chapter apply to, or include the cost of, any facility or improvement unless such facility or improvement is shown or described on the approved plat or plan of the project for which such guarantee is being furnished. Furthermore, the terms, conditions, and specifications contained in any agreement, contract, performance agreement, or similar document, however described or delineated, between a locality or its governing body and an owner or developer of property entered into pursuant to this chapter in conjunction with any performance guarantee, as described in this subsection, shall be limited to those items depicted or provided for in the approved plan, plat, permit application, or similar document for which such performance guarantee is applicable.

(Code 1950, §§ 15-781, 15-967.1; 1950, p. 183; 1962, c. 407, § 15.1-466; 1970, c. 436; 1973, cc. 169, 480; 1975, c. 641; 1976, c. 270; 1978, cc. 429, 439, 440; 1979, cc. 183, 188, 395; 1980, cc. 379, 381; 1981, c. 348; 1983, cc. 167, 609; 1984, c. 111; 1985, cc. 422, 455; 1986, c. 54; 1987, c. 717; 1988, cc. 279, 735; 1989, cc. 332, 393, 403, 495; 1990, cc. 170, 176, 287, 708, 973; 1991, cc. 30, 47, 288, 538; 1992, c. 380; 1993, cc. 836, 846, 864; 1994, c. [421](#); 1995, cc. [386](#), [388](#), [389](#), [452](#), [457](#), [474](#); 1996, cc. [77](#), [325](#), [452](#), [456](#); 1997, cc. [587](#), [737](#); 2002, c. [517](#); 2004, c. [952](#); 2006, c. [670](#); 2008, cc. [491](#), [718](#); 2009, cc. [193](#), [194](#); 2010, cc. [149](#), [766](#); 2011, c. [512](#); 2012, c. [468](#).)

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Section 5. Platting.

5-1

General Requirements.

Approval Required. Except as provided in subsection 3-2 A., any developer/subdivider desiring to subdivide a tract of land situated within Nelson County shall cause a preliminary plat of the proposed subdivision to be made and shall submit the same for approval pursuant to the terms of this ordinance. The preliminary plat must be submitted to the agent's office at least forty-five (45) days prior to the public hearing. After approval of the preliminary plat the subdivider/developer shall cause a final plat of the proposed subdivision to be made in accordance with the requirements of this Ordinance and shall submit the same for review forty-five (45) days prior to the public hearing.

(Ord. No. O2013-02, § 1, 3-12-13)

5-2

Changes on Preliminary Plats or Final Plats. No change or erasure or revision shall be made on any preliminary or final plat, nor on any accompanying data sheets unless authorization for such change has been granted in writing by the agent.

5-3

Preliminary Sketch. Before the preparation of any preliminary plat, the developer/subdivider may, if he so chooses, submit to the agent a preliminary sketch. The purpose of the preliminary sketch is to permit the agent to advise the developer/subdivider in general whether his plans are in accordance with the requirements of this ordinance, and to assure that the applicant is made aware of applicable requirements of existing ordinances and applicable amendments which are pending.

5-4

Preliminary Plat.

- A. General Requirements. Four (4) copies of the preliminary plat prepared by a person qualified to do such work, including but not limited to land planners, urban planners, professional engineers and surveyors, or persons having training or experience in subdivision planning or design shall be filed with the agent. The preliminary plat shall be drawn to a scale of one hundred (100) feet to the inch. Where conditions warrant, an alternate scale may be approved by the agent.
- B. Contents of Preliminary Plat. The preliminary plat shall show the following:
 - (1) A topographic map with a contour interval of not greater than twenty (20) feet (or as approved by the agent) showing all the area covered by the proposed subdivision property related to Coast and Geodetic Survey data with the boundary lines of the tract to be subdivided and the 100-year flood plain limits delineated where applicable.
 - (2) The approximate total acreage of the proposed subdivision, proposed location of lots, lot numbers in numerical order, approximate dimensions and area of each lot, and block identification.
 - (3) The approximate location, width, and names of all existing or proposed streets within or adjacent to the proposed subdivision; the approximate loca

tions of all railroads, watercourses, and existing buildings shown on Coast and Geodetic Survey maps or other topographic data and located within the boundaries of the proposed subdivision.

- (4) The approximate location of all parcels of land intended to be dedicated, or reserved for public use, or to be reserved in the deed for the common use of property owners in the subdivision.
- (5) The title under which the subdivision is proposed to be recorded, the names and addresses of the record owner and developer/subdivider, the name of the individual who prepared the plat, the date of drawing, number of sheets, the North point, and the scale.
- (6) A vicinity sketch map of the area within a two-mile radius of the proposed subdivision showing the relationship of the proposed subdivision to the adjoining property; and showing all adjoining roads, their names and numbers, and other landmarks.
- (7) Proposed provisions for all utilities including but not limited to electric, telephone, water and sewage.

5-5

Final Plat.

- A. **When to File Final Plat.** A developer/subdivider shall file, within six (6) months after approval of the preliminary plat, in the office of the agent, a final subdivision plat prepared in accordance with this ordinance. Failure to do so shall render approval of the preliminary plat null and void. On written request by the developer/subdivider, the agent, in his discretion, may grant an extension of this filing requirement, not to exceed six (6) months.
- B. **General Requirements.** The subdivision plat submitted for final approval shall be clearly and legibly drawn on scale true material at a scale of one hundred (100) feet to the inch. Where conditions warrant, an alternate scale may be approved by the agent.

The plat shall be prepared by a certified professional engineer or a Virginia licensed land surveyor and shall meet all platting requirements set forth by the Virginia Board governing land surveyors. The plat preparer shall affix upon the plat a certificate signed by him, stating the source of the title of the owner of the land subdivided, and the place of record of the last instrument in the chain of title. When the plat is of land acquired from more than one source of title, the outlines of the several tracts shall be indicated upon said plat, and all the title sources stated.

Three (3) copies and the original plat shall be submitted to the agent.

- C. **Contents of Final Plat.** The final plat shall include the following:
 - (1) The signature and seal of the certified professional engineer or Virginia licensed land surveyor.
 - (2) A statement that: "The subdivision of the land described herein is with the free consent and in accordance with the desire of the undersigned owners, proprietors, and trustees." This statement shall be signed by such persons and duly acknowledged before an officer authorized to take acknowledgements of deeds.
 - (3) The boundary lines of the area being subdivided which have been determined by a current and accurate field survey, with bearings shown in degrees, minutes, and seconds to the nearest ten (10) seconds; and with dimensions shown in feet to the nearest hundredth of a foot, total area in each proposed use shown in acres to the nearest hundredth of an acre; and with the 100-year flood plain delineated.
 - (4) Identification on the plat of any part of the proposed subdivision land which lies in a drainage district.

- (5) Identification on the plat of any visible grave, object or structure which marks a place of burial located on the proposed subdivision land.
- (6) Location of minimum building setback lines specified in this ordinance and the zoning ordinance.
- (7) Location and description of all permanent monuments and/or reference monuments pursuant to the requirements set forth in Section 4-6(K). Monuments found or installed prior to plat recordation may be referred to if permanent and undisturbed.
- (8) A definite bearing and distance tie shown between two (2) or more permanent monuments on the exterior boundaries of the subdivision, and further tie to existing street intersections or to a point/s approved by the agent.
- (9) The accurate location and dimensions by bearings and distances (with all curve data) of all lots and street lines and center lines of streets; boundaries of all proposed or existing easements, parks and school sites; all streets with their names, numbers and widths; existing utilities, watercourses and their names; names of owners and their property lines, with deed book reference and tax parcel number, both within the boundaries of the subdivision and adjoining said boundaries.
- (10) Location of proposed dry hydrants and their water sources, fire ponds, or other water sources appropriate for fire control along with delineation of vehicular access easement to such water sources.
- (11) Signature spaces for "Approved" by the Agent.
- (12) Certificates. The following certificates, in addition to that required in Section 5-5(c)(2), shall appear on the final plat, where appropriate:
 - a. Certifications by subdivider. In the event that streets in a subdivision will not be constructed to meet the standards for inclusion in the secondary system of state highways:

"The streets in this subdivision do not meet state standards and will not be maintained by VDOT or the County of Nelson."

DATE SUBDIVIDER

In subdivisions in which individual wells are to be utilized:

"Approval of this subdivision plat by the County of Nelson does not certify or guarantee the purchaser of the presence of adequate subterranean water to support the purposes of this subdivision."

DATE SUBDIVIDER

- b. Certification by the Virginia Department of Transportation:

"The streets in this subdivision are not intended for inclusion in the system of State highways and will not be maintained by the Department of Transportation or the County and are not eligible for rural addition funds or any other funds appropriated by the General Assembly and allocated by the Commonwealth Transportation Board."

DATE SUBDIVIDER

- c. Certification by the Nelson County Health Department:

"This subdivision is approved for individual onsite sewage systems in accordance with the provisions of the Code of Virginia, and the Sewage Handling and Disposal Regulations (12 VAC 5-610-10 et seq., the "Regulations"), and local ordinances if the locality has

authorized the local health department to accept private evaluations for compliance with local ordinances.

"This subdivision was submitted to the Health Department for review pursuant to Section 32.1-163.5 of the Code of Virginia which requires the Health Department to accept private soil evaluations and designs from an Authorized Onsite Soil Evaluator (AOSE) or a Professional Engineer working in consultation with an AOSE for residential development. The Department is not required to perform a field check of such evaluations. This subdivision was certified as being in compliance with the Board of Health's regulations by:

(_____). This subdivision approval is issued in reliance upon that certification.

"Pursuant to Section 360 of the Regulations, this approval is not an assurance that Sewage Disposal System Construction Permits will be issued for any lot in the subdivision unless that lot is specifically identified as having an approved site for an onsite sewage disposal system, and unless all conditions and circumstances are present at the time of application for a permit as are present at the time of this approval. This subdivision may contain lots that do not have approved sites for onsite sewage systems.

"This subdivision approval is issued in reliance upon the certification that approved lots are suitable for "traditional systems"; however, actual system designs may be different at the time construction permits are issued."

If the approved onsite sewage system and well sites are not shown on the final plat of record, then a statement must be printed on the plat:

"The approved onsite sewage system and well sites are not shown on this plat. Those sites are shown on a separate plat on file in the Nelson County Health Department."

"Approved by the Nelson County Health Department".

DATE HEALTH OFFICIAL

D. Addenda with Final Plat.

- (1) A profile showing the proposed grades for the streets and drainage facilities, including elevations of existing and proposed ground surfaces at all street intersections and at points of major grade change along the center line of streets, together with the proposed gradelines connecting therewith.
- (2) Cross-section drawings showing the proposed street construction of all streets which are required by this ordinance to be built to standards of the Virginia Department of Transportation or to standards specified in this ordinance for private streets.
- (3) Certification from the Virginia Department of Transportation that specifications for streets which may be taken into its secondary road system and specifications for entrances onto such streets and onto public streets meet the standards of the Virginia Department of Transportation.
- (4) An erosion and sedimentation control plan if required by the Nelson County Code.
- (5) A soil report if required under subsection 4-4 D.
- (6) Specifications for any gas, water, sewer, electric light or power works, pipes, wires, fixtures, or systems to be constructed in, on or under any streets or alleys in a subdivision.
- (7) A report filed by the agent listing all authorized exceptions to the enforcement of the provisions of this ordinance, with detailed reason/s for each exception.
- (8) All necessary easements to the boundary of the Subdivision for utilities.

E.

Recording of Final Plat. Approval of the final plat shall be void unless the approved plat is presented or recordation in the clerk's office for the Circuit Court of Nelson County within six (6) months after approval. No subdivision plat shall be recorded by the clerk of the Circuit Court for Nelson County until it has been submitted to and been approved by the Agent or the Planning Commission.

(Res. of 11-8-94; Ord. No. O2007-004, 5-21-07; Ord. No. O2013-02, § 1, 3-12-13)

**RESOLUTION R2014-55
NELSON COUNTY BOARD OF SUPERVISORS
LOCAL GOVERNING BODY CONCURRENCE WITH SCHOOL DIVISION
ELECTING TO PAY THE VRS BOARD-CERTIFIED RATE
(IN ACCORDANCE WITH THE 2014 APPROPRIATION ACT ITEM 468(H))**

BE IT RESOLVED, that Nelson County, employer code 55162, does hereby acknowledge that the Nelson County Public School Division has made the election for its contribution rate to be based on the employer contribution rates certified by the Virginia Retirement System Board of Trustees pursuant to Virginia Code § 51.1-145(1) resulting from the June 30, 2013 actuarial value of assets and liabilities (the "Certified Rate"); and

BE IT ALSO RESOLVED, that Nelson County, employer code 55162, does hereby certify to the Virginia Retirement System Board of Trustees that it concurs with the election of the Nelson County Public School Division to pay the Certified Rate, as required by Item 468(H) of the 2014 Appropriation Act; and

NOW, THEREFORE, the officers of Nelson County, employer code 55162, are hereby authorized and directed in the name of Nelson County to execute any required contract to carry out the provisions of this resolution. In execution of any such contract which may be required, the seal of Nelson County, as appropriate, shall be affixed and attested by the Clerk.

Adopted: August 12, 2014

Attest: _____, Clerk
Nelson County Board of Supervisors

Locality Board Chairman

CERTIFICATE

I, Stephen A. Carter, Clerk of the Nelson County Board of Supervisors certify that the foregoing is a true and correct copy of a resolution passed by the Nelson County Board of Supervisors and ratified by the Nelson County Board of Supervisors at a lawfully organized meeting of the Nelson County Board of Supervisors held at the General District Courtroom in Lovington, Virginia at 2:00 o'clock on August 12, 2014. Given under my hand and seal of the Nelson County Board of Supervisors, this 12th day of August 2014.



NELSON COUNTY PUBLIC SCHOOLS
84 Courthouse Square, P.O. Box 276
Lovington, VA 22949
Telephone (434) 260-7646 - Fax (434) 263-7115
www.nelson.k12.va.us

DATE: May 15, 2014

SUBJECT: VRS Resolution – Employer Retirement Contribution Rate Election

RECOMMENDATION: The attached resolution is recommended.

RATIONALE: 2014 Appropriation Act Item 468(H).

COST: N/A

REFERENCE: Code of Va. §22.1-78

Local Governing Body Concurrence with School Division
Electing to Pay the VRS Board-Certified Rate

(In accordance with the 2014 Appropriation Act Item 468(H))

Resolution

BE IT RESOLVED, that _____ [Locality Name] [employer code] does hereby acknowledge that the Nelson County Public School Division has made the election for its contribution rate to be based on the employer contribution rates certified by the Virginia Retirement System Board of Trustees pursuant to Virginia Code § 51.1-145(I) resulting from the June 30, 2013 actuarial value of assets and liabilities (the "Certified Rate"); and

BE IT ALSO RESOLVED, that Nelson County [062] does hereby certify to the Virginia Retirement System Board of Trustees that it concurs with the election of the Nelson County Public School Division to pay the Certified Rate, as required by Item 468(H) of the 2014 Appropriation Act; and

NOW, THEREFORE, the officers of _____ [Locality Name] [employer code] are hereby authorized and directed in the name of Nelson County to execute any required contract to carry out the provisions of this resolution. In execution of any such contract which may be required, the seal of Nelson County, as appropriate, shall be affixed and attested by the Clerk.

Locality Board Chairman

CERTIFICATE

I, _____, Clerk of the _____ [Locality Name], certify that the foregoing is a true and correct copy of a resolution passed by the _____ [Locality Name] and ratified by the _____ [Locality Name] at a lawfully organized meeting of the _____ [Locality Name] held at _____, Virginia at _____ o'clock on _____, 2014. Given under my hand and seal of the _____ [Locality Name] this _____ day of _____, 2014.

Clerk

This resolution must be passed prior to July 1, 2014 and received by VRS no later than July 10, 2014.

Employer Contribution Rates for Counties, Cities,
Towns, School Divisions and Other Political Subdivisions
(In accordance with the 2014 Appropriation Act Item 468(H))

Resolution

BE IT RESOLVED, that the Nelson County School Board (55562) does hereby acknowledge that its contribution rates effective July 1, 2014 shall be based on the higher of a) the contribution rate in effect for FY 2014, or b) eighty percent of the results of the June 30, 2013 actuarial valuation of assets and liabilities as approved by the Virginia Retirement System Board of Trustees for the 2014-16 biennium (the "Alternate Rate") provided that, at its option, the contribution rate may be based on the employer contribution rates certified by the Virginia Retirement System Board of Trustees pursuant to Virginia Code § 51.1-145(I) resulting from the June 30, 2013 actuarial value of assets and liabilities (the "Certified Rate"); and

BE IT ALSO RESOLVED, that the [Locality, School Division, or Other Political Subdivision Name] [employer code] does hereby certify to the Virginia Retirement System Board of Trustees that it elects to pay the following contribution rate effective July 1, 2014:

(Check only one box)

The Certified Rate of 8.41 % The Alternate Rate of _____%; and

BE IT ALSO RESOLVED, that the [Locality, School Division, or Other Political Subdivision Name] [employer code] does hereby certify to the Virginia Retirement System Board of Trustees that it has reviewed and understands the information provided by the Virginia Retirement System outlining the potential future fiscal implications of any election made under the provisions of this resolution; and

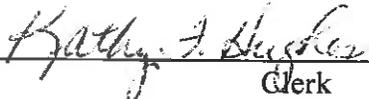
NOW, THEREFORE, the officers of [Locality, School Division, or Other Political Subdivision Name] [employer code] are hereby authorized and directed in the name of the [Locality Name or School Division Name or both] to carry out the provisions of this resolution, and said officers of the [Locality, School Division, or Other Political Subdivision Name] are authorized and directed to pay over to the Treasurer of Virginia from time to time such sums as are due to be paid by the [Locality, School Division, or Other Political Subdivision Name] for this purpose.



Governing Body/School Division Chairman

CERTIFICATE

I, Kathy F. Hughes, Clerk of the Nelson County Public School Division certify that the foregoing is a true and correct copy of a resolution passed at a lawfully organized meeting of the Nelson County School Board held at Nelson Middle School library in Lovingson, Virginia at six o'clock on May 15, 2014. Given under my hand and seal of the Nelson County Public School Division this 15th day of May, 2014.



Clerk

**This resolution must be passed prior to July 1, 2014 and
received by VRS no later than July 10, 2014.**



Thomas Jefferson Planning District 2014 Legislative Priorities

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

PUBLIC EDUCATION FUNDING

- The State should fully fund its share of the realistic costs of the Standards of Quality without making formula and policy changes that shift the funding burden to localities.
- We believe that unfunded liability associated with the teacher retirement plan should be a shared responsibility of state and local government.

STATE MANDATES & FUNDING OBLIGATIONS

- The governor and legislature should 1) not impose financial or administrative mandates on localities; 2) not shift costs for state programs to localities; and 3) not further restrict local revenue authority.
- We support efforts to improve and enhance the process for determining local fiscal impacts of proposed legislation.

TRANSPORTATION FUNDING and DEVOLUTION

- The State should restore formula allocations for secondary and urban construction.
- We are strongly opposed to any legislation or regulations that would transfer responsibility to counties for construction, maintenance or operation of current or new secondary roads.

CHESAPEAKE BAY TMDL

- The state and federal governments must provide major and reliable forms of financial and technical assistance for comprehensive water quality improvement strategies, to include stormwater management.
- We support a one-year delay in the date by which local stormwater programs must be put into place and allowances for modified stormwater management plans for individual lots.
- We urge fairness in applying requirements for reductions in nutrient and sediment loading across source sectors, and accompanying authority and incentives for all sectors to meet such requirements.
- We will oppose actions that impose monitoring, management or similar requirements on localities without providing sufficient resources.

LAND USE and GROWTH MANAGEMENT

- We request additional tools to manage growth without preempting or circumventing existing local authorities in this area.
- We oppose efforts to unnecessarily expand and commercialize the definition of farm operations that would impede local abilities to protect the property values, health, safety and welfare of its citizens.

COMPREHENSIVE SERVICES ACT

- We urge a better partnership between the state and localities in containing the costs of CSA and in balancing CSA responsibilities. We support additional state funding for CSA administration; localities have been footing the bill for most of these costs as state contributions have remained flat over the past decade.

Local Government Revenue Authority and Service Responsibility

July 2014

A multitude of local government services are driven by state requirements. Indeed, local governments deliver more state services than state agencies do. Others are driven by local priorities, as well as citizen demands and desires. Local governments meet these obligations amidst varying fiscal climates affected by their local economy, mandates and their relationship with and funding from the State, which must serve an even wider variety of needs through its revenue raising and budget writing processes.

This paper presents information excerpted or derived from various and selected State studies on state/local relations, mandates and tax restructuring and reform efforts; lists prominent TJPDC legislative positions from the past 15 years on these same issues; highlights a handful of examples where the State has required additional service responsibilities or funding obligations of localities; and notes a few significant legislation items from past years.

Its goal is not to be an exhaustive examination, but to provide a historical background for future discussions on State/local revenues and services.

A Look at the State/Local Financial and Service Relationship

State Mandates on Local Governments and Local Financial Resources (JLARC, 1983)

The report noted that in the previous 12 years, 29 legislative studies have been conducted to explore ways of improving and coordinating State and local responsibilities. Three primary concerns that were voiced by local officials during the work of the study were as follows: 1) the burdensome impact of State mandates, 2) the need for additional State financial assistance, and 3) limits that have been placed on local taxing authority.

Among the observations made in the report:

- Very little consensus was found among local officials on the unreasonableness of specific mandates;
- For most major State-required programs (education being the exception), State aid has at least kept pace with historical commitments.
 - Local governments have experienced increasing financial stress over the past five years.

Among the recommended options for consideration were the following: 1) the General Assembly should promote adequate and equitable funding of State-local programs by directing an assessment and validation of the basis for sharing major program costs; 2) the General Assembly should promote stable and predictable funding of State-local programs by establishing in statute its commitment to program funding; 3) the State should provide additional financial assistance to localities based on each locality's level of fiscal stress; 4) the General Assembly should consider equalizing taxing authority between counties and cities.

Intergovernmental Mandates and Financial Aid to Local Governments (JLARC, 1992)

This study was a follow-up to the 1983 review summarized above and it noted that many of the concerns raised in the study were similar to those expressed in 1983. Among the observations were that overall, the State had played a stable role in providing revenues to local governments, noting a 110% increase in state financial assistance to localities between 1982 and 1990. It noted that the 1980's saw a dramatic decline in the federal role and that the second half of 1980's saw substantial growth in revenues for localities.

The report stated that the General Assembly has two broad options to increase local resources: increase local taxing authority and increasing state financial aid to local governments. It presented options that 1) the General Assembly may wish to allow counties taxing authority equal to that of cities; and 2) if funding responsibilities of local governments are increased, the General Assembly may wish to provide cities and counties with additional taxing authority. It did note that the State's "cost estimating process" is sound, but does not provide estimates to the legislature in as timely a manner as desirable, and does not identify all bills with a potential impact on local governments due to statutory constraints.

Report on State/Local Relations and Service Responsibilities (JLARC, 1993)

This report found that service responsibilities of the state and localities had evolved over the years in a sometimes piecemeal approach and had not always kept up with the changing social and economic conditions in the state. The report substantiated officials' concerns that there was an imbalance between services provided and the revenue-raising ability of the providers.

The report noted that despite the need for additional study, the long-term trend seems to point to the State assuming a greater portion of the overall costs of programs and services at the local level. It cited federal government devolution of responsibilities and funding as a proportion of the state budget declining from 25.5% in 1980 to 16% in 1990 (the proportion of local governments' budgets derived from federal funds dropped from 13% in 1980 to 5.2% in 1990).

The report emphasized that local officials noted that a state/local partnership is lacking; state officials also cited communication problems with local officials.

Among the primary issues the report found as being apparent when discussing local funding for services: local taxing authority should be equalized for cities and counties.

Commission on the Future of Virginia Cities (HJR 432, 1998)

This Commission was charged with developing a profile of cities and identifying policies that might address their problems. This Commission included in its recommendations to the 1999 General Assembly a proposal for the creation of an entity to examine comprehensively the revenue-raising capabilities and fiscal responsibilities of Virginia state and local governments.

Tax Restructuring and Reform

The early 2000's saw several state level reviews of the Virginia's tax code and its structure, as well as a pair of examinations aimed at finding ways to make government more effective and efficient.

The Commission on Virginia's State and Local Tax Structure for the 21st Century, aka "The Morris Commission" (December 2000)

This citizen commission was charged with studying "all aspects of state and local tax structures" and the "proper division of revenues and responsibilities for services." After 10 meetings held around the state, it concluded that there was a "troubling imbalance in fiscal relations between the state and local governments."

