AGENDA
NELSON COUNTY BOARD OF SUPERVISORS
August 13, 2013

THE REGULAR MEETING CONVENES AT 2:00 P.M. IN THE GENERAL DISTRICT COURTROOM OF THE COURTHOUSE IN LOVINGSTON

I. Call to Order

A. Moment of Silence
B. Pledge of Allegiance

II. Consent Agenda

A. Resolution – **R2013- 51** Minutes for Approval
B. Resolution – **R2013- 52** FY13-14 Budget Amendment
C. Resolution – **R2013- 53** COR Refunds
D. Resolution – **R2013- 54** Salary & Classification System, FY14 Local Salary Supplements for Registrar & Constitutional Officers
E. Resolution – **R2013- 55** Approval for Refinancing of Region Ten Community Services Board, Community Facilities Bond Series 2006
F. Resolution– **R2013-56** Abandonment and Addition Request for Completed VDOT Project 0661-062-225, M501 Phoenix Road, Arrington

III. Public Comments and Presentations

A. Public Comments
B. Presentation – Virginia Department of Health, Community Health Assessment Data
C. VDOT Report

IV. New Business/ Unfinished Business

A. Disposition of County Property: Tax Map #76-11-1-A: Nelson Heritage Center, Arrington VA. - Authorization to Execute Deed of Conveyance **(R2013-57)**
B. Referral of Amendments to the Code of Nelson County, Virginia Article 20, Comm. Tower Ordinance, to the Nelson County Planning Commission **(R2013-58)**
C. Emergency Notification System Enhancements

V. Reports, Appointments, Directives, and Correspondence

A. Reports
   1. County Administrator's Report
   2. Board Reports
B. Appointments
C. Correspondence
D. Directives

VI. Recess and Reconvene for Evening Session

EVENING SESSION

7:00 P.M. – NELSON COUNTY COURTHOUSE

I. **Call to Order**

II. **Public Comments**

III. **Public Hearings**

A. **Proposed Ordinance to Amend the Code of Nelson County, Virginia, Chapter 2, Article I, Section 2-28** to establish the Central Absentee Precinct at the Nelson Memorial Library, Lovingston Virginia 22949. **(O2013-05)**

B. **Virginia Scenic River Program**, Tye River Scenic River Designation from Route 738 (Tye Depot Road) to the confluence with the James River, a distance of approximately 12.7 miles **(R2013-50)**

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

V. **Adjournment**

RESOLUTION R2013-51
NELSON COUNTY BOARD OF SUPERVISORS
APPROVAL OF MEETING MINUTES
(June 27, 2013 and July 9, 2013)

RESOLVED, by the Nelson County Board of Supervisors that the minutes of said Board's meetings conducted on **June 27, 2013 and July 9, 2013** be and hereby are approved and authorized for entry into the official record of the Board of Supervisors meetings.

Approved: August 13, 2013

Attest:_____, Clerk
Nelson County Board of Supervisors

June 27, 2013

Virginia:

AT A REGULAR MEETING of the Nelson County Board of Supervisors at 7:00 p.m. in the Board of Supervisors Room located on the second floor of the Nelson County Courthouse.

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

Absent: None

I. Call to Order

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

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

II. Public Comments

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

III. Consent Agenda

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

A. Resolution - **R2013- 42** Minutes for Approval

RESOLUTION R2013-42
NELSON COUNTY BOARD OF SUPERVISORS
APPROVAL OF MEETING MINUTES
(May 23, 2013)

RESOLVED, by the Nelson County Board of Supervisors that the minutes of said Board's meeting conducted on **May 23, 2013** be and hereby are approved and authorized for entry into the official record of the Board of Supervisors meetings.

B. Resolution – **R2013-43** FY13 Budget Amendment

RESOLUTION R2013-43
NELSON COUNTY BOARD OF SUPERVISORS
AMENDMENT OF FISCAL YEAR 2012-2013 BUDGET
NELSON COUNTY, VA
June 27, 2013

BE IT RESOLVED by the Board of Supervisors of Nelson County that the Fiscal Year 2012-2013 Budget be hereby amended as follows:

I. Transfer of Funds (General Fund)

Amount	Credit Account (-)	Debit Account (+)
$ 6,500.00	4-100-999000-9905	4-100-092010-9201

C. Resolution – **R2013-44** Reallocation of VDOT Maintenance Funds to Preventative Bridge Maintenance Project Number BRDG-963-101, B618

RESOLUTION R2013-44
NELSON COUNTY BOARD OF SUPERVISORS
REALLOCATION OF VDOT MAINTENANCE FUNDS
PREVENTATIVE BRIDGE MAINTENANCE
PROJECT NUMBER BRDG-963-101, B618

WHEREAS, this Board requests $134,338 of Secondary Bridge allocations be used for the concrete overlay of the Route 666 bridge over Piney River (Project Number BRDG-963-101, B618),

WHEREAS, this action will not disrupt existing funding commitments to construction underway or on the Virginia Department of Transportation's 24 Month Advertisement Schedule,

NOW THEREFORE BE IT RESOLVED that since this action appears to be in the best interests of the citizens residing in Nelson County, the use of Secondary allocations for this Preventive Bridge Maintenance Project is hereby approved.

D. Resolution – **R2013-45** Reallocation of VDOT Secondary Road Funds to Primary Road Project Number HSIP-062-S01

RESOLUTION R2013-45
NELSON COUNTY BOARD OF SUPERVISORS
REALLOCATION OF VDOT SECONDARY ROAD FUNDS TO
PRIMARY ROAD PROJECT NUMBER HSIP-062-S01

WHEREAS, Section 33.1-23.4 of the 1950 Code of Virginia, as amended, provides for the use of regular Secondary allocations on a Primary System Project,

WHEREAS, this Board requests the improvement of the intersection on Route 6/151 at Route 635, From: 0.200 Mile South of Route 635 West, To: 0.200 Mile North of Route 635 West (Project Number HSIP-062-S01), at a cost of $1,500,000,

WHEREAS, this action will not disrupt existing funding commitments to construction underway or on the Virginia Department of Transportation's 24 Month Advertisement Schedule,

NOW THEREFORE BE IT RESOLVED that since this action appears to be in the best interests of the citizens residing in Nelson County, the use of Secondary allocations for this Primary Project is hereby approved.

E. Resolution – **R2013-46** Reallocation of VDOT Secondary Road Funds to Primary Road Project Number HSIP-062-S02

RESOLUTION R2013-46
NELSON COUNTY BOARD OF SUPERVISORS
REALLOCATION OF VDOT SECONDARY ROAD FUNDS TO
PRIMARY ROAD PROJECT NUMBER HSIP-062-S02

WHEREAS, Section 33.1-23.4 of the 1950 Code of Virginia, as amended, provides for the use of regular Secondary allocations on a Primary System Project,

WHEREAS, this Board requests the improvement of the intersection on Route 6/151 at Route 638, From: 0.200 Mile South of Route 638, To: 0.200 Mile North of Route 638 (Project Number HSIP-062-S02), at a cost of $1,500,000,

WHEREAS, this action will not disrupt existing funding commitments to construction underway or on the Virginia Department of Transportation's 24 Month Advertisement Schedule,

NOW THEREFORE BE IT RESOLVED that since this action appears to be in the best interests of the citizens residing in Nelson County, the use of Secondary allocations for this Primary Project is hereby approved.

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IV. New/Unfinished Business

A. Citizen Claim for Payment, May 17, 2013 Flooding Cleanup

Mr. Carter reported that he had taken hand delivery of a bill for $200 for clean-up of Pat Harker's home which is adjacent to the Courthouse at 434 Court Street in Lovingston.

Mr. Carter noted that he did not think that the County was responsible for the claim; however she has asserted that the excessive water impacting her property is the County's fault. He added that he would not want these claims to continue and he recommended denial of payment of the claim.

Mr. Saunders noted that he agreed with denying the claim and agreed with the reasons why. He emphasized that no one had control over Mother Nature. Mr. Harvey noted that $200 had already been spent in staff time on the issue and he did not want to commit the County to anything else. He added that he thought that the County needed to continue to work with the property owner to help solve the problem and that the additional things that were being done should help.

Mr. Carter advised that the v-ditch across from the property had been reworked per VDOT's requirements and that the VDOT inspector had noted that he had given verbal approval. He added that the Contractor had to close out the Land Use Permit associated with the project. Mr. Carter then advised that VDOT would then pave that section of the road and would look closely at the drop inlet that was close to her house and also at a concrete box and culvert near the road. Mr. Carter noted that the County had paid to flush this out already and a huge piece of wood that was stuck in the pipe had been removed. He added that the drainage ditch needed to be reworked and was impeding the outlet on that side of the pipe.

Mr. Hale confirmed that Mr. Carter had apprised Ms. Harker of all of this and that both he and Mr. Carter have said that they were working to solve this problem.

Mr. Harvey suggested that the County find out where the VDOT paving would stop and then see if they could go up to where the road turned into the County property.

Mr. Saunders suggested that Mr. Carter spell out the reasons for denying the claim in a letter to Ms. Harker and note that none of these reasons came back to the County being responsible.

Mr. Harvey suggested that no Board action on the claim equated to a denial and the Board agreed by consensus to deny the claim by taking no action.

B. NC Electoral Board Request to Move the Central Absentee Voting Precinct (**R2013-47)** Authorization for Public Hearing)

DRAFT

Ms. Britt addressed the Board and noted that the Central Absentee Precinct (CAP) was currently located in the Jury Room of the Circuit Court. She noted that she and the Circuit Court Clerk realized after last primary that they were going to have a conflict with the November election and a jury trial in November. She added that going forward it would be better to move it permanently to avoid this happening in the future. She then added that she had spoken to the staff of the Nelson Library and they have agreed that they could use the community meeting room there to serve as the Central Absentee Precinct.

Ms. Britt then explained that they had to staff this precinct the same as any other precinct and that this was where they processed all of the absentee ballots that her office had received and where these votes were counted after the polls closed. She noted that the in person absentee ballots were received in her office forty-five (45) days prior to the election. She reiterated that the CAP was a processing center and was not allowed to be in the General Registrar's office.

Mr. Harvey questioned why it could not be done at the Lovingston Fire House and Ms. Britt noted that it would need to be in a separate room and the only other room there was the kitchen.

Ms. Britt then noted that they were awaiting new guidance from the State Board of Elections because Section 4 of the Voting Rights Act was out and Counties were no longer subject to the preclearance provisions contained therein. She noted that she thought that they should proceed with holding the public hearing in the meantime.

Mr. Carter concurred and noted that Mr. Payne was uncertain and had not yet read up on it; however he had confirmed that Section 4 under the Voting Rights Act had been thrown out and that states previously under this did not have to get preclearance anymore until new standards were set. He added that Mr. Payne had also said to proceed as usual.

Mr. Saunders confirmed with Ms. Britt that the move would be permanent and Ms. Britt noted that the Library had all of the necessary attributes and was the best location.

Mr. Bruguiere suggested that the Board not meet later in July and that the public hearing be held on August 13th. Ms. McGarry noted that doing so would still give Ms. Britt the 60 days prior to an election needed and that they could also do expedited clearance if necessary.

Mr. Hale then moved to approve resolution **R2013-47** Authorization for Public Hearing on an Ordinance to Amend the Code of Nelson County, Virginia Chapter 2 (Administration), Article I (In General), Section 2-28 (Precincts and Polling Places) with the public hearing to be held on August 13, 2013.

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

RESOLUTION-R2013-47
NELSON COUNTY BOARD OF SUPERVISORS
AUTHORIZATION FOR PUBLIC HEARING ON AN ORDINANCE TO AMEND THE CODE OF NELSON COUNTY, VIRGINIA CHAPTER 2 (ADMINISTRATION), ARTICLE I (IN GENERAL), SECTION 2-28 (PRECINCTS AND POLLING PLACES)

WHEREAS, pursuant to Section 24.2-712 of the Code of Virginia, 1950 as amended, the Nelson County Board of Supervisors wishes to accommodate the Nelson County Electoral Board's request to move the Central Absentee Precinct from the Nelson County Courthouse, Jury Room so as not to conflict with the increasing number of jury trials held by the Nelson County Circuit Court;

NOW THEREFORE BE IT RESOLVED, by the Nelson County Board of Supervisors that the request to move the Central Absentee Precinct from its current location at the Nelson County Courthouse, Jury Room to the Nelson County Memorial Library, Lovingston VA is hereby approved and;

BE IT FURTHER RESOLVED, that pursuant to §15.2-1427, §24.2-712, and §24.2-306, the County Administrator is hereby authorized to advertise a public hearing to be held on August 13, 2013 at 7:00 p.m. in the Board of Supervisors Room in the Courthouse in Lovingston, Virginia to receive public input on an Ordinance proposed for passage to amend the Code of Nelson County, Virginia, Chapter 2, Article I, Section 2-28 to establish the Central Absentee Precinct at the Nelson Memorial Library, Lovingston Virginia 22949.

C. Revised Ordinance O2013-03 Class IV Personal Wireless Services **(O2013-03)**

This agenda item was considered prior to item A.

Mr. Payne noted that some valid suggestions for enhancing the proposed amendment had come out of the public hearing and that the changes were made in a range of definitions as follows:

1. When replacing a wooden monopole with a metal one, the height of the poles must be the same. See definitions vii.

2. Under Design Standards, Section 20-18-2, some comment had been received from others as to whether it was talking about cabinets or shelters and this was clarified here. He added that there was a distinction made between the two, based on size. He noted a disjunctive was added so that either of these instances would be covered.

3. Under Design Standards, Section 20-18-2 Class IV monopoles – a question was raised as to whether these in Paragraph 5 applied only to a Class IV monopole. He noted that it was intended to be that way so the introductory sentence was changed so that it

established the construction standard for the 40 ft pole approved administratively. He noted that this made the distinction clear and added a maximum base diameter.

Ms. Brennan asked about the questions regarding the allowance of a higher tower. Mr. Payne noted that the Tower Company preferred to be able to increase the height of a tower where there was the replacement of a monopole. He noted that they had not indicated how much of a height increase they wanted and it was decided that the Board could deal with this when considering the Ordinance revision for the other classes of towers.

Mr. Hale then noted that he believed that the revisions accomplished what the Board set out to do and he moved to approve Ordinance **O2013-03** Amendment to the Code of Nelson County, Virginia, Appendix A-Zoning Chapter 20, Communication Towers, To Include Section 20-18 Class IV Personal Wireless Services.

Mr. Harvey seconded the motion and there being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion and the following Ordinance was adopted:

ORDINANCE O2013-03
NELSON COUNTY BOARD OF SUPERVISORS
AMENDMENT TO THE CODE OF NELSON COUNTY, VIRGINIA
APPENDIX A-ZONING CHAPTER 20, COMMUNICATION TOWERS,
TO INCLUDE SECTION 20-18 CLASS IV PERSONAL WIRELESS SERVICES

BE IT HEREBY ORDAINED, that Pursuant to §15.2-1427 of the Code of Virginia 1950 as amended, the Nelson County Board of Supervisors does hereby amend the Code of Nelson County, Virginia, Appendix A – Zoning, Chapter 20, Communication Towers as follows:

20-18 Class IV Personal Wireless Services.

Notwithstanding anything to the contrary in the other sections of this communication tower ordinance, the provisions of this subsection 20-18 shall govern with respect to the telecommunications facilities and services addressed herein.

20-18-1 Definitions.

Antenna array: An orderly arrangement of antennas mounted at the same height on a tower or other structure and intended to transmit a signal providing coverage over a specific area for a single provider of personal wireless services.

Class IV Personal Wireless Service Facility ("Class IV Facility"): A personal wireless service facility that:

(i) is located within an existing structure but which may include a self-contained ground equipment shelter not exceeding one hundred fifty (150) square feet that is not within the building, or, a whip antenna that satisfies the requirements of Section 20-18-2; or

(ii) consists of one or more antennas, other than a microwave dish, attached to an existing structure and are flush mounted to the structure, together with associated personal wireless service equipment; or

(iii) consists of a single attachment pole attached to an existing structure the total height of which, together with a grounding rod, shall not exceed twenty (20) feet above the top of the structure. An attachment pole may be guyed to increase its stability; or

(iv) is located within or camouflaged by an addition to an existing structure determined by the Planning and Zoning Director to be in character with the structure and the surrounding district; or

(v) is a co-location that does not result in a substantial increase in the size of an existing Communication Tower; or

(vi) is the replacement of equipment that does not result in a substantial increase in the size of an existing Communication Tower; or

(vii) is the replacement of a wooden monopole with a metal monopole of the same height that does not exceed a maximum base diameter of thirty (30) inches and a maximum diameter at the top of eighteen (18) inches; or

(viii) is the placement of a freestanding monopole forty (40) feet or less in height in the following zoning districts: Conservation C-1, Agricultural A-1, Service Enterprise SE-1, Business B-1, Business B-2, Limited Industrial M-1, and Industrial M-2.

Existing structure: For the purposes of this subsection 20-18, a lawfully constructed or established structure, but excluding (i) existing Communication Towers approved under this ordinance or by special use permit before the effective date of this subsection and (ii) flagpoles.

Personal wireless services: Commercial mobile services, unlicensed wireless services, common wireless exchange access services, and for the purposes of this chapter, unlicensed wireless broadband internet access.

Substantial increase in the size of an existing Communication Tower:

(i) The mounting of the proposed antenna on the tower would increase the existing height of the tower by more than 10%, or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater, except that the mounting of the proposed antenna may exceed the size limits set forth in this paragraph if necessary to avoid interference with existing antennas; or

(ii) The mounting of the proposed antenna would involve the installation of more than the standard number of new equipment cabinets for the technology involved, not to exceed four, or more than one new equipment shelter; or

(iii) The mounting of the proposed antenna would involve adding an appurtenance to the body
of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater, except that the mounting of the proposed antenna may exceed the size limits set forth in this paragraph if necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable; or

(iv) The mounting of the proposed antenna would involve excavation outside the current tower site, defined as the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site.

Unlicensed Wireless Service: The offering of telecommunication services using duly authorized devices which do not require individual licenses from the Federal Communications Commission, but does not mean the provision of direct-to-home satellite services. This service is sometimes referred to "License-Exempt". Users of the license-exempt bands do not have exclusive use of the spectrum and are subject to interference.

20-18-2 Design Standards.

1. *General Design.* The Class IV Facility shall be designed, installed, and maintained as follows: (i) guy wires shall not be permitted except with attachment poles; (ii) outdoor lighting for the Facility shall be permitted only during maintenance periods; (iii) any cabinet or shelter not located within the existing structure shall be screened from all lot lines either by terrain, existing structures, existing vegetation, or by added vegetation approved by the Planning and Zoning Director; (iv) in connection with an existing structure or monopole, a grounding rod, whose height shall not exceed two feet and whose width shall not exceed one inch in diameter at the base and tapering to a point, may be installed at the top of the structure and (v) a whip antenna less than six (6) inches in diameter may exceed the height of the existing structure or monopole.

2. *Antennas and associated equipment, existing structure exterior*. Equipment shall be attached to the exterior of an existing structure only as follows: (i) the total number of arrays of antennas attached to the existing structure shall not exceed three (3), and each antenna proposed to be attached under the pending application shall not exceed the size shown on the application, which size shall not exceed one thousand one hundred fifty two (1152) square inches; (ii) no antenna shall project from the structure beyond the minimum required by the mounting equipment, and in no case shall any point on the face of an antenna project more than twelve (12) inches from the existing structure; and (iii) each antenna and associated equipment shall be a color that matches the existing structure. For purposes of this section, all types of antennas and dishes regardless of their use shall be counted toward the limit of three arrays. These standards shall not apply to antennas and associated equipment that are located entirely within an existing structure.

3. *Antennas and associated equipment, attachment pole*. An attachment pole (i) shall not exceed three inches in diameter; (ii) shall be grayish-brown in color unless a different

color is either approved or required by the Planning and Zoning Director; (iii) the antennas, supporting brackets, and all other equipment attached to the attachment pole shall be a color that closely matches that of the attachment pole; and (iv) the total number of antennas shall not exceed three (3), and each antenna proposed to be attached under the pending application shall not exceed the size shown on the application, which size shall not exceed one thousand one hundred fifty two (1152) square inches.

4. *Ground equipment shelter, fencing*. Any cabinet or shelter not located within an existing building shall be fenced only with the approval of the agent upon finding that the fence: (i) would protect the facility from trespass in areas of high volumes of vehicular or pedestrian traffic or, in the rural areas, to protect the facility from livestock or wildlife and (ii) would not be detrimental to the character of the area.

5. *Class IV Monopole.* A freestanding monopole, as defined in subsection viii of the Class IV Facility definition, (i) shall be constructed of either wood, metal, or concrete; (ii) shall not exceed a maximum base diameter of thirty (30) inches and a maximum diameter at the top of eighteen (18) inches; (iii) shall be grayish-brown in color unless a different color is either approved or required by the Planning and Zoning Director; (iv) the antennas, supporting brackets, and all other equipment attached to the monopole shall be a color that closely matches that of the monopole; (v) the total number of arrays of antennas attached to the monopole shall not exceed three (3) and each antenna proposed to be attached under the pending application shall not exceed the size shown on the application, which size shall not exceed one thousand one hundred fifty two (1152) square inches. For purposes of this section, all types of antennas and dishes, regardless of their use, shall be counted toward the limit of three arrays.

20-18-3 Application and Approval Procedure.

A. No application is required for Class IV Facilities listed in subsections (i) and (ii) of the definition.

B. Class IV Facilities listed in subsections (iii) and (iv) of the definition require application to the Planning and Zoning Director containing the following information:

1. A completed application form, signed by the parcel owner, the parcel owner's agent or the contract purchaser, and the proposed facility's owner. If the owner's agent signs the application, he shall also submit written evidence of the existence and scope of the agency. If the contract purchaser signs the application, he shall also submit the owner's written consent to the application.

2. If antennas are proposed to be added to an existing structure, all existing antennas and other equipment on the structure, as well as all ground equipment, shall be identified by owner, type and size.

3. The design of the facility, including the specific type of support structure and the design, type, location, size, height and configuration of all existing and

proposed antennas and other equipment. The method(s) by which the antennas will be attached to the mounting structure shall be depicted.

4. Identification of each paint color on the facility, by manufacturer color name and color number. A paint chip or sample may be requested for each color.

C. Class IV Facilities listed in subsections (v) through (viii) of the definition require application to the Planning and Zoning Director containing the following information:

1. The information required in the preceding subsection B.

2. A scaled plan depicting fall area: The minimum distance from the tower's base to the property line shall be**:** (i) wood poles-100% of tower height; (ii) metal monopole- 110% of tower height; and (iii) lattice tower-25% of tower height. The fall area for a metal monopole and lattice tower may be modified by the Planning and Zoning Director upon written certification by a licensed professional engineer that the tower is designed with the number of proposed and future antennas to collapse within the boundary lines of the subject property.

3. All existing and proposed setbacks, parking, fencing, and landscaping.

4. The requirements in either or both of subsections 2 and 3 above may be waived by the Planning and Zoning Director if an appropriate approved plan is already on file with the County.

20-18-4 Fee Schedule for certain Class IV Facilities.

(a) Class IV Facilities listed in subsections (iii) and (iv) of the definition, each application: Twenty Dollars ($20.00).

(b) Class IV Facilities listed in subsections (v) through (viii) of the definition, each application: One Hundred Dollars ($100.00).

20-18-5 Compliance.

Any Class IV Facility regulated by this Section 20-18, and not otherwise in compliance with the other provisions of the tower ordinance, shall be registered and brought into compliance with this Section 20-18 within ninety (90) days of enactment.

20-18-6 Denial of application, appeal.

If the Planning and Zoning Director should deny an application, the denial shall be in writing, shall identify the requirements which were not satisfied and shall inform the applicant what must be done to satisfy each requirement. The applicant may appeal a denial to the Board of Supervisors. An appeal shall be in writing and be filed in the office

of the clerk of the Board of Supervisors within ten (10) calendar days after the date of denial by the Planning and Zoning Director.

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

D. Nelson County Emergency Services Council, Fire Trucks Acquisition

Mr. Harvey noted that there had been a meeting on the fire trucks that the County was trying to provide to volunteers. He noted that all of the bids were brought in and discussed, with the low bid being $198,000 for the Lovingston truck, and $178,000 for the Faber truck; with the difference being the Faber truck had more equipment than originally quoted; mainly different hydraulics and hoses. He added that they were trying to get them as close to identical as possible. He noted that the Lovingston and Montebello trucks were quoted within several thousand dollars of each other.

Mr. Harvey then reported that a $5,400 early purchase discount was noted on all of the quotes and that they could pay for the trucks up front and would save 2.5% on the money from the time of order to delivery. He added that the departments were aware that if the County provided each with $140,000 then they were responsible for the difference.

Mr. Harvey then suggested that two things needed to be done: Approve the $420,000 contribution to the EMS Council and approve the loan funds for dispersal of Lovingston's and Faber's additional funds for the trucks. He added that Montebello would pay their difference on the spot. He added that the trucks would go down the line back to back and that the departments could pick them up themselves by renting a van and then driving the trucks back. He noted that they would be made in Ocala Florida and that the company produced a large amount of trucks.

Mr. Harvey noted that the Faber Fire Department has never had a new piece of apparatus ever and that he was hoping to end up with every Department having a mini pumper, a decent engine and a tanker. He added that he wanted to move away from having large numbers of trucks to having quality trucks.

Mr. Hale then noted he was unclear about the advantage of the discount from paying up front and that they ought to have a timeframe for delivery stated. Mr. Harvey indicated that this would be specified and Mr. Saunders noted that the documents stated that the production would take seven to eight months. Mr. Harvey noted that they would be 2014 models.

Mr. Harvey then moved to approve the amount of $420,000 to be donated to the EMS Council for three new fire trucks with one going to Lovingston, one to Faber, and one to Montebello.

Mr. Hale seconded the motion and there being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

Members and staff discussed how to handle the additional funding being approved from the loan fund and Mr. Carter noted that the Board could approve the funding pending submittal of the requests by the EMS Council. He added they would essentially preauthorize the dispersal of funds and then ask them to fill out the loan paperwork with the Treasurer.

Mr. Harvey then moved to authorize the Treasurer to write a check out of the loan fund to the EMS Council in the amount of $80,000 to cover Lovingston's and Faber's portion of the truck costs; pending favorable consideration from the Council.

Ms. Brennan seconded the motion and there being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

Mr. Carter then advised the Board that staff may have to come forward with a budget amendment; however there were funds available in capital outlay and the contingency had enough funds in it to cover it.

Mr. Bruguiere noted that the Board should think about taking care of Rescue vehicles in the next budget year and Mr. Harvey added that they should get in a cycle of applying to the State for grant funds twice a year so that the State would pay half and the County would pay half.

Mr. Harvey then noted that in terms of fire trucks, Piney River and Gladstone would want a tanker and an engine respectively; however the Council may only buy one or two next year.

V. Other Business (As May Be Presented)

Introduced: Jefferson Building Update

Mr. Carter noted that the Jefferson Building bids were taken and that staff was working on contracting with the company that did the V-ditch and retaining wall on the Courthouse grounds as well as the monument at NCHS. He added that he thought that the contractor was good and that the bids were close.

Introduced: Board Meetings in General District Courtroom

Ms. Brennan noted that they had come up with a reasonable way to hold meetings in the General District Courtroom. Mr. Carter added that staff was looking at the recording and sound system as this was currently uncertain. It was then noted that the current seating would be taken over to the courtroom.

Mr. Saunders questioned the issues with the sound system and noted there was no reason it could not work as far as he could tell and Mr. Carter noted that staff was working to address this. Mr. Saunders then explained that the seating furniture would be rolled to the

mechanical room at the end of the hall when not in use. Mr. Carter noted that he was not sure things would be resolved in time to hold the July 9th meeting there, however staff would try.

Introduced: Miscellaneous

Mr. Hale reminded the Board that they were to go to the Schuyler Community Center for lunch at 11:30 on July 9th.

Mr. Bruguiere and Ms. Brennan noted that they would not be in town for the second July meeting and cancelling the meeting was briefly discussed with the consensus being to wait and see.

Mr. Harvey mentioned the article in the Nelson County Times on the Gladstone Fire and Rescue Service's receipt of a regional award. He added that they should be commended for coming a long way.

Introduced: Update on Interlocken Festival Progress

Mr. Carter reported that Staff met with the festival promoter, who brought a revised site plan that included multiple layers for what they were doing. He added that the festival was still a go and that they were addressing all aspects of the event. He noted that any logistical issues had this year would be addressed for the next year. He added that David Thompson had emphasized code requirements and they were aware of those. He noted that they were working through security issues and have sold 12,000 or more tickets now. He noted that they would be meeting further as the festival approached. Mr. Carter then noted that he had suggested that in the future that staff and the Board could work on getting primary road funding to redo the intersection at Route 29 and Oak Ridge Road. He added that he had been favorably impressed with the event promoter's planning.

Ms. Brennan added that they were planning to close the intersection of Oak Ridge Road and Route 29 and would direct traffic down to Colleen and back as well as would build a new road across the Goodwin property.

Mr. Saunders added that once traffic got in, it would stay because they would have shuttle buses going in and out to take people to Lovingston etc.

Mr. Carter added that the main event would be on the racetrack, there would be vendors on either side of the concert grounds, and there would be huge tents to showcase local and Virginia products.

VI. Adjournment

At 7:55 PM, Mr. Hale moved to adjourn the meeting and Mr. Harvey seconded the motion. There being no further discussion, Supervisors voted unanimously by voice vote to approve the motion and the meeting adjourned.

July 9, 2013

Virginia:

AT A REGULAR MEETING of the Nelson County Board of Supervisors at 2:00 p.m. in the Board of Supervisors Room located on the second floor of the Nelson County Courthouse.

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

Absent: None

I. Call to Order

Ms. Brennan called the meeting to order at 2:07 pm, with all Supervisors present to establish a quorum.

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

II. Consent Agenda

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

A. Resolution – **R2013-48** COR Refunds

RESOLUTION R2013-48
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.

Amount	Category	Payee
$1,493.68	2013 PP Property Taxes	Hyundai Leasing Titling Trust: Property Tax P.O. Box 198069 Nashville, TN 37219

B. Resolution – **R2013-49** Minutes for Approval

RESOLUTION R2013-49
NELSON COUNTY BOARD OF SUPERVISORS
APPROVAL OF MEETING MINUTES
(June 11, 2013)

RESOLVED, by the Nelson County Board of Supervisors that the minutes of said Board's meeting conducted on **June 11, 2013** be and hereby are approved and authorized for entry into the official record of the Board of Supervisors meetings.

III. Public Comments and Presentations

A. Public Comments

1. Glenda Cahoon, VTA Representative

Ms. Cahoon distributed and read aloud a prepared statement by Kenneth White, VTA President asking the Board to call Sheriff Brooks before the Board for failing to live up to his oath of office and to ask him to state publicly what his position is with regard to the Dept. of Homeland Security. He also demanded that the metal detectors be removed from the main entrance to the courthouse and that they only be used at the entrances to Circuit and District Courts when courts were actually in session to properly protect the judges of these Courts.

B. Presentation – Virginia Scenic River Program, Tye River Study & Scenic River Designation (L. Crump, DCR) **(R2013-50)**

Ms. Lynn Crump of the Department of Conservation and Recreation was introduced to make her presentation to the Board regarding the Virginia Scenic River Program.

Ms. Crump noted that on behalf of the County, Ms. Harper County had requested a study be done of the portion of the Tye River from Tye River Depot to the confluence with the James River. She noted that on May 21, 2013, Nelson County residents and staff joined staff from the Virginia Department of Conservation and Recreation, the Virginia Department of Environmental Quality, and staff from the Virginia Tech Community Assistance Design Center to visit this section of the Tye River and evaluate its eligibility for Scenic River designation. She noted that it was found that it did qualify for Scenic River Designation.

Ms. Crump then reported that the program has been in existence since 1970 and now included 24 river segments totaling 519.8 miles of river with each designation having a unique character. Ms. Crump then noted that the program was not a regulatory one other than a locality could not build a dam without General Assembly approval. She noted that the designation did not change land use along rivers, impact development, or allow citizens to trespass onto private property. Ms. Crump noted that the designation was based on recognition of the quality of the river and it could be used to get conservation easements and other grant funds. Ms. Crump then distributed a brochure on the program and noted that information was provided on the website regarding these designations. She added that to conclude the process, the Board would need to pass a resolution approving of the designation and it would have to go before the 2014 General Assembly.

Mr. Hale then inquired as to there being any designations of the James River at the border between Buckingham and Nelson Counties. Ms. Crump noted that three portions of the James River had been designated – the Upper James, Middle James, and Lower James. She added that common boundaries were involved, the process required requests and support from both jurisdictions.

Ms. Brennan then inquired as to the program requirement for a local administering committee and Ms. Crump noted that this was mandatory in the past, but was now optional. She noted that if a group wanted to form a committee then DCR would appoint them. She added that DCR would support the group by putting meeting notices on their town hall website etc. She noted that there were several in place now that still functioned; however there was no oversight by them.

Ms. Brennan then inquired about having the Upper Rockfish River studied and Ms. Crump advised that Mr. Carter write a letter requesting that a study be conducted.

Mr. Bruguiere then inquired as to whether or not the landowners along the designation route have had any input and Ms. Crump noted that they had not to her knowledge. She noted that how these landowners were notified was up to each locality and was not a requirement of the enabling legislation.

Mr. Bruguiere then noted that he would like for these landowners to have a voice before the designation was made. He then suggested that the Board defer consideration of the designation for a month while a notice is published in the paper to solicit citizen comments.

Ms. Crump offered that DCR could help the County write a press release that included program and contact information. It was agreed that Ms. Crump and Ms. Harper would work on this.

Mr. Saunders and Mr. Harvey indicated their agreement to defer this and Mr. Bruguiere emphasized that he was not opposed to the designation but rather he thought that the affected landowners had a right to know about it.

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Mr. Hale noted that he was fine with a notice being published inviting the public to a meeting for comment; however he would like this to go before the 2014 General Assembly.

Members then agreed by consensus to defer consideration of the designation until landowner comment could be obtained.

C. Presentation – Virginia DEQ, Tye River TMDL Project- Draft Summary Report (T. Sieber)

Ms. Tara Sieber of the Department of Environmental Quality (DEQ) presented her report on the Tye River TMDL Project.

Ms. Sieber noted that areas of Hat Creek, Piney River, Rucker's Run, and the Tye River had been studied. She noted that they were searching for sources of pollution and the reductions needed to return these waters to a safe and healthy condition. She noted that the study had begun in July of 2012 after soliciting help from the community. She noted that five Technical Advisory Committee (TAC) meetings had been held to review the data collected and that she was impressed with the amount of community input during the process.

Ms. Sieber then noted the section of the report that delineated the influences of bacteria in the sections of water studied as follows:

Stream	Livestock Direct Deposit	Pastureland	Cropland	Straight Pipes & Failing Septics
Hat Creek	75%	25%	5%	100%
Piney River	40%	25%	5%	100%
Rucker Run	65%	25%	5%	100%
Tye River	10%	5%	5%	100%

She noted that livestock and straight pipes were the primary culprits. Ms. Sieber then noted that there had been a thirty (30) day comment period and that the next step was to send the study to the Environmental Protection Agency (EPA) for review and comment. Following that, a cleanup plan would be put together to identify actions that would reduce bacteria in the watershed.

Ms. Brennan inquired if there was any opportunity for grant funding to help people with straight pipes and failing septic systems and Mr. Bruguiere noted that the Soil and Water Conservation District had applied for some grants for this; however he was not sure if they got them.

Ms. Sieber then explained that grant funds were from a federal pot of money that was transitioning from DCR to DEQ. She added that they were waiting for the Rockfish River cleanup plan to be finalized by EPA and once the comment period was over, they would be able to send money out to get stuff done. Mr. Carter noted that Tom Eich of the Health Department has tapped into the IPR program to help with this. Mr. Carter added that as a side note the IPR program would be administered regionally now and that George Krieger

would represent the County on the IPR Board. He added that there were some various pots of money available for this and that Tom Eich was knowledgeable on this.

Ms. Sieber noted that they wanted to eliminate 100% of straight pipes and make sure that people had working septic systems. In other areas, the have educated folks through a well testing program and have gone straight to septic systems. In Rockingham County, they sent postcards to riverside home owners and had success.

Mr. Carter noted that it would be helpful if the Health Department was more proactive in identifying these although it was noted that a lot of these have been in place for a long time.

Mr. Bruguiere then noted that DEQ has a person who worked with farmers to identify problems on farms without imposing any regulatory requirements. Ms. Sieber confirmed that this person was an Agricultural Inspector who was invited to the property by the owner. She noted that they worked out of the Harrisonburg Office.

D. Presentation – FY14 Reassessment Status (G. Eanes)

Mr. Gary Eanes of Wampler Eanes Appraisal Group addressed the Board and distributed some sample sales data. He noted that they were 90% complete on the field work, that data entry was 61% complete and they were on schedule.

Mr. Eanes then showed a map of the County with colored in areas that represented completed field work and data entry. He added that they were starting field work in the Afton area and in Montebello.

Mr. Hale inquired if the assessments took into account when forestland was harvested and Mr. Eanes noted it did and it also accounted for the age of re-growth etc.

Mr. Eanes then noted that Commercial properties have been listed but have not been analyzed yet.

In response to questions, Mr. Eanes noted that notices would go out in late October and no later than November first. He added that the Assessors would be in the County for two weeks to talk to property owners about their assessment appeals and the real estate book would be done by December 2014 and signed. Mr. Eanes added that the Board of Equalization would be appointed and would do their work next spring in 2014.

Mr. Bruguiere asked if the when looking at the condominium values, did it appear that the 2008 assessments were out of line and Mr. Eanes noted he was unable to tell without having done a sales study for 2008. He did note that Condos had taken the greatest hit in value in the County.

Mr. Harvey asked if they tracked parts of the sale to identify anomalies and Mr. Eanes said that they did. He elaborated noting that for example they did not count family transactions or the sale to an uninformed buyer that paid too much. He added that they threw out foreclosures where the market was affected.

Mr. Eanes concluded by noting that the worst Wintergreen lots were left and were selling for less than others and that some of the low sales could be attributed to this. He noted that conversely, there were some with spectacular views that had sold for more than the 2008 assessment.

E. VDOT Report

Mr. Carter noted that Mr. Austin was unable to attend the meeting; however he would forward any Board concerns to him.

Ms. Brennan expressed concern regarding the large drop offs on Route 29 Northbound starting past Ridgecrest Church.

Mr. Bruguiere expressed concern regarding the lack of mowing taking place. He noted that reports from VDOT employees indicate that County has gone from having three tractors to only one working out of Bryant. He noted that back roads should be mowed before primaries because of poor sight distances and that the entrances to the County should be mowed again before the Interlocken Festival.

Mr. Saunders reiterated that the highways needed to be groomed for the Interlocken Festival.

IV. New Business/ Unfinished Business (As May Be Presented)

There was no new or unfinished business considered by the Board.

V. Reports, Appointments, Directives, and Correspondence

A. Reports

1. County Administrator's Report

Mr. Carter reported the following:

A. Courthouse/Government Center Project (All Related):

1) Courthouse Addition – Tunnel waterproofing repair and minor curb and gutter repairs are the balance of work to be completed.

Mr. Carter noted that several thousand dollars in retainage was still being held.

2) Law Office Retaining Wall: Complete but requires VDOT approval.

Mr. Carter noted that VDOT would be out to look at resurfacing the road now and would also evaluate the drop inlet, concrete box, and culvert to improve these. He added that he would talk to VDOT about extending the paving a little bit further and that Don Austin had assured him that the road resurfacing and looking at the storm water installations would help.

3) Jefferson Building: Contract issued to Owen Building and Remodeling, per low bid submittal of $136,144. Project is to begin by 7-22 with contract completion at 90 days.

Mr. Carter reported that five bids were received from out of the six companies that attended the mandatory pre-bid conference.

4) Magistrate's Building: Price Masonry to resume interior plastering on 7-8. Painting of metal roof will also commence week of 7-8. County Maintenance will install HVAC, flooring and paint interior, as necessary, and will also address exterior soiling at base of the structure.

Mr. Carter noted that staff would touch up the paint and put sheathing and stone around the base of the building.

B. Broadband Project: Staff to advertise tower rate amendment for ensuing public hearing and approval by NCBA. Meeting with Stewart Computer Services on leasing of network towers conducted on 7-3. Stewart to submit loading and elevation specifications and schedule for leasing of towers to facilitate lease agreements. NTIA and VA-DHC CDBG grant is in process for close out.

Mr. Carter added that the job counting responsibilities of 51% LMI have been met with all of the jobs created coming from the Blue Mountain Barrel House.

C. 2012 Radio Project (Narrow banding): FCC has approved manufacturer's waiver to provide for programming equipment in wideband and narrowband modes. Waiver to extend County's deadline for narrowband compliance to June 30, 2014 is in process.

D. Lovingston Health Care Center: JABA continuing feasibility work. Update pending.

E. BR Tunnel and BR Railway Trail Projects: Final approval of TAP grant funding for BR Tunnel by CTB on 6-19. Grant contract pending receipt from VDOT. Property appraisal for eastern trail completed, submitted to property owner and meeting pending. Staff will endeavor to issue construction bid requests prior to ensuing November 2013 TAP application due date to show project progress. Re-establishment of CCBRT Foundation tax exempt status in process with IRS. BRRT construction documents in process with date for request for construction bids TBD.

Mr. Carter added that Augusta County was interested in modifying the Blue Ridge Tunnel project plan and he had spoken to Woolpert about this. He noted that he wanted to get the construction out to bid to show progress for next Transportation Alternatives Program grant round.

F. Relocation of BOS Meetings: Staff working to establish initial meeting in Gen. District Court by the Board's August 13th meeting (sound and recording systems being evaluated).

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Mr. Carter noted that cardboard templates were down in the General District space and he wanted the Board to look at it. He added that there may not be enough space to store these in the planned storage area.

G. Piney River 3 Water & Sewer System: Staff working with VA-DEQ on feasibility of water line extension to Roseland area to provide for mitigation of two UST sites on Route 151. An updated PER is being reviewed.

Mr. Carter noted that he wanted to narrow down the scope of the PER to include only the water line extension and not incur other expenses that impact NCSA. He noted that George Miller had indicated that the NCSA Board directed them to not participate unless DEQ would pay for everything. He added that it was not feasible to revisit the PER that NCSA did because it was too much. He noted that the County just wanted to evaluate whether or not the water line could be extended without having to do the other things that NCSA thought needed to be done.

Mr. Hale noted that the NCSA PER began with looking at the waterline extension and then the consultant recommended the other enhancements.

Mr. Bruguiere noted that if DEQ could fund the extension, there were not that many people it would serve that would impact the NCSA operations. He added that he thought that they had oversized pipes in certain areas and Mr. Harvey agreed but noted that they should guard against using too small a pipe also. Mr. Hale added that this line would also have to be flushed.

Mr. Harvey then suggested that Mr. Carter include George Miller in these discussions even if the NCSA did not want to participate in the costs and Mr. Carter indicated that was his intent.

Mr. Carter then noted that DEQ staff has noted that in the fall, they will recover a substantial amount of stimulus funding and that he thought this was worth taking a look at. He added that he was not sure how much the PER would cost and he would have to get back to the consultants.

H. Reports (Storm Water, Tye River TMDL and General Re-Assessment): Scheduled for 7-9 BOS meeting.

I. Other: To be presented or responded to per BOS input.

Introduced: Animal Control Report on Nuisance Ordinance:

Mr. Carter distributed a report prepared by Animal Control Supervisor Brooks on the functioning of Amherst County's Nuisance Ordinance.

Mr. Carter noted that he did not want to recommend an Ordinance that did not really do anything and Amherst did not think that the nuisance law was very useful or effective.

Mr. Carter noted that Ms. Brooks indicated that it was effective in giving people warnings. He added that he has advised Animal Control to be more enforcement oriented.

No action was taken by the Board.

Introduced: Follow Up on Reverse 911 System for Cell Phones

Mr. Carter noted that the IT staff recommended using the product from EverBridge that was on state contract and was the best solution. He added that a concern was that there was no database and citizens would have to subscribe to the service.

Ms. Rorrer noted that one system was GIS data based and did not take into account cell phones, email etc. unless a person has signed up for a service. She noted that all of the companies listed did have a web interface that a person could opt for various notifications.

Ms. Rorrer then recommended that the County maintain landline notifications because she did not think the County wanted to rely on the opt in only scenario. She reiterated that the system by Everbridge was the best and most cost effective of the options. She noted that with that, a person could opt in for the types of notifications wanted and for an unlimited annual fee, the County could send out as many notifications as it wanted. She added that they also offered National Weather Service notifications generated automatically with no effort required by staff. She noted that the cost was based on the population of the County and that the Department of Emergency Management and VITA had issued an RFP and selected Everbridge. Ms. Rorrer added that Virginia Tech shows the Everbridge system as their notification system.

In response to questions regarding what company the Schools used, Ms. Rorrer noted that it was a student database system and she was waiting to hear back from Ms. Irvin on this.

Ms. Rorrer reported that the current landline notification company offered a product but the cost was on a per call basis and would cost $1,000 per event. She noted that the Everbridge system would do landline calls also.

Ms. Brennan noted that her personal landline was now connected to a wireless device and she wondered if this was still considered a landline. Ms. Rorrer noted that it was since there was a fixed location associated with the the phone; whereas with a cell phone there wasn't.

Ms. Rorrer noted suggested that the County would have to advertise opt in requirements of the system. Mr. Hale noted he was not in favor of implementing this unless subscribers paid for the service. Ms. Rorrer noted that anyone could sign up for severe weather alerts from Accuweather etc. on cell phones.

Mr. Carter then noted that staff was ready to proceed based on the Board's input. Ms. Brennan noted that she would like to study it for a little bit longer. She added she would like to know how many households in the County were dropping their landlines and Ms. Rorrer

noted that she would be able to look at 911 phone line counts; however she was sure that the number of these was dropping.