The Commission concluded that measures should be taken to, among other things: 1) broaden the revenue base of all Virginia localities; 2) recognize in the formulation of state aid programs the considerable disparity that exists in the social, economic and fiscal condition of political subdivisions; and 3) establish a more efficient alignment of responsibility for the provision of public services with the revenue sources required for their provision.

Its recommendations included the following: 1) Increase support for schools; 2) return at least six percent of the individual income tax revenues to localities; 3) the State should assume full

operational cost for provision of some services (including CSA, CSBs, health departments, social services and jails); 4) taxing authority of counties be made commensurate with that of cities; 5) the individual income tax be revised to effect changes in its tax rates, tax brackets, personal exemptions and standard deductions; and 6) localities should retain current authority to levy the merchants' capital and business, professional and occupational license taxes.

The Governor's Commission on Government Finance Reform for the 21st Century, aka "The Bliley Commission" (December 2001)

This Commission, composed of state legislators, local officials and business and academic representatives, was established by former Governor Jim Gilmore to develop a blueprint to modernize state and local government financial structure. Chief among its recommendations were the following:

- The State should cede 20% of the state's individual income tax revenue stream to local governments over the next decade, while eliminating the personal property tax on all non-business vehicles.
- Localities are urged to phase out the BPOL tax and replace it with other taxes or revenues (from the income tax) or to spread a lower BPOL rate across more businesses.
- Financial authority between cities, counties and towns should be equalized to provide all local governments the same set of tools to address local priorities.
 - The state should not impose any new unfunded mandates on local governments.

Joint Subcommittee to Study and Revise Virginia's State Tax, December 2002 (interim Report)

This legislative committee met during 2001 and 2002. During that same time period, the national and state economies began to suffer. As a result, the joint subcommittee decided to limit its recommendations and to continue the study for an additional year. Its December, 2002, suggestions included support for setting standards for charitable organization sales tax exemption, support for a moratorium on new sales and use tax exemptions, and support restoring conformity with federal income tax law and phasing out the estate tax beginning in FY0. It also supported imposing no new state unfunded mandates on localities, and to maximum to the extent possible, eliminate existing ones. Though discussions in the final year of the study included limiting real property tax increases, no final report was issued.

Reform Commissions

The Governor's Commission on Efficiency and Effectiveness, aka "The Wilder Commission" (December 2002)

Appointed by Governor Mark Warner, most of the Commission's 50 recommendations stressed achieving savings by adopting sound business practices for purchasing and information technology and through streamlining and consolidations. The recommendations did include merging the Commission on Local Government into the Department of Housing and Community Development (among other agency consolidations). It also recommended ABC privatization, that Virginia move to a system of allowing governors to serve two consecutive terms, and that the cycle for governors to submit their proposed budgets for consideration be changed.

Governor McDonnell's Government Reform and Restructuring Commission (October 2010)

Established by Governor Bob McDonnell after taking office in 2010, the Commission used subcommittees and an aggressive meeting schedule to formulate its report, which contained more than 100 recommendations. Some key areas of focus were on state-level taxing/spending limits; shared

services (recommending that the Department of General Services to work with localities and ad hoc group to look at reducing consumption and cost of certain commodities); and mandates (recommending that agencies justify continuation of mandates through use of cost benefit analysis). Like the Wilder Commission, it also proposed a change in the state budget cycle so that the incoming governor adopts his/her first budget in the first year in office and second budget in the third year in office.

It was during the work of this Commission that local government legislative liaisons from across the state, working in concert with VACo and VML, developed a series of suggestions for consideration by the panel's Intergovernmental Relations subcommittee. The recommendations were focused in three primary areas, noted below. The descriptors used briefly highlight the broad message, rather than specific suggestions that were made:

Relationship of State and Local Governments: Reform efforts at the state level should not only focus on how the state reorganizes its own agencies, but also on how the state can enable local governments to operate efficiently and effectively. Reform efforts should not result in the transfer of state responsibilities to local government.

Unfunded Mandates/Shared Services: Reliance on local government for the delivery of state services has led to inefficiency in the delivery of some services, a growing disconnect between authority for setting the parameters of service and the responsibility for delivering the service, and a lack of consistent and reliable funding.

Regional Incentives: The state relies on local governments to deliver mandated state services and cooperatively-funded state-local services, but greater efficiencies and economies of scale could be achieved if some services were delivered on a regional basis.

Governor's Economic Development and Jobs Creation Commission (October 2010)

This McDonnell-established Commission, chaired by Lieutenant Governor Bill Bolling and running concurrently with the Reform Commission, was charged with recommending ways to create jobs and stimulate economic growth. It addressed the BPOL and Machinery and Tools (M&T) tax in its final report. On BPOL, the panel recommended that the Department of Taxation to collect necessary information for a two-year period to determine the fiscal impact of taxing businesses based on profits, rather than on receipts, and then to enact legislation to alter the tax accordingly. The recommendation on the M&T tax was to modify the tax to make new investment not taxable for the first three tax years. Prior to the panel's final meeting, subcommittees of the Commission had endorsed converting the BPOL tax from a gross receipts to a net receipts tax, and repealing the M&T tax. (Note: In October, 2013, JLARC completed a study of using income as a basis for BPOL. It concluded that such a move could reduce local BPOL revenues by 95%, consequently requiring a five percent rate increase, resulting in a tax increase of 40% on profitable businesses, to maintain the same level of local revenue).

Other Activities of Note

Local Mandates Review Task Force (2011 to present)

Established in 2011 as the result of approved legislation, the five-member task force has been charged with reviewing state mandates imposed on localities and to recommend temporary suspension or permanent repeal of such mandates. Reducing required record keeping and reporting have been prominent among its suggested actions. The General Assembly this past session approved legislation to extend the work of the Task Force from July 1, 2014, to July 1, 2018. However, bills to require local fiscal

impact bills to be introduced no later than the first day of the session, which was a key recommendation of the panel, failed to garner legislative approval.

Report on the Effectiveness of Tax Preferences (JLARC, 2011)

JLARC released a report on the effectiveness of tax preferences in the state, as directed by 2010 legislation. Tax exemptions, deductions, or credits—that decrease the tax liability of eligible taxpayers and ultimately reduce the amount of revenue that the state collects. The report noted that tax preferences with public policy goals (those that provided financial assistance to taxpayers in specific circumstances) collectively reduced taxpayer liability by nearly \$3 billion in 2008. Here are some of the study's other findings:

- Most financial assistance preferences intended especially for lower income persons do not appear to be efficiently targeted.
- Tax preferences have been effective for land preservation, but have mixed results promoting economic development, charitable and other activities.
- Virginia tax preferences are not routinely evaluated on effectiveness in achieving policy goals.
- There is little data collected on most retail sales and use tax exemptions and information reported often is inadequate for identifying preferences that need revision or elimination.

A joint subcommittee established in 2012 to evaluate preferences continues to meet this summer.

Relevant TJPDC Legislative Positions (2000-2014)

The General Assembly should not cap, remove or restrict any revenue sources, taxing authority or user fees available to localities. The state should broaden the revenue sources available to localities in the form of a local option sales tax, a reduction in the number of sales tax exemptions, a local option income tax or a portion of lottery revenues to reduce local governments' reliance on the property tax. Counties should be granted taxing powers equal to those granted cities.

We oppose cost-shifting that has occurred when the state fails to fund mandates or reduces or eliminates funding for state-supported programs.

Any changes to Virginia's tax code should not reduce local government revenues or restrict local taxing authority.

It is critical that the state budget be provided "on time" to localities, so that they can have assurances about expected revenue streams.

We urge the governor and legislature to honor their funding obligations to services provided in cities and counties by their local government partners, and to resist shifting fiscal responsibility for these programs to localities.

We believe reduction or elimination of state funding for state-required services/programs should be accompanied by relaxation or suspension of the state requirement or flexibility for the locality to meet the requirement.

We urge the governor and legislature to 1) not impose financial or administrative mandates on localities; 2) not shift costs for state programs to localities; and 3) not further restrict local revenue authority. The state should restore across-the-board reductions in aid-to-localities (which were in place beginning in FY09).

Examples of shifts in costs/responsibilities

- Retired teacher health insurance credit (previously 100% state paid).
- Car tax relief reimbursements (frozen and capped).
- Deputy sheriffs required to be in LEOS (costs borne by localities).
- Policy changes that lessened State obligations for public education (support personnel cap, inflation, some spending ineligible for reimbursement, etc.).
- Per diem rates for housing state and local inmates lowered.
- Line of Duty Act costs shifted to localities (previously 100% state paid).
- 2012 VRS changes.

Legislation

In 2004, after nearly two months of a special session, the General Assembly adopted HB 5018, the Tax Reform Compromise Act of 2004, which contained a combination of tax increases and decreases, notably an increase in the sales tax on non-food items and a decrease in the sales tax on food) to generate an additional \$1.5 billion in general fund revenue. Much of the revenue was target for public education, namely to fund initiatives recommended by the Board of Education (resource teachers, secondary schools planning time, and technology positions).

Numerous bills to allow counties to have the same power to tax as municipalities have been introduced over the years, most recently as 2012. All were either defeated, tabled, stricken or not acted upon.

David Blount, TJPDC
July, 2014

Request amendment to the budget

Nelson County Sheriff's Office
request budget amendment to
purchase 2 new vehicles.



This is the reason why #1

2006 Ford Crown Vic: Vin#3937 Mileage: 119161

Engine has a cracked head, Transmission has to be warmed up before taking off. Body is in poor condition, Needs painting.

EXAMPLE OF COST TO REPAIR VEHICLES

- 2006 Ford Crown Vic
- Replace Engine Includes R&R engine and transfer all necessary components Not supplies with long block (Labor) \$978.00
- Jasper Rebuilt Kit Engine \$2,865.00
- Jasper Install Kit \$ 325.35
- FSG Misc Fluids & Materials \$ 100.00
- Surcharge \$ 174.00

- Total quoted charge: \$4,442.74

Continuation

- Emergency Light repair and transfer(Emergency lights in bad shape).
- Labor \$650.00
- Total Parts \$1,555,25
- Misc Supplies \$ 35.00
- Freight \$ 22.00
- Total quoted Charge \$2,262.25

Continuation

- 2006 Ford Crown Vic Paint
- To remove stickers and repaint vehicle to include labor and materials \$8,062.37
- Quoted by Martin Paint and body

- Total estimated cost to put vehicle back into decent working order:
 - \$14,767.37



Reason why #2

2008 Ford Crown Vic Vin#4954 Mileage 148970

Rods knocking badly, can throw a rod at any time (Bus Garage, Front Street Garage). Engine should be replaced or taken out of service.

This vehicle also could use a painting, paint peeling off.

Other Vehicles broken down

- 2005 Ford Crown Vic
Vin # 6641
- Transmission bad

Mileage 193862

No radio in vehicle



Vehicle interior is torn,
paint peeling from
vehicle



- 2008 Ford Crown Vic Mileage 194097
 Vin #8728
- Transmission bad No radio in
 vehicle



1999 Ford Crown Vic

Mileage 168548 Vin#4453

- Has broken down twice in the last 3 weeks, No radio (used for transportation back and forth to the academy for new officers). Fan belt pulley mount broke and hose busted, Car over heated and lost power, In shop now.



Continuation

- See attached estimates provided by different vendors.
- Conclusion: The Nelson County Sheriff's Office has 5 vehicles that are out of service or should be out of service. The sheriff's office has no spare marked patrol vehicles at this time should another vehicles go down.

Nelson County Sheriff's Office Request

- The Nelson County Sheriff's Office is requesting funding for 2 new 2014 Dodge Chargers at a cost of \$23,829.00 each for a total cost of \$47,658.
- Requesting the cost of purchasing and installing new equipment for these two new vehicles at a estimated cost of \$7,250.00 per vehicle for a total cost of \$14,500.00
- Estimated cost for stripping each vehicle at \$565.00 each for a total cost of \$1,130.00
- Estimated cost of purchasing two new mobile radios at \$3,028.08 each for a total cost of \$6,056.16
- Total requested funding is \$69,344.16



Quote Number: QU0000258417
 Effective: 30 DEC 2013
 Effective To: 28 FEB 2014

Bill-To:
 NELSON COUNTY
 PO BOX 336
 LOVINGSTON, VA 22949
 United States

Ultimate Destination:
 NELSON COUNTY
 94 COURTHOUSE SQ
 LOVINGSTON, VA 22949
 United States

Attention:
Name: Becky Adcock
Phone: 434) 263-7050

Sales Contact:
Name: Guido Lamonaca
Email: guido@clearcomva.com
Phone: 434-989-4975

Contract Number: HENRY COUNTY, (VA)
Freight terms: FOB Destination
Payment terms: Net 30 Due

Item	Quantity	Nomenclature	Description	List price	Your price	Extended Price
1	5	M21KSM9PW1AN	XTL 2500 VHF 136-174 MHZ, 10-50 W	\$1,497.00	\$1,152.69	\$5,763.45
1a	5	G24AX	ENH: 2 YR SFS LITE	\$121.00	\$121.00	\$605.00
1b	5	G806BD	ENH: XTL SOFTWARE ASTRO DIGITAL C AI OPERATION	\$515.00	\$396.55	\$1,962.75
1c	5	G67AK	ADD: THUMB SCREW REMOTE MOUNT	\$297.00	\$228.69	\$1,143.45
1d	5	W22AR	ADD: PALM MICROPHONE	\$72.00	\$55.44	\$277.20
1e	5	G299AA	ANTENNA 1/4 WAVE ROOF TOP VHF (150.8-162 MHZ)	\$19.50	\$15.02	\$75.10
1f	5	G610AA	ADD: REMOTE MOUNT CABLE ? 10 METERS (30 FT)	\$25.00	\$19.25	\$96.25
1g	5	G442AA	ADD: XTL2500 CONTROL HEAD	\$292.00	\$224.84	\$1,124.20
1h	5	G144AA	ADD: ADD: CONTROL HEAD SOFTWARE			
1i	5	G48AY	ENH: CONVENTIONAL OPERATION	\$275.00	\$211.75	\$1,058.75
1j	5	GA00092AQ	ADD:DUAL-CONTROL HD HARDWARE	\$570.00	\$438.90	\$2,194.50
1k	5	B18CL	ADD: AUXILIARY SPKR SPECTRA 7.5 WATT	\$60.00	\$46.20	\$231.00
1l	5	G114AE	ENH: ENHANCED DIGITAL ID DISPLAY	\$75.00	\$57.75	\$288.75
2	300	SVC03SVC0115D	SUBSCRIBER PROGRAMMING	\$1.00	\$1.00	\$300.00

Total Quote in USD

\$15,140.40

PO Issued to Motorola Solutions Inc. must:

- > Be a valid Purchase Order (PO)/Contract/Notice to Proceed on Company Letterhead. Note: Purchase Requisitions cannot be accepted
- > Have a PO Number/Contract Number & Date
- > Identify "Motorola Solutions Inc." as the Vendor
- > Have Payment Terms or Contract Number
- > Be issued in the Legal Entity's Name
- > Include a Bill-To Address with a Contact Name and Phone Number
- > Include a Ship-To Address with a Contact Name and Phone Number
- > Include an Ultimate Address (only if different than the Ship-To)
- > Be Greater than or Equal to the Value of the Order
- > Be in a Non-Editable Format

3.028 08

- >Identify Tax Exemption Status (where applicable)
- >Include a Signature (as Required)



GREENBRIER OF VIRGINIA, INC.
SOUTHERN AUTO GROUP
POLICE FLEET SALES
 2747 North Military Highway
 Norfolk, Virginia 23518-5606



BillCulloch@drivingsouthern.com

Cell: (804) 514-8877

York County Virginia Contract # 1785

ERB	LDDE43/27A 2014 Dodge Charger Police Pursuit RWD V.	\$21,612.00	3	\$64,836.00
EZH	LDDE48/29A 5.7L HEMI V-8 ENGINE	\$1,196.00	3	\$3,588.00
EZH/AWD	LDEE48/29A All Wheel Drive (AWD)	\$1,492.00		\$0.00
TWW	P225/60R18 BSW Goodyear Brand Tires (included N/C)	\$.00	3	\$0.00
W8A	13" Wheel Covers	\$ 50.00	3	\$150.00
TBW	Full Size Spare w/ Steel Wheel - Standard (included N/C)	\$.00	3	\$0.00
*X5	HD Cloth Front Bucket Seats w/ HD Rear Vinyl	\$ 155.00	3	\$465.00
LNF	Black Left Spot Lamp	\$ 225.00	3	\$675.00
LNK	Black Left LED Spot Lamp	\$ 375.00		\$0.00
CKD	Carpet Flooring	\$ 139.00		\$0.00
NHK	Engine Block Heater	\$ 75.00		\$0.00
XFX	Equipment Mounting Bracket (included N/C)	\$.00	3	\$0.00
LBG	Front Reading / Map Lamps	\$ 50.00	3	\$150.00
LNA	Right Spot Lamp, Matching	\$ 225.00		\$0.00
AEB	Street Appearance Group (See below for Package Content)	\$ 525.00		\$0.00
AHM	Convenience Group I (See below for Package Content)	\$ 965.00		\$0.00
AAJ	Connectivity Group (See below for Package Content)	\$ 381.00	3	\$1,173.00
NZ5	High Speed Engine Controller (Must have EZH 5.7L HEMI)	\$.00		\$0.00
CW6	Deactivate Rear Doors and Windows	\$ 65.00	3	\$195.00
CM8	Delete Floor Console	\$.00		\$0.00
GXF,XA,XE,XG	Entire Fleet Keyed Alike (Frequency 1 through 4)	\$ 65.00		\$0.00
GUK	Power Heated Fold Away Mirrors	\$ 85.00	3	\$255.00
Delivery	Cost per mile additional other than York County	\$.85		\$0.00
XSB	Black Interior - Standard Color (Included N/C)	\$.00	3	\$0.00
PSC	Billet Silver Metallic Clear Coat - Standard Color	\$.00		\$0.00
P52	Bright Silver Metallic Clear Coat - Standard Color	\$.00		\$0.00
PW7	Bright White Clear Coat - Standard Color	\$.00	3	\$0.00
PR3	Torred - Standard Color	\$.00		\$0.00
PAU	Granite Crystal Metallic Clear Coat - Standard Color	\$.00		\$0.00
PBX	Jazz Blue Pearl Coat - Standard Color	\$.00		\$0.00
PX8	Pitch Black Clear Coat - Standard Color	\$.00		\$0.00
SPECIAL PRODUCTION COLORS				
PXT	Phantom Black Tri-Coat Pearl - Optional Color	\$ 500.00		\$0.00
PB5	Electric Blue Pearl - Optional Color	\$ 500.00		\$0.00
PB8	Midnight Blue Pearl Coat - Optional Color	\$ 500.00		\$0.00
P79	Michigan State Police Blue - Optional Color	\$ 500.00		\$0.00
P76	Sheriff's Tan - Optional Color	\$ 500.00		\$0.00
PWL	White Gold Clear Coat - Optional Color	\$ 500.00		\$0.00
PWD	Ivory Tri-Coat Pearl - Optional Color	\$ 500.00		\$0.00
		GRAND TOTAL	3	\$71,487.00

****Street Appearance Group** -- includes Black Grille with Chrome surround, Full Length Console, Carpet, Fold-Away Heated Exterior Mirrors, Fog Lamps, Front Reading Map Lights, Bolt-on Full Size Wheel Covers with AWD. Standard Full Size Wheel Covers with RWD.

****Convenience Group I** -- includes 8-Way Power Driver & Passenger Seats & Power Adjustable Pedals.

****Connectivity Group** -- includes Auto-Dimming Rearview Mirrors w/Microphone & Uconnect Voice Command Radio w/Bluetooth Streaming Audio.

NELSON COUNTY SHERIFF'S OFFICE (3 CHARGERS)

\$23,827.⁰⁰ EACH

Front Street Garage LLC

264 Front St
 Lovington, VA 22949
 PH: 434-263-4814
 FX: 434-263-5443

REPAIR ORDER# **ESTIMATE**

DATE: 06/09/14 04:03 pm

PAGE: 1

TERMS:

CUSTOMER: **Sheriff's Office, Nelson**

VEHICLE: **06 Ford**

Crown Victoria

ADDRESS: PO Box 36

LICENSE: 132279L/

FLEET: Fleet# N/A

CITY: Lovington, VA 22949

VIN: 2FAHP71W16X143937

PHONE 1: 434-263-7050

ENGINE: Cyl V8 Disp 4.6L

PHONE 2: - -

MILEAGE: 118025 COLOR:

SERVICE REPAIR INSTRUCTIONS/CONCERNS

TECH	QTY	PART NO	REPAIR / SERVICE DESCRIPTION	PARTS	LABOR
NON			Engine Replace Engine Includes: R&R Engine And Transfer All Necessary Components Not Supplied With Long Block.		978.00
	1.0	JASPER	REBUILT ENGINE	2,865.00	
	1.0	JASPER	INSTALL KIT	325.35	
	1.0	FSG	MISC FLUIDS & MATERIALS	100.00	

CUSTOMER REQUEST RETURNED PARTS YES NO	PAYMENTS / SURCHARGE DETAIL	TOTALS
RECOMMENDATIONS	Shop Supplies 174.39	LABOR:\$ 978.00
		PARTS:\$ 3,290.35
		SURCHRG:\$ 174.39
		SUBLET:\$ 0.00
		SUPPLIES:\$ 0.00
		DISCOUNT:\$ 0.00
		TAX:\$ 0.00
		TOTAL:\$ 4,442.74
		PAID:\$ 0.00
		DUE:\$ 4,442.74

I hereby authorize the above repair work to be done with the necessary material and hereby grant you and/or your employees permission to operate the car, truck or vehicle herein described on street, highways or elsewhere for the purpose of testing and/or inspection. An express mechanics lien is hereby acknowledged on above car, truck or vehicle to secure the amount of repairs thereto. You will not be held responsible for loss or damage to vehicle or articles left in vehicle in case of fire, accident or any other cause beyond your control.

(Signature) _____

Att: Becky

MARTIN PAINT & BODY SHOP
468 SOUTH MAIN STREET
PO BOX 308
TOWN OF AMHERST, VA 24521
PHONE 434-946-5307 FAX 434-946-5457

PRELIMINARY ESTIMATE

06/11/2014 02:03 PM

Owner

Owner: SHERRIFs DEPT NELSON COUNTY

Inspection

Inspection Date: 06/11/2014 02:04 PM

Inspection Type:

Company: MARTIN PAINT & BODY SHOP

Appraiser License #:

Contact: STEVE MARTIN

Work/Day: (434)946-5307

Address: P. O. BOX 308

Home/Evening: (434)946-7083

468 MAIN ST.

FAX: (434)946-5457

City State Zip: Amherst, VA 24521

Email: martinpaintbodyshop@gmail.com

Repairer

Repairer: MARTIN PAINT & BODY SHOP

Contact: STEVE MARTIN

Address: P. O. BOX 308

Work/Day: (434)946-5307

468 S. MAIN ST.

Home/Evening: (434)946-7083

City State Zip: Amherst, VA 24521

FAX: (434)946-5457

Email: martinpaintbodyshop@gmail.com

Vehicle

2006 Ford Crown Victoria Police Interceptor 4 DR Sedan
8cyl Gasoline 4.6
4 Speed Automatic

Veh Insp#:

Mileage Type: Actual

Condition:

Code: P4183C

Ext. Refinish: Two-Stage

Int. Refinish: Two-Stage

Options

AM/FM Stereo

Air Conditioning

Anti-Lock Brakes

Bucket Seats

Dual Airbags

Heavy Duty Suspension

Intermittent Wipers

Power Brakes

Power Door Locks

Power Mirrors

Power Steering

Power Windows

Rear Window Defroster

Ram Trunk-L/Gate Release

Styled Steel Wheels

Tilt Steering Wheel

Tinted Glass

Velour/Cloth Seats

Damages

Line	Op	Guide	MC Description	MFR.Part No.	Price	ADJ% B%	Hours	R
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Stripes And Mouldings

1	E	244	Mldg,Front Door Side LT	SW7Z5420878BPTM	\$119.63	0.4	SM
2	L	244	Mldg,Front Door Side LT	Refinish 0.6 Surface INC Two-stage		0.6	RF
3	E	245	Mldg,Front Door Side RT	SW7Z5420878BPTM	\$119.63	0.4	SM
4	L	245	Mldg,Front Door Side RT	Refinish 0.6 Surface INC Two-stage		0.6	RF
5	E	323	Mldg,Rear Door Side LT	SW7Z5425558BPTM	\$103.32	0.4	SM
6	L	323	Mldg,Rear Door Side LT	Refinish 0.4 Surface INC Two-stage		0.4	RF
7	E	324	Mldg,Rear Door Side RT	SW7Z5425558BPTM	\$103.32	0.4	SM
8	L	324	Mldg,Rear Door Side RT	Refinish 0.4 Surface INC Two-stage		0.4	RF

Front Bumper

9	I	6	Cover,Front Bumper	Repair		3.0*	SM
10	L	6	13 Cover,Front Bumper	Refinish 3.1 Surface 0.6 Two-stage setup 0.6 Two-stage		4.3	RF

Front End Panel And Lamps

11	I	30	Panel,Front End >> STRIP AND ETCH PRIME	Repair		3.0*	SM
12	L	30	Panel,Front End	Refinish 1.8 Surface 0.4 Two-stage		2.2	RF

Front Body And Windshield

13	I	83	Panel,Hood >> STRIP AND ETCH PRIME	Repair		5.0*	SM
14	L	83	Panel,Hood	Refinish 2.9 Surface 0.6 Two-stage		3.5	RF
15	I	103	Fender,Front LT >> STRIP AND ETSCH PRIME	Repair		4.0*	SM
16	L	103	Fender,Front LT	Refinish 1.8 Surface 0.4 Two-stage		2.2	RF
17	I	104	Fender,Front RT	Repair		2.0*	SM
18	L	104	Fender,Front RT	Refinish 1.8 Surface 0.4 Two-stage		2.2	RF

Roof

19	I	341	Panel,Roof >> STRIP AND ETCH PRIME	Repair		5.0*	SM
20	L	341	Panel,Roof	Refinish 3.0 Surface INC Two-stage		3.0	RF

Front Doors

21	I	207	Door Shell,Front LT >> STRIP AND PRIME	Repair		4.0*	SM
22	L	207	Door Shell,Front LT	Refinish 2.1 Surface 0.1 Two-stage		2.2	RF
23	I	208	Door Shell,Front RT	Repair		4.0*	SM

24	L	208	>> STRIP AND PRIME Door Shell,Front RT	Refinish 2.1 Surface INC Two-stage		2.1	RF
25	RI	237	WStrip,Belt Outer LT	R & I Assembly		0.2	SM
26	RI	238	WStrip,Belt Outer RT	R & I Assembly		0.2	SM
27	E	254	Mldg,Front Door Scalp LT	6W7Z5420551AA	\$138.33	0.3	SM
28	E	255	Mldg,Front Door Scalp RT	6W7Z5420550AA	\$129.03	0.3	SM
29	RI	229	Mirror,Outer R/C LT	R & I Assembly		0.4	SM
30	RI	230	Mirror,Outer R/C RT	R & I Assembly		0.4	SM
31	RI	227	Handle,Front Door Otr LT	R & I Assembly		0.6	SM
32	RI	228	Handle,Front Door Otr RT	R & I Assembly		0.6	SM
Rear Doors							
33	I	287	Door Shell,Rear LT	Repair		4.0*	SM
34	L	287	>> STRIP AND PRIME Door Shell,Rear LT	Refinish 1.8 Surface INC Two-stage		1.8	RF
35	I	288	Door Shell,Rear RT	Repair		4.0*	SM
36	L	288	>> STRIP AND PRIME Door Shell,Rear RT	Refinish 1.8 Surface INC Two-stage		1.8	RF
37	RI	311	WStrip,Belt Outer LT	R & I Assembly		0.6	SM
38	RI	312	WStrip,Belt Outer RT	R & I Assembly		0.6	SM
39	RI	333	Mldg,Rear Door Scalp LT	R & I Assembly		0.3	SM
40	RI	334	Mldg,Rear Door Scalp RT	R & I Assembly		0.3	SM
41	RI	330	Handle,RR Door Outer LT	R & I Assembly		0.2	SM
42	RI	331	Handle,RR Door Outer RT	R & I Assembly		0.2	SM
Quarter And Rooker Panel							
43	I	389	Panel,Quarter LT	Repair		4.0*	SM
44	L	389	>> STRIP AND PRIME Panel,Quarter LT	Refinish 2.4 Surface INC Two-stage		2.4	RF
45	I	390	Panel,Quarter RT	Repair		4.0*	SM
46	L	390	>> STRIP AND PRIME Panel,Quarter RT	Refinish 2.3 Surface INC Two-stage		2.3	RF
Deck Lid And Back Glass							
47	I	479	Lid,Rear Deck	Repair		5.0*	SM
48	L	479	>> STRIP AND PRIME Lid,Rear Deck	Refinish 2.4 Surface INC Two-stage		2.4	RF
49	E	252	01 N/Plate,Deck Lid	3W7Z5442528AA	\$27.08	0.2	SM
50	E	388	N/Plate,Deck Lid	XW7Z5442528AA	\$15.23	0.2	SM
51	RI	549	Emblem,Deck Lid	R & I Assembly		0.2	SM
52	RI	539	Pocket,License Plate	R & I Assembly		0.6	SM
Rear Bumper							
53	UC	586	Cover,Rear Bumper	Replace Reconditioned	\$275.00*	1.8	SM
54	L	586	Cover,Rear Bumper	Refinish 2.8 Surface 0.6 Two-stage		3.4	RF
Manual Entries							
55	I		R R BRUSH GUARD	Repair		1.5*	SM*
56	I		R R GRILLE HEADLAMPS	Repair		2.0*	SM*

57		R R COVER TO PAINT	Repair			
58		REMOVE DECALS ON CAR	Repair			1.0* SM*
59		cottle media restripe	Sublet Repair		\$868.00*	3.0* SM*
		>> darren at cottle media				SM*

59 Items

MC Message

01 CALL DEALER FOR EXACT PART # / PRICE
 13 INCLUDES 0.8 HOURS FIRST PANEL TWO-STAGE ALLOWANCE

Estimate Total & Entries

Gross Parts						
Other Parts					\$755.57	
Paint Materials					\$275.00	
Parts & Material Total					\$1,285.20	
						\$2,315.77
Labor	Rate	Replace Hrs	Repair Hrs	Total Hrs		
Sheet Metal (SM)	\$46.00	9.8	58.5	68.3	\$3,141.80	
Mech/Elec (ME)	\$75.00					
Frame (FR)	\$80.00					
Refinish (RF)	\$48.00	37.8		37.8	\$1,738.80	
Paint Materials	\$34.00					
Labor Total				106.1 Hours		\$4,880.60
Sublet Repairs					\$868.00	
Gross Total						\$8,062.37
Net Total						\$8,062.37

Audatex Estimating 7.0.226 ES 08/11/2014 03:20 PM REL 7.0.226 DT 08/01/2014 DB 06/08/2014
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3.7 HRS WERE ADDED TO THIS ESTIMATE BASED ON AUDATEX'S TWO-STAGE REFINISH FORMULA.
 ESTIMATE CALCULATED USING THE 2.5 HOUR MAXIMUM ALLOWANCE FOR TWO-STAGE REFINISH OF NON-FLEX, EXTERIOR SURFACES.

Op Codes

* = User-Entered Value	E = Replace OEM	NG = Replace NAGS
EC = Replace Economy	OE = Replace PXN OE Srpls	UE = Replace OE Surplus
ET = Partial Replace Labor	EP = Replace PXN	EU = Replace Recycled
TE = Partial Replace Price	PM = Replace PXN Reman/Rebtl	UM = Replace Reman/Rebuilt
L = Refinish	PC = Replace PXN Reconditioned	UC = Replace Reconditioned
TT = Two-Tone	SB = Sublet Repair	N = Additional Labor
BR = Blend Refinish	I = Repair	IT = Partial Repair
CG = Chippguard	RI = R & I Assembly	P = Check
AA = Appearance Allowance	RP = Related Prior Damage	

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: August 7, 2014

Subject: Update on" Lockn' 2014 Special Event Permit" Review Process

Review of Special Event Permit (SEP) Application Process To Date

- November 2013: Lockn' submitted SEP application for September 2014
- December 2013 – February 2014: Multiple meetings, phone calls, and correspondence between applicant and County staff to clarify permitting requirements and identify submission materials
- March 17, 2014: "Kick-Off Meeting" at The Carriage House for all SEP review agencies coordinated by Dept. of Planning & Zoning staff; postponed due to winter storm
- March 27, 2014: "Kick-Off Meeting" at The Carriage House for all SEP review agencies coordinated and facilitated Director of Planning & Zoning; attended by over 30 participants from Lockn' team, VDOT, Virginia State Police, Virginia Dept. of Health, Virginia ABC, Nelson County Sheriff's Office, County staff from County Administrator's Office, Dept. of Economic Development & Tourism, and Emergency Services, as well as South District Supervisor Larry Saunders
- May 29, 2014: Meeting with Lockn' team to discuss progress-to-date since March "Kick-Off Meeting," including status of Traffic Plan, Event Site Plan, and other ongoing coordination efforts with SEP review agencies
- July 18, 2014: Meeting with Lockn' team and County Administrator to review recent changes to Event Site Plan and Traffic Plan; to receive updates on current status of applicant's ongoing coordination with SEP review agencies; and to continue resolving outstanding issues relating to Lockn' 2013 (and to identify best practices to avoid similar issues at Lockn' 2014)
- August 8, 2014: Coordination meeting to be held at The Carriage House; coordinated and facilitated by applicant team (update to follow at August 12th BOS meeting)

Staff Summary

County staff is continuing to work with the applicant team to ensure that the event is properly permitted as soon as possible. It is expected that the August 8th meeting will result in approvals from some (or possible all) of the various review agencies, or the identification of all final steps that must be taken by the applicant in order to obtain approval(s) from the various review agencies.

The Planning Director is awaiting the approval signatures from all review agencies (VDOT, Virginia State Police, Virginia Dept. of Health, Nelson County Sheriff's Office, and Nelson County Emergency Services Coordinator), as well as confirmation from County Administrator Steve Carter and Commissioner of Revenue Jean Payne that the applicant has sufficiently resolved all outstanding issues pertaining to Lockn' 2013, before signing the final approval signature on behalf of the County.

Thank you for your attention to this ongoing SEP review process; please contact me if you have any questions about this report, or if I provide assistance in any other way.

Nelson County Department of Economic Development and Tourism Report

Lockn' Festival Activities

Encouraging better and frequent communication with County staff and Board of Supervisors members

Implementing benchmark and tracking metrics for 2014 expenses and revenues for Nelson County (lodging, meals, sales tax, employment)

Working with the Nelson County Commissioner of the Revenue to collect 2013 vendor sales, lodging and meals taxes.

Working with the Nelson County Commissioner of the Revenue to implement a program to track and collect 2014 vendor sales, lodging and meals taxes and business license fees.

Working with the Lockn' Festival organizers to install a LOVEworks sculpture on the festival grounds.

Working with the Planning and Zoning Department to facilitate the special event permit process with the regulatory agencies.

Working with local, state and national media to promote Nelson County and the Lockn' Festival.

The recommendation of the Nelson County Department of Economic Development and Tourism is to approve the 2014 special event permit.

RESOLUTION-R2014-56
NELSON COUNTY BOARD OF SUPERVISORS
RESOLUTION AUTHORIZING THE AWARD AND EXECUTION OF A
CONTRACT FOR ARCHITECTURAL DESIGN AND CONSTRUCTION
SERVICES RELATED TO THE RENOVATION OF
THE HISTORIC COURTHOUSE

WHEREAS, in accordance with the Virginia Public Procurement Act, §2.2-4300 of the Code of Virginia, Competitive Negotiation Process, proposals for project RFP#2014-NC01, Professional Architectural, Engineering and Planning Services Nelson County Courthouse Design and Construction Services were solicited and received on May 28, 2014; with interviews of the top ranked firms conducted on July 11, 2014; and

WHEREAS, the selection committee ranked Architectural Partners as the most qualified firm based on the selection criteria,

NOW THEREFORE BE IT RESOLVED, by the Nelson County Board of Supervisors, the County Administrator, Stephen A. Carter, is hereby authorized to negotiate said services with Architectural Partners and upon successful negotiation, award and execute a contract on behalf of Nelson County.

BE IT FURTHER RESOLVED, that should negotiations with Architectural Partners be unsuccessful, the County Administrator, Stephen A. Carter is hereby authorized, pursuant to the Virginia Public Procurement Act, §2.2-4300 of the Code of Virginia, to proceed with negotiations with the second most qualified firm as determined by the selection committee.

Adopted: _____, 2014

Attest: _____, Clerk
 Nelson County Board of Supervisors

§ 2.2-4303. Methods of procurement.

A. All public contracts with nongovernmental contractors for the purchase or lease of goods, or for the purchase of services, insurance, or construction, shall be awarded after competitive sealed bidding, or competitive negotiation as provided in this section, unless otherwise authorized by law.

B. Professional services shall be procured by competitive negotiation.

C. Upon a determination made in advance by the public body and set forth in writing that competitive sealed bidding is either not practicable or not fiscally advantageous to the public, goods, services, or insurance may be procured by competitive negotiation. The writing shall document the basis for this determination.

Upon a written determination made in advance by (i) the Governor or his designee in the case of a procurement by the Commonwealth or by a department, agency or institution thereof or (ii) the local governing body in the case of a procurement by a political subdivision of the Commonwealth, that competitive negotiation is either not practicable or not fiscally advantageous, insurance may be procured through a licensed agent or broker selected in the manner provided for the procurement of things other than professional services set forth in § [2.2-4302.2](#). The basis for this determination shall be documented in writing.

D. Construction may be procured only by competitive sealed bidding, except that competitive negotiation may be used in the following instances upon a determination made in advance by the public body and set forth in writing that competitive sealed bidding is either not practicable or not fiscally advantageous to the public, which writing shall document the basis for this determination:

1. By the Commonwealth, its departments, agencies and institutions on a fixed price design-build basis or construction management basis under § [2.2-4306](#);
2. By any public body for the construction of highways and any draining, dredging, excavation, grading or similar work upon real property;
3. By any governing body of a locality with a population in excess of 100,000, provided that the locality has the personnel, procedures, and expertise to enter into a contract for construction on a fixed price or not-to-exceed price design-build or construction management basis and shall otherwise be in compliance with the provisions of this section, § [2.2-4308](#), and other applicable law governing design-build or construction management contracts for public bodies other than the Commonwealth. The procedures of the local governing body shall be consistent with the two-step competitive negotiation process established in § [2.2-4302.2](#); or
4. As otherwise provided in § [2.2-4308](#).

E. Upon a determination in writing that there is only one source practicably available for that which is to be procured, a contract may be negotiated and awarded to that source without competitive sealed bidding or competitive negotiation. The writing shall document the basis for this determination. The public body shall issue a written notice stating that only one source was determined to be practicably available, and identifying that which is being procured, the contractor selected, and the date on which the contract was or will be awarded. This notice shall be posted on the Department of General Services' central electronic procurement website or other appropriate websites, and in addition, public bodies may publish in a newspaper of general circulation on the day the public body awards or announces its decision to award the contract, whichever occurs first. Posting on the Department of General Services' central electronic procurement website shall be required of any state public body. Local public bodies are encouraged to utilize the Department of General Services' central electronic procurement website to provide the public with centralized visibility and access to the Commonwealth's procurement opportunities.

F. In case of emergency, a contract may be awarded without competitive sealed bidding or competitive negotiation; however, such procurement shall be made with such competition as is practicable under the circumstances. A written determination of the basis for the emergency and for the selection of the particular contractor shall be included in the contract file. The public body shall issue a written notice stating that the contract is being awarded on an emergency basis, and identifying that which is being procured, the contractor selected, and the date on which the contract was or will be awarded. This notice shall be posted on the Department of General Services' central electronic procurement website or other appropriate websites, and in addition, public bodies may publish in a

newspaper of general circulation on the day the public body awards or announces its decision to award the contract, whichever occurs first, or as soon thereafter as is practicable. Posting on the Department of General Services' central electronic procurement website shall be required of any state public body. Local public bodies are encouraged to utilize the Department of General Services' central electronic procurement website to provide the public with centralized visibility and access to the Commonwealth's procurement opportunities.

G. A public body may establish purchase procedures, if adopted in writing, not requiring competitive sealed bids or competitive negotiation for single or term contracts for goods and services other than professional services if the aggregate or the sum of all phases is not expected to exceed \$100,000; however, such small purchase procedures shall provide for competition wherever practicable. For local public bodies, such purchase procedures may allow for single or term contracts for professional services without requiring competitive negotiation, provided the aggregate or the sum of all phases is not expected to exceed \$60,000.

For state public bodies, purchases under this subsection that are expected to exceed \$30,000 shall require the (i) written informal solicitation of a minimum of four bidders or offerors and (ii) posting of a public notice on the Department of General Services' central electronic procurement website or other appropriate websites. Posting on the Department of General Services' central electronic procurement website shall be required of any state public body. Local public bodies are encouraged to utilize the Department of General Services' central electronic procurement website to provide the public with centralized visibility and access to the Commonwealth's procurement opportunities.

H. A state public body may establish purchase procedures, if adopted in writing, not requiring competitive negotiation for single or term contracts for professional services if the aggregate or the sum of all phases is not expected to exceed \$50,000; however such small purchase procedures shall provide for competition wherever practicable.

I. Upon a determination made in advance by a public body and set forth in writing that the purchase of goods, products or commodities from a public auction sale is in the best interests of the public, such items may be purchased at the auction, including online public auctions. Purchase of information technology and telecommunications goods and nonprofessional services from a public auction sale shall be permitted by any authority, department, agency, or institution of the Commonwealth if approved by the Chief Information Officer of the Commonwealth. The writing shall document the basis for this determination. However, bulk purchases of commodities used in road and highway construction and maintenance, and aggregates shall not be made by online public auctions.

J. The purchase of goods or nonprofessional services, but not construction or professional services, may be made by reverse auctioning. However, bulk purchases of commodities used in road and highway construction and maintenance, and aggregates shall not be made by reverse auctioning.

(1982, c. 647, § 11-41; 1985, c. 164; 1986, cc. 332, 559; 1987, c. 456; 1988, cc. 40, 640; 1989, c. 296; 1991, c. 73; 1993, c. 242; 1996, cc. [827](#), [965](#), [1019](#); 1999, c. [178](#); 2000, cc. [637](#), [647](#), [664](#), [692](#); 2001, cc. [395](#), [844](#); 2003, cc. [644](#), [895](#); 2004, cc. [706](#), [874](#), [906](#); 2005, c. [394](#); 2006, cc. [464](#), [510](#); 2008, c. [78](#); 2009, c. [123](#); 2010, c. [567](#); 2011, cc. [332](#), [594](#), [612](#), [681](#); 2012, cc. [805](#), [836](#); 2013, cc. [502](#), [583](#).)

§ 2.2-4302.2. Process for competitive negotiation.

A. The process for competitive negotiation shall include the following:

1. Issuance of a written Request for Proposal indicating in general terms that which is sought to be procured, specifying the factors that will be used in evaluating the proposal and containing or incorporating by reference the other applicable contractual terms and conditions, including any unique capabilities, specifications or qualifications that will be required;

2. Public notice of the Request for Proposal at least 10 days prior to the date set for receipt of proposals by posting on the Department of General Services' central electronic procurement website or other appropriate websites. Additionally, public bodies shall publish in a newspaper of general circulation in the area in which the contract is to be performed so as to provide reasonable notice to the maximum number of offerors that can be reasonably anticipated to submit proposals in response to the particular request. Posting on the Department of General Services' central electronic procurement website shall be required of any state public body. Local public bodies are encouraged to utilize the Department of General Services' central electronic procurement website to provide the public with centralized visibility and access to the Commonwealth's procurement opportunities. In addition, proposals may be solicited directly from potential contractors. Any additional solicitations shall include certified businesses selected from a list made available by the Department of Small Business and Supplier Diversity; and

3. For goods, nonprofessional services, and insurance, selection shall be made of two or more offerors deemed to be fully qualified and best suited among those submitting proposals, on the basis of the factors involved in the Request for Proposal, including price if so stated in the Request for Proposal. Negotiations shall then be conducted with each of the offerors so selected. Price shall be considered, but need not be the sole or primary determining factor. After negotiations have been conducted with each offeror so selected, the public body shall select the offeror which, in its opinion, has made the best proposal and provides the best value, and shall award the contract to that offeror. When the terms and conditions of multiple awards are so provided in the Request for Proposal, awards may be made to more than one offeror. Should the public body determine in writing and in its sole discretion that only one offeror is fully qualified, or that one offeror is clearly more highly qualified than the others under consideration, a contract may be negotiated and awarded to that offeror; or

4. For professional services, the public body shall engage in individual discussions with two or more offerors deemed fully qualified, responsible and suitable on the basis of initial responses and with emphasis on professional competence, to provide the required services. Repetitive informal interviews shall be permissible. The offerors shall be encouraged to elaborate on their qualifications and performance data or staff expertise pertinent to the proposed project, as well as alternative concepts. In addition, offerors shall be informed of any ranking criteria that will be used by the public body in addition to the review of the professional competence of the offeror. The Request for Proposal shall not, however, request that offerors furnish estimates of man-hours or cost for services. At the discussion stage, the public body may discuss nonbinding estimates of total project costs, including, but not limited to, life-cycle costing, and where appropriate, nonbinding estimates of price for services. In accordance with § [2.2-4342](#), proprietary information from competing offerors shall not be disclosed to the public or to competitors. At the conclusion of discussion, outlined in this subdivision, on the basis of evaluation factors published in the Request for Proposal and all information developed in the selection process to this point, the public body shall select in the order of preference two or more offerors whose professional qualifications and proposed services are deemed most meritorious.

Negotiations shall then be conducted, beginning with the offeror ranked first. If a contract satisfactory and advantageous to the public body can be negotiated at a price considered fair and reasonable, the award shall be made to that offeror. Otherwise, negotiations with the offeror ranked first shall be formally terminated and negotiations conducted with the offeror ranked second, and so on until such a contract can be negotiated at a fair and reasonable price.

Notwithstanding the foregoing, if the terms and conditions for multiple awards are included in the Request for Proposal, a public body may award contracts to more than one offeror.

Should the public body determine in writing and in its sole discretion that only one offeror is fully qualified or that one offeror is clearly

more highly qualified and suitable than the others under consideration, a contract may be negotiated and awarded to that offeror.

B. For multiple projects, a contract for architectural or professional engineering services relating to construction projects, or a contract for job order contracting, may be negotiated by a public body, provided (i) the projects require similar experience and expertise, (ii) the nature of the projects is clearly identified in the Request for Proposal, and (iii) the contract is limited to a one-year term or when the cumulative total project fees reach the maximum cost authorized in this subsection, whichever occurs first.

Such contracts may be renewable for four additional one-year terms at the option of the public body. The fair and reasonable prices as negotiated shall be used in determining the cost of each project performed and the sum of all projects performed in a one-year contract term shall not exceed \$500,000, except that for:

1. A state agency, as defined in § [2.2-4347](#), the sum of all projects performed in a one-year contract term shall not exceed \$1 million as may be determined by the Director of the Department of General Services;

2. Any locality or any authority, sanitation district, metropolitan planning organization or planning district commission with a population in excess of 80,000, or any city within Planning District 8, the sum of all projects performed in a one-year contract term shall not exceed \$5 million and those awarded for any airport as defined in § [5.1-1](#) and aviation transportation projects, the sum of all such projects shall not exceed \$1.5 million;

3. Architectural and engineering services for rail and public transportation projects by the Director of the Department of Rail and Public Transportation, the sum of all projects in a one-year contract term shall not exceed \$2 million. Such contract may be renewable for two additional one-year terms at the option of the Director;

4. Environmental, location, design, and inspection work regarding highways and bridges by the Commissioner of Highways, the initial contract term shall be limited to two years or when the cumulative total project fees reach \$5 million, whichever occurs first. Such contract may be renewable for two additional one-year terms at the option of the Commissioner, and the sum of all projects in each one-year contract term shall not exceed \$5 million; and

5. Job order contracting, the sum of all projects performed in a one-year contract term shall not exceed \$2 million.

Competitive negotiations for such contracts may result in awards to more than one offeror provided (i) the Request for Proposal so states and (ii) the public body has established procedures for distributing multiple projects among the selected contractors during the contract term.