Mr. Bruguiere suggested that the Board consider this for another month before deciding.

Ms. Brennan then asked for clarification of whether or not the Everbridge System could take landline people as well and Ms. Rorrer noted that yes, the Verizon database could be loaded into the Everbridge system but she would check. She added that she reconciled the E-911 database every month and thought the County was getting better data from the current system. Mr. Bruguiere commented that cell service was not improving rapidly in the county.

Supervisors then agreed by consensus to reconsider this item the following month.

2. Board Reports

Mr. Hale and Mr. Bruguiere had no reports.

Mr. Harvey inquired as to the status of the fire truck payments and Mr. Carter reported that the Treasurer had written the check to the Emergency Services County so they could proceed.

Mr. Harvey then explained that he had become uncertain about prepaying for the trucks out of concern that it could be a problem if the company went bankrupt. He noted that the departments could purchase a performance bond for $800 each that would cover their investment and would still save money. He added that he checked that the County was earning less interest and it would make sense to prepay on the trucks with the performance bonds; noting they would save $6,000 doing this. He noted that the Council was ready to write checks for the 3 - $140,000 amounts and then the departments would have to sign the interest free loan fund documents for the balances. He added that the Council was redoing the loan fund application forms. Mr. Harvey then stated that they could sign for the trucks with no down payment, and then would wait until the Council met the following week and then the check could be sent to Stevie Ashley the following day. He reiterated that one check for the whole amount would go to the Council for the trucks.

Mr. Hale advised that he had the Faber Fire Department's loan application done. He then noted that he was unclear on what the performance bond would cover. Mr. Carter then confirmed that the bond would cover the full value of the truck. It was noted that Don Fitzgerald was to send a copy of this to Mr. Carter. Mr. Hale then advised that Faber voted to pay for this and Mr. Harvey noted this would come from the County.

Ms. Brennan reported that she attended an all day program put on by the Region Ten behavioral specialists who work in the school system. She noted the program was geared towards teachers' interactions with these students in order to reduce crisis incidents.

Ms. Brennan also reported attendance of a talk given by Anthony Martin on the new laws in effect, related to public safety.

Mr. Saunders reported that he had met with Blair Construction and reported to them that the concrete expansion joints were not redone correctly. He noted that the joints acted as a wick causing them to keep popping up. He also not to them that the broken sidewalk needed to be replaced and they agreed. Mr. Saunders then advised that Blair was waiting for the tunnel to get dry enough to put some hydraulic cement in a corner that would expand when wet and seal it up. He then noted that the site Supervisor, Eugene was overruled on some decisions that were made on how to do things. Mr. Saunders noted that he had the hinges on the sprinkler building redone and this should work better now. Additionally, he noted that the seal in front of the courthouse would be straightened up. Lastly he noted that a wet spot was found where the asphalt in the parking lot was starting to deteriorate and he would have the asphalt company take a look at it. Mr. Bruguiere asked if there might be drainage issues underneath and Mr. Saunders noted that F&R, the structural engineers had okayed it.

Mr. Saunders concluded by noting that Eugene agreed that these items needed correcting.

B. Appointments

Ms. McGarry noted that the Broadband Authority seats were expiring and that only Mr. Bruguiere and Mr. Saunders had indicated the desire to be reappointed. She noted that several people had inquired about serving on the Authority but that no one had submitted an application. Mr. Harvey and Mr. Hale then indicated their desire to be reappointed and Ms. Brennan noted she was working on finding her replacement.

Ms. Brennan then moved to reappoint Mr. Harvey, Mr. Saunders, Mr. Bruguiere, and Mr. Hale to the Broadband Authority Board and Mr. Harvey seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

Ms. McGarry then noted that Ms. Jean Holliday had indicated her desire to be reappointed to the Library Advisory Committee representing the south district and that no other applications had been received. Mr. Saunders then moved to reappoint Ms. Jean Holliday 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.

C. Correspondence

Mr. Carter noted that he had received a letter regarding the new Lynchburg District VDOT Administrator and he would send this out to the Board.

D. Directives

Ms. Brennan, Mr. Saunders, Mr. Harvey, and Mr. Bruguiere had no directives.

Mr. Hale inquired as to whether or not the County would be spending more on the renovation of the Jefferson Building than if Blair was doing it. Mr. Carter advised that the

County would be spending less since Blair's estimate was about $198,000 and did not include the plaster removal that has been done.

Mr. Hale then inquired as to when the public hearing would be held on the new Broadband Tower rates and Mr. Carter noted that staff would prepare the notice once advised by Mr. Payne on the language and would go by the waiting period prescribed in the state code. He added that regardless, the rates would be in effect until the Authority took formal action.

VI. Adjournment (The Evening Session Has Been Cancelled)

Prior to adjournment, Supervisors discussed cancelling the July 25, 2013 meeting. It was noted that there was no business currently scheduled and the Board could have a called meeting if necessary.

Ms. Brennan then moved to not meet on the fourth Thursday of the month and Mr. Hale seconded the motion. There being no further discussion, Supervisors voted unanimously by voice vote to approve the motion.

Supervisors then discussed the plans to use the General District Courtroom for Board meetings and Mr. Saunders noted that the plan was to meet there long term so that the current space could become office space. It was noted that once the Commonwealth Attorney's office moved, the School Board would take over that space and Dr. Collin's current office would become a conference room.

Mr. Saunders noted that he and Ms. Brennan had worked out a seating configuration that would work for the Board and staff. Supervisors and staff then went over to the General District Courtroom to look at the space and possible seating arrangements. Supervisors agreed by consensus that three sections of the current tables could be used in the space and staff would sit off to the side at a regular table.

Following this discussion, at 4:20 PM, Mr. Hale moved to adjourn and Ms. Brennan seconded the motion. There being no further discussion, Supervisors voted unanimously by voice vote to approve the motion and the meeting adjourned.

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RESOLUTION R2013-52
NELSON COUNTY BOARD OF SUPERVISORS
AMENDMENT OF FISCAL YEAR 2013-2014 BUDGET
NELSON COUNTY, VA
August 13, 2013

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)

Amount	Revenue Account	Expenditure Account
$ 3,287.00	3-100-009999-0001	4-100-031020-7043
$ 29,579.00	3-100-003303-0025	4-100-031020-7043
$ 105.00	3-100-009999-0001	4-100-031020-7042
$ 946.00	3-100-003303-0025	4-100-031020-7042
$ 9,232.00	3-100-002404-0017	4-100-021060-7040
$ 1,000.00	3-100-009999-0001	4-100-031020-5419
$ 44,149.00		

II. Transfer of Funds (General Fund)

Amount	Credit Account (-)	Debit Account (+)
$ 70,000.00	4-100-999000-9905	4-100-032020-5655
$ 28,425.00	4-100-999000-9905	4-100-032060-5640
$ 98,425.00		

Adopted: August 13, 2013

Attest: _____, Clerk
Nelson County Board of Supervisors

EXPLANATION OF BUDGET AMENDMENT

I. The **General Fund Appropriation** reflects appropriation of various grants. The amounts of **$3,287** and **$29,579** reflect appropriation of a Byrne One-Time Equipment Grant to the Sheriff's Department for the purchase of tactical unit equipment. The local cash match required is $3,287. The amounts of $105 and $946 reflect appropriation of the Byrne Justice Assistance Grant award in the amount of **$946** requiring a local match of **$105**. This grant was awarded to the Sheriff's Department for purchase of law enforcement supplies and was previously appropriated in FY13 but remained unexpended. The next request in the amount of **$9,232** reflects a Library of Virginia grant to the Circuit Court Clerk for preservation of records. The last request is from the Sheriff's Department for appropriation of **$1,000** in Asset Forfeiture funds. These funds were received in a prior year and must be spent in accordance with Virginia Forfeited Asset Sharing Program guidelines.

II. The **Transfer of Funds** includes a transfer from General Fund Contingency for a capital contribution to the Wintergreen Property Owners Volunteer Rescue Squad in the amount of **$70,000** as approved on June 11, 2013. A Transfer of Funds from General Fund Contingency is also requested for the capital contribution to Nelson Rescue for the **$28,425** in remaining cost for the bunkhouse modifications to Station #2. The remaining balance of contingency funding after this request is $1,457,975.

RESOLUTION R2013-53
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.

Amount	Category	Payee
$96.09	2013 PP Property Taxes	Barbara Ann Reese 116 Arizona Lane Arrington, VA 22922

Adopted: August 13, 2013

Attest: _____, Clerk
Nelson County Board of Supervisors

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

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

July 22, 2013

Mr. Thomas Bruguiere, Chairman
Nelson County Board of Supervisors
P. O. Box 336
Lovingston, VA 22949

Re: Reese, Barbara Ann
116 Arizona Lane
Arrington, VA 22922
2012 Honda

This letter shall serve as written request that a refund of **$96.09** be issued to the above referenced taxpayer. This vehicle was moved to Nelson County from a non-prorating locality and should not have been billed for 2013.

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 R2013-54
SALARY AND CLASSIFICATION SYSTEM
FY14 LOCAL SALARY SUPPLEMENTS FOR THE REGISTRAR
AND CONSTITUTIONAL OFFICES

WHEREAS, The General Assembly in Fiscal Year 2010-2011 has eliminated or reduced funding for certain Compensation Board positions and has in Fiscal Year 2012-2013 mandated a five percent local salary supplement relative to the reinstatement of the 5% employee contribution payment to the Virginia Retirement System (pursuant to Chapter 822 of the 2012 Acts of Assembly), and

WHEREAS, the Nelson County Board of Supervisors amended the local government's "Salary and Classification System" on November 21, 2006, to incorporate governance of local salary supplements for the Registrar and Constitutional Offices, and

WHEREAS, the governance provides that the percentage of annual local salary supplement shall be based on the approved Compensation Board salary, and

WHEREAS, certain employees no longer have a designated Compensation Board salary, and

WHEREAS, the differential between the Compensation Board salary and the employee's total salary inclusive of the local supplement, has substantially increased due to the 5% mandated local salary supplement which may not be supplanted by Compensation Board salary adjustments,

NOW, THEREFORE, BE IT RESOLVED, that the Nelson County Board of Supervisors does hereby authorize effective July 1, 2013, that the percentage of annual local supplement shall be calculated based on the employee's total salary inclusive of all local supplements in effect on June 30 of the prior fiscal year.

Adopted: August 13, 2013

Attest: _____, Clerk
Nelson County Board of Supervisors

RESOLUTION
SALARY AND CLASSIFICATION SYSTEM
LOCAL SALARY SUPPLEMENTS FOR THE REGISTRAR
AND CONSTITUTIONAL OFFICES

WHEREAS, Title 15.2-2507 of the Code of Virginia requires a locality to appropriate as part of its annual budget or in amendments thereto amounts for salaries for its constitutional officers that are not less than those established for such offices in the locality by the Compensation Board;

NOW, THEREFORE, BE IT RESOLVED by the Nelson County Board of Supervisors that the local government's "Salary and Classification System" is hereby amended to incorporate governance of local salary supplements for the Registrar and Constitutional Offices as follows:

For the purposes of this amendment, references to the Compensation Board shall also mean the State Board of Elections as it pertains to the salary of the General Registrar. References to Constitutional Officers shall be inclusive of the General Registrar.

Local salary supplements for Constitutional Officers and their full time staff are intended to provide equitable annual salary adjustments for these employees with those of other full time Nelson County personnel. The supplement is subject to annual approval by the Board of Supervisors and shall apply in each year to those employees hired or beginning employment before July 1 of the fiscal year.

The percentage of annual local supplement shall be based on the approved Compensation Board salary in effect on July 1 of the fiscal year. In addition to the local supplement percentage calculated on July 1, prior year supplement amounts in effect on June 30 of the prior fiscal year will be included in the total supplement amount. The amount of local supplement is calculated on July 1 and reduces at such time that the Compensation Board authorizes an annual salary increase, currently on December 1 of each fiscal year. The local supplement amount may also change during the fiscal year as a result of other Compensation Board salary adjustments. The effect of these other salary adjustments shall be handled as designated herein.

Should the annual salary adjustment approved by the Compensation Board, currently effective December 1, result in greater compensation over the course of the fiscal year than the percentage of salary adjustment approved by the Nelson County Board of Supervisors plus any prior year supplement in effect on June 30, the salaries of those constitutional employees shall be paid at the salary established by the Compensation Board (5 months of Compensation Board salary effective July 1 and 7 months of Compensation Board salary effective December 1).

Salary adjustments approved by the Compensation Board as amendments to the originally approved fiscal year budget shall be regarded in the following manner:

(a) Compensation Board salary adjustments that do not exceed the total annual salary (Compensation Board and local supplement) being paid to the employee will not result in a pay adjustment. In cases where the salary adjustment results in an annual salary greater than the total salary currently being paid, the employee's salary will be adjusted to equal the Compensation Board salary.

(b) Compensation Board salary adjustments that result in a reduction of the Compensation Board salary, such as in the case of a demotion, will be compensated at the approved Compensation Board salary effective on the date of the Compensation Board salary reduction.

Adopted: November 21, 2006

Attest: _____

Clerk, Nelson County Board of Supervisors

RESOLUTION R2013-55
NELSON COUNTY BOARD OF SUPERVISORS
APPROVAL FOR REFINANCING OF REGION TEN COMMUNITY SERVICES BOARD COMMUNITY FACILITIES BOND, SERIES 2006

WHEREAS, the Industrial Development Authority of the Town of Louisa, Virginia (the "Authority"), has been requested by Region Ten Community Services Board, Inc. (the "Company"), a non-profit, Virginia nonstock corporation, to approve the issuance of a revenue bond in an amount not to exceed $7,000,000 of its revenue bonds (the "Bonds") to assist the Company in (A) refinancing the Authority's $7,601,200 Community Services Board Facilities Revenue Bond (Region Ten Project) Series 2006 (the "Series 2006 Bond"); and (B) paying all or a portion of the costs of issuance of the Bonds. The Series 2006 Bond was issued by the Authority on December 21, 2006, with the proceeds thereof being applied by the Company to: (1) refinance the Industrial Development Authority of Albemarle County, Virginia's $5,000,000 Variable Rate Community Services Facilities Revenue Bonds (Region Ten Community Services Board, Inc.), Series 1999, issued on August 31, 1999 to finance and refinance (a) several Company facilities located in the City of Charlottesville, Virginia at 800 Preston Avenue, 1907 Cedar Hill Road, 720 Highland Avenue, 719 Shamrock Road, 100 Burnett Street, 2000 Michie Drive, and 401 4th Street NW; and (b) Company Facilities located in the County of Albemarle, Virginia at 4312 Dickerson Road; (2) finance the acquisition, construction, renovation and equipping of the property known as Mountainwood, to house the Company's administrative offices and community services, located on an approximately 9 acre tract of land on Old Lynchburg Road, in the County of Albemarle, Virginia; and (3) finance the acquisition, construction, renovation and equipping of the Nelson County Counseling Center located at Tanbark Plaza, Lovingston (Nelson County), Virginia (the projects described in clauses (1)-(3) above are collectively referred to herein as, the "Project");

WHEREAS, Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), provides that the governmental unit having jurisdiction over the area in which any facility financed with the proceeds of private activity bonds is located must approve the issuance of the bonds;

WHEREAS, a portion of the Project is to be located in the County of Nelson, Virginia (the "County") and the Board of Supervisors of the County of Nelson, Virginia ("Board") constitutes the highest elected governmental unit of the County;

WHEREAS, in accordance with Section 147(f) of the Code, the public hearing held by the Authority was within 100 miles of the County;

WHEREAS, for purposes of Section 15.2-4906 of the Code of Virginia of 1950, as amended (the "Virginia Code"), the Authority is issuing the portion of the Bonds relating to the portion of the Project located in the County on behalf of the County;

WHEREAS, the Authority has recommended that the Board approve the issuance of the Bonds and concur with the Authority's inducement resolution regarding the issuance of the Bonds (the "Resolution"); and

WHEREAS, a copy of the Authority's Resolution, a certificate of the public hearing, a reasonably detailed summary of the comments expressed at the public hearing, and a Fiscal Impact Statement have been filed with the Board.

NOW, THEREFORE, BE IT RESOLVED, By the Nelson County Board of Sueprvisors:

1. The Board approves the issuance of the Bonds by the Authority for the benefit of the Company, as required by Section 147(f) of the Code and Section 15.2-4906 of the Code of Virginia of 1950, as amended ("Virginia Code") to permit the Authority to assist in the financing of the Project.

2. The Board concurs with the Resolution adopted by the Authority and approves the issuance of the Bonds by the Authority for the benefit of the Company as and to the extent required by Section 15.2-4905 of the Virginia Code.

3. The approval of the issuance of the Bonds does not constitute an endorsement to prospective purchaser of the Bonds of the creditworthiness of the Project or the Company.

4. This Resolution shall take effect immediately upon its adoption.

Adopted: August 13, 2013

Attest: _____, Clerk
Nelson County Board of Supervisors

From:	Steve Carter
To:	Candy McGarry
Cc:	Hurlbert, Richard L., Jr.; Debbie McCann
Subject:	FW: Nelson County Board of Supervisors Resolution
Date:	Monday, July 22, 2013 9:40:56 AM
Attachments:	Resolution of the BOS of the County of Nelson, Virginia (Louisa)_12518406(1).DOC

Candy,

Please include the attached resolution (and the below email message) as an agenda item for the BOS' 8-13 meeting.

(Mr. Hurbert – please advise on the question of whether or not the refinancing will have any impact on the County's tax exempt bond ceiling for 2013; otherwise, I don't believe it will be necessary for you to attend the 8-13 BOS meeting, but we will contact you if it is decided that additional information is needed or that we need to confer with you directly, etc.).

Thanks,

Steve

Stephen A. Carter
Nelson County Administrator
P. O. Box 136
84 Courthouse Square
Lovingston, VA 22949
Ph. (434) 263-7001
Fx. (434) 263-7004

From: Hurlbert, Richard L., Jr. [mailto:rlhurlbert@kaufcan.com]
Sent: Thursday, July 18, 2013 4:26 PM
To: Steve Carter
Subject: Nelson County Board of Supervisors Resolution

Dear Mr. Carter, I am serving as bond counsel and counsel to StellarOne Bank in connection with the refinancing of some outstanding debt for Region Ten Community Services Board. I write to request your help in the adoption of a Resolution by the Nelson County Board of Supervisors to facilitate this transaction. As background, back in 2006, you may recall that the Town of Louisa IDA issued a series of tax exempt bank qualified bonds, which assisted Region Ten in financing and refinancing a host of projects, one of which is located in Nelson County (Nelson County Counseling Center). Because one of the projects being financed was located in Nelson County, the Nelson County BOS was asked to (and did) approve and concur with the issuance of those 2006 Bonds, which is required by federal and state law. Region Ten now seeks to take advantage of the current low interest rate environment by refinancing the 2006 Bonds through the issuance of a new series of tax exempt bank qualified refunding bonds. StellarOne Bank has agreed to purchase the refunding bonds, and the Town of Louisa IDA has agreed to assist Region Ten as it did back in 2006 by issuing the refunding bonds. Since the Nelson County

Counseling Center remains a part of the projects being refinanced, we will again need to ask the Nelson County BOS to approve and concur, as was done back in 2006. Incidentally, we will also need to secure concurrence and approval from Albemarle County and the City of Charlottesville, as the 2006 bonds financed and refinanced facilities in those jurisdictions as well.

To accomplish the foregoing, I have attached a draft of a Resolution we would ask to be placed on the agenda for the Board's August 13 meeting. This Resolution is substantially the same as the Resolution adopted by the Board back in 2006. Once you return to the office, I would welcome the chance to discuss this matter further with you, to answer any questions you may have, and to coordinate the logistics of moving this Resolution through the process with the Board of Supervisors. I will also be happy to visit with you in person and to attend the Board's August 13 meeting to present this Resolution and address any questions or issues the Supervisors may have, if you believe that would be necessary or helpful.

Thank you for your kind attention to this matter, I look forward to hearing from you at your earliest convenience.

Best Regards.

-RLH

Richard L. Hurlbert Jr.
Kaufman & Canoles, P.C.
Two James Center
1021 East Cary Street, Suite 1400
Richmond, VA 23219-4058

T (804) 771.5795
F (804) 771.5777
rlhurlbert@kaufcan.com
www.kaufCAN.com

From: Watkins, Sylvia L.
Sent: Thursday, July 18, 2013 4:00 PM
To: Hurlbert, Richard L., Jr.
Subject: Resolution of the BOS of the County of Nelson, Virginia (Louisa).DOC

Sylvia L. Watkins
Commercial Secretary
Kaufman & Canoles, P.C.
Two James Center
1021 East Cary Street, Suite 1400
Richmond, VA 23219-4058

T (804) 771.5756
F (804) 771.5777
slwatkins@kaufcan.com

www.kaufCAN.com

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§ 15.2-4906. Public hearing and approval.

A. Whenever federal law requires public hearings and public approval as a prerequisite to obtaining federal tax exemption for the interest paid on industrial development bonds, unless otherwise specified by federal law or regulation, the public hearing shall be conducted by the authority and the procedure for the public hearing and public approval shall be in accordance with this section.

B. For a public hearing by the authority, notice of the hearing shall be published once a week for two successive weeks in a newspaper having general circulation in the locality in which the facility to be financed is to be located of intention to provide financing for a named individual or business entity. The applicant shall pay the cost of publication. The notice shall specify the time and place of hearing at which persons may appear and present their views. The hearing shall be held not less than six days nor more than twenty-one days after the second notice shall appear in such newspaper.

The notice shall contain: (i) the name and address of the authority; (ii) the name and address (principal place of business, if any) of the party seeking financing; (iii) the maximum dollar amount of financing sought; and (iv) the type of business and purpose and specific location, if known, of the facility to be financed.

If after the hearing has been held the authority approves the financing, a reasonably detailed summary of the comments expressed at the hearing shall be conveyed promptly to the locality's governing body together with the recommendation of the authority.

C. For public approval, the governing body of the locality on behalf of which the bonds of the authority are issued shall within sixty calendar days from the public hearing held by the authority either approve or disapprove financing of any facility recommended by the authority.

Action of the governing body shall be by a majority of a quorum set out in a resolution. Such vote shall be recorded and disclose how each member voted.

In case of a joint authority the approval required by the governing body of the locality shall be that governing body of the area where the facility will be located, if permitted by federal law or regulation.

The provisions of this section shall not apply to bonds, notes or other obligations issued pursuant to hearings held and governmental approvals obtained prior to the effective date of this act in compliance with federal law or regulation.

(1983, c. 514, § 15.1-1378.1; 1997, c. 587.)

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§ 15.2-4905. Powers of authority.