C. For any single project, for (i) architectural or professional engineering services relating to construction projects, or (ii) job order contracting, the project fee shall not exceed \$100,000, or for architectural or engineering services for airports as defined in § [5.1-1](#) and aviation transportation projects, the project fee shall not exceed \$500,000, except that for:

1. A state agency as defined in § [2.2-4347](#), the project fee shall not exceed \$200,000, as may be determined by the Director of the Department of General Services;

2. Any locality or any authority or sanitation district with a population in excess of 80,000, or any city within Planning District 8, the project fee shall not exceed \$2 million; and

3. Job order contracting, the project fee shall not exceed \$400,000.

The limitations imposed upon single project fees pursuant to this subsection shall not apply to environmental, location, design, and inspection work regarding highways and bridges by the Commissioner of Highways or architectural and engineering services for rail and public transportation projects by the Director of the Department of Rail and Public Transportation.

D. For the purposes of subsections B and C, any unused amounts from the first contract term shall not be carried forward to the additional term.

E. Multiphase professional services contracts satisfactory and advantageous to the completion of large, phased, or long term projects may be negotiated and awarded based on a fair and reasonable price for the first phase only, where the completion of the earlier phases

is necessary to provide information critical to the negotiation of a fair and reasonable price for succeeding phases. Prior to the entering into any such contract, the public body shall (i) state the anticipated intended total scope of the project and (ii) determine in writing that the nature of the work is such that the best interests of the public body require awarding the contract.

(2013, cc. [518](#), [540](#), [543](#), [583](#); 2014, cc. [217](#), [630](#).)

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Closed Session Form Motion 8-12-14

1. Move to Convene in Closed Session :**(Requires recorded roll call vote)** :

“I move that the Nelson County Board of Supervisors convene in closed session to discuss the following: as permitted by Virginia Code § 2.2-3711(A) (5), Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community.

2. Conduct Closed Session
3. Move to Reconvene in Public Session
4. Move to Certify Closed Session:**(Requires recorded roll call vote)**

“I move 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.”

§ 2.2-3711. Closed meetings authorized for certain limited purposes.

A. Public bodies may hold closed meetings only for the following purposes:

1. Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body; and evaluation of performance of departments or schools of public institutions of higher education where such evaluation will necessarily involve discussion of the performance of specific individuals. Any teacher shall be permitted to be present during a closed meeting in which there is a discussion or consideration of a disciplinary matter that involves the teacher and some student and the student involved in the matter is present, provided the teacher makes a written request to be present to the presiding officer of the appropriate board.
2. Discussion or consideration of admission or disciplinary matters or any other matters that would involve the disclosure of information contained in a scholastic record concerning any student of any Virginia public institution of higher education or any state school system. However, any such student, legal counsel and, if the student is a minor, the student's parents or legal guardians shall be permitted to be present during the taking of testimony or presentation of evidence at a closed meeting, if such student, parents, or guardians so request in writing and such request is submitted to the presiding officer of the appropriate board.
3. Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.
4. The protection of the privacy of individuals in personal matters not related to public business.
5. Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community.
6. Discussion or consideration of the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the governmental unit would be adversely affected.
7. Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body; and consultation

8 August, 2014

To: Board of Supervisors
From: S. Carter
Re: County Administrator's Report (August 12, 2014 Meeting)

1. Courthouse Project Phase II: Interviews conducted on 6-11-14 with four AE firms resulting in Committee's decision to select Lynchburg based Architectural Partners to provide architectural and engineering services to the County for the project. A work session with the firm is scheduled for 2:30 p.m. on 8-8 to develop a scope of work to be endorsed by the Board, including contract approval, as may be completed, on 8-12.

2. Lovingson Health Care Center: Staff has sent background/informational communications to four companies that own/operate assisted living and memory care facilities, in an effort to identify a potential development partner for a future re-use of the LHCC. To date, this effort has not been productive. Additional contacts with other potential partners will be made.

3. BR Tunnel and BR Railway Trail Projects: **A) BRRT** – Construction complete with VDOT close out in process. Retainage pending payment. **B) BRT** – The project bid date for Phase 1 was delayed a second time to 2 p.m. on 8-8, due to a realignment of sections of the eastern trail (Nelson County side) to comply with a 50' separation requirement from the CSX/BBRR active rail line that is adjacent to the eastern trail and to address the presence of bedrock that was encountered due to the trail realignment. Both issues, separation from the active rail line and the presence of bedrock have been addressed. However, a licensing agreement with CSX that addresses the track/trail separation is pending and the presence of bedrock may have a strong influence on whether or not an acceptable bid is received. Related to the overall project, as previously reported, Phase 2 grant funding has been formally approved by Commonwealth Transportation Board and, County staff attending a July 22nd Transportation Alternatives (Grant) Program workshop were encouraged by VDOT staff that the County should apply for funding for the project's Phase 3 (final phase – western trail and parking area) with applications due in November 2014.

4. 2014 Lockn Festival: A project planning meeting with all state, local and related entities is scheduled for 10 a.m. on 8-8 at Oak Ridge Estate. The purpose of the meeting is to move towards completion of final plans and approvals for the 2014 Festival. The 2014 Festival is also an agenda item for the Board 8-12 meeting during which staff will report on the status of approval of the required Special Events Permit, including receipt of input from the Board.

5. Broadband: Network operation is ongoing. County staff conducted a conference call with VA-DHCD staff on 8-5 to discuss the County applying for \$200,000 in CDBG grant funding through the CDBG program's Innovation Project component. A 50% local match is a program requirement (i.e. \$200,000 CDBG grant requires a \$100,000 local match). The conference call was very productive and County staff have begun development of the preliminary application for this grant funding, which would be used to extend the fiber optic backbone (network) south on Route 151 to Route 664, north on Route 151 to the County line with Albemarle and west from Route 151 on Route 6 to a TBE termination point. A cost estimate is pending and the proposed expansion areas will be revised, as necessary, to adjust for potential funding constraints. The central consideration for the Board is to endorse provision of the local match, which will provide authority to submit the grant proposal to VA-DHCD, etc.

6. Radio Project: Network testing was completed by County, Motorola, Clear Communications and RCC staff in July 2014. The testing program was successful in achieving a 96% verification rate (95% was the required acceptance rate). Please see the Information Systems Department's report for 8-12 for a complete summary of the status of this initiative.

7. Rockfish Valley Area Plan: Contract completed with TJPDC for project assistance. Project status is very preliminary.

8. Roseland/Ferguson's Store PER: Staff from Draper Aden Associates advised on 8-4 that they had obtained all information necessary to complete the PER and were working to do so. A date for submittal of the report to the County was not specifically discussed but is anticipated by not later than 8-30.

9. Sturt Property Plan: Site visit by VT-Community Design Assistance Center completed on 6-25. CDAC has submitted a \$25,532 proposal to assist the County with a plan of outdoor development for the property, which will require approval and funding by the Board.

10. Rockfish Valley Rural Historic District: The VA Department of Historic Resources notified the County on 6-23 of a \$10,000 Cost Share Grant awarded to the County for the completion of a reconnaissance survey of 105 properties for the proposed Rockfish Valley Rural Historic District. A \$5,000 local match is required and will be provided by the Rockfish Valley Foundation.

11. Lovington Revitalization: Staff has conferred and met (7-9) with TJPDC staff to discuss a second effort towards a Lovington Revitalization Project. No progress has been made to date on this subject.

12. Personnel: Ms. Anna Birkner has accepted the Secretary 3 position in the County Administrator's office and will begin work on 8-11. Anna holds a degree in Information Technology from Kent State University. Sara Turner has moved to the Department of Finance and HR. Staff are presently working to fill Shelter Attendant (part-time) and Dispatcher (full time) positions with interviews in process for both.

13. Staff Reports: Will be provided in the 8-12 Agenda

NELSON COUNTY BOARDS AND COMMISSIONS APPLICATION FORM

Subject: Appointments - Statement of Interest Form

Completing this form is one way to indicate your interest in being considered for appointment to some of the Boards, Commissions and Committees appointed by the Board of Supervisors. All appointments remain at the discretion of the Board of Supervisors.

Please complete and mail this form to:

Nelson County Board of Supervisors
Attention: Stephen A. Carter, Clerk of Board
Post Office Box 336
Lovingston, VA 22949

or fax to (434) 263-7004

Date June 30, 2014

Mr. _____ Mrs. X Ms. _____

Name: Shelby R. Bruguere

List a maximum of three (3) Boards on which you are interested in serving.

1. Planning Commission
2. _____
3. _____

Home Address:

1339 Stoney Creek West, Nellysford, Va 22958

Occupation: REALTOR Employed by: self

Home Phone No.: (434) 361-2017 Business Phone No.: (434) 531-9732 mobile

Fax No.: _____ E-Mail Address: ShelbyBruguere@gmail.com

Do you live in Nelson County? Yes X No _____

Are you currently a member of a County Board, Commission, Committee or Authority? Yes X No _____

If yes, list the Board(s):

Board of Equalization

What talent(s) and/or experience can you bring to the Board(s)?

I have been a licensed REALTOR since 2006, and am not only familiar with ordinances throughout Virginia, but have a working knowledge of the regulatory influences they have on other counties and their residents.

As a successful business owner, parent, spouse and lifelong resident of Nelson County, I am devoted to helping Nelson achieve balanced success between government, residential life, farming and business development.

What do you feel you can contribute to the Board(s) and to the community that may not be evident from information already on this form?

As an owner of properties in the North, Central and West Districts of Nelson County, I am conscious of the ever-changing ordinance regulations Nelsonians find themselves grappling with on a daily basis. I believe my perspective can well serve the county and her residents via appointment to the Planning Commission

Please use this space for any additional information you would like to provide:

Although Nelson does not have term limits, there does come a time when a fresh perspective should be welcomed. Nelson County is changing and growing with residential and business diversification.

Nelson's Boards and Commissions should reflect diversification and fresh perspectives as well.

A resume or separate sheet with additional information may be included.

ATTENDANCE REQUIREMENTS

Section 2-153, Absences, Chapter 2, Administration, Article V. Appointments for Boards and Commissions of the Nelson County Code, an appointee of the Board of Supervisors who either (a) fails, during a calendar year, to attend seventy-five percent of the regular meetings of the board or commission of which he/she is a member, or (b) is absent for three consecutive regular meetings, shall be deemed to have tendered his/her resignation from such position. The Board of Supervisors may accept such resignation by appointing another person to fill the position.

In light of the above, will you be able to attend at least 75% of the regular meetings of the boards to which you may be appointed?

Yes No

NELSON COUNTY BOARDS AND COMMISSIONS APPLICATION FORM

Subject: Appointments - Statement of Interest Form

Completing this form is one way to indicate your interest in being considered for appointment to some of the Boards, Commissions and Committees appointed by the Board of Supervisors. All appointments remain at the discretion of the Board of Supervisors.

Please complete and mail this form to:

Nelson County Board of Supervisors
Attention: Stephen A. Carter, Clerk of Board
Post Office Box 336
Lovingsston, VA 22949

or fax to (434) 263-7004

Date 29 June 2014

Mr. Mrs. Ms.

Name: William Cupo

List a maximum of three (3) Boards on which you are interested in serving.

1. Planning Commission
2. Social Services Board
3. Nelson County Service Authority

Home Address: 1701 Tanbark Dr.

Afton VA 22920

Occupation: Physician Employed by: AEP

Home Phone No.: 229-669-2614 Business Phone No.: 540-332-4423

Fax No.: _____ E-Mail Address: cuposmail@mac.com

Do you live in Nelson County? Yes No

Are you currently a member of a County Board, Commission, Committee or Authority? Yes No

If yes, list the Board(s):

What talent(s) and/or experience can you bring to the Board(s)?

These Board in Absentia for two years. Are also in several states. Living in so many places has given me the opportunity to see successful civic planning in a variety of environments.

What do you feel you can contribute to the Board(s) and to the community that may not be evident from information already on this form?

I currently work at Augusta Health and have family connections to the area.

Please use this space for any additional information you would like to provide:

A resume or separate sheet with additional information may be included.

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In light of the above, will you be able to attend at least 75% of the regular meetings of the boards to which you may be appointed?

Yes No

NELSON COUNTY BOARDS AND COMMISSIONS APPLICATION FORM

Subject: Appointments - Statement of Interest Form

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Nelson County Board of Supervisors
Attention: Stephen A. Carter, Clerk of Board
Post Office Box 336
Lovingsston, VA 22949

or fax to (434) 263-7004

Date 6/30/2014

Mr. Mrs. Ms.

Name: Justin Shimp, P.E.

List a maximum of three (3) Boards on which you are interested in serving.

1. Planning Commission
2. Nelson County Service Authority
3. _____

Home Address: 148 Tanbark Drive

Afton, VA 22920

Occupation: Civil Engineer Employed by: Self Employed

Home Phone No.: 434-953-6116 Business Phone No.: 434-953-6116

Fax No.: 804-302-7997 E-Mail Address: justin@shimp-engineering.com

Do you live in Nelson County? Yes No

Are you currently a member of a County Board, Commission, Committee or Authority? Yes No

If yes, list the Board(s):

What talent(s) and/or experience can you bring to the Board(s)?

~~Please refer to attached letter for details/qualifications~~

What do you feel you can contribute to the Board(s) and to the community that may not be evident from information already on this form?

~~Please refer to attached letter for details/qualifications~~

Please use this space for any additional information you would like to provide:

~~Please refer to attached letter for details/qualifications~~

A resume or separate sheet with additional information may be included.

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In light of the above, will you be able to attend at least 75% of the regular meetings of the boards to which you may be appointed?

Yes No

Nelson County Board of Supervisors
C/O Stephen A. Carter, Clerk of the Board
P.O Box 336
Lovington, VA 22949

RE: Application for Planning Commission Vacancy

Dear Members of the Board,

My name is Justin Shimp; I am a resident of the North District of the County and a licensed Professional Engineer. I understand that the Board is considering nominating residents of the County for the Planning Commission and I am pleased to offer this letter and the application to be considered for service to the County. I have lived in the Afton area for just over two years now, but have always considered Nelson my home County as I spent my teenage years living in Lowesville and visiting friends in Lovington and Shipman. My Father, John Shimp, retired from teaching automechanics at Nelson High school and we have always considered our family to be part of the Nelson Community.

The application asks three specific questions, which I have answered below:

What talent(s) and or experience can you bring to the Board(s)?

As a Professional Engineer practicing land planning and design, I have worked in many localities with Planning Commissions, Supervisors and planning staff and have a thorough understanding of the purposes of a planning commission. I understand how a commission can best help implement zoning policies and procedures to guide localities in the right growth patterns that both protect the rural qualities and beauty of the County. This can be done while encouraging businesses and entrepreneurs to invest in the County to provide jobs and improved quality of life for all citizens. I have extensive experience in zoning, engineering, storm water management, utility planning and infrastructure design, construction, and long term comprehensive planning. In addition to my engineering related experience, I have been self-employed since 2010 and understand the challenges facing those wanted to start their own businesses and believe that responsive government in the planning and zoning realm is vital to giving new businesses a chance to succeed.

What do you feel you can contribute to the Board(s) and to the community that may not be evident from information already on this form?

I believe my most valuable contribution to the County would be my knowledge of development and zoning coupled with my desire to propagate and encourage the way I was raised on a small family farm. I believe that the most important thing for our County to do is to continue to encourage the agro-tourism and agricultural businesses that have done so well over the past ten years. My knowledge of the business of development will help the Commission and the County staff work with applicants to achieve their goals while protecting the goals and interest of the County.

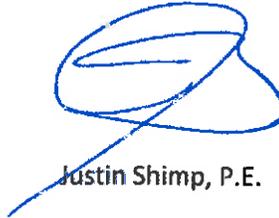
Please use this space for any additional information that you would like to provide:

As noted above, I am a Professional Engineer and run my own business. Of the hundreds of projects I've looked at over the last 4 years, two of them have been in Nelson County and I do not actively look for work in this area. If I am appointed to the Planning Commission instances where I might need to recuse myself from a vote or discussion would be very rare.

I have previously served on the Louisa County Water Authority Board of Directors when I lived in Louisa County, prior to 2012, and am familiar with the time commitments required to participate in local government. I have indicated on the application that I am interested in the Service Authority Board as well, that would be my second choice as I believe my greatest strengths are in planning and zoning. I am however also well versed in the operations of small municipal utilities and would not be opposed to being a part of that board in addition to the planning commission if that were permitted and the time commitments were not unreasonable or in conflict.

Zoning and planning work has been my career for the past ten years, I would very much appreciate the opportunity to serve my County in a capacity in which my knowledge of the process can help our County continue to stay rural and provide the right sort of growth and opportunities for its citizens in a way that protects our way of life for generations to come.

Sincerely Yours,

A handwritten signature in blue ink, appearing to read "Justin Shimp", with a stylized flourish extending from the end of the name.

Justin Shimp, P.E.

Candy McGarry

From: Jacqueline Britt
Sent: Tuesday, July 08, 2014 4:41 PM
To: Candy McGarry; Connie Brennan
Subject: Daniel Rutherford

Categories: BOS Agenda

Ladies,

Daniel Rutherford is registered at 1026 Hickory Creek Road, Faber and is in the Central District.

Jacqueline C. Britt, VREO, CERA
General Registrar
County of Nelson
PO Box 292
Lovingson, VA 22949
Phone: 434-263-4068
Fax: 434-263-8601

NELSON COUNTY BOARDS AND COMMISSIONS APPLICATION FORM

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Please complete and mail this form to:

Nelson County Board of Supervisors
Attention: Stephen A. Carter, Clerk of Board
Post Office Box 336
Livingston, VA 22949

or fax to (434) 283-7004

Date June 28, 2014

Mr. X Mrs. _____ Ms. _____

Name: Daniel L. Rutherford

List a maximum of three (3) Boards on which you are interested in serving.

1. Planning Commission

2. _____

3. _____

Home Address:

1026 Hickory Creek Road, Faber, VA 22938

Occupation: Attorney Employed by: Rutherford Law Group, PC

Home Phone No.: (434) 263-4831 Business Phone No.: (434) 263-8009

Fax No.: (800) 947-0389 E-Mail Address: Dan@DLRutherfordLaw.com

Do you live in Nelson County? Yes No

Are you currently a member of a County Board, Commission, Committee or Authority? Yes No

If yes, list the Board(s):

What talent(s) and/or experience can you bring to the Board(s)?

As an attorney, I have extensive experience reading and understanding complex codes and law as well as applying certain facts and circumstances to the applicable code or law section in question.

Please see my attached Resume.

What do you feel you can contribute to the Board(s) and to the community that may not be evident from information already on this form?

In addition to my legal knowledge, I have extensive ties with the community as a volunteer.

Please see my attached Resume

Please use this space for any additional information you would like to provide:

A resume or separate sheet with additional information may be included.

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In light of the above, will you be able to attend at least 75% of the regular meetings of the boards to which you may be appointed?

Yes No

Daniel L. Rutherford

1026 Hickory Creek Rd, Faber, Virginia, 22938
434-987-4820 (mobile) Dan@DLRutherfordLaw.com

LEGAL EXPERIENCE

Bar Admission: Commonwealth of Virginia

October 17, 2007

Rutherford Law Group, PC, Lovingsston, Virginia

President/Senior Litigator

October 2007 -Present

Conduct civil and criminal litigation with a bench or jury trials, legal research and settlement negotiations. Represent clients in family law matters, serve as Guardian *ad litem* for children and incapacitated adults. Provide assistance regarding debt re-negotiation and debt collection. Assist client's needs with applicable wills and trusts and estate administration. Perform real estate transactions and title examinations. Provide counsel to corporations and nonprofit organizations.

Nelson Title Agency, Limited Liability Company

Member/Manager

June 2007-Present

Provide title insurance, underwriting and closing services to residential, commercial and industrial clients, lenders, developers, attorneys, real estate professionals and consumers.

United States Army Judge Advocate General Corps Reserve Component – Captain

Chief of Military Justice for the 415th Chemical Brigade

March 2014 – Present

Serves as Chief of Military Justice for the 415th CBRN BDE, its staff, and its more than 23 subordinate units consisting of more than 2400. Represents the Government as Recorder (Prosecutor) and serves as Legal Advisor for administrative separation actions. Manages and monitors sexual assault cases and other serious offenses in the 415th CBRN BDE. Reviews for legal sufficiency: Investigations, Operations, proposals, plans, and command initiatives. Serves as legal advisor for 15-6 investigations, Financial Liability Investigations for Property Loss, EO investigations, and Congressional Complaints.

Trial Defense Counsel, 154th Legal Organization Detachment

May 2010-March 2014

Represent Soldiers at trials by court-martial, administrative separations (actions to discharge soldiers prior to the end of their service), non-judicial punishments, and summary courts-martial.

EDUCATION

United States Army Judge Advocate Officer Basic Course, Charlottesville, Virginia

Judge Advocate

July-September 2010

Regent University School of Law, Virginia Beach, Virginia

Juris Doctor

May 2007

GPA: 3.37 / 4.0; Class Rank: Top 20%

Activities: SBA 3L Class Senator; Mentor in the SBA Mentor-Mentee Program;

Federalist Society: Chief Activity Coordinator; Business Transaction Law Society;

International Law Society; ABA Law Student Member;

Awards: *Making the Commitment*; 2005-2006 & 2006-2007

Yearly worked over 35 hours of community volunteer projects during law school career

University of Virginia, Charlottesville, Virginia

Bachelor of Arts in Foreign Affairs

May 2003

Honors: Dean's List: Spring 2003

Recognized as Class of 2003 youngest graduate, awarded B.A. at the age of nineteen

Activities: Jefferson Leadership Foundation: Secretary

****Held a job throughout undergraduate education***

COMMUNITY

Nelson County Food Pantry Volunteer; Counsel of Nelson County Salt-Triad – Organization providing assistance to seniors; Director of Lions Club; Director of Nelson County Chamber of Commerce, Counsel for the Nelson Senior Advisory Committee, and Judge Advocate for American Legion Post 17.

INTERESTS

Scuba-Diving, Civil War Re-enacting, Martial Arts (2nd degree black belt), Hiking, Tennis, Spelunking and Genealogy.

Daniel L. Rutherford

1026 Hickory Creek Rd, Faber, Virginia, 22938
434-987-4820 (mobile) Dan@DLRutherfordLaw.com

About Daniel Lee Rutherford

I was born and raised in Shipman, Virginia. Growing up I enjoyed taking hikes in the mountains, helping my family around the farm. Upon graduating high school, I attended Piedmont Virginia Community College, where I earned my Associates in Arts; I then transferred to the University of Virginia where I earned a Bachelor's in Arts with the Major in Foreign Affairs at the age of nineteen. After taking a year off from school, I attended Regent University School of Law, and it was during this time that I married my wife Kathryn C. Rutherford in July 2005. I graduated Regent University in May 2007 and my wife and I moved back to Nelson County and we now live in Faber. After passing the bar I began my practice in October 2007 in the old building on the corner of Front and Main Street, once the old Lovingston Baptist Church, then a Boutique. In 2008, my wife and I were blessed with the birth of our first son, Elijah. Seventeen short months later in 2009 Llewelyn, our second son, was born. In October 2013, we welcomed the birth of our daughter Adalyn Grace Rutherford.

About Daniel Rutherford's Community Involvement

Upon beginning my practice I immediately became connected with local organizations within Nelson County. Throughout my life, I have strived to serve those in my community who are in need. After being admitted to practice in the Commonwealth of Virginia, I became a volunteer at the Nelson County Food Pantry; Counsel of Nelson County Salt-Triad – Organization providing assistance to seniors; volunteer at Rockfish River Elementary in Nelson County; Director of Nelson County Chamber of Commerce; Director of Lions Club; Member of the Nelson County Rotary Club, Member of the Nelson Senior Advisory Committee; Nelson County Home Builders Association and most recently Judge Advocate for American Legion Post 17. In addition to serving my community, I also serve my country, on May 3, 2010 I was sworn in as a First Lieutenant in as a Captain in the United States Judge Advocate Generals Corps, Army Reserves. On October 17, 2011, I was promoted to the rank of Captain, where I continue to serve my Country.

NELSON COUNTY BOARDS AND COMMISSIONS APPLICATION FORM

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Post Office Box 336
Lovingsston, VA 22949

or fax to (434) 263-7004

Date 29 June 2014

Mr. Mrs. Ms.

Name: William Cupo

List a maximum of three (3) Boards on which you are interested in serving.

1. Planning Commission
2. Social Services Board
3. Nelson County Service Authority

Home Address: 1701 Tanbark Dr.

Afton VA 22920

Occupation: Physician Employed by: AEP

Home Phone No.: 229-669-2614 Business Phone No.: 540-332-4423

Fax No.: _____ E-Mail Address: cuposmail@mac.com

Do you live in Nelson County? Yes No

Are you currently a member of a County Board, Commission, Committee or Authority? Yes No

If yes, list the Board(s):

What talent(s) and/or experience can you bring to the Board(s)?