The authority shall have the following powers together with all powers incidental thereto or necessary for the performance of those hereinafter stated:

1. To sue and be sued and to prosecute and defend, at law or in equity, in any court having jurisdiction of the subject matter and of the parties;

2. To adopt and use a corporate seal and to alter the same at pleasure;

3. To enter into contracts; however, any written contract of the authority shall contain provisions addressing the issue of whether attorney's fees shall be recoverable by the prevailing party in the event the contract is subject to litigation;

4. To acquire, whether by purchase, exchange, gift, lease or otherwise, and to improve, maintain, equip and furnish one or more authority facilities including all real and personal properties which the board of directors of the authority may deem necessary in connection therewith and regardless of whether any such facilities shall then be in existence;

5. To lease to others any or all of its facilities and to charge and collect rent therefor and to terminate any such lease upon the failure of the lessee to comply with any of the obligations thereof; and to include in any such lease, if desired, a provision that the lessee thereof shall have options to renew such lease or to purchase any or all of the leased facilities, or that upon payment of all of the indebtedness of the authority it may lease or convey any or all of its facilities to the lessee thereof with or without consideration;

6. To sell, exchange, donate, and convey any or all of its facilities or properties whenever its board of directors shall find any such action to be in furtherance of the purposes for which the authority was organized;

7. To issue its bonds for the purpose of carrying out any of its powers including specifically, but without intending to limit any power conferred by this section or this chapter, the issuance of bonds to provide long-term financing of any pollution control facility, whether any such facility was constructed prior to or after the enactment hereof or the receipt of a commitment from an authority to undertake financing pursuant hereto, unless the major part of the proceeds of such bonds will be used to redeem any prior long-term financing of such facility other than financings pursuant to this chapter or any similar law;

8. As security for the payment of the principal of and interest on any bonds so issued and any agreements made in connection therewith, to mortgage and pledge any or all of its facilities or any part or parts thereof, whether then owned or thereafter acquired, and to pledge the revenues therefrom or from any part thereof or from any loans made by the authority;

9. To employ and pay compensation to such employees and agents, including attorneys, and real estate brokers whether engaged by the authority or otherwise, as the board of directors shall deem necessary in carrying on the business of the authority;

10. To exercise all powers expressly given the authority by the governing body of the locality which established the authority and to establish bylaws and make all rules and regulations, not inconsistent with the provisions of this chapter, deemed expedient for the management of the authority's affairs;

11. To appoint an industrial advisory committee or similar committee or committees to advise the authority, consisting of such number of persons as it may deem advisable. Such persons may be compensated such amount per regular, special, or committee meeting as may be approved by the appointing authority, not to exceed $50 per meeting day, and may be reimbursed for necessary traveling and other expenses incurred while on the business of

the authority;

12. To borrow money and to accept contributions, grants and other financial assistance from the United States of America and agencies or instrumentalities thereof, the Commonwealth, or any political subdivision, agency, or public instrumentality of the Commonwealth, for or in aid of the construction, acquisition, ownership, maintenance or repair of the authority facilities, for the payment of principal of any bond of the authority, interest thereon, or other cost incident thereto, or in order to make loans in furtherance of the purposes of this chapter of such money, contributions, grants, and other financial assistance, and to this end the authority shall have the power to comply with such conditions and to execute such agreements, trust indentures, and other legal instruments as may be necessary, convenient or desirable and to agree to such terms and conditions as may be imposed; and

13. To make loans or grants to any person, partnership, association, corporation, business, or governmental entity in furtherance of the purposes of this chapter including for the purposes of promoting economic development, provided that such loans or grants shall be made only from revenues of the authority which have not been pledged or assigned for the payment of any of the authority's bonds, and to enter into such contracts, instruments, and agreements as may be expedient to provide for such loans and any security therefor. An authority may also be permitted to forgive loans or other obligations if it is deemed to further economic development. The word "revenues" as used in this subdivision includes contributions, grants and other financial assistance, as set out in subdivision 12.

The authority shall not have power to operate any facility as a business other than as lessor and shall not have the power to operate any single or multi-family housing facilities. However, the authority shall have the power to apply for, establish, operate and maintain a foreign-trade zone in accordance with the provisions of Chapter 14 (§ 62.1-159 et seq.) of Title 62.1. Any meeting held by the board of directors at which formal action is taken shall be open to the public.

If a locality has created an industrial development authority pursuant to this chapter or any other provision of law, no other such authority, not created by such locality, shall finance facilities, except pollution control facilities, within the boundaries of such locality, unless the governing body of such locality in which the facilities are located or are proposed to be located, concurs with the inducement resolution adopted by the authority, and shows such concurrence in a duly adopted resolution. Notwithstanding the foregoing, nothing contained herein shall be deemed to invalidate or otherwise impair any existing financing by an authority or the financing of any facilities for which application has been made to an authority prior to July 1, 1981.

(1966, c. 651, § 15.1-1378; 1970, c. 598; 1972, c. 783; 1973, c. 528; 1981, c. 3; 1991, c. 6; 1993, c. 896; 1994, c. 317; 1997, cc. 587, 758, 763; 1998, c. 728; 2005, c. 575.)

RESOLUTION R2013-56
NELSON COUNTY BOARD OF SUPERVISORS
ABANDONMENT AND ADDITION OF SEGMENTS OF ROAD ASSOCIATED WITH COMPLETED VDOT PROJECT 0661-062-225, M501, PHOENIX ROAD ARRINGTON VA IN NELSON COUNTY

WHEREAS, the Virginia Department of Transportation has completed project 0661-062-225, and;

WHEREAS, the project sketch and VDOT Form(s) AM4.3, attached and incorporated herein as part of this resolution, defines adjustments required in the Secondary System of State highways as a result of construction, and;

WHEREAS, certain segments indentified are ready to be accepted into the Secondary System of State Highways, and;

WHEREAS, certain segments identified on the incorporated Form AM4.3 appear to no longer serve public convenience and should be abandoned as a part of the Secondary System of State Highways, and;

NOW THEREFORE, BE IT RESOLVED, this board hereby requests the Virginia Department of Transportation to take the necessary action to abandon those segments identified on the attached AM4.3 Form and project sketch as a part of the Secondary System of State Highways, pursuant to §33.1-155, Code of Virginia, 1950, as amended, and

BE IT FURTHER RESOLVED, this board requests the Virginia Department of Transportation to add the segments identified on the incorporated Form AM4.3 to the Secondary System of State highways, pursuant to §33.1-229 of the Code of Virginia, for which sections this Board hereby guarantees the right of way to be clear and unrestricted, including any necessary easements for cuts, fills, and drainage, and

BE IT FINALLY RESOLVED, that a certified copy of this resolution be forwarded to the Virginia Department of Transportation.

Adopted: August 13, 2013

Attest: _____, Clerk
Nelson County Board of Supervisors

COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION
4219 CAMPBELL AVENUE
LYNCHBURG, VIRGINIA 24501
VDOT.Virginia.gov

GREGORY A. WHIRLEY
COMMISSIONER

July 25, 2013

Stephen A. Carter
Nelson County Administrator
P.O. Box 136
Lovingston, Virginia 22949

RE: Abandonment and Addition Request Associated with VDOT Project 0661-062-225, M501, UPC #6586, Nelson County

Dear Mr. ~~Carter~~; Steve

As part of the road improvements completed in the Year 1999 on a section of Route 661 (Phoenix Road) near Arrington, the single intersection of Routes 661, 662 and 734 was eliminated and replaced by two new intersections, Route 661 and 662, and Route 661 and 734. In order to update our official road records to reflect these changes, we will need to abandoned the eliminated roadway segments of Route 662 and 734 and add their new alignment with Route 661.

To process these route changes, we respectfully request the County Board of Supervisors action by resolution on the roadway abandonments and additions described in the attached VDOT Form AM-4.3. I have also provided a draft resolution as a guide along with a sketch detailing the roadway changes being requested.

Because these changes were part of a VDOT secondary road improvement project, public involvement for the alignment changes was addressed during project development. Therefore, a public hearing for the requested abandonment and additions is not required.

From our recent conversation, I understand this request will be presented to the Board during their meeting on August 13, 2013. If you have any questions or desire VDOT's attendance at the Board meeting, please notify me.

Thank you for your assistance.

Sincerely,

Jeffery B. Kessler, P.E.
Area Land Use Engineer
(434) 856-8293
JefferyB.Kessler@VDOT.Virginia.gov

ATTACHMENTS
CC: Donald L. Austin, Sr.

The Board of Supervisors of Nelson County, in regular meeting on the 13th day of August, 2013, adopted the following:

WHEREAS, the Virginia Department of Transportation has completed project 0661-062-225, and

WHEREAS, the project sketch and VDOT Form(s) AM4.3, attached and incorporated herein as part of this resolution, defines adjustments required in the Secondary System of State highways as a result of construction, and

WHEREAS, certain segments indentified are ready to be accepted into the Secondary System of State Highways, and

WHEREAS, certain segments identified on the incorporated Form AM4.3 appear to no longer serve public convenience and should be abandoned as a part of the Secondary System of State Highways, and

NOW THEREFORE, BE IT RESOLVED, this board hereby requests the Virginia Department of Transportation to take the necessary action to abandon those segments identified on the attached AM4.3 Form and project sketch as a part of the Secondary System of State Highways, pursuant to §33.1-155, Code of Virginia, 1950, as amended, and

BE IT FURTHER RESOLVED, this board requests the Virginia Department of Transportation to add the segments identified on the incorporated Form AM4.3 to the Secondary System of State highways, pursuant to §33.1-229 of the Code of Virginia, for which sections this Board hereby guarantees the right of way to be clear and unrestricted, including any necessary easements for cuts, fills, and drainage, and

BE IT FINALLY RESOLVED, that a certified copy of this resolution be forwarded to the Virginia Department of Transportation.

Recorded Vote

Moved By: _____

Seconded By: _____

Yeas: ____

Nays: ____

A Copy Teste:

_____

(Name), (title)

In the County of Nelson

By resolution of the governing body adopted August 13, 2013

The following VDOT Form AM-4.3 is hereby attached and incorporated as part of the governing body's resolution for changes in the secondary system of state highways.

A Copy Testee *Signed (County Official):* _____

Report of Changes in the Secondary System of State Highways

Project/Subdivision 0661-062-225

Type Change to the Secondary System of State Highways: Abandonment

The following facilities of the Secondary System of State Highways are hereby ordered abandoned, pursuant to the statutory authority cited:

Reason for Change: VDOT Project - Section 33.1-155

Pursuant to Code of Virginia Statute: §33.1-155

Street Name and/or Route Number

t , State Route Number 734

Old Route Number: 0

l From: Rt 734 0.28 mi W of intersection with Route 835 (Node G)

To: Rt 662 0.45 mi N of INtersection with Rt 662 (Node C), a distance of: 0.06 miles.

Street Name and/or Route Number

t , State Route Number 662

Old Route Number: 0

l From: Rt 662 0.45 mi N of INtersection with Rt 662 (Node C)

To: Rt 662 0.49 mi W of intersection with Rt 655 (Node H), a distance of: 0.09 miles.

Report of Changes in the Secondary System of State Highways

Project/Subdivision 0661-062-225

Type Change to the Secondary System of State Highways: Addition

The following additions to the Secondary System of State Highways, pursuant to the statutory provision or provisions cited, are hereby requested; the right of way for which, including additional easements for cuts, fills and drainage, as required, is hereby guaranteed:

Reason for Change: VDOT Project

Pursuant to Code of Virginia Statute: §33.1-229

Street Name and/or Route Number

t North Powell's Island Road, State Route Number 662

Old Route Number: 0

l From: Rt 661 .49 mi S of intersection with Route 663 (Node B)

To: Rt 662 .49 mi W of intersection with Rt 655 (Node H), a distance of: 0.05 miles.

Recordation Reference: N/A

Right of Way width (feet) = 0

Street Name and/or Route Number

t Lobo Lane, State Route Number 734

Old Route Number: 0

l From: Rt 661 .42 mi N of intersection with RT 662 (Node D)

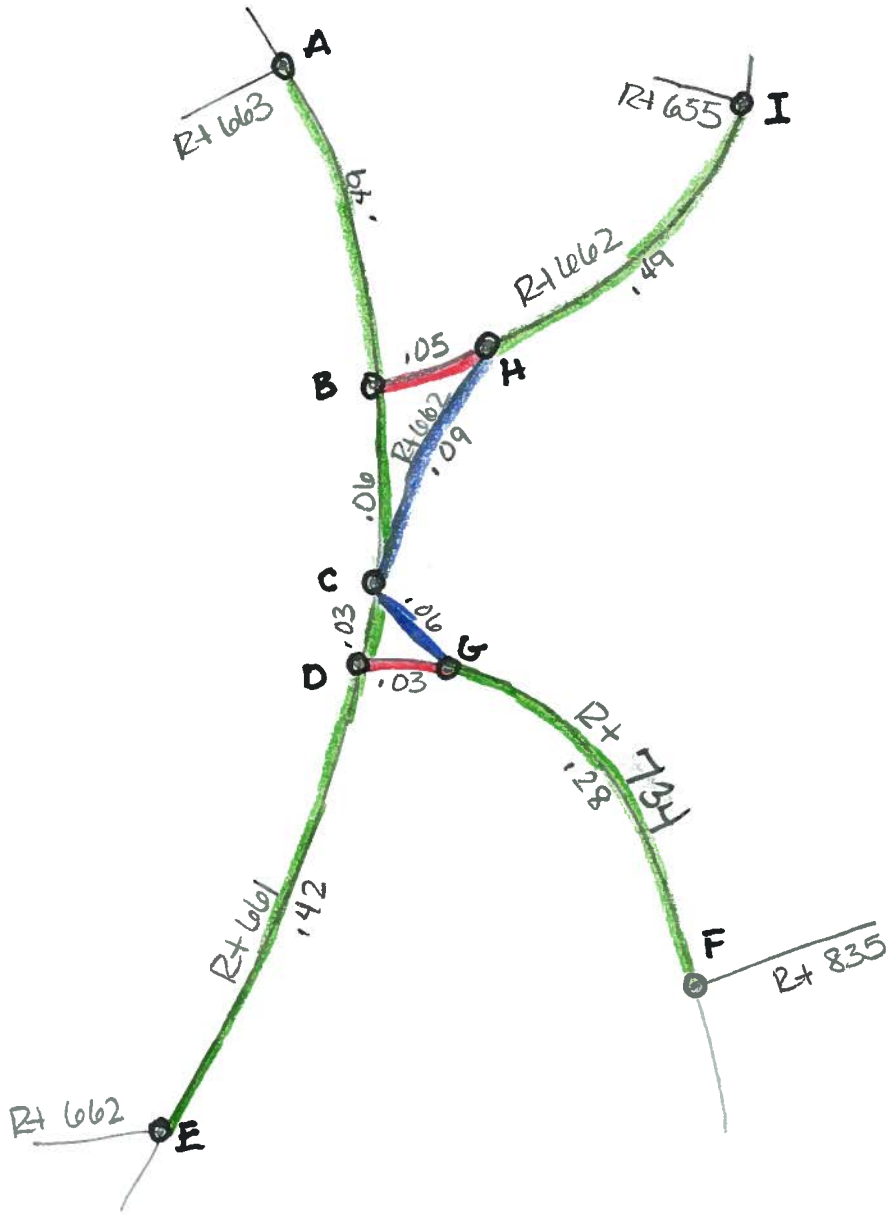
To: Rt 734 .03 mi E of intersection with Rt 661 (Node G), a distance of: 0.03 miles.

Recordation Reference: N/A

Right of Way width (feet) = 0

ROUTE 662 ABANDONMENT
NELSON COUNTY
AHQ Shipman

Amherst / Appomattox Residency



ABANDONMENT OF SECONDARY
ADDITION TO SECONDARY
DATA CORRECTION

Project #
0661-062-225

From: Steve Carter
To: Candy McGarry
Subject: FW: Rte 661, Addition & Abandonment Request : Project 0661-062-225, UPC#6586
Date: Thursday, July 25, 2013 1:15:15 PM
Attachments: Rte 661 Nelson Co. Add.Aband. Request.pdf

FYI. For the BOS' 8-13 meeting.

Steve

Stephen A. Carter
Nelson County Administrator
P. O. Box 136
84 Courthouse Square
Lovingston, VA 22949
Ph. (434) 263-7001
Fx. (434) 263-7004

From: Kessler, Jeffery B., P.E. (VDOT) [mailto:JefferyB.Kessler@VDOT.Virginia.gov]
Sent: Thursday, July 25, 2013 10:30 AM
To: Steve Carter
Cc: Austin Sr., Donald L. (VDOT)
Subject: Rte 661, Addition & Abandonment Request : Project 0661-062-225, UPC#6586

Steve,

Attached is my letter of request for Board action to facilitate VDOT's documented changes to the secondary system as a result from the completed Route 661 road project (0661-062-225, M501) near the community of Arrington. I am also attaching a word document of a draft resolution you may use.

Please call me if you have any questions. Thank you for your assistance.

Best Jeff

Jeffery B. Kessler, P.E.
Area Land Use Engineer
VDOT - Lynchburg
434.856.8293
JefferyB.Kessler@VDOT.Virginia.gov

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§ 33.1-155. Alternative procedure for abandonment of old road or crossing to extent of alteration.

The Commissioner may declare any road in the secondary system or any road in the secondary system containing a railway-highway grade crossing abandoned when (i) it has been or is altered and a new road which serves the same citizens as the old road is constructed in lieu thereof and approved by the Commissioner of Highways or (ii) the Chief Engineer of the Department of Transportation recommends that it is appropriate in connection with the completion of a construction or maintenance project. The old road and/or the public crossing may be abandoned to the extent of such alteration, but no further, by the entry by the Commissioner of such abandonment upon the records of the Department of Transportation.

(Code 1950, § 33-76.12; 1950, p. 734; 1952, c. 127; 1970, c. 322; 2011, cc. 36, 152.)

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§ 33.1-229. Continuance of powers of county authorities; alternative procedure.

The local road authorities shall continue to have the powers vested in them on June 20, 1932, for the establishment of new roads in their respective counties, which shall, upon such establishment, become parts of the secondary system of state highways within such counties. They shall likewise have the power to alter or change the location of any road now in the secondary system of state highways within such counties or which may hereafter become a part of the secondary system of state highways within such counties. The Commissioner of Highways shall be made a party to any proceeding before the local road authorities for the establishment of any such road or for the alteration or change of the location of any such road. When any such board or commission appointed by the board of supervisors or other governing body of a county to view a proposed road or to alter or change the location of an existing road shall award damages for the right-of-way for the same, in either case to be paid in money, it may be paid by the board of supervisors or other governing body of the county out of the general county levy funds. No expenditure by the Commonwealth shall be required upon any new road so established or any old road the location of which is altered or changed by the local road authorities, except as may be approved by the Commissioner. If the property sought to be taken is for the easement or right-of-way, the plat shall reasonably indicate thereon any appurtenant right-of-way or easement for ingress and egress to and from the principal easement or right-of-way being taken.

As an alternative to the method of establishing or relocating a road provided in the preceding paragraph, the Commissioner, by and with the approval of the Commonwealth Transportation Board and the board of supervisors or other governing body of a county shall have power and authority to make such changes in routes in, and additions to, the secondary system of state highways from time to time as the public safety or convenience may require.

The service of any process or notice in any such proceedings upon the district administrator of the Department of Transportation having the supervision of maintenance and construction of highways in any such county shall be termed sufficient service on the Commissioner.

(Code 1950, § 33-141; 1950, p. 726; 1970, c. 322; 1980, c. 441; 1984, c. 198; 2013, cc. 585, 646.)

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MAPP

Mobilizing for Action through Planning and Partnerships

Community Health Improvement Plan

2 Health

MAPP Model

Source: Centers for Disease Control and Prevention; National Association of County and City Health Officials

Big Picture of Community Health

- Compiles existing local data
- Trends
- Comparisons
  - State
  - Benchmarks

MAPP 2 Health *2011-12*

1. Locality CHA Councils

- **Review, discuss and determine need for additional quantitative and qualitative data**
- **Prioritize health issues**

Charlottesville-Albemarle | Fluvanna | Greene | Louisa | Nelson

- Local government
  - Schools
  - Colleges
- Community agencies
  - Healthcare organizations
  - Non-profits

2. TJHD MAPP 2 Health Leadership Council

- **Decide health questions for TJHD phone survey**
- **Complete Community Health Improvement Plan for TJHD**

- 1-2 reps per CHA locality council
- District-wide agencies serving TJHD

Source: Thomas Jefferson Health District

M2H Organizational Partners

2012

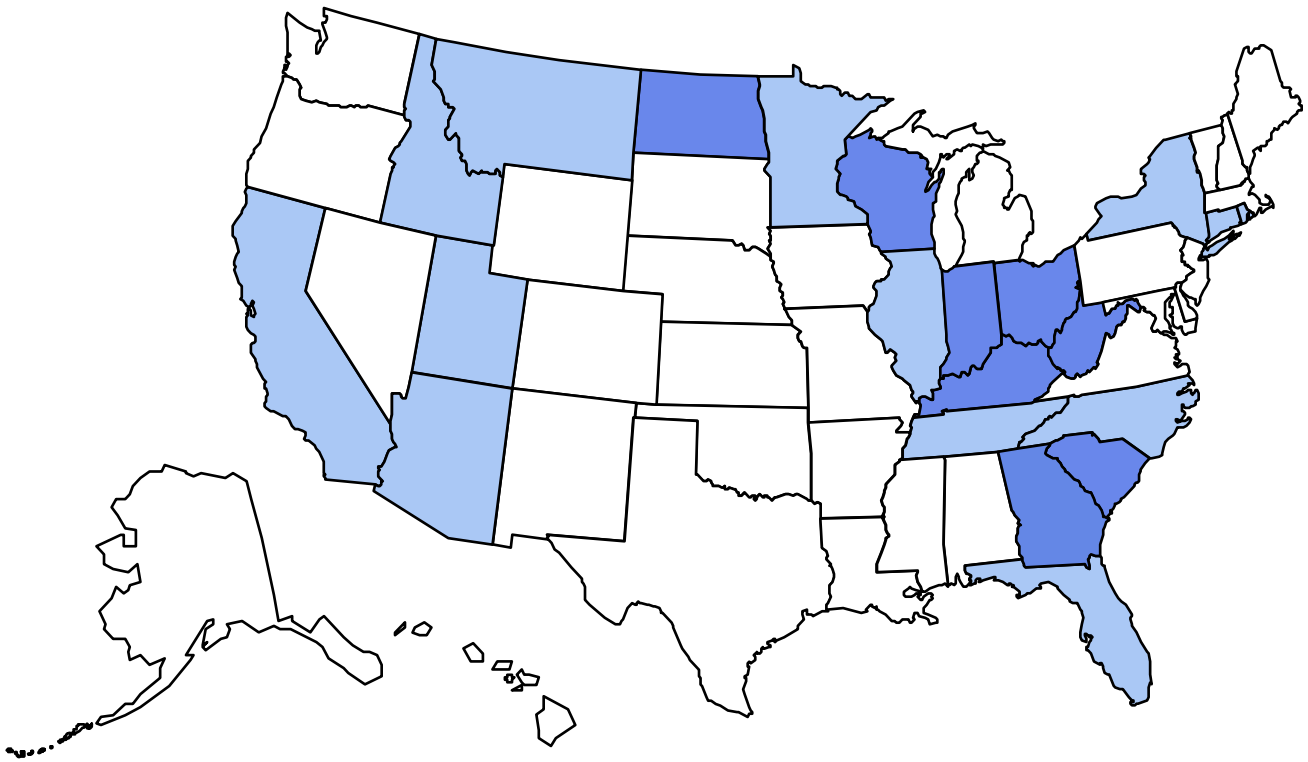
Albemarle County	Creciendo Juntos/United Way	Greene County Sheriff	Martha Jefferson Hospital (MJH)	Smart Beginnings
Albemarle County Schools	Downtown Family Health Care	Greene County Transit and Early Education	MJH - Medical Group	Stanardsville United Methodist Church
ASG & CMHWC	Emmanuel Christian Center	JABA	NCAE of ACE	State VICAP Counselor
Blue Ridge Medical Center (BRMC)	Family & Consumer Sciences VA Cooperative Extension Service	JABA-Nelson Center	Nelson County Department of Social Services	Thomas Jefferson Health District
BRMC/Rural Health Outreach Program (RHOP)	Fluvanna County Administrator	JAUNT	Nelson County Health Department	United Way
Charlottesville City Schools	Fluvanna County Health Department.	Jefferson Area CHIP	Nelson County Schools	University of Virginia (UVA)
Charlottesville Free Clinic	Fluvanna County Public Schools Adult Education	Library Literary Board of Nelson County	OK Collaborative	UVA Curry School of Education
Charlottesville Department of Social Services	Fluvanna County Schools	Louisa County Board of Supervisors	Piedmont Housing Alliance	UVA Department of Public Health Sciences
Children, Youth and Family Services	Fluvanna Department of Social Services	Louisa County CSA	Piedmont Virginia Community College	UVA Emergency Department
City of Charlottesville	Greene Care Clinic	Louisa County Department of Human Services	Region Ten	UVA School of Nursing
Commission on Children and Families	Greene County Administrator	Louisa County Department. of Social Services	Regional Literacy Council	Virginia Cooperative Extension
Community Action on Obesity	Greene County Board of Supervisors	Louisa County Fire & EMS	Ride Share	Virginia Department of Health
Community Dental Center	Greene County Department of Social Services	Louisa Health and Wellness	SARA	
Community Mental Health and Wellness Coalition	Greene County Health Department	MACAA	Skyline CAP, Inc.	

Source: TJHD

Community Health Issue #1: An Increasing Rate of Obesity

Obesity Trends Among U.S. Adults

1985



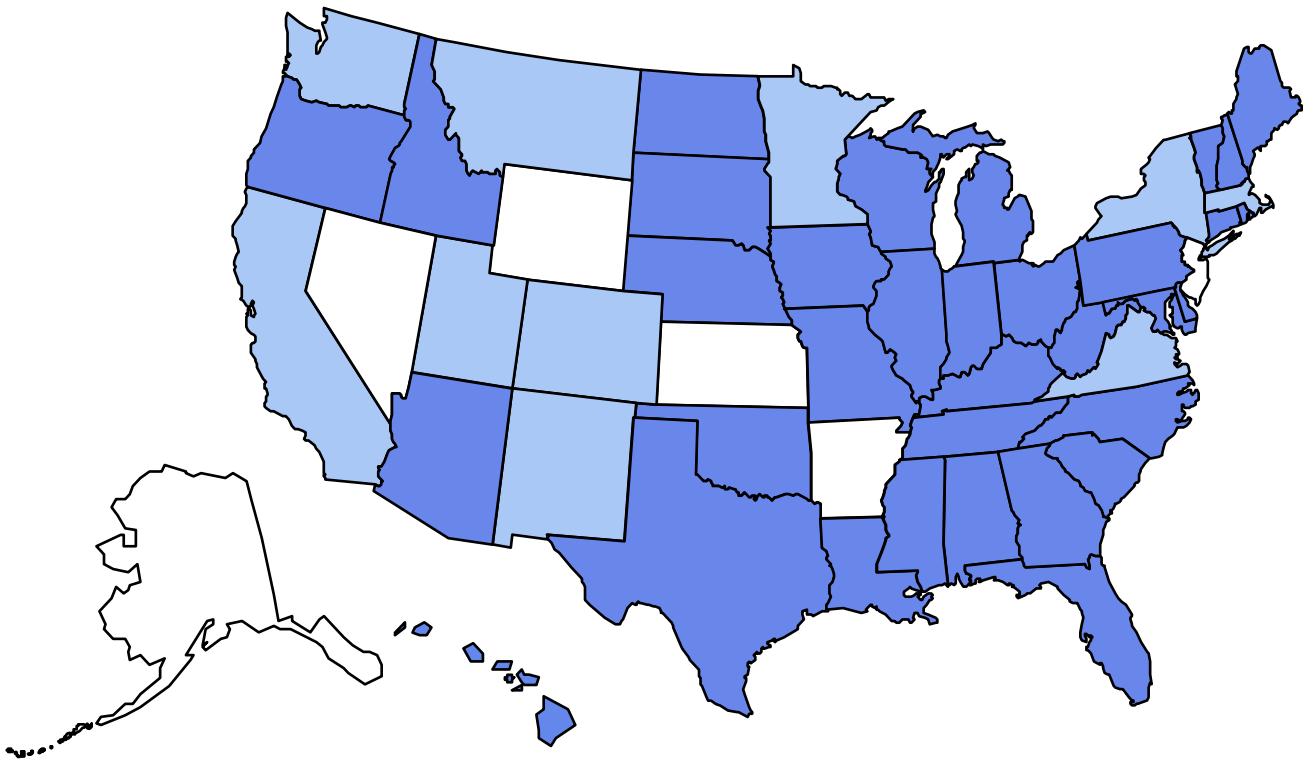
(*BMI ≥30, or ~ 30 lbs. overweight for 5’ 4” person)

No Data	<10%	10%–14%

Source: Centers for Disease Control and Prevention, Behavioral Risk Factor Surveillance System

Obesity Trends Among U.S. Adults

1990



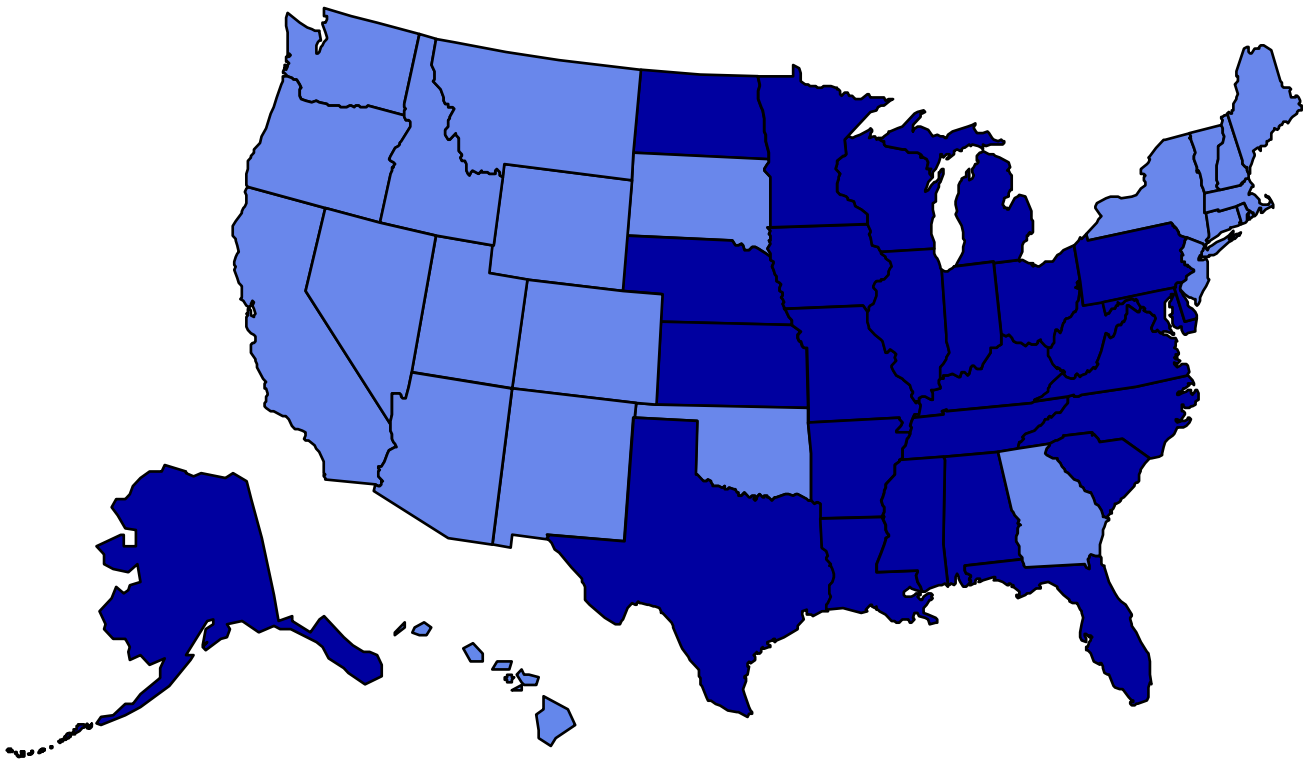
(*BMI ≥30, or ~ 30 lbs. overweight for 5’ 4” person)

No Data	<10%	10%–14%

Source: Centers for Disease Control and Prevention, Behavioral Risk Factor Surveillance System

Obesity Trends Among U.S. Adults

1995



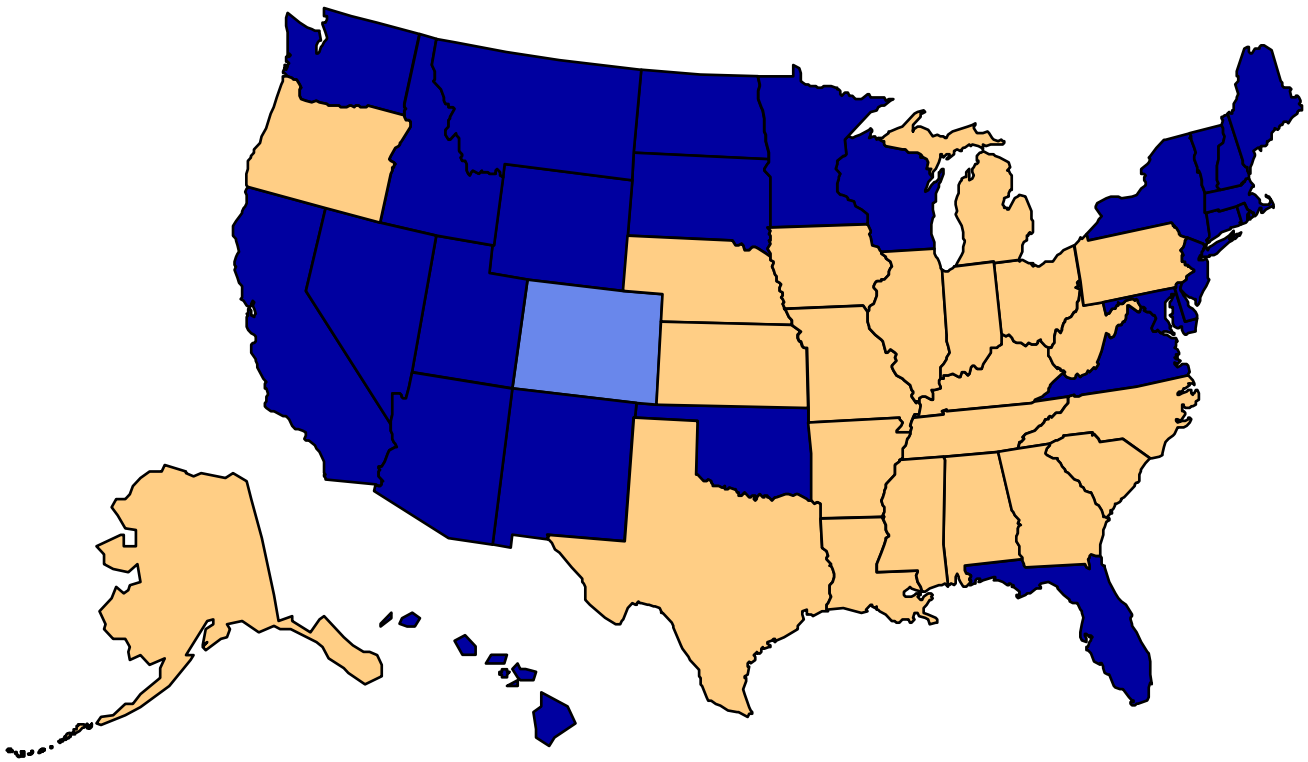
(*BMI ≥30, or ~ 30 lbs. overweight for 5’ 4” person)

No Data	<10%	10%–14%	15%–19%

Source: Centers for Disease Control and Prevention, Behavioral Risk Factor Surveillance System

Obesity Trends Among U.S. Adults

2000



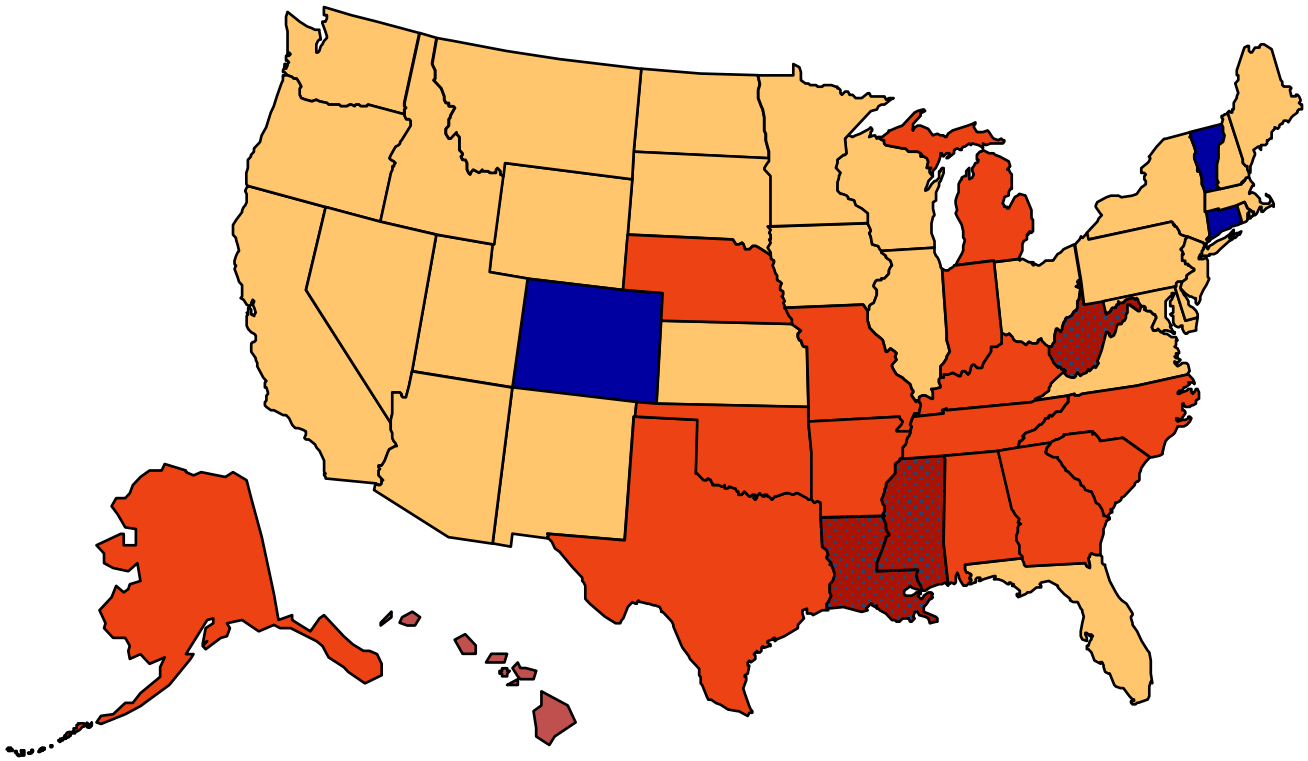
(*BMI ≥30, or ~ 30 lbs. overweight for 5’ 4” person)

No Data	<10%	10%–14%	15%–19%	≥20%

Source: Centers for Disease Control and Prevention, Behavioral Risk Factor Surveillance System

Obesity Trends Among U.S. Adults

2005



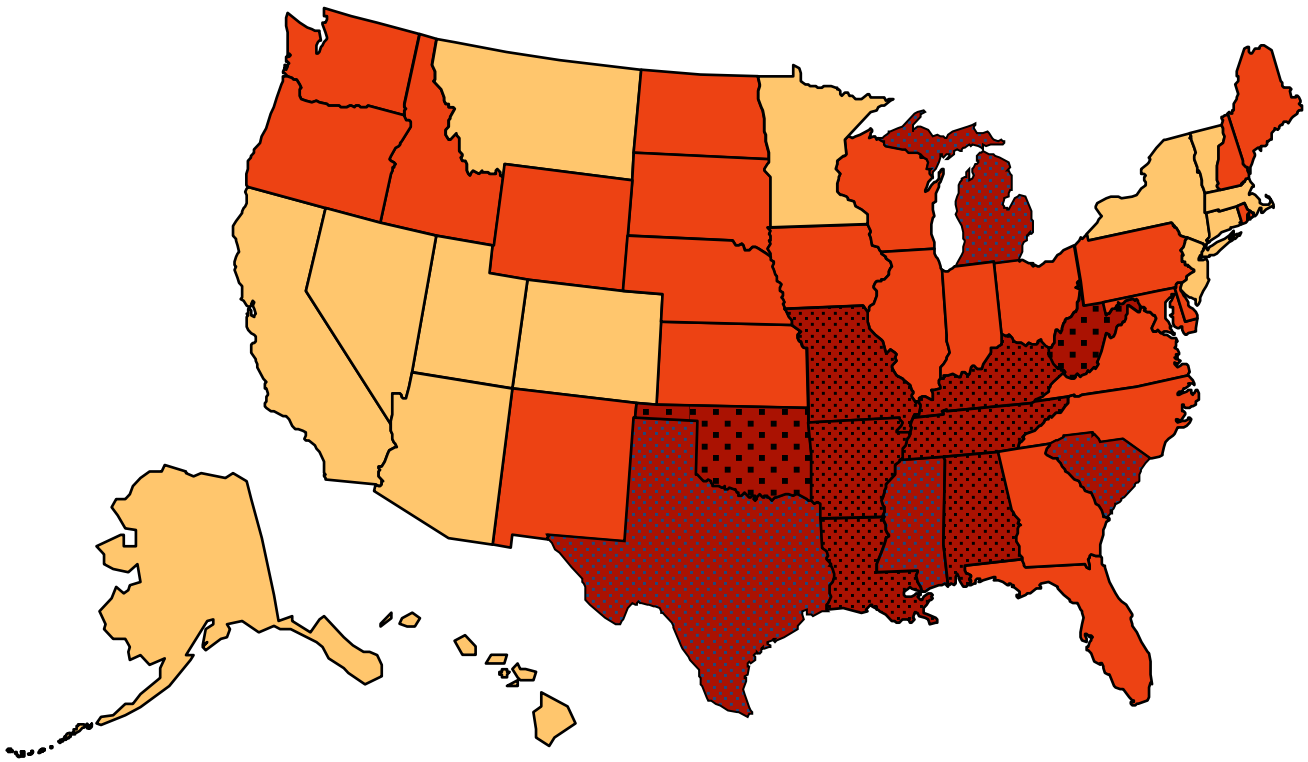
(*BMI ≥30, or ~ 30 lbs. overweight for 5’ 4” person)

No Data | <10% | 10%–14% | 15%–19% | 20%–24% | 25%–29% | ≥30%

Source: Centers for Disease Control and Prevention, Behavioral Risk Factor Surveillance System

Obesity Trends Among U.S. Adults

2010



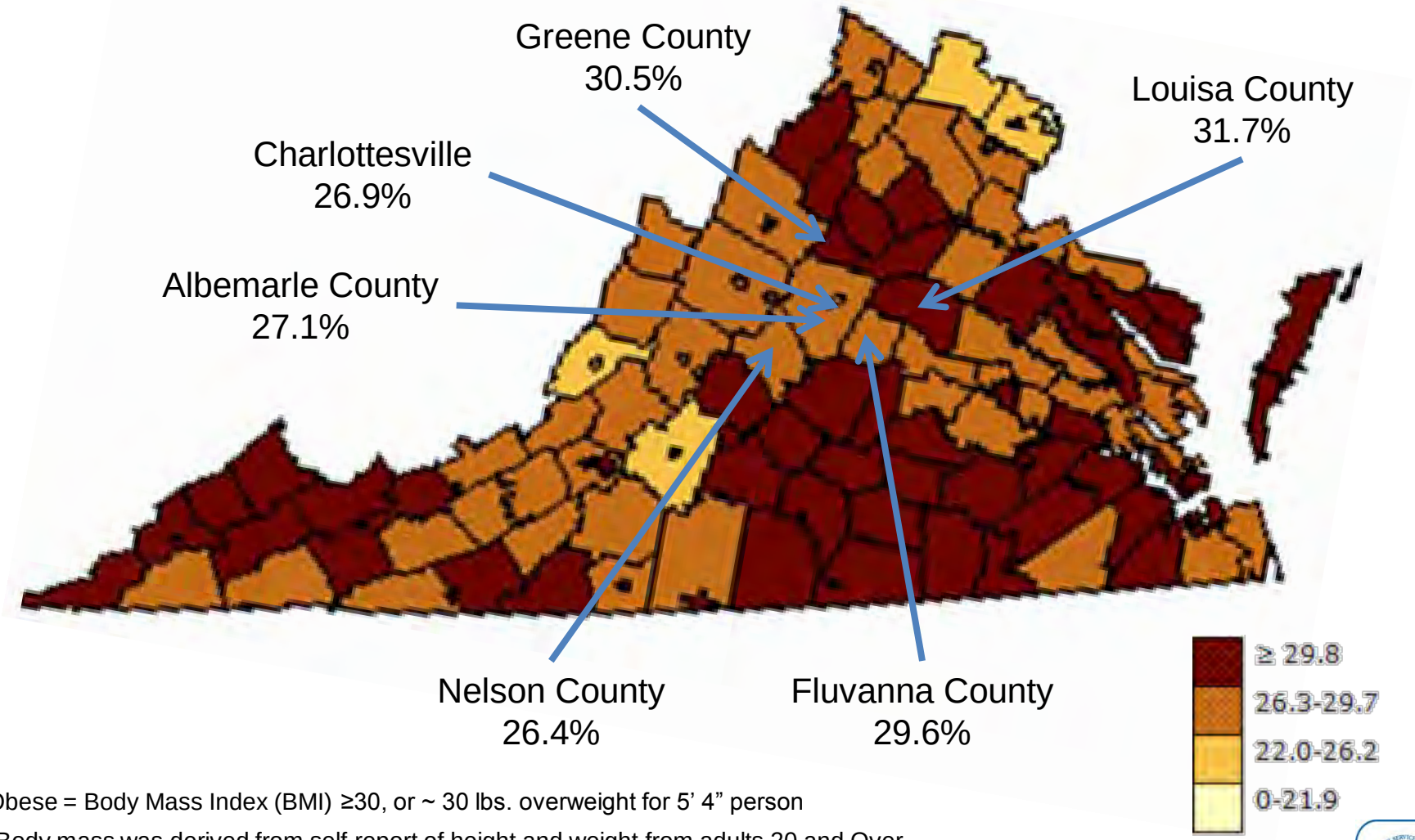
(*BMI ≥30, or ~ 30 lbs. overweight for 5’ 4” person)