These Board in Absentia for two years. Are also in several states. Living in so many places has given me the opportunity to see successful civic planning in a variety of environments.

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I currently work at Augusta Health and have family connections to the area.

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In light of the above, will you be able to attend at least 75% of the regular meetings of the boards to which you may be appointed?

Yes No

JEFFERSON AREA BOARD FOR AGING BOARD OF DIRECTORS

2 Members

Term Expiration

Diane Harvey
10921 Rockfish Valley Hwy
Afton, VA 22920
H (540) 456-8790
W (540) 456-6379
Cell: (434) 906-2136
Harveyasc@gmail.com

July 15, 2014
(Appointed 1-24-13)

Constance Brennan
524 Buck Creek Lane
Faber, VA 22938
H (434) 263-4690
connie@cstone.net

July 15, 2015
(Re-appointed 6-11-13)

Term(s) of Office: 2 years: July 16th – July 15th

Meeting: Fourth Monday of every other month at noon

Place: Varies

Membership: 4 members appointed by Council, 4 by Albemarle County, 2 each by Fluvanna, Nelson, Greene & Louisa Counties.

Purpose: The JABA Board is responsible for developing a comprehensive and coordinated system for services for all persons 60 and over. JABA acts as an advocate for seniors' interests and as a resource for agencies, organizations and individuals. JABA provides information referral/tracking service and transportation to improve links between older persons and existing services.

Contact: Jefferson Area Board for Aging
674 Hillside Drive, Suite 9
Charlottesville, VA 22901
Email: jabacares@gmail.com
Phone: (434) 817-5222
Fax: (434) 817-5230

August 12, 2014 BOS Punch List

VD

<u>Directives</u>	<u>Member</u>	<u>Status</u>	<u>Progress/Comments</u>
<u>Directives from March 12, 2013</u>			
<i>Relook at Ways of Doing Reassessments Including In-House</i>	C. Brennan	Pending	
<u>Directives from May 14, 2013</u>			
<i>Have Parks & Rec Department Prepare a Plan for Use of the Sturt Property</i>	A. Hale	In Process	Working with VT CDAC to Develop Plan
<u>Directives from February 11, 2014</u>			
<i>Create Computer Interaction Between COR, Clerk, P&Z , and TR Offices</i>	T. Bruguere	Pending	
<u>Directives from March 11, 2014</u>			
<i>Report on Revenue Recovery Program</i>	C. Brennan	Complete	
<i>Schedule a Joint Meeting with the School Board Soon</i>	C. Brennan	Complete	
<u>Directives from April 8, 2014</u>			
<u>None</u>			
<u>Directives from May 13, 2014</u>			
<i>Re-establish the Grass on the Retention Pond at MM Collection Site</i>	T. Bruguere	Complete	
<u>Directives from June 10, 2014</u>			
<i>Provide A. Hale and L. Saunders Copies of Future Invoices and Addenda from Woolpert on the Tunnel Project</i>	A. Hale	Ongoing	
<i>Check with Other Impacted Localities to See What Action They Were Taking on the Dominion Pipeline</i>	A. Hale	Complete	
<u>Directives from July 8, 2014</u>			
<i>Fix The Middle Handrail on Steps Going Out to Court Street</i>	A. Hale	Complete	
<i>Resume Provision of the Punch List</i>	C. Brennan	Complete	

**NOTICE OF PUBLIC HEARING
NELSON COUNTY BOARD OF SUPERVISORS
SPECIAL USE PERMIT #2014-005 ADIAL CABINS**

In accordance with Volume 3A, Title 15.2, Counties, Cities and Towns, of the Code of Virginia, 1950, as amended, and pursuant to §15.2-2204, §15.2-2285, and §15.2-2226, the Nelson County Board of Supervisors will hold a public hearing on **August 12, 2014** at 7:00 p.m., or as soon as possible thereafter, in the auditorium of the Nelson County Middle School in Lovingston, Virginia.

The purpose of said public hearing is to receive public input on Special Use Permit #2014-005 – Adial Cabins: Consideration of a Special Use Permit application, submitted by Duane and Lisa Blakeslee, seeking approval to operate a Motel pursuant to §4-1-25a of the Zoning Ordinance. The subject property is identified as Tax Map Parcel #33-A-8, and is located at 2781 Adial Road, in Faber. This is a 200.4-acre parcel zoned Agricultural (A-1), and is owned by Duane and Lisa Blakeslee.

A copy of the permit application is available for public inspection in the Office of the County Administrator at 84 Courthouse Square, Lovingston VA 22949, as well as in the Office of Planning and Zoning at 80 Front Street, Lovingston, VA 22949 Monday through Friday, 9:00 a.m. to 5:00 p.m. Telephone inquiries may also be directed to the Dept. of Planning & Zoning, (434) 263-7090, or toll free at 888-662-9400, selections 4 and 1.

BY AUTHORITY OF THE 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: July 30, 2014

Subject: Staff Report for Special Use Permit #2014-005 (Blakeslee / “Adial Cabins”)

Site Address / Location: Adial Road / Nellysford / Central District

Tax Map Parcel: #33-A-8

Parcel Size: 200.4 acres

Zoning: Agriculture (A-1)

Request: Applicant seeks approval of Special Use Permit #2014-005 / application made pursuant to Nelson County Zoning Ordinance Article 4, Section 1-25a, “*Uses permitted by Special Use Permit only: Motel*”

Application Overview

The Department of Planning & Zoning received an application on June 26th from Mr. Duane and Mrs. Lisa Blakeslee, seeking approval for Special Use Permit #2014-005, to utilize their property on Adial Road for a “Motel” land use. The applicants own the property and have both signed the affidavit (item #5) on the application.

The property is located on the south side of Adial Road (Rte. 634), opposite of Synchronicity. The western boundary of the property also has frontage along Gullysville Lane. The approximately 200-acre property is zoned Agricultural (A-1). (See maps on pages 5 and 6.)

Review of Requested Uses

The application seeks approval for, “construction of six (6) new single family dwellings for purpose of vacation rentals.” The Site Plan, which was submitted in May and reviewed by the Site Plan Review Committee in June, further identifies the proposed project as “Adial Cabins.”

This project (as proposed) requires a Special Use Permit (SUP) for “Motels, hotels” pursuant to §4-1-25a and pursuant to the definition of “Motel,” which is defined in the Nelson County Zoning Ordinance as follows:

Motel: One (1) or more buildings containing individual sleeping rooms designed for or used temporarily by automobile tourists or transients, with garage or parking space conveniently located to each unit. Cooking facilities may be provided for each unit.

Site Plan Review Committee Meeting and Comments

The Site Plan Review Committee convened on June 11th to review the application materials. The committee members' comments are as follows:

VDOT: Mr. Jeff Kessler provided the following written comments on Friday the 13th:

- VDOT considers the addition of six 2-bedroom cabins to be a change in use of the current field entrance serving a barn (storage facility), and will require a commercial entrance design and a VDOT Land Use Permit to connect with State Route 634 and conduct work within the right of way.
- ITE traffic generation analysis with ADT and peak hour trips will be required.
- The type of commercial entrance design will be based on the intended use and anticipated traffic generated. The design will address the major components such as; distance to closest intersection and or commercial entrance, sight distance(s), entrance geometrics, drainage, and entrance pavement design. I have attached a copy of VDOT's Check List for site plans and one with suggested plan notes which the engineer may use to guide them.
- The design and support documentation may be added to the County's site plan and with a revised VDOT signature block and disclaimer.
- Following our committee meeting I reviewed the site. The line of sight looking west from the entrance toward the intersection of Route 629 is limited by a crest vertical curve on Route 634. The engineer will need to address this in the design and location of the proposed commercial entrance.

VDH: Mr. Tom Eick of the Health Department stated that private wells for the proposed use would not be regulated by the Health Department. Mr. Eick also discussed the drainfields with the applicant, and no issues or concerns were specified.

TJSWCD: Mrs. Alyson Sappington of the Thomas Jefferson Soil & Water Conservation District stated that an Erosion & Sediment Control Plan needs to be submitted for review and approval, and offered specific guidance on the types of information to be addressed. These include quantifications showing the adequacy of receiving channels to handle runoff (although it was noted that Hamilton Lake is a "receiving channel" that could be eligible for a variance from the "MS-19 computations" if requested), as well as road ditch calculations, and the location(s) of check dams and silt fences.

Nelson County Building Code Official: Mr. David Thompson was not in attendance, but provided written comments prior to the meeting. Regarding the Site Plan, Mr. Thompson noted that an approved E&S Control Plan and a Nelson County Land Disturbing Permit are required; and that effective July 1st, a VSMP permit registration statement, an approved stormwater management plan, and VSMP approval authority (from DEQ) are required prior to any land disturbing activity. **Note: Please see page three for additional comments from Mr. Thompson.*

Nelson County Planning Commission: Mrs. Linda Russell's comments and questions were limited, and primarily pertained to the question of whether the proposed project could be processed as an "intentional community" by-right land use, as initially submitted, or if a Special Use Permit was necessary based on the proposed use of the cabins depicted on the Site Plan. **Note: County staff subsequently determined that the project required an approved SUP for "Motel" land use, before a Site Plan could be reviewed for approval.*

Staff Comments

1. Please note that the Building Code Official has provided additional information on this project, after the Site Plan Review Committee Meeting and after the County received the SUP application.

Specifically, Mr. Thompson noted the following in an email dated July 15th:

“Motels are an R-1 use group and must be transient in nature (defined as an occupancy of a dwelling unit or sleeping unit for not more than 30 days.) The certificate of occupancy would reflect the R (?) use group code and stipulate the authorized occupancy.”

Mr. Thompson also noted that, “The owners’ primary concern for this project would be designing each cabin as an individual dwelling unit and constructing each under the Virginia Residential Code (VRC) design requirements for a R-5 use group. The units will need to be detached with a 5-ft (or greater) separation between each dwelling. They may also be designed as attached townhouses and still remain a VRC R-5 use group. Only detached one-two family dwelling units are not required to be accessible.”

Mr. Thompson also stated that, “A use group R classification, other than R-5, will result in each cabin having a sprinkler fire protection system. A water storage system and fire pump would be necessary to provide the volume and quantity of water unless each home is on its own individual well water system. A use group R classification; other than R-5 will also result in providing accessibility features.”

Finally, Mr. Thompson also commented that, “Fire apparatus access roads need to be provided for the facility and buildings; and a water source for development fire protection should be on site and available for fire fighters. The water source may consist of reservoirs, pressure tanks, elevated tanks, water mains, or other fixed systems. We have accepted dry hydrants and ponds with the size and volume determined by an approved method (engineer).”

Staff believes the questions relating to the Virginia Residential Code “use group classification” and Uniform Statewide Building Code requirements, which are administered by the Building Code Official, should not preclude Planning Commission review or action on this application. In regards to the proposed project, please note that the Zoning Ordinance does provide for the proposed land use as defined in Article 2, Definitions, “Motel” – and necessarily leaves the details of the design and construction of the actual structure(s) to the Building Code Official.

2. Please note that this project is subject to bonding requirements for “required improvements.” Zoning Ordinance Section 13-6, “Improvements,” Section 1, and Subsection L. “Bond,” calls for the developer to establish a bond with the County prior to any Site Plan approval. This bonding requirement was recently emphasized in a written directive from County Administrator Steve Carter, dated July 3rd, in which Mr. Carter wrote, “[F]inal approvals by County staff are to be based on completion of all of the project elements approved by the County and that County staff are required to approve before the development can begin its operations, and this includes bonding, when applicable...”

This bonding requirement in Section 13-6 applies (at minimum) to the road and parking areas, which must be bonded (at an amount approved by the Board’s Agent) prior to Site Plan approval.

3. Please note that the Major Site Plan that was submitted by the Blakeslees in June is being used for this SUP review; which is acceptable for the purpose of satisfying the requirements of Article 12, Section 3-4-c-1. However, any BOS approval of this SUP application does not automatically equate to approval of the Major Site Plan (dated 5/23/2014). Rather, a Site Plan will need to be reviewed and approved separately, after any potential BOS approval of the SUP application, to satisfy the requirements of Article 12, Section 3-7 and Article 13, Sections 1 and 2.

That separate, subsequent Site Plan review would incorporate the bonding issue raised in Comment 2 (above) as well as any other project elements such as signage, lighting, landscaping, and/or other site details. County staff and the applicant have been proactively communicating about how to best ensure that this review process is as expedited and efficient as possible, with the Major Site Plan being targeted for review at the upcoming August 27th PC meeting, if the SUP is approved by the BOS.

Staff Summary

In summary, County staff supports this application to use Tax Map Parcel #33-A-8 for “Motel” special use for six (6) temporary lodging structures for rental accommodations. The proposed use and project seem to be appropriate relative to the review criteria in Article 12, Section 3-2:

12-3-2 General Standards and Criteria for Special Use Permit Review.

All applications for Special Use Permits shall be reviewed using the following criteria:

- a. The use shall not tend to change the character and established pattern of development of the area or community in which it proposes to locate;
- b. The use shall be in harmony with the uses permitted by right in the zoning district and shall not affect adversely the use of neighboring property;
- c. The proposed use shall be adequately served by essential public or private services such as streets, drainage facilities, fire protection and public or private water and sewer facilities; and
- d. The proposed use shall not result in the destruction, loss or damage of any feature determined to be of significant ecological, scenic or historic importance.

Planning Commission Review & Public Hearing

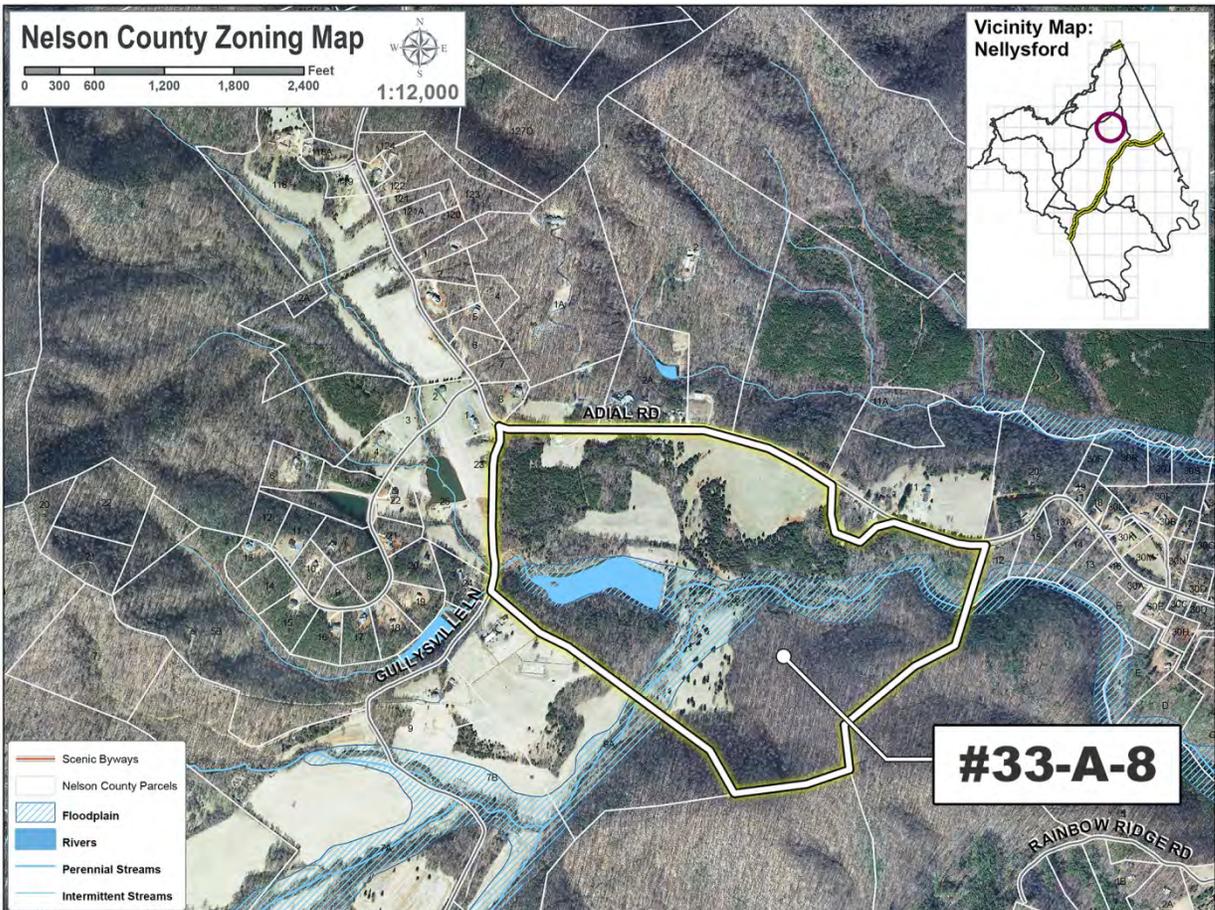
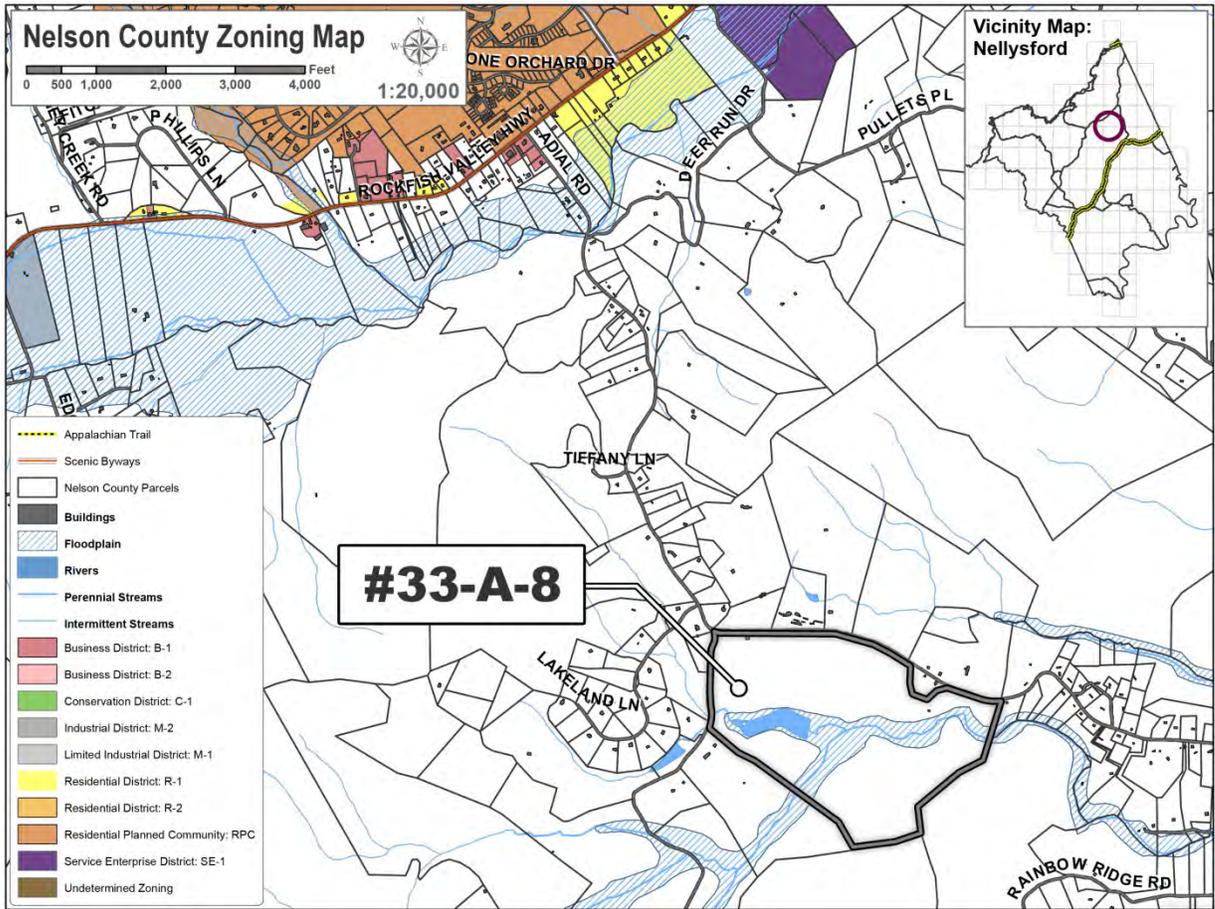
Additionally, the Planning Commission (PC) conducted a public hearing on July 23rd in accordance with Code of Virginia requirements for public notification and public advertisement. There were no comments from the public.

After the PC reviewed the Special Use Permit application, Commissioner Russell made a motion that,

“the Planning Commission recommend the Board of Supervisors approve Special Use Permit #2014-005 for Duane and Lisa Blakeslee for the creation of Adial Cabins on Adial Road, Faber; identified by Tax Map #33-A-8. The permit limits the number of cabins to six (6) year round single family dwellings for use as vacation rentals; it does not include any accessory structures.”

A second was offered by Commissioner Harman; the vote 4-0.

Thank you for your attention to this application; please contact me if you have any questions about this report or this permit application, or if I may be of assistance in any other way.





View of subject property looking south towards Hamilton Lake.

Following page: excerpts from the required Site Plan
 (Sheet 2: Site Overview and Sheet 7: Erosion & Sediment Control Plan)

TO THE ZONING ADMINISTRATOR:

1. The undersigned hereby petitions the Planning Commission and/or Board of Supervisors for approval of the following (check appropriate box):

- Rezoning from _____ to _____
- Special Use Permit
- Site Plan - Preliminary (Optional)
- Site Plan - Final
- Amend text of Zoning Ordinance
- Subdivision - Regular Preliminary
- Subdivision - Regular Final
- Site Plan - Minor
- Site Plan - Major
- Other - _____

Pursuant to Article _____, Section _____ of the Nelson County Zoning Ordinance.
Pursuant to Section _____, Subsection _____ of the Nelson County Subdivision Ordinance.

Reason(s) for request: Construction of 6 new single family dwellings:
For purposes of vacation rentals

2. Applicant(s) and Property Owner(s): (Please print names of applicants and property owners and indicate applicable title. If applicant is not the property owner, show relationship, i.e. lessee, contract purchaser, etc.)

Applicant Property Owner Name: Duane & Lisa Blakeslee
Address: 2781 Adiel Road Faber, VA 22938
Tel. No.: _____ Cell No. _____ E-mail addr. _____

Relationship (if applicable):

Applicant Property Owner Name: _____
Address: _____
Tel. No.: _____ Cell No. _____ E-mail addr. _____

Relationship (if applicable):

Applicant Property Owner Name: _____
Address: _____
Tel. No.: _____ Cell No. _____ E-mail addr. _____

Relationship (if applicable):

Applicant Property Owner Name: _____
Address: _____
Tel. No.: _____ Cell. No. _____ E-mail addr. _____

Relationship (if applicable):

(Use reverse if more space is needed.)

3. Location and Characteristics of Property:

a. Address of property including specific location, route numbers, street names, direction (NSEW), Magisterial District, etc.: 2781 Adiel road Faber, VA. 22938

route 634 in the central Magisterial District
Official tax map number: TMP 33-A80

b. Acreage of property: 200.43

c. Present use: Agricultural

d. Present zoning classification: A-1

e. Zoning classification of surrounding properties: A-1

(Continued on reverse.)

4. Names of Adjacent Property Owners: Caralyn J. Maki (TMP 53-A9A)
Shenandoah Properties, LLC (TMP 33-2-2) Ernest @ Jr + Mary Sue Reed
(TMP 33-2-1) George G. Vest (TMP 33-A10) Martin + Katherine P.
Verduys (TMP 33-A-12)

5. Affidavit: The undersigned applicant(s) and/or property owner(s) certifies that this application and the foregoing answers, statements, and other information herewith submitted are, in all respects, true and correct to the best of their knowledge and belief. Also, the applicant(s) and/or property owner(s) gives permission for members of the Planning Commission, Board of Supervisors, and County Staff to visit and view the subject property.

Signature: [Signature]
Signature: Yvona Blakeslee
Signature: _____
Signature: _____

6. Additional information: _____

7. Please note: In the event of cancellation or postponement at your request after the initial newspaper advertisement for this application, an additional fee will apply for re-advertisement. The fee will be based on the actual cost of the ad, and will not apply in cases of Planning Commission or Board of Supervisor deferments.