No Data | <10% | 10%–14% | 15%–19% | 20%–24% | 25%–29% | ≥30%

Source: Centers for Disease Control and Prevention, Behavioral Risk Factor Surveillance System

Percentage of Adults Who Are Obese

TJHD by Locality, 2009



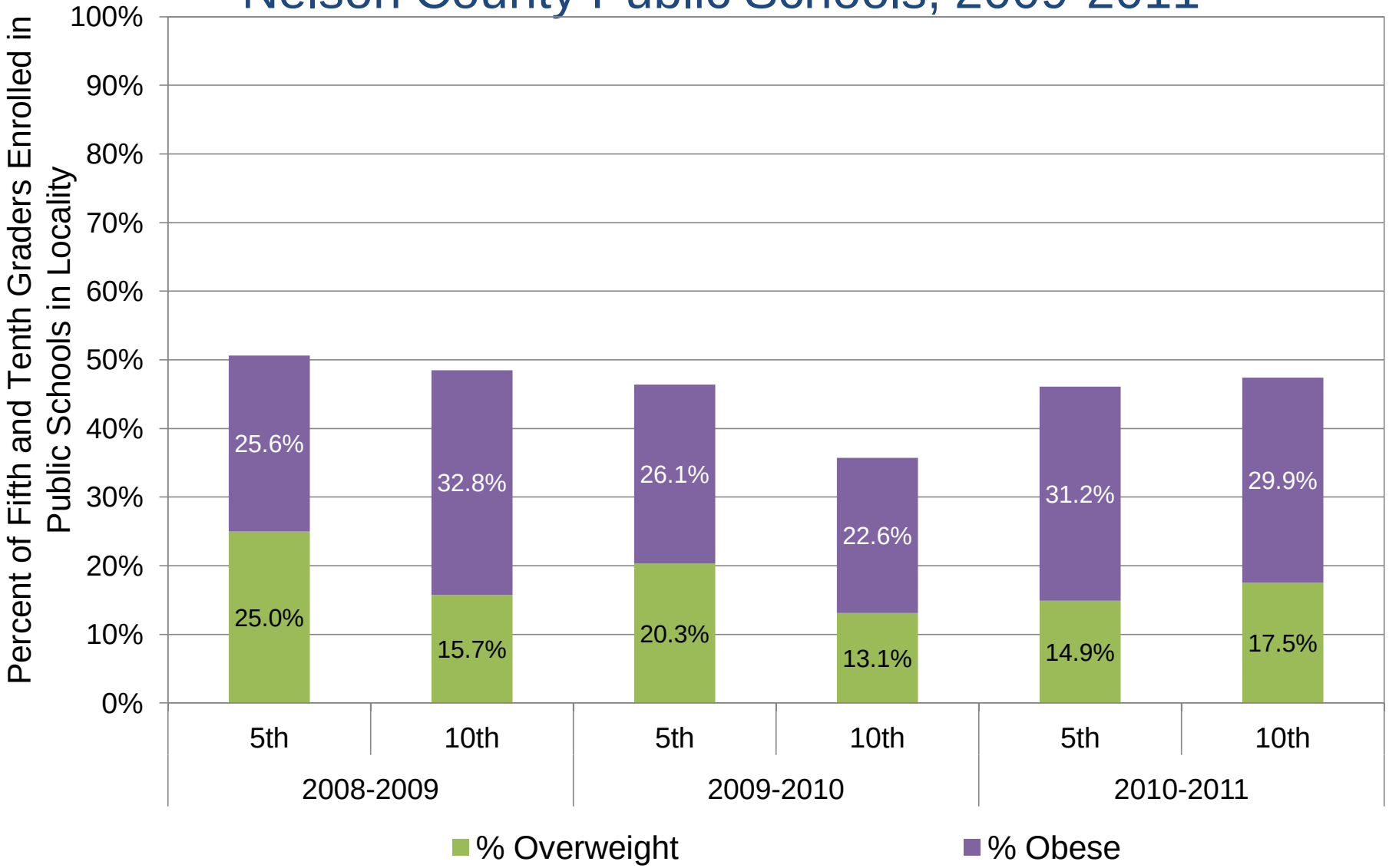
*Obese = Body Mass Index (BMI) ≥30, or ~ 30 lbs. overweight for 5' 4" person

**Body mass was derived from self-report of height and weight from adults 20 and Over.

Source: Centers for Disease Control and Prevention: National Diabetes Surveillance System

Percentage of 5th &10th Graders Who Are Overweight or Obese

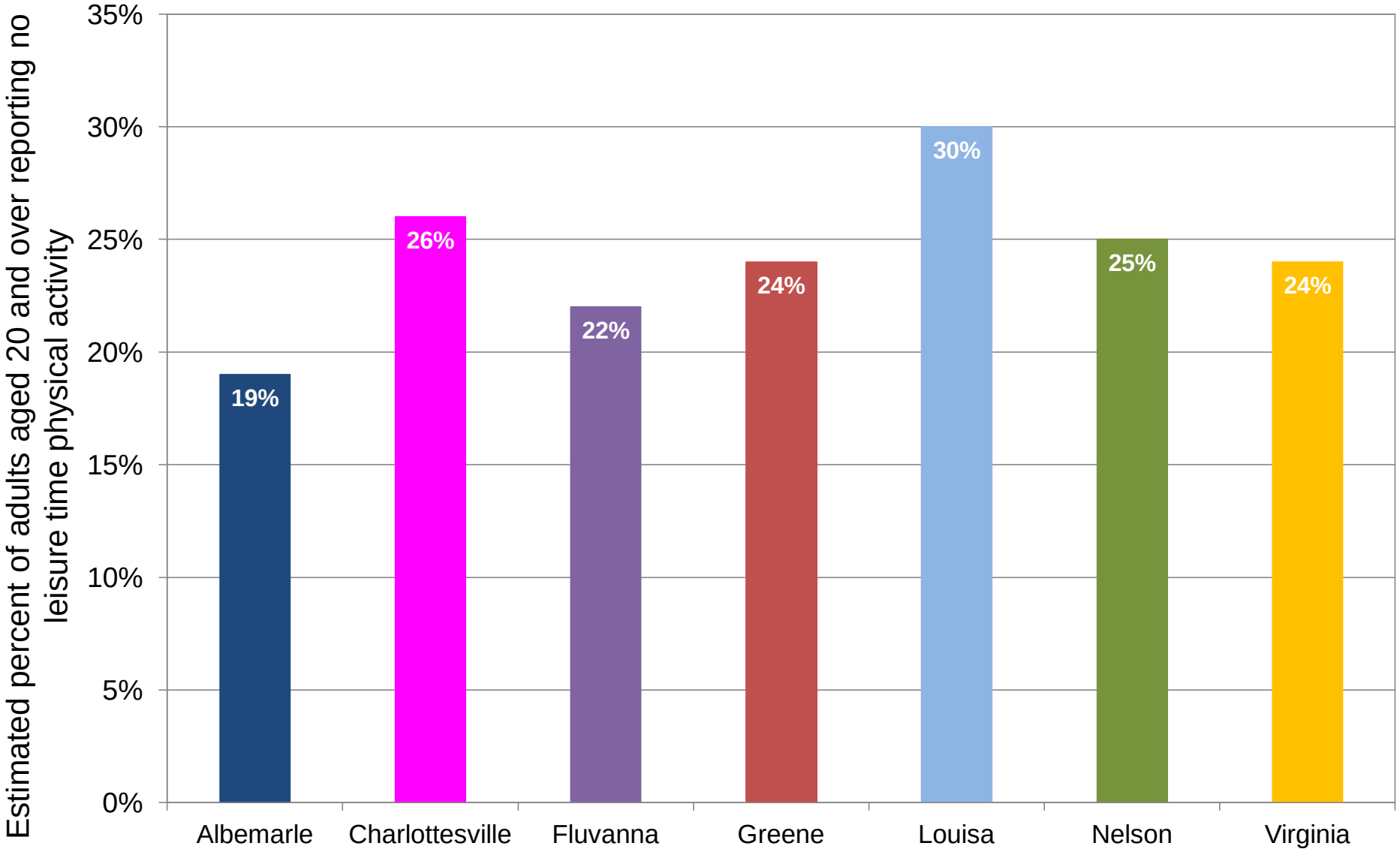
Nelson County Public Schools, 2009-2011



Source: Blue Ridge Medical Center

Physical Inactivity

TJHD by Locality and Virginia, 2009

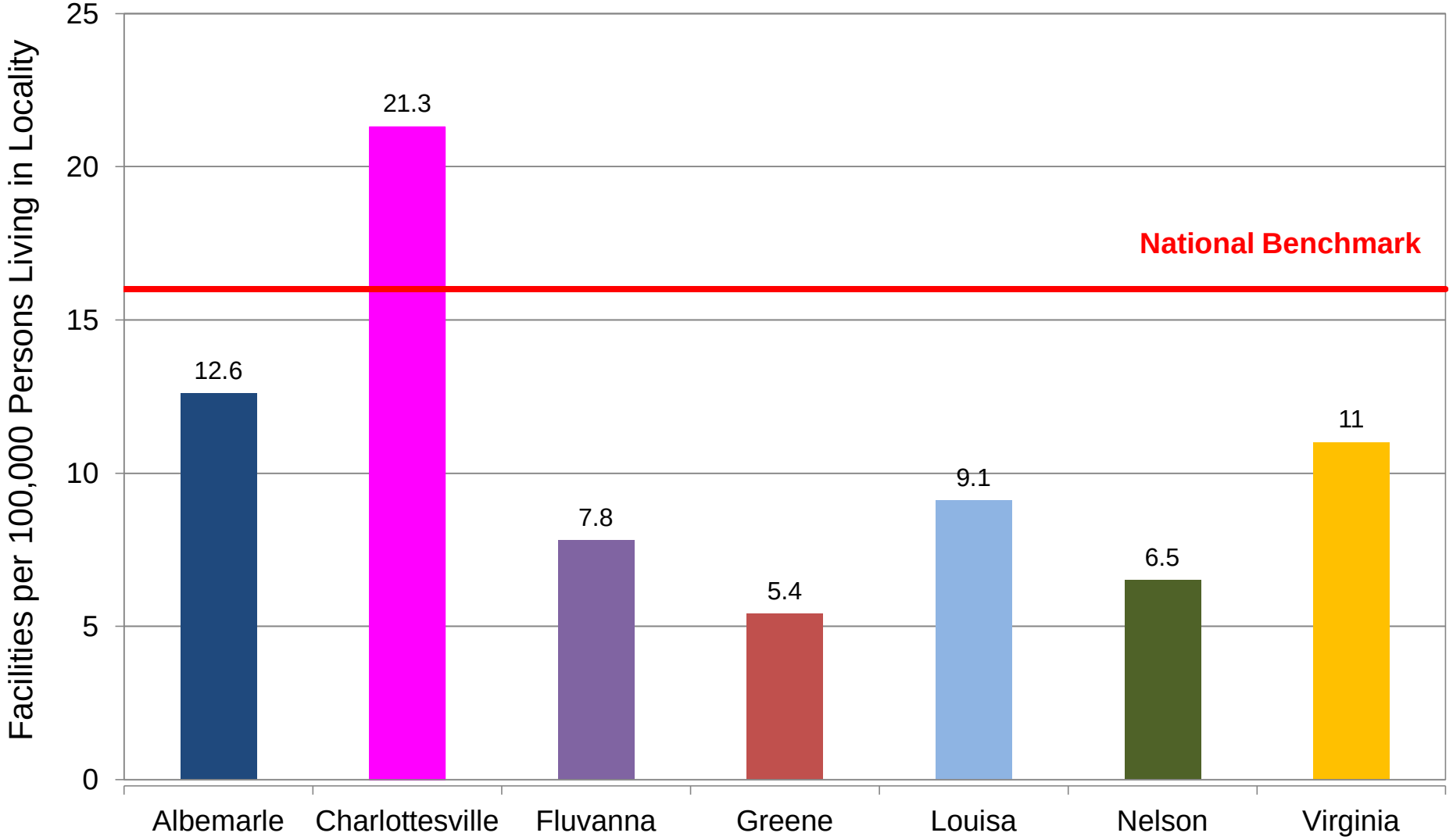


Source: Behavioral Risk Factor Surveillance System; County Health Rankings

*Numbers are self-reported

Recreational Facilities

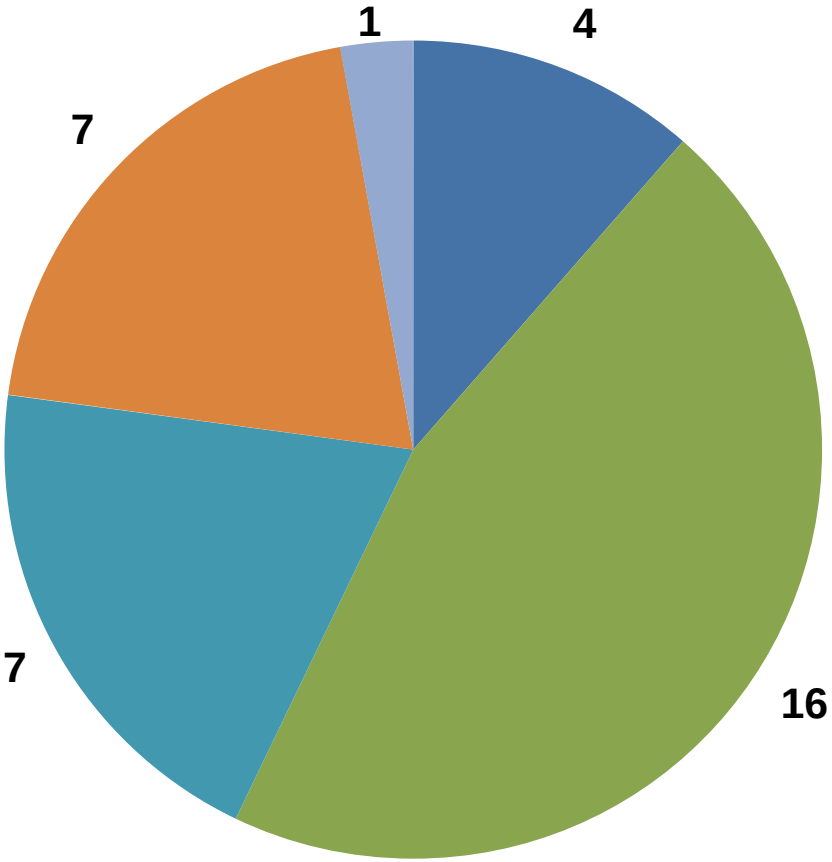
TJHD by Locality and Virginia, 2009



Source: County Health Rankings

Food Stores by Type

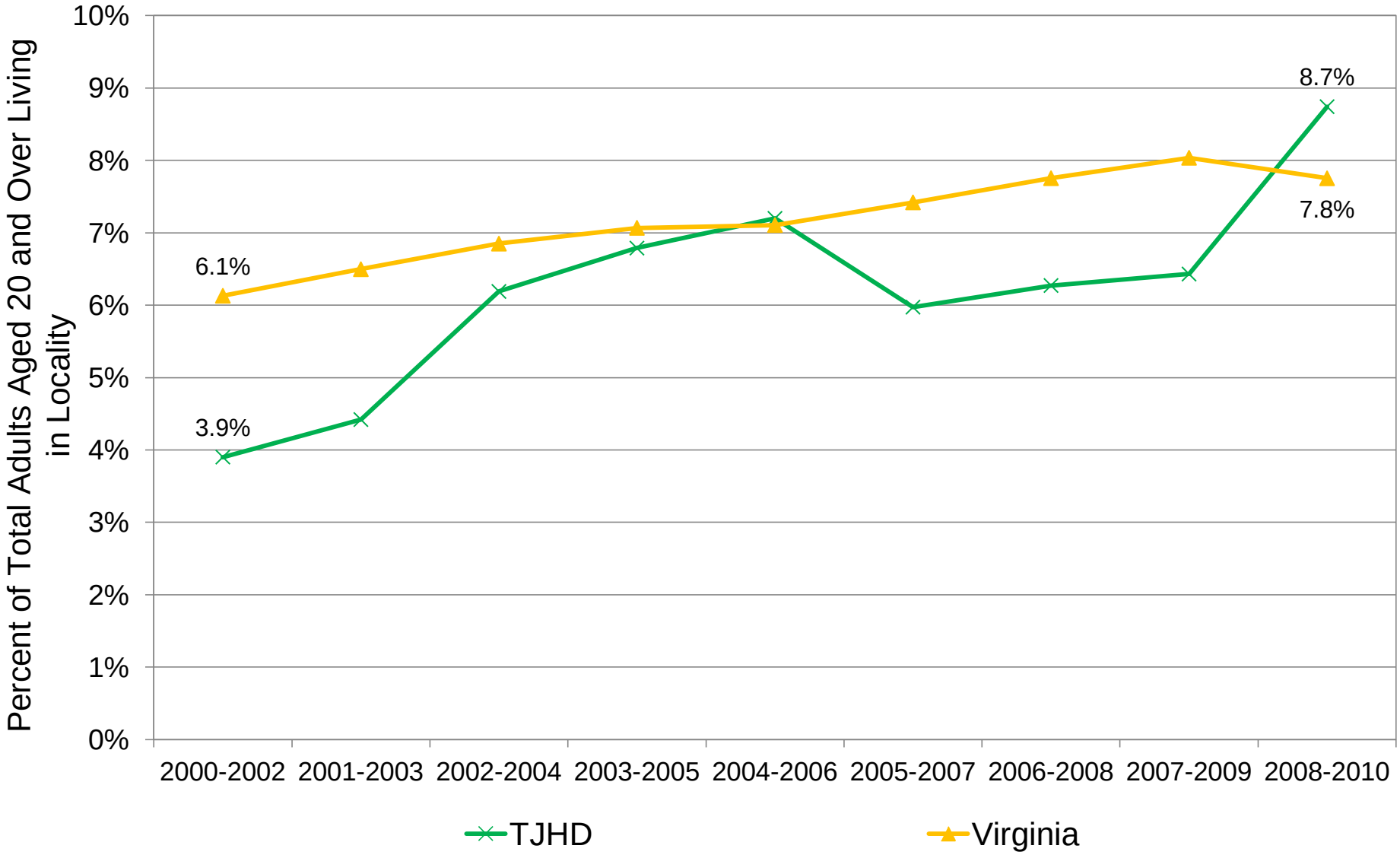
Nelson County, 2009



- Grocery stores
- Supercenters & club stores
- Convenience stores
- Specialized food stores
- Fast-food restaurants
- Full-service restaurants
- Farmers' markets

Source: U.S. Department of Agriculture

Percent of Adults Diagnosed with Diabetes (Self-Reported), TJHD and Virginia, 2000-2010



Source: Virginia Department of Health, Virginia Behavioral Risk Factor Surveillance System

Qualitative Data

- **Thomas Jefferson Community Survey**
  - Obesity most frequently identified as the most important public health concern to which the district needs to give more attention

- **Feedback during MAPP 2 Health Focus Groups**
  - Nelson County: Education is the key to ameliorating the problem.

LEAD COALITION:
Community Action on Obesity

Goal 1

Decrease the percentage of persons who are overweight or obese in TJHD by promoting school and corporate wellness programs and by engaging residents in a Move2Health campaign.

The goal?

Take on a physical activity for 30 minutes a day, 5 days a week.

- Organizations challenge each other
- Individuals sign up and log minutes at www.Move2HealthCentralVa.org
- Recognition program
- Prizes through random drawings

WALK. BIKE. DANCE. PLAY. 30 MINUTES EVERY DAY!

UVA Baseball Coach Brian O'Connor will kick off ***Move2Health*** on September 6, 2013 at *Fridays After Five* on the Charlottesville Downtown Mall

Move2Health promotion at Apple Festival September 28, 2013

www.tjhd.org

Thomas Jefferson Health District

Working together for a healthy community

Albemarle Charlottesville Fluvanna Greene Louisa Nelson

Tax Map # 76-11-1-A

Consideration: 0
Assessed value: $915,400.00
Grantor tax exempt per §58.1-811(c)(4)

DEED

THIS DEED, made this ____ day of ____, 2013, by and between the COUNTY OF NELSON, Grantor, and the MILLENNIUM GROUP COMMUNITY FACILITY, a Virginia non-stock corporation, Grantee, whose address is _____ _____.

WITNESSETH:

For and in consideration of the termination of the lease by Grantor of the below-described property to Grantee and other good and valuable consideration, including the covenants appearing below, the receipt and sufficiency of which are hereby acknowledged, Grantor hereby gives, grants, and conveys with Special Warranty of Title unto Grantee the following described property (the "Property"):

> All that certain parcel of land lying in the Lovingston Magisterial District of Nelson County containing 20 acres, more or less, fronting for a distance of 800 feet on the westerly side of U. S. Highway 29, about 3 miles south of Colleen, all as shown on a plat of survey dated October 15, 1956, prepared by T. W. Saunders, S.N.C., and recorded in the Clerk's Office for the Circuit Court of Nelson County in Deed Book 90 at page 288.
>
> Subject, however, to a deed of dedication to establish a lot fifty by fifty feet for water supply use only, all as set forth in a deed dated August 28, 1991 and recorded in the aforesaid clerk's office in Deed Book 303 at page 569

Being the same property conveyed unto the County of Nelson by the School Board of Nelson County by Instrument Number 030006179 recorded in the aforesaid clerk's office.

LESS and EXCEPT, however, the well equipment, pipes, water storage tank, and related components, such as the electrical operating and service equipment, the control building for the distribution of chlorine into the system, and the water meter located inside the electrical room of the former school building, all of which shall remain the personal property of Grantor.

Grantor expressly RESERVES the perpetual exclusive right to draw water from the well located on the Property together with perpetual easements for necessary pipes and utilities between the well and other properties or water systems, and for ingress and egress to maintain, repair, replace, and improve such well, pipes, utilities, water storage tank, and related components. Grantor in its sole discretion shall have the right to assign, share, or lease such rights.

By acceptance of this deed, Grantee covenants and agrees:

1. That the Property conveyed herein shall not be subdivided.

2. That Grantor may use the Property for recreational and athletic events provided such use is in keeping with the reasonable management and scheduling procedures established by Grantee and upon payment of the reasonable expenses associated with such use.

3. That Grantor may use the Property free of cost for a polling place.

4. That if the use of the Property as a community center and for recreational and athletic activities should cease, the Property shall revert to Grantor.

This conveyance is subject to all reservations, easements, rights of way, or restrictions of record constituting constructive notice thereof and legally binding thereon.

By resolution duly adopted on _____, a public hearing having been held, the Board of Supervisors authorized this conveyance and directed Stephen A. Carter, County Administrator, to execute this instrument on behalf of the Board.

WITNESS the following signatures and seals:

COUNTY OF NELSON

By: _____
Stephen A. Carter, County Administrator

MILLENNIUM GROUP COMMUNITY FACILITY

By: _____

Its _____

STATE OF VIRGINIA
COUNTY OF NELSON

The foregoing instrument was acknowledged before me this ____ day of _____, 2013, by Stephen A. Carter, County Administrator for Nelson County.

My commission expires: _____
Commission No.: _____

_____
Notary Public

STATE OF VIRGINIA
COUNTY OF NELSON

The foregoing instrument was acknowledged before me this ____ day of _____, 2013, by _____, _____ of the Millennium Group Community Facility.

My commission expires: _____
Commission No.: _____

_____
Notary Public

Approved as to form:

Phillip D. Payne IV
County Attorney

This Instrument prepared by:

Phillip D. Payne IV
Attorney at Law
Lovingston, Virginia

III. Public Hearings & Presentations

A. Public Hearing -Disposition of County Property: Tax Map #76-11-1-A: Nelson Heritage Center (Former Nelson County Middle School), Arrington VA.

Mr. Carter addressed the Board and briefly noted that state law requires that a public hearing be held prior to the disposition of public property. He noted that this public hearing was related to the potential disposition of the Nelson Heritage Center property in Arrington.

Mr. Harvey then opened the public hearing and the following persons were recognized:

1. Edith Napier Wardlaw, Arrington

Ms. Wardlaw noted that she was speaking on behalf of the Nelson Millennium Group, who was leasing the Nelson Heritage Center. She stated that they had come to the County years ago to form a partnership with the County and that in addition to being the old Nelson Middle School; it was the African American High School. She stated that it had not been easy but it had been worth it and they had cleaned it up and renovated parts of it. She added that it has been used for everything and they needed to own the center in order to move forward. She then asked that the Board treat the Millennium Group in the same way as they have treated others and that they were asking for the whole piece of property to be conveyed even if some of it was unusable. The Millennium Group Board members who were present stood to be recognized by Ms.Wardlaw. She then asked the Board to continue to partner with them and allow them to move forward.

Mr. Bruguiere stated that they intended to have a conveyance agreement designed to be similar to that of the Rockfish Valley Community Center.

2. Joe Dan Johnson, Arrington

Mr. Johnson reported having spoken with the County Attorney regarding the draft agreement and he noted that it did not have the full water agreement in it and he thought it should. He noted that he agreed that if there was a time that the well ran dry, water would be provided in the short term; however the most convenient way would be to add to the agreement that the water tower would be shared for the houses and the Heritage Center. He added that this made for a sensible solution to foreseeable issues.

3. Clay Stewart, Arrington

Mr. Stewart stated that he supported the Heritage Center and gives them free internet. He added that they were accomplishing a great community thing in the South District and he would like to see them do more and therefore he supported them becoming independent.

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

Members then discussed that the draft contract was pretty close to being finalized; however Mr. Payne needed the Board members to work on the fine details. Members agreed that Mr. Saunders and Mr. Bruguiere would work on this and get something finalized for formal consideration possibly by the February meeting. They agreed that there may need to be more to do with the water in it. Mr. Hale noted that he had spoken to George Miller at the Service Authority and it did need to be worked out and that he would be willing to work on it also. Mr. Carter noted that the Service Authority has indicated that

they were addressing the joint use of electrical service at the center and would fix the problem very soon. Mr. Hale then noted that the Service Authority needed to be on its own meter.

B. **Public Hearing -**Disposition of County Property: Tax Map #97-A-81 and #97-A-81A Gladstone Fire Department and Rescue Squad Property, Gladstone VA.

Mr. Carter noted that this item is up for the same consideration, a lease agreement has been developed with the County Attorney; however the Board's input is needed on the details following the public hearing in order to move it forward for final consideration. He added that this property was the former Gladstone Rescue Squad property that reverted back to the county with the dissolution of the rescue squad. He noted that this public hearing pertained to both the old rescue squad property and the ball fields.

Mr. Harvey then opened the public hearing and the following persons were recognized:

1. Mark Shupin, new Chairman of Gladstone Fire and Rescue Service

Mr. Shupin noted that he supported the property transfer and would facilitate them getting rescue services back up and running in Gladstone. He added that they would not be able to function without this and that the ball field area would allow for future growth and events. He then asked for the Board's support of the property transfer.

2. Willie Cyrus, Gladstone

Mr. Cyrus noted that he had served with the rescue squad for forty-one years and he was sure that the Gladstone Fire Department would make good use of this land. He added that he would like to see the County let them have it.

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

Mr. Bruguiere noted that it was the Board's intention to make this happen for both parties.

Mr. Harvey noted that he was very proud of Gladstone Fire Department and considered them to have one of the strongest organizations in the county. He added that he wanted to see all of the fire and rescue services with one group and that they have made it an easy transition for the County and they needed to get the details worked out.

Mr. Carter noted that the draft conveyance included that the funds from the lease of the telecommunications tower would be allocated to the new fire and rescue organization. He then reported that the rescue vehicles were being lettered that day and they currently have a non-transport license. He added that the deed to the property would not hold them up to start services.

Mr. Harvey and Mr. Saunders noted that they would work together on the details of this conveyance.

C. **Public Hearing -Class III Communications Tower, Application #2011-008, County of Nelson:** Consideration of an application by the County of Nelson for a 144 foot total AGL communications tower as part of the Nelson County Broadband Project funded by BTOP grant from the U. S. Department of Commerce. The tower will be located on

RESOLUTION R2013-57
NELSON COUNTY BOARD OF SUPERVISORS
RESOLUTION AUTHORIZING THE DISPOSITION OF COUNTY PROPERTY TAX MAP #76-11-1-A; NELSON HERITAGE CENTER CONVEYED TO THE MILLENNIUM GROUP COMMUNITY FACILITY

WHEREAS, pursuant to §15.2-1800 of the Code of VA, 1950, local governments are authorized to dispose of publicly owned real property via public or private sale, exchange, lease as lessor, mortgage, pledge, subordinate interest in or otherwise dispose of its real property provided a public hearing has been held concerning such disposal; and

WHEREAS, a public hearing to receive citizen comments on the proposed disposition of Tax Map #76-11-1-A Nelson Heritage Center in the Lovingston Magisterial District, was held on January 10, 2012;

NOW THEREFORE BE IT RESOLVED, by the Nelson County Board of Supervisors that the County Administrator, Stephen A. Carter, is hereby authorized to execute all legal instruments to effect the conveyance of said property on behalf of the Board of Supervisors to the Millennium Group Community Facility; in accordance with the terms and conditions as described in the attached Deed.

Adopted: _____, 2013 Attest:_____, Clerk
Nelson County Board of Supervisors

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§ 15.2-1800. Purchase, sale, use, etc., of real property.

A. A locality may acquire by purchase, gift, devise, bequest, exchange, lease as lessee, or otherwise, title to, or any interests in, any real property, whether improved or unimproved, within its jurisdiction, for any public use. Acquisition of any interest in real property by condemnation is governed by Chapter 19 (§ 15.2-1901 et seq.). The acquisition of a leasehold or other interest in a telecommunications tower, owned by a nongovernmental source, for the operation of a locality's wireless radio communications systems shall be governed by this chapter.

B. Subject to any applicable requirements of Article VII, Section 9 of the Constitution, any locality may sell, at public or private sale, exchange, lease as lessor, mortgage, pledge, subordinate interest in or otherwise dispose of its real property, which includes the superjacent airspace (except airspace provided for in § 15.2-2030) which may be subdivided and conveyed separate from the subjacent land surface, provided that no such real property, whether improved or unimproved, shall be disposed of until the governing body has held a public hearing concerning such disposal. However, the holding of a public hearing shall not apply to (i) the leasing of real property to another public body, political subdivision or authority of the Commonwealth or (ii) conveyance of site development easements across public property, including, but not limited to, easements for ingress, egress, utilities, cable, telecommunications, storm water management, and other similar conveyances, that are consistent with the local capital improvement program, involving improvement of property owned by the locality. The provisions of this section shall not apply to the vacation of public interests in real property under the provisions of Articles 6 (§ 15.2-2240 et seq.) and 7 (§ 15.2-2280 et seq.) of Chapter 22 of this title.

C. A city or town may also acquire real property for a public use outside its boundaries; a county may acquire real property for a public use outside its boundaries when expressly authorized by law.

D. A locality may construct, insure, and equip buildings, structures and other improvements on real property owned or leased by it.

E. A locality may operate, maintain, and regulate the use of its real property or may contract with other persons to do so.

Notwithstanding any contrary provision of law, general or special, no locality providing access and opportunity to use its real property, whether improved or unimproved, may deny equal access or a fair opportunity to use such real property to, or otherwise discriminate against, the Boy Scouts of America or the Girl Scouts of the USA. Nothing in this paragraph shall be construed to require any locality to sponsor the Boy Scouts of America or the Girl Scouts of the USA, or to exempt any such groups from local policies governing access to and use of a locality's real property. The provisions of this paragraph applicable to a locality shall also apply equally to any local governmental entity, including a department, agency, or authority.

F. This section shall not be construed to deprive the resident judge or judges of the right to control the use of the courthouse.

G. "Public use" as used in this section shall have the same meaning as in § 1-219.1.

(Code 1950, § 15-692; 1962, c. 623, § 15.1-262; 1968, c. 418; 1974, c. 282; 1977, c. 269; 1979, c. 431; 1980, cc. 212, 559; 1984, c. 241; 1986, cc. 477, 573; 1990, c. 813; 1997, c. 587; 1998, c. 696; 2005, c. 822; 2006, c. 57; 2007, cc. 882, 901, 926.)

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RESOLUTION R2013-58
NELSON COUNTY BOARD OF SUPERVISORS
REFERRAL OF AMENDMENT TO NELSON COUNTY ZONING ORDINANCE
TO NELSON COUNTY PLANNING COMMISSION
(ARTICLE 20, COMMUNICATION TOWER ORDINANCE)

WHEREAS, the Nelson County Board of Supervisors (the Board) has reviewed in public session numerous staff reports on amending Article 20, Communication Tower Ordinance of Appendix A-Zoning (Nelson County Zoning Ordinance) of the Code of the County of Nelson, Virginia;

NOW, THEREFORE, BE IT RESOLVED by the Nelson County Board of Supervisors, pursuant to the applicable provisions of Title 15.2 (Counties, Cities, and Towns) Chapter 22 (Planning, Subdivision of Land and Zoning) of the Code of Virginia, 1950 that the draft amendment of Nelson County's present Communication Tower Ordinance dated June 26, 2013 be referred to the Nelson County Planning Commission for review and public hearing and subsequent report of the Commission's findings and recommendations to the Board, in accordance with Chapter 22 of the Code of Virginia.

BE IT FURTHER RESOLVED, by the Board of Supervisors that the Board herewith requests that the Nelson County Planning Commission limit its review to the draft Amendments dated June 26, 2013 which proposes the following:

The repeal of Sections 20-1 through 20-17 and the enactment of replacement sections 20-1 through 20-16 and 20-19.

BE IT LASTLY RESOLVED, that the Planning Commission completes its review and conduct of a public hearing and submits its recommendation(s) to the Board within ___ days pursuant to §15.2-2285 (B).

Adopted:_____, 2013 Attest: _____, Clerk
Nelson County Board of Supervisors

DRAFT OF 6/26/13

THE REPEAL OF SECTIONS 20-1 THROUGH 20-17 OF ARTICLE 20 OF APPENDIX A, ZONING, OF THE CODE OF NELSON COUNTY VIRGINIA, AND THE ENACTMENT OF REPLACEMENT SECTIONS 20-1 THROUGH 20-16 AND 20-19 TO READ AS FOLLOWS:

ARTICLE 20. COMMUNICATION TOWER ORDINANCE

20-1 Title

This section shall be known as the Communication Tower Ordinance of Nelson County, Virginia.

20-2 Purpose

The purpose of this article is to establish a clear guideline for siting all types of communication towers in Nelson County so as to:

20-2-1 Protect the health, safety, and general welfare of residents, businesses, and visitors in Nelson County.

20-2-2 Avoid potential damage to adjacent properties from communication tower failure, including, but not limited to, excessive wind or ice, and falling ice or debris.

20-2-3 Minimize potential hazards from communication towers to private aircraft, low-flying law enforcement and medical aircraft, and helicopters.

20-2-4 Maximize the use of existing communication towers to reduce the collective number of towers required in Nelson County for all varieties, types, and forms of wireless service.

20-2-5 Regulate the placement, appearance, and construction of all varieties, forms, and types of communications towers.

20-2-6 Restrict the location of communication towers that adversely detract from the natural beauty of the mountains in Nelson County.

20-2-7 Minimize the negative economic impact on tourism.

20-2-8 Protect the view from the Blue Ridge Parkway and the Skyline Drive.

20-3 Jurisdiction

This ordinance shall apply to all areas of unincorporated Nelson County.

20-4 Definitions

For the purposes of this Article 20, the following definitions are provided:

Amateur Radio Operator: An amateur radio operator commonly referred to as HAM operator, who has a valid FCC issued license to operate an individual system.

ANSI: American National Standards Institute

Antenna: Any apparatus or device used for the purpose of collecting or transmitting electromagnetic waves, including, but not limited to, directional antennas, such as panels, microwave dishes and satellite dishes, and omni-directional antennas, such as whip antennas. Antennas for receiving broadcast signals only for non-commercial use and antennas for licensed amateur radio operators and citizens band operators are excluded from this definition.

Antenna array: An orderly arrangement of antennas mounted at the same height on a tower or other structure and intended to transmit a signal providing coverage over a specific area.

Antenna, attached: An antenna or antenna array that is secured to an existing building or tower, other antenna support structure, or utility pole or cross county electrical distribution tower, with or without any accompanying new pole or device which attaches it to the building or structure, together with feed lines and base station which may be located either on the roof, or inside or outside the building or structure.

Antenna, combined: An antenna or antenna array designed and utilized to provide services for more than one wireless provider for the same or similar type of services.

Antenna support structure: A vertical projection composed of metal or other material with or without a foundation that is designed for the express purpose of accommodating antennas at a desired height. Antenna support structures do not include any device used to attach antennas to an existing building, unless the device extends above the highest point of the building by more than twenty (20) feet. Types of support structures include, but are not limited to, the following:

(1) Guyed antenna support structure: A style of antenna support structure consisting of a single truss assembly composed of sections with bracing incorporated. The sections are attached to each other, and the assembly is attached to a foundation and

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supported by a series of wires that are connected to anchors placed in the ground or on a building.

(2) Lattice antenna support structure: A tapered style of antenna support structure that consists of vertical and horizontal supports with multiple legs and cross-bracing and metal crossed strips or bars to support antenna.

(3) Monopole antenna support structure: A style of freestanding antenna support structure consisting of a single shaft usually composed of two or more hollow sections that are, in turn, attached to a foundation. This type of antenna support structure is designed to support itself without the use of guy wires or other stabilization devices. These facilities are mounted to a foundation that rests on or in the ground or on a building's roof.

Base station: The wireless service provider's specific equipment used to transmit and receive radio signals within and including cabinets, shelters, pedestals or similar enclosures generally used to contain electronic equipment for said purpose.

Broadband: A communications network in which the bandwidth can be divided and shared by multiple simultaneous signals (as for voice or data or video*)*.

Class I Communication Tower: A communication tower between forty (40) and one hundred thirty (130) feet in tower height located in a Conservation District, C-1; Agricultural District, A-1; Service Enterprise District, SE-1; Business, B-1; Business, B-2; Industrial, M-1; or Industrial, M-2 zoning districts.

Class II Communication Tower: Any communication tower located in a Residential, R-1; Residential, R-2; and Planned Residential District, and, any communication tower in any district that is greater than one hundred thirty (130) feet in tower height.

Class IV Personal Wireless Services: As defined in Section 20-18 of this Article.

Co-location: The practice of installing and operating multiple wireless carriers, service providers, and/or radio common carrier licensees on the same antenna support structure or attached wireless communication facility using different and separate antennas, feed lines, and radio frequency generating equipment.

Communication tower: Any tower or structure, natural or man-made, existing or erected, used to support one or more antennas, including self-supporting lattice towers, guyed towers, or monopoles. This term includes radio and television transmission towers, broadband towers, microwave towers, common carrier towers, wireless telephone towers, alternative tower structures and the like.

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Communication Tower Permit: The permit issued by the Nelson County Planning Department for compliance with this ordinance.

Completed Application: Is an application that has been filed in the correct form in the proper office accompanied by the appropriate fee and all information required by this Article.

EIA: Electronic Industries Association

Existing Communication Tower: Any communication tower existing in Nelson County that was placed, built, erected, or for which a Special Use Permit had been approved by the Nelson County Board of Supervisors before January 1, 1997.

Existing Vegetative Canopy: The existing vegetative plants, trees, or shrubs at the site-specific location of the proposed communication tower site that will provide natural camouflage, concealment, or otherwise hide the communication tower after its construction. This vegetative canopy shall also be used to determine the allowable tower height, as defined herein.

Feed lines: Cables used as the interconnecting media between the transmission/receiving base station and the antenna.

IEEE: The Institute of Electrical and Electronic Engineers.

Least Visually Obtrusive Profile: The design of a wireless communication facility intended to present a visual profile that is the minimum necessary for the facility to function properly.

License-Exempt Spectrum: The range of frequencies designated by the Federal Communications Commission as "unlicensed" or "License-Exempt" which users can operate without an FCC license but must use certified radio equipment and must comply with the FCC's technical requirements, including power limits. Users of the license-exempt bands do not have exclusive use of the spectrum and are subject to interference.

Licensed Spectrum for Commercial Services: Licensed spectrum allows for exclusive, and in some cases non-exclusive, use of particular frequencies or channels in particular locations

Nelson County: For the purposes of administering this Article, Nelson County refers to: the Planning and Zoning Director, or the Nelson County Board of Supervisors.

Planning Commission: The Nelson County Planning Commission.

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Spectrum: For purposes of this Article a spectrum is a range of radio frequencies (bands) approved by the Federal Communications Commission.

*Structure: A*nything constructed or erected, the use of which required permanent location on the ground, or attachment to something having a permanent location on the ground. Fences are excluded from this definition.

Tower Height: The vertical distance from the finished grade to the uppermost point of a communication tower including any antenna, beacon, light, or other fixtures attached to the communication tower. A lightning rod, which may not exceed 2 feet in height, is excluded from this definition. In the event an antenna is attached to a structure, the height of the structure shall be included in the tower height.

Tower Site: The real property, which an applicant(s) is required to have ownership of, leasehold of, interest in, easement over, or any combination of the aforementioned to locate a communication tower and any auxiliary buildings.

View Shed (1) Blue Ridge Parkway; Skyline Drive*:* An unobstructed sight or the range of one's sight while traveling, visiting, driving or otherwise, using the natural or man-made resources of the Blue Ridge Parkway (BRP) or the Skyline Drive. For the purposes of this ordinance, the view shed distance is one (1) air mile from the outermost boundary line of the Blue Ridge Parkway or Skyline Drive.

View Shed (2) Virginia Scenic By-Way: An unobstructed sight or the range of one's sight while traveling, visiting, or driving along a highway that has been designated by the State of Virginia as a Scenic By-Way.

20-5 Communication Tower Categories

The following minimum requirements for each category shall be met before a permit will be approved for any communication tower:

A. A Class I Communication Tower requires approval by the Planning and Zoning Director and the issuance of a Class I Communication Tower Permit.

B. A Class II Communication Tower requires approval by the Board of Supervisors and the issuance of a Class II Communication Tower Permit.

C. Class IV Wireless Services Facilities must comply with Section 20-18.

20-6 Application and Procedure for Approval of a Class I Communication Tower Permit

A. Application Form: A Completed Application form, signed by the property owner(s), the property owner's agent or the contract purchaser, and the proposed facility's owner. If the

owner's agent signs the application, he shall also submit written evidence of the existence and scope of the agency. If the contract purchaser signs the application, he shall also submit the owner's written consent to the application.

B. Property Description: A recorded plat or recorded boundary survey of the parcel on which the facility will be located, provided that, if neither a recorded plat nor boundary survey exists, a copy of the legal description of the parcel and the Nelson County Circuit Court deed book and page number.

C. Plans and Drawings:

A scaled plan and a scaled elevation view and other supporting drawings, calculations, and other documentation required by the Planning and Zoning Director, signed and sealed by an appropriate licensed professional. The plans and supporting drawings, calculations and documentation shall show:

1. The location and dimensions of all existing and proposed improvements on the parcel, including access roads and structures, that are within one thousand (1,000) feet of the proposed tower site, and the maximum height above ground of the facility. (also identified in height above sea level).

2. The benchmarks and datum used for elevations. The datum shall coincide with the Virginia State Plane Coordinate System, South Zone, North American Datum of 1983 (NAD83), United States Survey Feet North American Vertical Datum of 1988 (NAVD88), and the benchmarks shall be acceptable to the Planning and Zoning Director.

3. Except where the facility would be attached to an existing structure, the topography within three hundred (300) feet of the proposed facility, in contour intervals not to exceed ten (10) feet for all lands within Nelson County and, in contour intervals shown on United States Geological Survey topographic survey maps or the best topographic data available, for lands not within Nelson County.

4. The location of any stream, wetland, as identified by Army Corps of Engineers and/or the Virginia Department of Environmental Quality, and floodplain area within one thousand (1,000) feet of the proposed tower.

5. The height, caliper and species of all trees where the drip line is located within two hundred (200) feet of the facility that are relied upon to establish the proposed height and/or screening of the tower and all trees that will be adversely impacted or removed during installation or maintenance of the facility shall be noted.

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6. Fall Area: The minimum distance from the tower's base to the property line shall be**:** (i) 85 foot high or less wood pole – 0%; (ii) wood poles greater than 85 feet in height - 100% of tower height; (iii) metal monopole - 110% of tower height; and (iv) lattice tower - 125% of tower height. The fall area for a metal monopole and lattice tower may be modified by Nelson County upon written certification by a licensed professional engineer that the tower is designed with the number of proposed and future antennas to collapse within the boundary lines of the subject property.

7. All existing and proposed setbacks, parking, fencing and landscaping.

8. The design of the facility, including the specific type of support structure and the design, type, location, size, height and configuration of all existing and proposed antennas and other equipment.

9. Identification of each paint color on the facility, by manufacturer's color name and color number. A paint chip or sample shall be provided for each color.

10. The proposed safety measure(s) at the base of the communication tower for the safety and general welfare of the public.

D. Other Requirements:

1. Federal Aviation Administration (FAA) hazard determination report and documentation that the request presents no hazard to any airport.

2. Identification sign. A sign measuring six (6) square feet or less, clearly visible, identifying the owner(s) and operator(s) of the communication tower site and a local or toll free emergency phone number for each. The sign shall be posted at the entrance to the proposed communication tower site. This provision may be waived by Nelson County.

3. Security Fencing. Towers shall be enclosed by security fencing no less than eight (8) feet in height and shall also be equipped with an appropriate anti-climbing device. This provision may be waived by Nelson County.