*****TO BE COMPLETED BY PLANNING & ZONING OFFICE*****

Completed application and fee (\$ 200.00) received on June 26, 2014
Hearing Notice published on July 3, 2014 + July 10, 2014
Planning Commission action: Date of Hearing: July 23, 2014
Recommendation: _____

Board of Supervisor action: Date of Hearing: _____
Date of Decision: _____
Action: _____

**NOTICE OF PUBLIC HEARING
NELSON COUNTY BOARD OF SUPERVISORS
AMENDMENT TO COMPREHENSIVE PLAN:
ADDITION OF A TRANSPORTATION CHAPTER**

In accordance with Volume 3A, Title 15.2, Counties, Cities and Towns, of the Code of Virginia, 1950, as amended, and pursuant to §15.2-2204, §15.2-2285, and §15.2-2226, the Nelson County Board of Supervisors will hold a public hearing on **August 12, 2014** at 7:00 p.m., or as soon as possible thereafter, in the auditorium of the Nelson County Middle School in Lovingston, Virginia.

The purpose of said public hearing is to receive public input on proposed revisions to the Nelson County Comprehensive Plan. Specifically, the addition of a Transportation Chapter is being considered. These proposed revisions include a new summary of the 2013 Route 151 Corridor Study in the “Existing Plans and Studies” section; a revised description of Route 29 and Route 151 and other minor modifications in the “Existing Roadway Inventory” section; and the introduction of a new principle, relating to greenways, in the “Recommendations and Vision” section.

A copy of the proposed changes to the Comprehensive Plan is available for public inspection in the Office of the County Administrator at 84 Courthouse Square, Lovingston VA 22949, as well as in the Office of Planning and Zoning at 80 Front Street, Lovingston, VA 22949; and is also posted at www.nelsoncounty-va.gov.

BY AUTHORITY OF THE NELSON COUNTY BOARD OF SUPERVISORS



To: Chair and Members, Nelson County Board of Supervisors

From: Tim Padalino | Director | Department of Planning & Zoning

Date: August 6, 2014

Subject: Public Hearing for the Proposed “Transportation Chapter” Addition to the Comprehensive Plan

This report summarizes the proposed addition of a “Transportation Chapter” to the Nelson County Comprehensive Plan.

The Virginia Department of Transportation (VDOT) requires Comprehensive Plans to contain a Transportation Chapter that is reviewed and approved by VDOT for consistency with VDOT’s Regional Long-Range Plans for Transportation. That requirement is codified in Code of Virginia §15.2-2223-(B.1).

In response to that state requirement, Nelson County staff partnered with Thomas Jefferson Planning District Commission (TJPDC) staff and worked diligently with the Nelson County Planning Commission (PC) to prepare an initial Transportation Chapter during 2011 and 2012. The PC held a public hearing and subsequently recommended that the Board of Supervisors (BOS) adopt that initial Transportation Chapter document in 2012.

However, at their November 20th, 2012 meeting, the BOS determined that the document contained inaccurate descriptions of local roads in the “Existing Roadway Inventory” section, and that it was not fit for adoption; and accordingly requested that County staff make specific revisions.

The revision process was then postponed during 2013 while VDOT undertook the *Route 151 Corridor Study*, in order for the analysis and recommendations from that plan to be incorporated into the proposed (revised) Transportation Chapter. County staff also incorporated additional revisions to improve the Transportation Chapter.

Specifically, the proposed Transportation Chapter that is being reviewed at this public hearing includes the following revisions, relative to the original version reviewed in 2012:

- a revised description of Route 29 and Route 151 and other minor modifications in the “Existing Roadway Inventory” section;
- a new summary of the 2013 *Route 151 Corridor Study* in the “Existing Plans and Studies” section; and
- a proposed new Principle in the “Recommendations and Vision” section stating that the County will, “Support the development of strategically-located greenways...,” as it relates to the County’s existing Goal to, “Promote a safe, efficient and diverse transportation system to serve both local and regional traffic.”

The Planning Commission then reviewed the revised Transportation Chapter, and conducted a properly-advertised public hearing on November 20th, 2013. They then formally recommended that the Board of Supervisors consider adoption of the proposed document on April 23rd, 2014.

A complete copy of the Transportation Chapter recommended by the PC was then provided to the BOS in the Meeting Packet for the June 10th, 2014 regular meeting. Because this is a public hearing item, a complete copy of the same document will also be provided with this report. Additional copies of the entire proposed Transportation Chapter can be made available (electronically or in print form) by contacting the Dept. of Planning & Zoning or the County Administrator's Office.

Thank you for your attention to this matter; and please contact me if you have any questions about this Comprehensive Plan update effort, or if I may be of assistance in any other way.

Nelson County Comprehensive Plan

Chapter Five - Transportation

Introduction

As a rural area, Nelson County's transportation needs are concerned with safety, due to mountainous terrain and longer distances to travel for daily trips to work, shopping and recreation. This chapter addresses these and other transportation concerns in the County. It documents the roads, bridges and services that make up Nelson's transportation system. It also provides guidance to the Planning Commission, Board of Supervisors, state agencies, and private developers in providing for the County's future transportation needs.

Purpose

The transportation chapter is an important tool for County officials and is intended to serve as a resource to local citizens. The County developed this chapter to meet Virginia State Code requirements but also to:

- Assist with identifying important transportation projects and provide guidance for their implementation;
- Help County staff and officials assess the new developments and policy proposals from a transportation perspective;
- Aid with proffer negotiations that involve transportation improvements;
- Aid the development of Nelson County's Capital Improvements Program;
- Protect the public's health, safety and welfare;
- Ensure the safe and efficient movement of people, goods and services throughout the County;
- Meet the existing demand for transportation and meet future needs;
- Serve as a resource for citizens, to inform them of the community's transportation system and empower them in the public process;
- Serve as a resource for the development community as they prepare development proposals;
- Provide guidance for decisions on the location and intensity of land development in the County; and
- Help to ensure that the transportation system will not become obsolete or overburdened.

Background

In recent years, the Virginia General Assembly has devoted more attention to transportation issues across the State. This focus led to several amendments to the State Code, including the requirement for a locality to develop a detailed transportation plan, which may be included as a chapter in its comprehensive plan.

Existing Plans and Studies

There are several existing plans and studies that directly address or indirectly influence transportation in Nelson County. These include planning documents from the State, bordering counties, and within Nelson County. Considering these existing plans and studies is critical because they:

- Set conditions on what the County can do,
- Lead to potential impacts on Nelson's transportation system, or
- Identify existing roadway data and project recommendations.

Rural Long Range Plan – RLRP (2010)

VDOT and their consultants prepared the Rural Long Range Plan (RLRP). The planning process included partnerships with the TJPDC and coordination with officials from Nelson and the region's other counties. The plan includes the Nelson's Primary Road Priority List, as set by the County Board of Supervisors. The recommendations from the RLRP will be integrated into the State Highway Plan. Nelson County's transportation recommendations in this chapter are consistent with the RLRP.

Route 29 Corridor Study (Under Development)

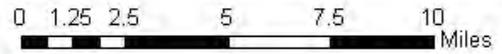
VDOT funded the Route 29 Corridor Study to make short and long-term recommendations for the entire Route 29 Corridor from Interstate 66 to the North Carolina border. This plan is still under development at this time. The draft plan reports the existing conditions for the Nelson County section of this roadway:

- The Nelson County portion of Rte. 29 has the lowest traffic volume of the entire corridor, with between 2,814 and 15,827 trips per day.
- Between 2005 and 2007, there were 110 crashes in the Nelson County section of Rte. 29, resulting in 112 injuries or fatalities.
- There are many intersections and driveways along the route. There are thirteen intersections with four or more approaches, and approximately 170 smaller T-intersections or driveways. These points can be safety hazards and cause congestion, particularly in hilly areas.

The following recommendations were made that pertain to Nelson County:

- **Upgrade the southern portion of US 29 in Nelson County** to a “parkway” with grade-separated interchanges and the northern portions to a parkway with at-grade intersections. This includes widening lanes to 12 feet and shoulders to 8 feet.
- **Four new interchanges should be constructed south of Lovingston to the county border.**
- **Access points should be limited to (the existing) thirteen (intersections) in Nelson County** with shared access points for multiple driveways. This requires access roads and parallel networks.
- **Land use planning should be continued in line with the Nelson County Comprehensive Plan**, including economic development in designated growth corridors and preservation of rural agricultural lands.
- **Norfolk Southern rail lines should be improved to double tracks with expanded service.**
- **Expand Park and Ride options** in the vicinity of Route 6 West and Route 29.
- **Transit service through JAUNT and proposed passenger rail service will become an important feature of the corridor.** Sidewalk networks should be expanded in certain growth areas.

Nelson County Route 29 Corridor Study



Legend

- Route 29
- Existing Intersection
- Proposed Interchange
- Primary Routes
- Secondary Routes
- Railroad



Prepared by the Thomas Jefferson Planning District Commission.
Source: US Census Tiger Data Winter 2010

Bordering Counties

Nelson has six bordering counties, including Albemarle, Buckingham, Appomattox, Amherst, Augusta and Rockingham. Each of these communities has its own comprehensive plan, influencing transportation in Nelson County.

To the north of Nelson is Albemarle County. In their plan, the Albemarle recommends improvements the Route 29 corridor, to create a “parkway” style road. This roadway design would include grade-separated intersections, which reduces the number of turning vehicles. The state recommends a similar design for Nelson. Albemarle’s plan designates its southern borders as Rural Areas. It recommends that rural roads in these areas remain in their current state, except for safety improvements.

Buckingham County shares a border with Nelson County, along the James River. There are two bridges spanning the river between the counties: County Road 602/Howardsville Road and Virginia Primary Highway 56 near Wingina. Their Comprehensive Plan calls for a gateway plan to ensure that entrances into the county are unique and attractive. The bridge near Howardsville is singled out for a potential increase in traffic flow, due to a new development, although no capacity improvements are recommended. The plan notes that neither of the bridges spanning the James River are structurally deficient, and there are no plans for significant repair.

Appomattox County shares a four-mile border with Nelson County along the James River. State Route 60 is the only bridge crossing between the counties. The Appomattox Comprehensive Plan does not address any specific future plans for this transportation connection.

Amherst County borders Nelson County to the south, sharing the important US 29 corridor that connects both counties with Lynchburg to the south and Charlottesville to the north. The Amherst County Comprehensive Plan considers this corridor “critical to the County’s economic health and quality of life.” The plan calls for access management for all new development along the corridor so as not to impede traffic flow. This requires minimizing the number of new driveway entrances and traffic signals. One strategy is to amend the zoning code to require service roads for new development along the corridor. The plan also calls for signage and landscaping requirements to enhance the aesthetic experience of entering the county. The plan recommends the installation of a traffic signal at the intersection of US Route 29 and State Route 151, about four miles south of Nelson County. The Comprehensive Plan also calls for the promotion of passenger rail service between the town of Amherst and other metropolitan areas.

Augusta County shares a border with most of the western edge of Nelson County. The Augusta County Thoroughfare Plan does not address the area bordering Nelson County directly. It is sparsely populated with very little projected growth, so no proposed transportation improvements are included in the plan for the area.

Rockbridge County shares a short border with the southwest corner of Nelson County in the Blue Ridge Mountains. The two counties are connected by State Route 56 near Montebello. The Rockbridge County Comprehensive Plan does not address transportation connections with Nelson County.

Nellysford Safety, Mobility, and Access Management Study (2002)

The TJPDC conducted this study, funded by VDOT, to evaluate safety measures and access issues to accompany increased traffic on Route 151 in the Rockfish District. The study recommended a reduction of the speed limit in the area from 45 to 35 miles per hour, the introduction of a series of median islands, and signage to warn of pedestrian crossings.

Other recommendations were to limit direct access to 151 by providing access to multiple parcels from single entrance points. The plan called for attention to all road users, including cyclists and pedestrians with such improvements as bike lanes, racks at commercial centers, sidewalks, crosswalks, and off-road trails. It recommended a transit stop at Wintergreen for regular JAUNT routes currently in operation, as well as an adjacent park and ride lot. The plan also recommended land use strategies to complement the transportation recommendations. While VDOT funded this study, the Nelson County Board of Supervisors never formally adopted the document or its recommendations.

Lovingston Safety Study (2005)

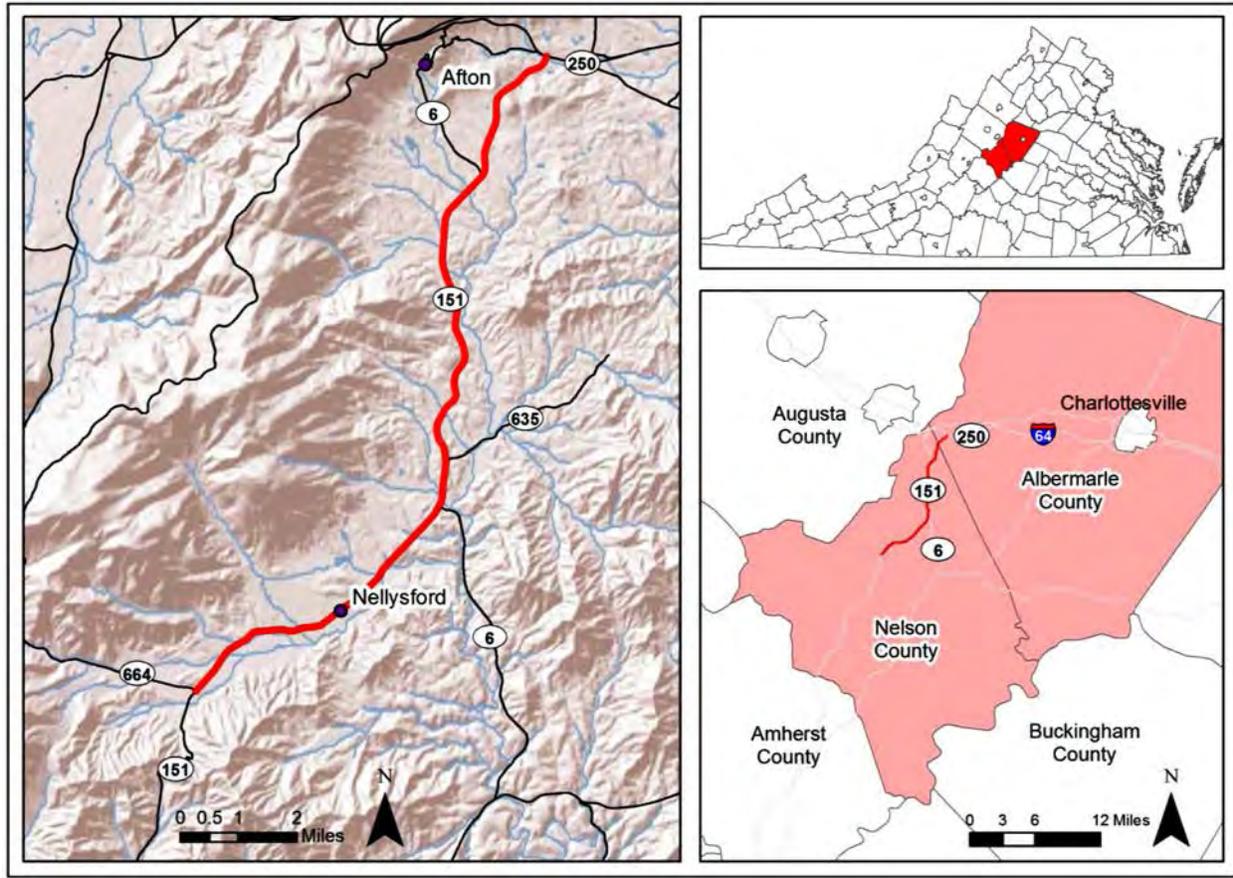
Conducted by the TJPDC and funded by VDOT, the purpose of this plan is to enhance the small town, pedestrian-oriented character of historic Lovingston and to achieve a safer, more efficient connection between historic Lovingston and the growth occurring on the western side of Route 29. This Study is designed to achieve a balanced, multi-modal system that allows pedestrians, bicyclists, and drivers to safely travel in the greater Lovingston area while maintaining and improving the capacity of Route 29 for regional through-traffic.

The key transportation recommendations designed to achieve these goals include:

- **Achieve the goal of the VDOT “Route 29 Corridor Development Study” to upgrade Route 29 to restricted access Parkway** by upgrading existing turning lanes from Route 29 to local streets, eliminating median breaks (the ability to make left turns to and from Route 29), and providing landscaping consistent with a parkway and small town.
- **Enhance the access between both sides of Route 29** by constructing several grade-separated facilities that will offer greater roadway capacity and safer connections.
- **Extend Route 56 from its current Front Street connection west to a new interchange with Route 29** that will continue westward to provide primary access to the future growth areas of western Lovingston. This will achieve better access between Route 56 and 29, better access between historic Lovingston and Route 29, and more controlled growth in western Lovingston.
- **Reinforce the traditional grid street network of historic Lovingston** in order to better achieve the County goals of economic development and downtown revitalization. Recommended improvements include traffic calming features and streetscape enhancements.
- **Extend Front Street south to Route 29** consistent with the downtown pedestrian oriented feel of existing Front Street and create a gateway to historic Lovingston. Expand the traditional gridded street pattern to accommodate future development.
- **Establish a two-lane roadway parallel to Route 29 on the western side of Lovingston.** This will enhance access to and from Route 29 and support internal circulation through a grid system of roads consistent with historic Lovingston.
- **Enhance Lovingston as a walkable community** with sidewalk upgrades in historic Lovingston, bulbouts and pedestrian crosswalks at key intersections, streetscape enhancements, and a pedestrian and bike trail along the east side of Route 29.

Route 151 Corridor Study (2013)

Conducted by the HNTB Corporation and funded by VDOT, this study evaluated the operations and safety of approximately 14 miles of Route 151 in the North District and Central District of Nelson County. The study area focused on the segment from the intersection of Route 151/Route 664 (Beech Grove Road) in the south to the intersection of Route 151/U.S. Route 250 in the north, which is located just beyond the county line with Albemarle County.



Route 151 Corridor Study Area. (Source: HNTB Corporation / VDOT)

This study was conducted because this section of Route 151 has experienced steady population growth, increasing commercial development, and a substantial increase in vehicles traveling the corridor in the past 10 years. This increase in traffic is due in part to the corridor being used as a viable shortcut for many commercial trucks traveling between I-64 and U.S. Route 29. The steady growth in the use of this corridor by local residents, visitors, tourists, and pass-through commercial truck drivers has resulted in increased traffic congestion and has caused safety concerns for the corridor.

The key transportation recommendations designed to achieve better mobility and increased safety are largely focused on fifteen (15) key intersections. There are also corridor-wide recommendations, with specific short-term, mid-term, and long-term recommendations for different segments of the study area. Key recommendations from the study that address operational, geometric and safety deficiencies include:

Short Term:

- At Route 6 south (River Road) – add a left turn lane on the southbound and westbound approaches.
- At Route 635 south (Rockfish School Lane) – add a left turn lane on the northbound and eastbound approaches.
- At Route 784 (Bland Wade Lane) – reconstruct the roadway to improve horizontal and vertical alignment.
- At Route 849 (Tanbark Drive) – Slope the embankments in the southeast and southwest quadrants to improve sight distance for the northbound approach.
- Improvements were recommended at Route 635 north (Greenfield) and Route 709 (Chapel Hollow Road); improvements have since been constructed.

Mid-Term:

- From Route 613 (Rodes Farm Road) to 0.05 miles north of Route 613 – reconstruct the roadway to address geometric deficiencies, including improvements at the intersection with Route 613 (Rodes Farm Road) to correct sight distance deficiency. (Note: although not specified, it is assumed that the northern terminus is north of Route 613 – Lodebar Estates).
- At the intersection with U.S. Route 250 – install traffic control improvements, including a signal with a northbound turn lane, or a roundabout.

Long Term:

- At the Route 151 intersection with Route 627 (Spruce Creek Lane) – reconstruct the intersection to improve horizontal and vertical curves.
- From Route 634 south (Adial Road) to Route 6 south (River Road) – reconstruct the existing roadway to increase capacity, address geometric deficiencies, and accommodate two 12-foot travel lanes with paved 6-foot shoulders marked as bike lanes. Right-of-way should be reserved for an ultimate four-lane cross-section when volumes warrant.
- From Route 6 south (River Road) to Route 638 south (Avon Road) – reconstruct the existing roadway to increase capacity, address geometric deficiencies, and accommodate two 12-foot travel lanes with paved 6-foot shoulders marked as bike lanes. Right-of-way should be reserved for an ultimate four-lane cross-section when volumes warrant.
- From Route 638 south (Avon Road) to U.S. Route 250 (Rockfish Gap Turnpike) – widen the existing roadway to increase capacity, address geometric deficiencies, and accommodate four 12-foot travel lanes with paved 6-foot shoulders marked as bike lanes. Long-term spot safety and alignment improvements are needed.
- At the intersection with Route 6 north – provide left turn lanes on the minor approaches, and signalize the intersection when warranted.

Existing Roadway Inventory

An existing inventory of roads and services is a first step in the development of a transportation plan. The inventory describes current conditions, assets and challenges. Roadways represent the bulk of the County's transportation system, with most residents relying on their cars for daily travel to work, school and other destinations. The following inventory provides a detailed inventory and review of the major roadways in the County, in order to:

- Provide a comprehensive analysis of traffic counts and conditions in the existing roadway network.
- Assist County officials in considering the transportation impacts of development proposals.
- Help identify the need for future road projects and improvements, providing the foundation and rationale behind the goals, objectives and recommendations in this chapter.

Interstate 64

Interstate 64 crosses the entire State, from Hampton Roads to West Virginia, and links several cities including Norfolk, Richmond, Charlottesville, and Staunton. The interstate also links I-95 and I-81, with Nelson County located between these two north/south corridors. From Nelson, the closest access point to the interstate is exit 99, ~~on the western side of~~ at Rockfish Gap on top of Afton Mountain in Augusta County. The next closest is exit 107, where one can enter onto I-64 from Route 250 in Albemarle County.

Primary Routes

In the hierarchy of highways, the next category after interstates is the state primary system. These are roads that have regional or statewide significance and serve to connect cities, towns and other communities. Some of these routes may have national importance, functioning as major thoroughfares and corridors for several states. In Nelson County, there are seven primary routes, which accounts for 124 miles of roadway. These include Routes 29, 6, 48 (the Blue Ridge Parkway), 56, 60, 151 and 250.

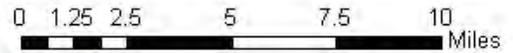
The County faces several challenges with some of these roads. In some of the more rural areas of Nelson, there are significant changes in terrain for many road sections with poor vertical and horizontal alignment. These roads usually have only two lanes. Several of these lanes are relatively narrow, being 10 feet wide or less. Under these conditions there are frequent "no passing" zones, often with lines of cars behind slow moving vehicles, such as school buses and agricultural equipment. Other roads lack

coordinated access management, leading to additional turning movements, as motorists try to access roadside properties. These conditions can severely limit road capacity and safety.

The following inventory of primary routes in Nelson County includes a general narrative on each road, along with detailed figures on traffic counts, level of service and other conditions. *Please note that all traffic counts are from 2010.*

DRAFT

Nelson County Roadway Inventory



Legend

- Route 29
- Corridor of Statewide Significance
- Primary Routes
- Secondary Routes
- +— Railroad



Prepared by the Thomas Jefferson Planning District Commission.
 Source: US Census Tiger Data Winter 2010

Route 29:

Named Thomas Nelson Highway, this route makes up 23 miles of the County's road network. At its northern end, Route 29 crosses the Albemarle County border, passing through Nelson and then entering Amherst to the south. Thomas Nelson Highway carries the highest traffic volumes of any ~~other~~ road in the County, with 12,600 to 16,000 average trips per day. The next highest counts in the County are along sections of Route 151, with fewer than 8,500 daily trips.

The County uses Route 29 as a critical component of local transportation and land use policies. The County's Future Land Use Plan shows Thomas Nelson Highway connecting growth areas around the Lovingson area. This includes land uses such as Rural Residential, Rural Small Town, and Light Industrial/Mixed Commercial. In the County plan, the road also acts as the artery for more Industrial and Mixed Use Commercial to the south, near Colleen and towards Amherst.

The following are additional facts and data on Route 29:

- It is designated as a Rural Principal Arterial.
- VDOT designated this as a Scenic Road-Byway for the segments north of Route 6.
- Route 29 has four-lanes, with each being 12-foot wide, plus paved shoulders.
- The speed limit is to 60 mph.
- The entire road length has a Level of Service A, where vehicles are able to travel freely, with few delays or congestion.
- In some locations, Route 29 ~~has~~ does not have good sight distances, ~~both~~ either horizontally, ~~and~~ vertically, or both – which can create some difficulties in allowing motorists to clearly see any other vehicles or unexpected obstacles ~~in the road.~~
- The area with the highest traffic counts is around the rural village of Lovingson, reaching 16,000 trips per day.
- The intersection at Lovingson has the only traffic light in the entire County.

Route 29 is also identified as a Corridor of Statewide Significance (CoSS). The Commonwealth's Statewide Transportation Plan identified eleven of these corridors. The CoSS include the major roadways, rail lines, airports, ports and transit services across Virginia. The Code of Virginia requires that each locality with a CoSS, "note such corridor or corridors on the transportation plan map included in its comprehensive plan for information purposes at the next regular update of the transportation plan map" (15.2-2232).

Route 6:

As Route 6 crosses Nelson County, its name changes several times. In the northwest corner of the County, it begins as Afton Mountain Road, then Rockfish Valley Highway, River Road and finally Irish Road as it heads into Albemarle County. Over this stretch in Nelson County, the road accounts for approximately 13 miles as it roughly follows the Rockfish River. The Future Land Use plan shows Route 6 as an important road that accesses rural residential uses, between the areas of Avon and Greenfield. While this is a major road, its design and capacity are not suited for higher volumes of traffic.

The following are additional facts and data on Route 6:

- The road segments located northwest of Route 29 are designated as a Rural Minor Arterial.
- The segments that are southeast of Route 29 are designated as a Rural Major Collector.
- The State also designates Route 6 as a Virginia Scenic Byway.
- This is a two-lane road, with 10-foot travel lanes.
- There are limited shoulders, ranging from 1 to 2 feet, enough to provide a small buffer between traveling vehicles and the roadside ditches.
- There is an average of 770 to 3,700 daily trips, depending on the road segment.
- The highest traffic counts for Route 6 are between Route 29 and 151.
- The In most places, the speed limit varies between 45 mph and is 55 mph. As it overlaps with Route 29, the speed limit increases to 60 mph, and some portions of Afton Mountain Road have a much lower speed limit due to the mountainous terrain and very sharp curves.
- On the southeastern segments of Route 6, the Level of Service indicates that the road is nearing capacity.

Route 48:

Also known as the Blue Ridge Parkway, Route 48 has regional, ~~and~~ national, and international significance. For example, the Parkway is the most visited unit in the entire National Park System. In Nelson County, the Blue Ridge Parkway runs parallel to the western border with Augusta and Rockbridge Counties, along the mountains. Approximately 14 miles of the road are actually within Nelson County. There are challenges to maintaining the Parkway, due mostly to the mountainous terrain and weather. The roadway is not open in the winter, and sections which pass over especially high elevations and through tunnels are often impassable and closed from late fall through early spring. Weather is extremely variable in the mountains, so conditions and closures change rapidly.

The following are additional facts and data on Route 48:

- It is designated as a National Parkway, National Scenic Byway, All-American road and a Virginia Scenic ~~Parkway~~Byway.
- Route 48 functions as a Rural Minor Arterial.
- This is a two lane road, with each lane 10-foot wide, along with 4-foot shoulders.
- On average, there are 385 daily trips.
- There are no identified issues with traffic congestion or Level of Service.

Route 56:

Route 56 runs northwest/southeast across Nelson County. Its western end begins in the Shenandoah National Park and the eastern end spans the James River into Buckingham, connecting with Route 60. Across this stretch, Route 56 goes by several different names. To the west, Route 56 is called Crabtree Falls Highway. It then merges with Route 151, where it becomes Patrick Henry Highway. From that point to Route 29, the name changes to Tye Brook Highway. Finally, Route 56 becomes James River Road, between Lovingsston and the James River. In total, these segments equate to 38 miles of Nelson County's road system. U.S. 56 serves several important functions locally. It connects places like Montebello, Nash, Tyro, Massies Mill, and Colleen, along with Shipman and Wingina to the east. Route 56 is also one of the few roads that cross the mountains, connecting with the Blue Ridge Parkway and accessing destinations in the Shenandoah National Park, such as Crabtree Falls.

With speed limits of 55 mph, the road does move traffic relatively quickly on straight stretches. The exception is the far western end of the County, between Rockbridge County and Route 151, where the road includes several challenging curves and poor sight distances as it climbs through the foothills and mountains. In these areas, the speed limit is appropriately reduced to 45 mph. Regardless, these western sections can be difficult to navigate, particularly in poor weather.

The following are additional facts and data on Route 56:

- In the segment that merges with Route 151, the road is defined as a Rural Major Collector.
- West of Route 151, this road is a designated Virginia Scenic Byway.
- The average daily trips range from 300 to 2,000. The highest counts are near Lovingsston, on the eastern side of Rte 29, while some of the lowest counts are to the west, between Montebello and Nash. To the east, the counts decrease again, to 275 daily trips, near Wingina.
- On average, the road has 9 to 10-foot lanes. In addition, there are usually 1 to 2-foot shoulders.

- There are 11-foot lanes and wider shoulders east of Lovingson, between Rte 772 and the Buckingham County line.
- The road has minor capacity issues between the Rockbridge County line and Nash. There are similar issues around Tyro and the Massies Mill area. Between Lovingson and shipman, the road is nearing capacity, which could lead to travel delays.

Route 60:

Route 60 only has a short 6-mile segment in Nelson County, in its southeastern corner of Gladstone, which is shown in the Future Land Use Plan as rural and farming. Route 60 is called Richmond Highway and serves as one of Nelson's two major crossings over the James River.

The following are additional facts and data on Route 60:

- The state categorizes this road as a Rural Minor Arterial.
- There are around 1,500 average daily trips.
- It is a 2-lane road with 10 to 11-foot lanes and 2-foot shoulders.
- The Speed limit is 55mph.

Route 151:

~~Route 151 begins in western Albemarle County at the intersection with U.S. Route 250, and enters Nelson County approximately 1 mile to the south. Route 151 starts in the northern end of Nelson County, where it connects with U.S. 250 in Albemarle County. It runs Running roughly parallel to Route 29, and later it continues south for 28 miles before entering Amherst County, as it heads south. Route 151 accounts for 28 miles and holds threetwo names; Critzer Shop Road, Rockfish Valley Highway, and Patrick Henry Highway. It serves as the primary access to Wintergreen, and also provides access to. It also connects places like Piney River, Roseland, Nellysford, Greenfield and Avon.~~

In recent years, the Critzer Shop Road and Rockfish Valley Highway portions of Route 151 have become heavily traveled as the primary corridor for Nelson County's burgeoning tourism industries. Continued heavy use and additional tourism-related activities and development are anticipated for this corridor. As such, VDOT commissioned the Route 151 Corridor Study in 2013 to evaluate safety and mobility issues with Route 151 from Beech Grove Road to U.S. Route 250.

The following are additional facts and data on Route 151:

- The ~~state designates this road as a Virginia Byway~~ road is defined as a ~~and~~ Rural Minor Arterial.
- Route 151 is designated a Virginia Scenic Byway from its northern terminus at Route 250 to the intersection with Crabtree Falls Highway in Roseland.
- On the border with Amherst County, there are approximately 2,500 average daily trips.
- Further north, daily trips decreases to nearly 1,500 until Wintergreen, where volumes reach over 4,000.
- From the intersection with Route 6 at Greenfield to the Albemarle County line, daily trips reach almost 8,500.
- This is a 2-lane road with 10-foot travel lanes, along with 1 to 2-foot shoulders.
- The road widens near Albemarle County with 22 to 24 feet of pavement and 2 to 3-foot shoulders.
- The speed limit is 55mph, with a section where the speed limit is 45 mph.
- Near Roseland and the intersection with Route 56, the road is nearing capacity. Further south, near Piney River and the Amherst County Line, there are minor capacity issues.

Route 250:

U.S. 250 only briefly passes through the northernmost tip of Nelson County, near the base as it ascends to Rockfish Gap near the top of Afton Mountain. This short 2-mile section is also referred to as Rockfish Turnpike. The road design creates a higher capacity facility for the surrounding rural area and through-traffic. While only a small section is within the County, this road does have significant influence on Nelson by providing access to and from its northern areas. It also helps take pressure off of other west/east roadways within the County.

The following are additional facts and data on Route 250:

- The state designates Route 250 as a Virginia Scenic Byway and as a Rural Minor Arterial.
- This is a two-lane road with shoulders, making up 30 feet of pavement. There is a section on Afton Mountain where there are two lanes going westbound, almost to the top of the mountain.
- The speed limit is 55 mph.

Secondary Routes

The remaining public road network consists of state secondary roads that are not designed to carry heavy traffic loads. Most originated over the last century as pathways between farms and market areas. The routes and road beds were established long

before suburban growth, and therefore, the roads are generally narrow with poor horizontal and vertical alignment. Issues facing many secondary roads include:

- Limited right-of-way.
- Natural or constructed obstacles located close to the right-of-way, making improvements to the road expensive with numerous design challenges.
- Mountainous terrain that make road improvements challenging
- Rural secondary roads that are increasingly being used to carry extensive subdivision development.

The following table provides detailed descriptions of several of the more significant roadways.

Rte #	Name	Category	Daily Trips	Description
617	-Rockfish River Road	- Rural Minor Collector	138 – 340	Rte 617 intersects with Rte 29, north of Lovingston, and runs generally parallel with Rte 6 to the east, where it enters <u>before entering</u> Albemarle County. The 2-lane road is about 9 miles long, with 8-foot travel lanes and 1 to 3-foot shoulders.
622	-Allens Creek Road	- Rural Minor Collector	141	Rte 622 is located in the southeastern tip of Nelson, in the Gladstone area. The northern end begins with Norwood Road (Rte 626). Heading south, it crosses Rte 60 and enters the corner of Amherst County. This is a narrow road, with 9-foot travel lanes and a foot of shoulders. One section with several sharp turns can be challenging for motorists.
626	-Norwood Road -Union Hill Drive -Cabell Road	- Connector Route to scenic road - Rural Minor Collector	155	Rte 626 runs parallel with the James River. The southern end starts at Rte 60, before it passes over Rte 56 and heads northeast into Albemarle County. This is a narrow 2-lane road with 7-foot travel lanes and 1-foot shoulders.
635	-Greenfield Road -Craigs Store Road -Cold Creek Lane	- Rural Major Collector - Rural Minor Collector - Rural Local	353 – 972	Rte 635 is in the northwestern portion of Nelson, connecting Rte 6 in the Greenfield areas and Albemarle County. <u>This is a 2-lane road with 8 to 9-foot lanes and 1-foot shoulders.</u> There is <u>also</u> a small segment also on the west side of Rte 6 (<u>Rockfish School Lane</u>), which dead ends. This is a 2-lane road with 8 to 9-foot lanes and 1-foot shoulders.

639	-Nelson Avenue -CraigTown Road -Laurel Road	- Rural Major Collector	212 – 498	Rte 639 runs parallel with Rte 29, connecting Rtes 56 and 6 to the east. It passes through the Shipman and Rockfish areas. This is a narrow and occasionally winding road, with 7 to 8-foot lanes and 1-foot shoulders.
650	-Oak Ridge Road -High Peak Lane	- Rural Major Collector - Rural Local	896	Rte 650 runs parallel with Rte 29, just east of Lovington. It connects Rte 653 with Rte 56, from the Oak Ridge to Shipman areas. It is a 2-lane road with 9 –foot travel lanes and 1-foot shoulders.
653	-Freshwater Cove Lane -Oak Ridge Road -Wilson Road	- Rural Major Collector - Rural Local	886	Rte 653 is roughly parallel with Rte 56. To the south of Lovington, it connects Rtes 655, 650 and U.S. 29. To the west it dead ends as Freshwater Cove Lane. The 2-lane road has 10 –foot travel lanes and 1-foot shoulders.
655	-Roseland Road -Colleen Road -Arrington Road -Variety Mills Road	- Rural Major Collector	840 – 1,141	Rte 655 winds across the southern part of the County, running east/west. The western end begins at Rte 151/56, in the Roseland area. Heading east, it crosses Rte 29 at Colleen and into the Arrington area. On the far eastern end, it dead ends into the Norwood area, at Rte 626. There are two 9-foot lanes for this entire stretch, with 1 to 2-foot shoulders.
656	-Gladstone Road	- Rural Major Collector	149	Rte 656 passes through the Gladstone area of Nelson. It connects Rte 60 with 622. This is a very narrow 2-lane road. There are 7-foot travel lanes and 1-foot shoulders.
657	-Tye River Road -Piedmont Road	- Rural Minor Collector - Rural Major Collector	310 – 782	Rte 657 is located in the southeastern corner of Nelson, running parallel to the Amherst County line. It begins just east of Rte 29 and passes over Rte 60, before heading into Amherst. The northern end is narrower, with 8-foot lanes and 1-foot shoulders. As it winds to the south, Rte 657 widens to 10-foot lanes with 2-foot shoulders.
661	-Phoenix Road	- Rural Major Collector	993	Rte 661 is in the southeast quadrant of Nelson, beginning in the Arrington area before it leads south for about 4 miles. While the traffic counts are relatively low, VDOT identifies this road as having issues with Level of Service. There is “unstable flow at or near capacity” for sections of this route. The travel lanes are narrow, at 9 feet and 1-foot shoulders.

664	-Beech Grove Road	- Rural Major Collector - Virginia Byway	1,786 – 2,481	Rte 664 begins in the Wintergreen area, at Rte 151. To the west, it climbs into the mountains, crossing the Blue Ridge Parkway and leading into Waynesboro. There are relatively high levels of traffic, creating issues with SOL. Near the Augusta County line, there is “high density flow”, though this 2-lane road is wide, with 10 to 12-foot lanes.
665	-Old Rose Mill Road -Wilson Hill Road	- Rural Minor Collector - Rural Major Collector	405	Rte 665 crosses east/west, over Nelson’s southern part of the U.S. 29 corridor. This road is split into two segments. The west side connects Amherst with Rte 29 and the eastern half is flanked by Rte 29 and the Arrington area. This is a narrow two lane road, with 8-foot lanes and 1-foot shoulders.
666	-Jonesboro Road -Dickie Road -Woodson Road	- Rural Minor Collector - Rural Major Collector	37 – 273	In the south-central part of Nelson, Rte 666 connects Rtes 151 and 56. It then hugs the Amherst County line and enters the Lowesville area. In this southern segment, the road is wider, with 9-foot lanes and 2-foot shoulders. Further north it narrows to 7-foot lanes and no shoulders in some areas, though it widens again to 9 feet at the northern end.
676	-Clay Pool Road -Buffalo Mines Road	- Rural Minor Collector	145	Rte 676 branches off from the southern portion of Rte 151. From there it goes south, towards the Amherst County line and Lowesville. This is a very narrow 2-lane road. There are 7-foot lanes and 1-foot shoulders.
679	-Level Green Road -Castle Creek Lane	- Rural Local	15	In the Massies Mill area, Rte 679 is a short stretch of road near the confluence of Rtes 151 and 56. The road is very narrow, with 7-foot lanes and no shoulders. With such little traffic, this width is sufficient.
710	-Oak Ridge Road	- Rural Major Collector	899	Rte 710 is less than 2 miles long, but carries relatively high level of traffic. Located in the Oak Ridge area, it connects Rtes 653 and 650. It has 9-foot lanes and 2-foot shoulders.
739	-Tye River Road -Boxwood Farm Road -Napier Loop	- Rural Minor Collector - Rural Local	724	Near the Amherst County line, Rte 739 intersects with Rte 29 and leads east, along the Tye River and into Amherst. With 8-foot lanes and 2-foot shoulders, the road is relatively narrow.
750	-Old Turnpike Road	- Rural Local	152	In the northern tip of Nelson, Rte 750 creates another connection between Rtes 250 and 6. The 8-foot lanes are narrow, but there are few daily trips along this

				stretch.
778	-Lowesville Road	- Rural Major Collector	616	Rte 778 is located near the Amherst County line, west of Rte 151. It connects the Piney River area with Lowesville. With 9-foot lanes and 2-foot shoulders, the road is sufficient to handle the existing traffic.
800	-Schuyler Road	- Scenic Road, - Rural Local	678	Near the northern county line, Rte 800 passes through the Schuyler area into Albemarle. This road is relatively wide, with 10-foot lanes and a foot of shoulder on either side.
814	-Campbells Mountain Road -Love Road	- Rural Local	119	Rte 814 is located in the western end of Nelson. From the Nash area, it connects with Rte 56 and leads north, into the mountains. After crossing the Blue Ridge Parkway, it enters Augusta County. This is a narrow road with 8-foot lanes and several sharp turns as it winds into the mountains. With <u>limited</u> shoulders and poor sight distances, this can be a challenging road for motorists.
1001	-Main Street -Court Street -Ridge Lane	- Rural Local	1,999	Rte 1001 functions as the main street for the village of Lovingston. The street is flanked by small town development and ushers drivers through this small community.

Rural Transit and Carpooling

A commute is defined as a home-to-work or work-to-home trip, and is one of the main functions of a transportation network. While there are other types of trips, commuting patterns are consistent, predictable and make up a major portion of roadway traffic. Assessing these travel patterns is a vital exercise in understanding a community and how its transportation system functions.

While some people commute into Nelson County for work, the major traffic pattern involves trips out to employment centers in the surrounding areas. According to 2008 American Community Survey data (U.S. Census), there are 4,607 people who live in Nelson, but work outside of the County. Conversely, there are 1,558 workers who work in Nelson but who live in the surrounding jurisdictions. This equates to a net out commute that is three times larger than the number of people commuting into the County for work. Another group, those who live and work in the County, make up 1,741 of the labor force.

According to the U.S. Census, over 40 percent of Nelson workers travel to the Charlottesville/Albemarle County area for their employment. This is the dominant commuting pattern, with people traveling along the Route 29 corridor and surrounding roadways. This commuting pattern contributes to the traffic counts along Route 29 and 151. Smaller numbers of commuters travel to Augusta County, Amherst, Lynchburg, Waynesboro, and places beyond.

Most people in Nelson typically have to rely on automobiles for these trips and other travel. The costs of repair, expansion and new construction of roads are high and commonly come with logistical obstacles, such as obtaining additional right-of-way. Transportation Demand Management (TDM) services, such as rural transit and carpooling, are a way of maximizing the existing road infrastructure.

Rural Transit

Nelson County's relatively low population density makes extensive fixed-route transit system unfeasible. On-demand or rural transit is reasonable alternative for Nelson County from a financial and logistical perspective.

On-demand public transportation is characterized by flexible routes and schedules, typically using small buses to provide shared occupancy, doorstep, or curbside personalized transportation service. For Nelson County, JAUNT provides this service. Its eighty-vehicle fleet makes over 270,000 trips annually within their service area,

including commuter, health service, and general errand trips. Most trips are scheduled by the passenger, but some fixed routes are available that allow access to urbanized areas. JAUNT buses are all equipped with computers that plan the most effective pick-up and drop-off routes. Federal, state and local funding supplement the agency payments and passenger fares help to keep the cost of service low for those who use it.

In Nelson County, JAUNT offers four separate services: commuter routes to Charlottesville, Wintergreen service, midday service to Charlottesville and intra-county service. The commuter routes to Charlottesville include a Lovington Express Route, which makes stops along Route 29 and in the UVA area. The second commuter route under this service is the Roseland Route. These commuters ride along State Routes 151 and 56, as they head east to Route 29. These passengers arrive to Charlottesville in the morning, with drop offs in the downtown and UVA areas. The Wintergreen service travels from the resort to areas throughout the County, as JAUNT carries passengers to and from Charlottesville. The midday service to Charlottesville is a door-to-door service that is available in all of Nelson County, requiring riders to contact JAUNT to schedule a pickup. Finally, the intra-county service offers trips to various destinations within the County, also requiring appointments. Passengers are encouraged to call JAUNT at (434) 296-3184 or toll-free at 800-36JAUNT. Updated information on JAUNT services are also found at their website: <http://www.ridejaunt.org/nelson.asp>.

Carpooling

Another way for communities to maximize their existing road capacity is to encourage carpooling services. In this region, the RideShare program (housed by the TJPDC) plays a key role in these strategies. The program helps residents identify and ride with others who are traveling along the same routes. By riding in someone else's vehicle, people save on gas, car maintenance and parking. For groups of seven or more people who want to carpool together, RideShare has a vanpool program. Riders lease vans from a designated agency and pay a fee to cover the cost of the lease and gas. Maintenance, license and insurance costs are included in the lease.

RideShare also offers a Guaranteed Ride Home program to provide free rides in an emergency. The idea is to encourage residents to ride public transit or carpool at least twice a week. If they do so, and must get home when transit or a carpool is unavailable, the agency will pay for their taxi or rental car. People can take advantage of the service up to five times per year.

Another RideShare initiative is SchoolPool, designed to help parents who have limits on how much time they can spend shuttling their children to and from school and after-

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school activities. The program acts as a liaison to link parents to others who live within a convenient distance and whose children attend the same school. As with RideShare's carpool programs, the purpose of SchoolPool is to save families money. It can also help reduce congestion during morning and afternoon pick-up times in school parking and entrance areas. A school must apply to be part of the program; at this time no Nelson County schools are participating.

Employers can also take advantage of RideShare. The program will help companies encourage their employees to carpool or vanpool or ride JAUNT buses. RideShare also provides education to employers on how to take advantage of tax breaks for encouraging transit or carpooling.

In Nelson County, RideShare only services a portion of the commuters that carpool in the community. While there are 45 people registered, many more carpool informally by sharing trips with friends, colleagues and other acquaintances. The latest figures from the American Community Survey indicate that over 16 percent of Nelson commuters carpool to work, making up a significant share of commutes. This is noticeable higher than the carpooling rates for the state, which are approximately 10.6 percent.

Park and Ride Lots

Park and ride Lots go hand and hand with transportation options like on-demand transit and carpooling. Particularly in rural areas, these facilities are critical for these alternate modes of travel. With homes generally separated by larger distances, these rural park and rides allow people to meet in convenient places, saving time and bringing greater ease to carpooling and transit commuter routes.

In Nelson County, there are four informal park and rides, along with one that is officially designated. Of the informal lots, one is in the Greenfield/Nellysford area, at the intersection of Routes 151 and 6, in the power substation lot. This allows for 15 spaces. The second lot is located at the intersection of Route 29 and Route 6 East, providing 6 spaces and JAUNT service. The third informal lot is located at the intersection of Route 29 and Route 6 West, with 15 parking spaces and JAUNT service. A fourth is located at US 29 at Freshwater Cove. The only official park and ride facility is along Route 29 South, at Route 1001 in Lovington. The lot is behind the volunteer fire department building, offering users with 20 spaces and pickup from JAUNT.

Given the high rates of carpooling in the County and the importance of JAUNT, there is a need for expanded park and ride lots in Nelson. New or expanded lots may

encourage these alternative transportation choices, helping to take additional traffic off local roadways. Providing additional facilities would also further encourage service to those with limited means of transportation, such as those that are elderly and those with disabilities. There are logistical and legal obstacles to establishing new park and ride facilities. By working with the RideShare program, Nelson County may be able to find ways to address those issues and provide for these amenities.

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Rail and Freight Plan

One of the major functions of the transportation system is moving goods. This is usually done with rail cars or trucks, as businesses receive and ship out raw materials and finished products. The following sections outline the current character and capacity of rail and freight in Nelson County.

Freight Generators and Destinations

Nelson County has several employers that may require freight service. Wintergreen resort and Food Lion are the major freight destinations, followed by Central Virginia Electric Cooperative, California Side Car, American Fibers and Yarn, and overnight package delivery services. Each of these employers receives freight via truck from locations outside of Nelson County. This means additional trucks on roads that lead to and from these areas.

Rail Facilities

Nelson County has two rail lines: Norfolk Southern Railroad and CSX Railroad. The Norfolk Southern line cuts through the middle of the county, passing Faber, Rockfish, Shipman, and Arrington. CSX follows the Tye River along Nelson County's southern border, and passes through Howardsville, Warminster, Wingina, Norwood, Greenway and Gladstone. Both lines service a number of rail carriers that transport goods cross-country; however, neither line routinely stops in Nelson County. Instead, the majority of goods that travel in and out of Nelson are moved via truck.

Freight

Trucks are the single most-used mode to move freight, especially for distances less than 500 miles. In 2007, trucks moved 69 percent of the weight and 65 percent of the value of freight throughout the country. According to the Freight Analysis Framework, a dataset issued by the Federal Highway Administration, trucks routinely travel to and through Nelson County. The primary trucking routes are US 29, state highways 151 and highway 6, and, to a much lesser degree, the Blue Ridge Parkway.

Route 29 is by far the most used road for freight in Nelson County. Long distance truck traffic predominantly uses this road to pass through Nelson County. The majority of local truck traffic is also on US 29. Very few freight trips are made on Hwy 151, despite being a major thoroughfare for Nelson County. This may be due to the fact that Hwy 151 is narrower, has lower speed limits, and has fewer businesses located along the route.

By 2040, annual average daily truck traffic (AADTT) is expected to increase dramatically on US 29, carrying well over 2,500 trucks per day. AADTT is expected to stay the same on the Blue Ridge Parkway and 151, but will increase on Hwy 6. This increase on 6 is most likely due to trucks feeding onto US 29. It is also expected that long distance truck traffic will no longer use Hwy 151 by 2040. These projections indicate that businesses requiring freight, or wishing to capture trucking business, should ideally locate along US 29.

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Recommendations and Vision

The following goals and principles state the long-term expectations for the County's transportation system. Under each goal, principles are stated. Principles are a more specific statement of the actions intended to achieve the broad goal.

Goal – Promote a safe, efficient and diverse transportation system to serve both local and regional traffic.

Principle – Emphasize the importance of safety on county roads and publicize the negative affects of speeding.

Principle – Ensure that through truck traffic is meeting state standards.

Principle – Encourage the use of the county's existing rail lines for the movement of commercial and industrial goods and for passenger service, including tourists.

Principle – Increase the mobility of the general public, and especially the elderly, handicapped and economically disadvantaged by encouraging walking, bicycling, bus and van services, park and ride lots, and carpooling.

Principle – Support the development of strategically-located greenways that provide non-motorized transportation connections between the county's community assets and tourism attractions as a way of increasing the quality of life for residents; attracting new residents, businesses, and other private investments; and maximizing the county's increasingly successful tourism niche industries.

Goal – Enhance the internal and external flow of traffic within designated development areas.

Principle – Promote internal vehicular, pedestrian, and bicycle connections within development areas.

Principle – Encourage a network of streets for internal traffic flow within development areas that limit "cut through" traffic.

Principle – For large scale industrial and commercial park development off Route 29, limit access to locations established in the Route 29 Corridor Development Study when possible.

Principle – Support improvements to designated roadways that include facilities for bicyclists, following the Regional Bicycle and Pedestrian Plan.

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Long Range Project List

The following list identifies 45 transportation projects for Nelson County. This list includes a Map Key of the project or how the project is labeled on the accompanying map. Beside each key is a description, including the location of the project and whether that project is an intersection improvement or a segment improvement. The project description also indicates the system deficiency, the timeline and the recommendation for the planned improvement. *Refer to the key on the map for color meaning.*

Road Projects

- 10 US 29/VA 655
Short-term improve signage; Mid-term lengthen turn lanes. (Local Priority)
- 16 US 60 (Richmond Hwy.)/VA 622 (Allen's Creek Rd.)
Mid-term improve intersection to address site distance deficiency. (Local Priority)
- 20 VA 151 (Rockfish Valley Hwy.)/VA 627 (Spruce Creek Lane)
Long-term reconstruct intersection to improve horizontal and vertical curves. (Local Priority)
- 22 VA 151 (Rockfish Valley Hwy.)/VA 613 (Rodes Farm Dr.)
Mid-term improve intersection to address sight distance deficiency. (Local Priority)
- 26 VA 151 (Rockfish Valley Hwy.)/VA 635 (Greenfield Rd.)
Short-term study intersection to identify safety improvements. (Local Priority)
- 10 VA 635 (~~Greenfield~~~~Creek~~ Rd.)/VA 6/VA 151 to VA 633
Long-term reconstruct road to address geometric deficiencies (including full-width lanes and shoulders). (Local Priority)

35

VA 6 West (River Rd.)/VA 634 (Old Roberts Mt. Lane)

Short-term improve signage; Mid-term add turn lanes.(Local Priority)

1

VA 666 (Dickie Rd.)/VA 827 to VA 679 West

Long-term reconstruct road to address geometric deficiencies (10-foot lanes).

2

VA 676 (Clay Pool Rd.)/VA 778 to VA 151

Long-term reconstruct road to address geometric deficiencies (10-foot lanes).

3

VA 705/VA 676 to 0.5 mi. North of VA 676

Mid-term repave roadway.

4

VA 780/VA 674 to End State Maintenance

Mid-term repave roadway.

5

VA 666 (Jonesboro Rd.)/VA 679 East to VA 56 South

Long-term reconstruct road to address geometric deficiencies (11-foot lanes).

6

VA 681/0.1 mi. North of VA 666/VA 769

Mid-term repave roadway.

7

VA 151 (Patrick Henry Hwy.)/VA 56 (Tye Brook Hwy.)

Mid-term improve intersection to address sight distance deficiency.

8

VA 151/VA 151 to VA 56

Long-term reconstruct road to address geometric deficiencies (including full-width lanes and shoulders).

9

VA 56/VA 151 to US 29

Long-term reconstruct road to address geometric deficiencies (including full-width lanes and shoulders).

11

VA 665 (Wilson Hill Rd.)/US 29 North to VA 655

Long-term reconstruct road to address geometric deficiencies (including full-width lanes and shoulders).

- 12** **VA 739/VA 657 to US 29 South**
 Long-term reconstruct road to address geometric deficiencies (including full-width lanes and shoulders).
- 13** **VA 658 (Tye River Rd.)/VA 721 to VA 739**
 Long-term reconstruct road to address geometric deficiencies (11-foot lanes).
- 14** **VA 622/VA 739 to 0.5 mi. North of VA 739**
 Mid-term repave roadway.
- 15** **VA 626 (Cabell Rd.)/US 60 to VA 606 South**
 Long-term reconstruct road to address geometric deficiencies (10-foot lanes).
- 17** **VA 656/US 60 to VA 622**
 Long-term reconstruct road to address geometric deficiencies (including full-width lanes and shoulders).
- 18** **VA 680/0.515 mi. North VA 699 to 3.043 mi. North VA 699**
 Mid-term repave roadway.
- 19** **VA 814/Blue Ridge Pkwy. to Augusta County Line**
 Long-term reconstruct road to address geometric deficiencies (including full-width lanes and shoulders).
- 21** **VA 613/VA 612 to 1.0 mi. South of VA 612**
 Mid-term repave roadway.
- 23** **VA 151/VA 613 to 0.050 mi. N. VA 613**
 Mid-term reconstruct road to address geometric deficiencies.
- 24** **VA 151/VA 6**
 Deficiency with low priority; Continue to monitor for potential improvements.
- 25** **VA 6/VA 6 South to VA 6 North**
 Long-term widen road to increase capacity and address geometric deficiencies (including full-width lanes and shoulders).

- 28 **VA 151 at VA 6/VA 638**
Deficiency with low priority; Continue to monitor for potential improvements.
- 29 **VA 151/VA 6 North to Albemarle County Line**
Long-term widen road to increase capacity and address geometric deficiencies (including full-width lanes and shoulders).
- 30 **VA 250/Augusta County Line to Albemarle County Line**
Long-term widen road to increase capacity and address geometric deficiencies (including full-width lanes and shoulders).
- 31 **I-66/Augusta County Line to Albemarle County Line**
Long-term widen road to six lanes to increase capacity and accommodate existing and future travel demand.
- 32 **US 29 (Thomas Nelson Hwy.)/VA 775 (Anderson Lane/Lewis Lane)**
Short-term improve signage; Long-term consider closing median opening and installing rumble strips.
- 33 **VA 756/VA 623 to End State Maintenance**
Mid-term repave roadway.
- 34 **VA 828/US 29 to End State Maintenance**
Mid-term repave roadway.
- 36 **VA 617 (Rockfish River Road)/VA 639 South to US 29**
Long-term reconstruct road to address geometric deficiencies (including full-width lanes and shoulders).
- 37 **VA 639 (Laurel Rd./Rockfish River Rd.)/VA 643 to VA 800**
Long-term reconstruct road to address geometric deficiencies (including full-width lanes and shoulders).
- 38 **VA 639 (Laurel Rd.)/VA 719 to VA 643**
Long-term reconstruct road to address geometric deficiencies (11-foot lanes).

- 39** **VA 639 (Craigtown Rd.)/VA 56 East to VA 719**
Long-term reconstruct road to address geometric deficiencies (including full width-lanes and shoulders).

- 40** **VA 694/VA 649 to End State Maintenance**
Mid-term repave roadway.

- 41** **VA 56 (James River Rd.)/VA 647 (Findlay Mt. Rd.)**
Mid-term improve intersection to address sight distance deficiency.

- 42** **US 29 (Thomas Nelson Hwy.)/Bus. 29 (Callohill Dr./Front St.)**
Short-term modify signal timing and improve signage and pavement markings.

- 43** **US 29 Bus. (Front St.)/US 29 North to US 29 South**
Mid-term improve intersection to address sight distance deficiency and install sidewalks. (Town of Lovingston)

- 44** **VA 56 Extension**
Mid-term study extension of Rt. 56 to Rt. 29 to create safer intersection. (Town of Lovingston)

- 45** **VA 604/VA 626 to 2.0 mi. West of VA 626**
Mid-term repave roadway.

§ 15.2-2204. Advertisement of plans, ordinances, etc.; joint public hearings; written notice of certain amendments.

A. Plans or ordinances, or amendments thereof, recommended or adopted under the powers conferred by this chapter need not be advertised in full, but may be advertised by reference. Every such advertisement shall contain a descriptive summary of the proposed action and a reference to the place or places within the locality where copies of the proposed plans, ordinances or amendments may be examined.

The local planning commission shall not recommend nor the governing body adopt any plan, ordinance or amendment thereof until notice of intention to do so has been published once a week for two successive weeks in some newspaper published or having general circulation in the locality; however, the notice for both the local planning commission and the governing body may be published concurrently. The notice shall specify the time and place of hearing at which persons affected may appear and present their views, not less than five days nor more than 21 days after the second advertisement appears in such newspaper. The local planning commission and governing body may hold a joint public hearing after public notice as set forth hereinabove. If a joint hearing is held, then public notice as set forth above need be given only by the governing body. The term "two successive weeks" as used in this paragraph shall mean that such notice shall be published at least twice in such newspaper with not less than six days elapsing between the first and second publication. After enactment of any plan, ordinance or amendment, further publication thereof shall not be required.

B. When a proposed amendment of the zoning ordinance involves a change in the zoning map classification of 25 or fewer parcels of land, then, in addition to the advertising as required by subsection A, written notice shall be given by the local planning commission, or its representative, at least five days before the hearing to the owner or owners, their agent or the occupant, of each parcel involved; to the owners, their agent or the occupant, of all abutting property and property immediately across the street or road from the property affected, including those parcels which lie in other localities of the Commonwealth; and, if any portion of the affected property is within a planned unit development, then to such incorporated property owner's associations within the planned unit development that have members owning property located within 2,000 feet of the affected property as may be required by the commission or its agent. However, when a proposed amendment to the zoning ordinance involves a tract of land not less than 500 acres owned by the Commonwealth or by the federal government, and when the proposed change affects only a portion of the larger tract, notice need be given only to the owners of those properties that are adjacent to the affected area of the larger tract. Notice sent by registered or certified mail to the last known address of such owner as shown on the current real estate tax assessment books or current real estate tax assessment records shall be deemed adequate compliance with this requirement. If the hearing is continued, notice shall be remailed. Costs of any notice required under this chapter shall be taxed to the applicant.

When a proposed amendment of the zoning ordinance involves a change in the zoning map classification of more than 25 parcels of land, or a change to the applicable zoning ordinance text regulations that decreases the allowed dwelling unit density of any parcel of land, then, in addition to the advertising as required by subsection A, written notice shall be given by the local planning commission, or its representative, at least five days before the hearing to the owner, owners, or their agent of each parcel of land involved, provided, however, that written notice of such changes to zoning ordinance text regulations shall not have to be mailed to the owner, owners, or their agent of lots shown on a subdivision plat approved and recorded pursuant to the provisions of Article 6 (§ 15.2-2240 et seq.) where such lots are less than 11,500 square feet. One notice sent by first class mail to the last known address of such owner as shown on the current real estate tax assessment books or current real estate tax assessment records shall be deemed adequate compliance with this requirement, provided that a representative of the local commission shall make affidavit that such mailings have been made and file such affidavit with the papers in the case. Nothing in this subsection shall be construed as to invalidate any subsequently adopted amendment or ordinance because of the inadvertent failure by the representative of the local commission to give written notice to the owner, owners or their agent of any parcel involved.

The governing body may provide that, in the case of a condominium or a cooperative, the written notice may be mailed to the unit owners' association or proprietary lessees' association, respectively, in lieu of each individual unit owner.

Whenever the notices required hereby are sent by an agency, department or division of the local governing body, or their representative, such notices may be sent by first class mail; however, a representative of such agency, department or division shall make affidavit that

such mailings have been made and file such affidavit with the papers in the case.

A party's actual notice of, or active participation in, the proceedings for which the written notice provided by this section is required shall waive the right of that party to challenge the validity of the proceeding due to failure of the party to receive the written notice required by this section.

C. When a proposed comprehensive plan or amendment thereto; a proposed change in zoning map classification; or an application for special exception for a change in use or to increase by greater than 50 percent of the bulk or height of an existing or proposed building, but not including renewals of previously approved special exceptions, involves any parcel of land located within one-half mile of a boundary of an adjoining locality of the Commonwealth, then, in addition to the advertising and written notification as required by this section, written notice shall also be given by the local commission, or its representative, at least 10 days before the hearing to the chief administrative officer, or his designee, of such adjoining locality.

D. When (i) a proposed comprehensive plan or amendment thereto, (ii) a proposed change in zoning map classification, or (iii) an application for special exception for a change in use involves any parcel of land located within 3,000 feet of a boundary of a military base, military installation, military airport, excluding armories operated by the Virginia National Guard, or licensed public-use airport then, in addition to the advertising and written notification as required by this section, written notice shall also be given by the local commission, or its representative, at least 30 days before the hearing to the commander of the military base, military installation, military airport, or owner of such public-use airport, and the notice shall advise the military commander or owner of such public-use airport of the opportunity to submit comments or recommendations.

E. The adoption or amendment prior to July 1, 1996, of any plan or ordinance under the authority of prior acts shall not be declared invalid by reason of a failure to advertise or give notice as may be required by such act or by this chapter, provided a public hearing was conducted by the governing body prior to such adoption or amendment. Every action contesting a decision of a locality based on a failure to advertise or give notice as may be required by this chapter shall be filed within 30 days of such decision with the circuit court having jurisdiction of the land affected by the decision. However, any litigation pending prior to July 1, 1996, shall not be affected by the 1996 amendment to this section.

F. Notwithstanding any contrary provision of law, general or special, the City of Richmond may cause such notice to be published in any newspaper of general circulation in the city.

G. When a proposed comprehensive plan or amendment of an existing plan designates or alters previously designated corridors or routes for electric transmission lines of 150 kilovolts or more, written notice shall also be given by the local planning commission, or its representative, at least 10 days before the hearing to each electric utility with a certificated service territory that includes all or any part of such designated electric transmission corridors or routes.

H. When any applicant requesting a written order, requirement, decision, or determination from the zoning administrator, other administrative officer, or a board of zoning appeals that is subject to the appeal provisions contained in § [15.2-2311](#) or [15.2-2314](#), is not the owner or the agent of the owner of the real property subject to the written order, requirement, decision or determination, written notice shall be given to the owner of the property within 10 days of the receipt of such request. Such written notice shall be given by the zoning administrator or other administrative officer or, at the direction of the administrator or officer, the requesting applicant shall be required to give the owner such notice and to provide satisfactory evidence to the zoning administrator or other administrative officer that the notice has been given. Written notice mailed to the owner at the last known address of the owner as shown on the current real estate tax assessment books or current real estate tax assessment records shall satisfy the notice requirements of this subsection.

This subsection shall not apply to inquiries from the governing body, planning commission, or employees of the locality made in the normal course of business.

(Code 1950, § 15-961.4; 1962, c. 407, § 15.1-431; 1964, c. 632; 1968, cc. 354, 714; 1973, cc. 117, 334; 1974, cc. 100, 570; 1975, c. 641; 1976, c. 642; 1977, c. 65; 1982, c. 291; 1990, c. 61; 1992, cc. 353, 757; 1993, cc. 128, 734; 1994, c. [774](#); 1995, c. [178](#); 1996, cc. [613](#), [667](#); 1997, c. [587](#); 2001, c. [406](#); 2002, c. [634](#); 2004, cc. [539](#), [799](#); 2005, c. [514](#); 2007, cc. [761](#), [813](#); 2011, c. [457](#); 2012, c. [548](#); 2013, cc. [149](#), [213](#).)

§ 15.2-2226. Adoption or disapproval of plan by governing body.

After certification of the plan or part thereof, the governing body shall post the comprehensive plan or part thereof certified by the local planning commission on a website that is maintained by the governing body or on any other website on which the governing body generally posts information, and that is available to the public or that clearly describes how the public may access information regarding the plan or part thereof being considered for adoption. After a public hearing with notice as required by § 15.2-2204, the governing body shall proceed to a consideration of the plan or part thereof and shall approve and adopt, amend and adopt, or disapprove the plan. In acting on the plan or part thereof, or any amendments to the plan, the governing body shall act within ninety days of the local planning commission's recommending resolution. Any comprehensive plan or part thereof adopted by the governing body pursuant to this section shall be posted on a website that is maintained by the local governing body or on any other website on which the governing body generally posts information, and that is available to the public or that clearly describes how the public may access information regarding the plan or part thereof adopted by the local governing body. Inadvertent failure to post information on a website in accordance with this section shall not invalidate action taken by the governing body following notice and public hearing as required herein.

(Code 1950, § 15-964.4; 1962, c. 407, § 15.1-450; 1975, c. 641; 1976, c. 642; 1997, c. 587; 2000, c. 893; 2009, c. 605.)

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§ 15.2-2223. Comprehensive plan to be prepared and adopted; scope and purpose.

A. The local planning commission shall prepare and recommend a comprehensive plan for the physical development of the territory within its jurisdiction and every governing body shall adopt a comprehensive plan for the territory under its jurisdiction.

In the preparation of a comprehensive plan, the commission shall make careful and comprehensive surveys and studies of the existing conditions and trends of growth, and of the probable future requirements of its territory and inhabitants. The comprehensive plan shall be made with the purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the territory which will, in accordance with present and probable future needs and resources, best promote the health, safety, morals, order, convenience, prosperity and general welfare of the inhabitants, including the elderly and persons with disabilities.

The comprehensive plan shall be general in nature, in that it shall designate the general or approximate location, character, and extent of each feature, including any road improvement and any transportation improvement, shown on the plan and shall indicate where existing lands or facilities are proposed to be extended, widened, removed, relocated, vacated, narrowed, abandoned, or changed in use as the case may be.

B. 1. As part of the comprehensive plan, each locality shall develop a transportation plan that designates a system of transportation infrastructure needs and recommendations that include the designation of new and expanded transportation facilities and that support the planned development of the territory covered by the plan and shall include, as appropriate, but not be limited to, roadways, bicycle accommodations, pedestrian accommodations, railways, bridges, waterways, airports, ports, and public transportation facilities. The plan shall recognize and differentiate among a hierarchy of roads such as expressways, arterials, and collectors. The Virginia Department of Transportation shall, upon request, provide localities with technical assistance in preparing such transportation plan.

2. The transportation plan shall include a map that shall show road and transportation improvements, including the cost estimates of such road and transportation improvements from the Virginia Department of Transportation, taking into account the current and future needs of residents in the locality while considering the current and future needs of the planning district within which the locality is situated.

3. The transportation plan, and any amendment thereto pursuant to § [15.2-2229](#), shall be consistent with the Commonwealth Transportation Board's Statewide Transportation Plan developed pursuant to § [33.1-23.03](#), the Six-Year Improvement Program adopted pursuant to subdivision (7)(b) of § [33.1-12](#), and the location of routes to be followed by roads comprising systems of state highways pursuant to subdivision (1) of § [33.1-12](#). The locality shall consult with the Virginia Department of Transportation to assure such consistency is achieved. The transportation plan need reflect only those changes in the annual update of the Six-Year Improvement Program that are deemed to be significant new, expanded, or relocated roadways.

4. Prior to the adoption of the transportation plan or any amendment to the transportation plan, the locality shall submit such plan or amendment to the Department for review and comment. The Department shall conduct its review and provide written comments to the locality on the consistency of the transportation plan or any amendment to the provisions of subdivision 1. The Department shall provide such written comments to the locality within 90 days of receipt of the plan or amendment, or such other shorter period of time as may be otherwise agreed upon by the Department and the locality.

5. The locality shall submit a copy of the adopted transportation plan or any amendment to the transportation plan to the Department for informational purposes. If the Department determines that the transportation plan or amendment is not consistent with the provisions of subdivision 1, the Department shall notify the Commonwealth Transportation Board so that the Board may take appropriate action in accordance with subdivision (7)(e) of § [33.1-12](#).

6. Each locality's amendments or updates to its transportation plan as required by subdivisions 2 through 5 shall be made on or before its ongoing scheduled date for updating its transportation plan.

C. The comprehensive plan, with the accompanying maps, plats, charts, and descriptive matter, shall show the locality's long-range recommendations for the general development of the territory covered by the plan. It may include, but need not be limited to:

1. The designation of areas for various types of public and private development and use, such as different kinds of residential, including age-restricted, housing; business; industrial; agricultural; mineral resources; conservation; active and passive recreation; public service; flood plain and drainage; and other areas;
 2. The designation of a system of community service facilities such as parks, sports playing fields, forests, schools, playgrounds, public buildings and institutions, hospitals, nursing homes, assisted living facilities, community centers, waterworks, sewage disposal or waste disposal areas, and the like;
 3. The designation of historical areas and areas for urban renewal or other treatment;
 4. The designation of areas for the implementation of reasonable ground water protection measures;
 5. A capital improvements program, a subdivision ordinance, a zoning ordinance and zoning district maps, mineral resource district maps and agricultural and forestal district maps, where applicable;
 6. The location of existing or proposed recycling centers;
 7. The location of military bases, military installations, and military airports and their adjacent safety areas; and
 8. The designation of corridors or routes for electric transmission lines of 150 kilovolts or more.
- D. The comprehensive plan shall include the designation of areas and implementation of measures for the construction, rehabilitation and maintenance of affordable housing, which is sufficient to meet the current and future needs of residents of all levels of income in the locality while considering the current and future needs of the planning district within which the locality is situated.

(1975, c. 641, § 15.1-446.1; 1976, c. 650; 1977, c. 228; 1988, c. 268; 1989, c. 532; 1990, c. 19; 1993, cc. 116, 758; 1996, cc. [585](#), [600](#); 1997, c. [587](#); 2003, c. [811](#); 2004, cc. [691](#), [799](#); 2005, cc. [466](#), [699](#); 2006, cc. [527](#), [563](#), [564](#); 2007, c. [761](#); 2012, cc. [729](#), [733](#); 2013, cc. [561](#), [585](#), [646](#), [656](#).)

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§ 15.2-2225. Notice and hearing on plan; recommendation by local planning commission to governing body; posting of plan on website.

Prior to the recommendation of a comprehensive plan or any part thereof, the local planning commission shall (i) post the comprehensive plan or part thereof that is to be considered for recommendation on a website that is maintained by the commission or on any other website on which the commission generally posts information, and that is available to the public or that clearly describes how the public may access information regarding the plan or part thereof being considered for recommendation, (ii) give notice in accordance with § [15.2-2204](#), and (iii) hold a public hearing on the plan. After the public hearing, the commission may approve, amend and approve, or disapprove the plan. Upon approval, the commission shall by resolution recommend the plan, or part thereof, to the governing body and a copy shall be certified to the governing body. Any comprehensive plan or part thereof approved by the commission pursuant to this section shall be posted on a website that is maintained by the commission or on any other website on which the commission generally posts information, and that is available to the public or that clearly describes how the public may access information regarding the plan or part thereof approved by the commission and certified to the governing body. Inadvertent failure to post information on a website in accordance with this section shall not invalidate action taken by the local planning commission following notice and public hearing as required herein.

(Code 1950, §§ 15-908, 15-921, 15-922, 15-964.2, 15-964.3; 1958, c. 389; 1962, c. 407, § 15.1-448, 15.1-449; 1968, c. 735; 1975, c. 641; 1976, c. 642; 1997, c. [587](#); 2009, c. [605](#).)

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