4. Landscaping. The following requirements shall govern the landscaping surrounding the communication tower; however, Nelson County may modify or waive such requirements.

a. Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the support buildings at any time of year from

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adjacent property. The standard buffer shall consist of a landscaped strip at least four (4) feet wide outside the perimeter of the facilities.

b. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, Nelson County may determine the natural growth around the property perimeter may be sufficient buffer.

c. Existing trees within two hundred (200) feet of the tower shall not be removed except as may be authorized to permit construction of the tower and installation of access for vehicles and utilities.

5. Lighting.

a. The communication tower shall be unlit unless required by a federal agency.

b. A light installed on the outside of the building shall be a manually turned on/off switch for use only when service representatives are present on the site.

c. A light installed on an equipment cabinet shall be no more than one (1) foot above the top of the cabinet.

6. Insurance: All communication tower applicants shall provide a current Certificate of Insurance for general liability insurance in a form acceptable to the County Attorney for a minimum amount of one million dollars ($1,000,000). Proof of insurance shall be required at the beginning of the permit application process and again at the time of the biannual inspection.

F. Nelson County reserve~~s~~ the right to refer this documentation to a telecommunication consultant for verification that the site selected is an appropriate site to provide reasonable communication service to Nelson County and to locate other alternative sites for consideration. The applicant will be responsible for the cost of this review.

G. The Planning and Zoning Director shall review a Completed Application for compliance with the foregoing requirements, the other provisions of this Article 20, and other applicable law, and upon finding the application to be in compliance, shall issue a Class I Communication Tower permit.

20-7 Application and Procedure for Approval of a Class II Communication Tower Permit

A. A Class II Communication Tower may be established upon approval of a Class II Communication Tower Permit by the Nelson County Board of Supervisors initiated upon a

Completed Application which satisfies the requirements for a Class I Communication Tower Permit and the additional requirements in this subsection.

B. Upon receipt by the Planning and Zoning Director of a Completed Application, the Planning Commission shall conduct a review of the application to determine whether there is compliance with the Comprehensive Plan and communicate its determination to the Board of Supervisors. The Planning Commission's decision shall comply with the requirements of the Federal Telecommunications Act of 1996. Failure of the Planning Commission to act on any such application within 90 days of such submission shall be deemed approval of the application by the Planning Commission unless the Board of Supervisors has authorized an extension of time for consideration or the applicant has agreed to an extension of time. The Board of Supervisors may extend the time required for action by the Planning Commission by no more than 60 additional days. If the Planning Commission has not acted on the application by the end of the extension, or by the end of such longer period as may be agreed to by the applicant, the application is deemed approved by the Planning Commission.

C. The Board of Supervisors shall hold at least one (1) public hearing on the application after notice as required by Section 15.2-2204 of the Code of Virginia, and make its decision on the application within one hundred fifty (150) days from the date the Completed Application was submitted to the Planning and Zoning Director. This time period may be extended by the Board of Supervisors provided the applicant consents to the extension.

D. Balloon Test. For any proposed tower requiring a Class II Communication Tower Permit, a balloon test shall be conducted as follows:

1. The applicant shall contact the Planning and Zoning Director within ten (10) days after the date the application was submitted to schedule a date and time when the balloon test will be conducted. The test shall be conducted within forty (40) days after the date the application was submitted, and the applicant shall provide the Planning and Zoning Director with at least seven (7) days prior notice, provided that this deadline may be extended due to inclement weather or by the agreement of the applicant and the agent.

2. Prior to the balloon test, the location of the access road, the lease area, the tower site, the reference tree and the tallest tree within fifty (50) feet of the proposed tower shall be surveyed and staked or flagged in the field.

3. The test shall consist of raising one or more balloons from the site to a height equal to the proposed tower.

4. Photographs of the balloon test shall be taken from the nearest residence and from appropriate locations on abutting properties, along each publicly used road from which the balloon is visible, and other properties and locations as directed by the Planning and Zoning Director and shall be

superimposed to scale onto the photographs. The photographs must be filed with the Planning and Zoning Director before the application can be reviewed by the Planning Commission.

E. Alternative Site(s): No new Class II Communication Tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of Nelson County that

A. No existing towers or structures are located within the geographic area required to meet applicant's engineering requirements.

B. Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.

C. Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.

D. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing tower or structure would cause interference with the applicant's proposed antenna.

E. The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding the cost of new tower development are presumed to be unreasonable.

F. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

F. Factors considered in granting a Class II Communication Tower permit: The following factors shall be used in determining whether to issue a Class II Communication Tower Permit:

1. Height of the proposed tower or pole and proximity of the tower or pole to residential structures and residential district boundaries;

2. Nature of the uses on adjacent and nearby properties, surrounding topography, surrounding tree coverage and foliage, design of the tower or pole, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;

3. Proposed ingress and egress;

4. Applicant's co-location policy;

5. Consistency with the Comprehensive Plan and the purpose set forth in Section 20-2; and,

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6. Proximity to commercial or private airports and heliports.

G. The Board of Supervisors may impose as conditions for approval such requirements as are necessary to satisfy or remedy the foregoing factors.

20-8 <u>View Sheds, Setbacks</u>

A. View Shed (1) -Blue Ridge Parkway and Skyline Drive.

No application for a communication tower permit to be located within the view shed of the Blue Ridge Parkway (BRP) or the Skyline Drive shall be submitted without first notifying the Virginia Department of Historic Resources(DHR), the BRP Park Superintendent and/or the Superintendent of the Shenandoah National Park in writing. Such notice shall: a) be sent by certified mail, return receipt requested; b) state the location of the proposed communication tower; c) describe the proposed communication tower (including tower height) and proposed antennas; and d) request the Superintendent(s) comment on the proposed communications tower in writing. Comments received from DHR and the Superintendent(s) shall be submitted with the application. In the event DHR and the Superintendent(s) do not provide written comments within 60 days of receiving the applicant's notification, a communication tower permit application for review and comment may be submitted with evidence that the notice was sent.

B. Setbacks- View Sheds (1) and (2).

1. A communication tower which does not exceed 95 feet in tower height: 500 feet from the boundary line of the Blue Ridge Parkway, Skyline Drive or Scenic By-Way closest to the tower.

2. A communication tower that is greater than 95 feet in tower height but does not exceed 130 feet in tower height: 1,000 feet from the boundary line of the Blue Ridge Parkway, Skyline Drive or Scenic By-Way closest to the tower.

3. A communication tower greater than 130 feet in tower height: 2,000 feet from the boundary line of the Blue Ridge Parkway, Skyline Drive or Scenic By-Way closest to the tower.

20-9 <u>Standards for Siting and Construction</u>

A. Metal communication towers shall meet all requirements of federal, state, and local government regulations and EIA and ANSI standards. The Nelson County Building Official may request, at the applicant's expense, an independent engineer to confirm the safety of the tower.

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B. The communication tower design plan shall be prepared by a registered engineer and contain the following information:

1. The name, address and telephone number of the engineer.

2. A design plan showing the communication tower, base, and the foundations for all support structures, all proposed auxiliary buildings and any other proposed improvements, including the utilities connections within and to the proposed site.

3. Engineering or construction methods for all antennas to be located on the proposed communication tower.

4. Provision in the design of a metal communication tower to allow additional sections to be added for possible co-location of other providers on it.

5. The Planning and Zoning Director shall approve the color of each metal, wood, or concrete monopole. The antennas, supporting brackets and all other equipment attached to the tower shall be a color that closely matches that of the tower. The ground equipment, the ground equipment cabinet and the concrete pad shall be a color that is consistent with the character of the area.

6. Each wood or concrete tower shall be constructed so that all cables; wiring and similar attachments that run vertically from the ground equipment to the antennas are placed away from public view, as determined by the Planning and Zoning Director. Metal towers shall be constructed so that vertical cables, wiring and similar attachments are contained within the tower's structure. Co-locator cables, wiring and similar equipment may be placed outside, if necessary, provided they are located facing the interior of the property away from public view as reasonably determined by the Planning and Zoning Director.

7. The facility shall be designed, constructed and maintained as follows: (a) guy wired towers shall not be permitted; (b) outdoor lighting for the facility shall be permitted only during maintenance periods; regardless of the lumens emitted, each outdoor luminaire shall be fully shielded; (c) lightning rod, whose height shall not exceed two (2) feet and whose width shall not exceed one (1) inch in diameter at the base and tapering to a point, may be installed at the top of facility or the structure; and (d) within one month after the completion of the installation of the facility, the applicant shall provide a statement to the Planning and Zoning Director certifying that the height of all components of the facility complies with this regulation.

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8. Equipment shall be attached to the tower as follows: (a) each antenna proposed to be attached under the pending application shall not exceed the size shown on the application, which size shall not exceed one thousand one hundred fifty two (1152) square inches; (b) the required antenna size may be waived by the final approving authority; (c) no antenna at installation shall project more than twelve (12) inches from the structure; (d) the required distance from the structure and the size of the antennas may be modified by the final approving authority; and (e) each antenna and associated equipment shall be a color that matches the existing structure.

9. No slopes associated with the installation of the facility and accessory uses shall be created that are steeper than 2:1 unless proposed retaining walls, revetments, or other stabilization measures are acceptable to the Planning and Zoning Director.

10. The site shall provide adequate opportunities for screening and the tower shall be sited to have the Least Visually Obtrusive Profile from adjacent parcels and streets, regardless of their distance from the tower. If the tower would be visible from a state designated scenic river, scenic by-way, or a national park or national forest, regardless of whether the site is adjacent thereto, the facility also shall be sited to minimize its visibility from such river, scenic by-way, park or forest. If the tower would be located on lands subject to or adjacent to a conservation easement or an open space easement, the facility shall be sited so that it is not visible from any resources specifically identified for protection in the deed of easement.

20-10 Building Permits

A. A final revised set of plans for the construction of the facility, as needed, signed by the Planning and Zoning Director shall be submitted with the application for a building permit.

B. All plans for communication tower structures and auxiliary structures shall be approved by the Nelson County Building and Inspections Department. The proper building and inspection permit(s) shall be issued before construction begins. No building permit(s) will be issued until a communication tower permit from the Nelson County Planning Department has been issued to the applicant(s).

20-11 Co-location Policy

Applicants for new communication tower permits must agree to allow additional permitted uses of the tower by future applicants, provided: (a) that these future uses do not interfere with use(s) of the tower by its owner(s) or other lessee(s); (b) space is

available on the tower for co-location; and (c) tower owner and co-locator agree to lease terms. The Planning and Zoning Director shall approve co-location on a Class I and Class II Communication Towers. The tower may be designed to allow for an additional increase in height for future co-location, but the tower shall only be constructed to a height for those antennas that will be placed into immediate operation once construction is complete.

20-12 Removal and Reporting

A. The facility shall be disassembled and removed from the site within ninety (90) days of the date its use for wireless communication purposes is discontinued.

B. The applicant shall a report within thirty (30) days any change in the ownership of the facility. Information to be provided is the new owner(s) name, address, telephone number, e-mail address, and a 24 hour emergency telephone number and contact person to the Planning and Zoning Director.

20-13 Exemption from Regulations Otherwise Applicable

Except as otherwise exempted in this paragraph, each facility shall be subject to all applicable regulations in this chapter.

A. Nelson County may authorize a metal communication tower to be located closer in distance than the required fall zone of the tower or other mounting structure to any lot line if the applicant obtains an easement or other recordable document showing agreement between the lot owners, acceptable to the County Attorney**,** addressing development on the part of the abutting parcel sharing the common lot line that is within the facility's fall zone. If the right-of-way for a public street is within the fall zone, the Virginia Department of Transportation shall be included in the staff review, in lieu of recording an easement or other document. The fall area for a metal monopole and lattice tower may be waived or modified upon certification by a licensed professional engineer that the tower is designed to collapse within the property lines of the subject property.

B. Except for towers subject to the location standards for View Shed (1) or View Shed (2) the area and bulk regulations or minimum yard requirements of the zoning district in which the facility will be located shall not apply.

C. Notwithstanding Zoning Ordinance Article 2, Definitions – Yard, a facility may be located in a required yard.

D. Notwithstanding Zoning Ordinance Article 13, Site Development Plan, a site plan shall not be required for a facility, but the facility shall be subject to the requirements of Article 13 and the applicant shall submit all schematics, plans,

calculations, drawings and other information required by the Planning and Zoning Director to determine whether the facility complies with Article 13. In making this determination, the Planning and Zoning Director may impose reasonable conditions authorized by Article 13 in order to assure compliance.

E. Any antenna used exclusively for non-profit, non-broadcast, and non-commercial applications including, but not limited to, residential broadcast reception, amateur radio, citizens band radio, and public safety, local government, fire, rescue, police, and non-profit medical radio services is exempt from application and fees.

20-14 Appeals

A. A decision of the Planning and Zoning Director may be appealed to the Nelson County Board of Supervisors. An appeal shall be submitted in writing to the office of the Planning and Zoning Director within thirty (30) calendar days after the date of the denial.

B. A decision of the Board of Supervisors may be appealed to the Nelson County Circuit Court by filing a petition specifying the grounds for the appeal within thirty (30) days after the Board's final decision.

20-15 Access to Site

Nelson County shall be provided reasonable access to the Communication Tower and Personal Wireless Service Facility sites for the purpose of ensuring compliance with this ordinance.

20-16 Application Fee Schedule

Class I Communication Towers:
An application permit fee of one thousand dollars ($1,000.00)

Class II Communication Towers:
An application permit fee of two thousand dollars ($2,000.00)

20-17 RESERVED

20-18 Class IV Personal Wireless Service Facility **UNCHANGED**

20-19 Authority of Planning and Zoning Director

A. In addition to the foregoing provisions, the Nelson County Planning and Zoning Director shall have all necessary authority on behalf of the governing body to administer and enforce the Communication Tower Ordinance, including written orders to remedy any condition found in violation of this ordinance and the initiation of legal action to

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insure compliance with the ordinance, including injunction, abatement, or other appropriate action or proceedings.

B. If it should become necessary for an approved Communication Tower Permit to be changed, the Nelson County Planning and Zoning Director shall upon an applicant's request either administratively approve an amendment to the permit in accordance with Section 20-18 or other applicable provisions of this Article, or, if the proposed change will substantially affect the terms of the original permit, require that a new application be submitted for review and action in accordance with this Article.

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§ 15.2-2285. Preparation and adoption of zoning ordinance and map and amendments thereto; appeal.

A. The planning commission of each locality may, and at the direction of the governing body shall, prepare a proposed zoning ordinance including a map or maps showing the division of the territory into districts and a text setting forth the regulations applying in each district. The commission shall hold at least one public hearing on a proposed ordinance or any amendment of an ordinance, after notice as required by § 15.2-2204, and may make appropriate changes in the proposed ordinance or amendment as a result of the hearing. Upon the completion of its work, the commission shall present the proposed ordinance or amendment including the district maps to the governing body together with its recommendations and appropriate explanatory materials.

B. No zoning ordinance shall be amended or reenacted unless the governing body has referred the proposed amendment or reenactment to the local planning commission for its recommendations. Failure of the commission to report 100 days after the first meeting of the commission after the proposed amendment or reenactment has been referred to the commission, or such shorter period as may be prescribed by the governing body, shall be deemed approval, unless the proposed amendment or reenactment has been withdrawn by the applicant prior to the expiration of the time period. In the event of and upon such withdrawal, processing of the proposed amendment or reenactment shall cease without further action as otherwise would be required by this subsection.

C. Before approving and adopting any zoning ordinance or amendment thereof, the governing body shall hold at least one public hearing thereon, pursuant to public notice as required by § 15.2-2204, after which the governing body may make appropriate changes or corrections in the ordinance or proposed amendment. In the case of a proposed amendment to the zoning map, the public notice shall state the general usage and density range of the proposed amendment and the general usage and density range, if any, set forth in the applicable part of the comprehensive plan. However, no land may be zoned to a more intensive use classification than was contained in the public notice without an additional public hearing after notice required by § 15.2-2204. Zoning ordinances shall be enacted in the same manner as all other ordinances.

D. Any county which has adopted an urban county executive form of government provided for under Chapter 8 (§ 15.2-800 et seq.) may provide by ordinance for use of plans, profiles, elevations, and other such demonstrative materials in the presentation of requests for amendments to the zoning ordinance.

E. The adoption or amendment prior to March 1, 1968, of any plan or ordinance under the authority of prior acts shall not be declared invalid by reason of a failure to advertise, give notice or conduct more than one public hearing as may be required by such act or by this chapter, provided a public hearing was conducted by the governing body prior to the adoption or amendment.

F. Every action contesting a decision of the local governing body adopting or failing to adopt a proposed zoning ordinance or amendment thereto or granting or failing to grant a special exception shall be filed within thirty days of the decision with the circuit court having jurisdiction of the land affected by the decision. However, nothing in this subsection shall be construed to create any new right to contest the action of a local governing body.

(Code 1950, §§ 15-822, 15-846, 15-968.7; 1962, c. 407, § 15.1-493; 1964, c. 279; 1968, c. 652; 1970, c. 216; 1972, c. 818; 1975, c. 641; 1984, c. 175; 1988, cc. 573, 733, 856; 1989, c. 359; 1990, c. 475; 1991, c. 235; 1996, c. 867; 1997, c. 587.)

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July 8, 2013

To: Steve Carter

From: Susan Rorrer

Re: Emergency Notification System Cost Comparison and Recommendation

Andrew Crane, Jaime Miller and I have researched the following emergency notification systems available from three vendors. All offer a web based tool that citizens utilize to sign up for notifications and specify the means by which they wish to be notified. A summary of the findings and cost follows.

GeoComm

The County's current notification system is provided by GeoComm. The current system is for landline telephone notifications only however an "Opt-In" module can be purchased to provide notifications via cell phone, text and email. The system can be used as a hosted (remote) and/or combination hosted/local system.

Purchase Price: $5,270.00

Annual Fee: $2,100 plus $0.13 per call/$0.15 message charges (5,000 text messages = $750.00)

No National Weather Service alerts are offered with this system.

Total Annual Fees: $2,100 plus per call charges

CodeRED

CodeRED provides a hosted (remote) solution for notification via landline, cell phone, text and email.

Purchase Price: $0.00

Annual Fee: $8,997.23 includes unlimited emergency notifications via landline, cell phone, text and email.

Annual Fee for National Weather Service Alerts: $1,875.00

Total Annual Fees: $10,872.23

Everbridge

Everbridge provides a hosted (remote) solution for notification via landline, cell phone, text and email.

Purchase Price: $0.00

Setup fee: $600.00

Annual Fee: $6,000.00 includes unlimited emergency notifications via landline, cell phone, text and email.

Annual Fee for National Weather Service Alerts: $1,500.00

Total Annual Fees: $7,500

The Virginia Information Technology Agency (VITA) has awarded a contract for emergency notification to Everbridge and all state and local agencies are authorized to purchase from the contract. Virginia Tech also contracts with Everbridge for campus emergency notification services.

Based on staff review of the products it is recommend that the County consider the Everbridge solution for citizen notification via cellular phone, text or email. While the CodeRED and Everbridge systems offer comparable products, the annual fee for the Everbridge solutions is $3,372.23 less than the CodeRED product. The GeoComm product is not recommended based on the one-time purchase cost, the per call/message charges, and the inability to provide National Weather Service alerts.

It is recommended that the National Weather Service alert option be considered as it will automatically alert citizens whenever an alert has been issued in the County without County staff having to make determinations as to which weather events warrant citizen notification (subject to the profile citizens have developed online regarding notifications they wish to receive.)

The County currently pays $3,700 annually in software maintenance fees for the GeoComm landline/GIS based notification system. It is recommended that this system be maintained until such a time as the County has determined that the landline notification capabilities of the new system are adequate. The current landline based system utilizes the current Verizon landline phoned database, is geocoded in the County's GIS and has the ability to make County wide or geographically specific notifications. All landline telephones in the County are in the system and citizens are not required to "opt-in" to receive notifications. The two systems are different in that one has the ability to notify everyone (with a landline phone) while the other will only notify those citizens who sign up.

Finally, the following is a short list of additional information to be considered.

- Many cell phones, weather organizations and others now allow the public to sign up for free emergency weather notifications.
- The majority of notifications that are generated in the County will be weather related notifications.
- When the County issues a county-wide emergency notification utilizing the current system (remote dialer) it costs approximately $1,000 to call the approximately 9,000 landline phones in the County. A remote dialer must be used for large notifications in

order for them to be processed in a timely manner. Utilizing the County phone system we are limited to 16 concurrent calls.

- Call processing time is also limited by the capacity of the local telephone company central office or cellular provider.
- While the focus here is emergency notifications, the systems also have options for use for routine citizen notifications.

August 13, 2013

(1) New Vacancies/Expiring Seats & New Applicants :

Board/Commission	Term Expiring	Term & Limit Y/N	Incumbent	Re-appointment	Applicant (Order of Pref.)
Nelson County Broadband Authority - Central	7/1/2013	4 Years/No Limit	Constance Brennan - Central	N	Alan Patrick

(2) Existing Vacancies:

Board/Commission	Terms Expired	Term & Limit Y/N	Number of Vacancies		
Keep Nelson Beautiful Council	12/31/2011	2 Years/No Limit	4 Vacancies	N/A	Elwood Waterfield
			Gail Roussos	TBD	
			Roger Nelson	TBD	
			Anne Colgate	TBD	
JABA Advisory Council	12/31/2012	2 Year/No Limit	Mary Lee Embrey	N	No Applications Received
Jefferson Area Disabilities Services Board	6/30/2013	3 Years/No limit	Jason Hatfield	TBD	No Applications Received

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 7-10-13

Mr. X Mrs. ____ Ms. ____

Name: Alan Patrick

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

1. Broadband Authority

2. ____

3. ____

Home Address: 2464 Rockfish Valley Hwy
Nellysford, VA 22958

Occupation: Self Employed Employed by: Patrick Brothers

Home Phone No.: 434-361-9115 Business Phone No.: 540-456-6221

Fax No.: ____ E-Mail Address: alan@patrickbrothers.net

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):

Subcommittee for Broadband

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

<See Attached>

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?

<See Attached>

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

<See Attached Resume>

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 X No ___

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

I have a BS degree in Computer Science with over 20 years experience working in the technology field. Also, my work as a member of the Subcommittee for the Broadband project has given me an opportunity to stay abreast of current and emerging technology that may be helpful as the broadband initiative moves forward.

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

During my twenty plus years work in the technology field, I had an opportunity to travel extensively and was amazed to find areas throughout the country, and the world, that either had Internet access already, or that would soon become available. When I returned home to Virginia in 2005, it was disappointing to find that Nelson County was only just beginning the process. This was due in part to the rural nature of our community, which is understandable.

After reading in the Nelson County Times that the county was in the early stages of the project, I decided to contact Maureen Kelly for an update on status. I was pleased to learn that there was a position available where I may participate.

Since then, I have endeavored to lend my background and experience to the project whenever possible. The project is off to a great start, however, there is still much to be done. The initial phase of getting people connected is underway and long-term plans for ongoing support as the network grows, as well as, long-term build-out of the network must be considered. I would like to use my past experience in the technology field, as well as, my experience working on the Broadband project to further the ongoing development of the project.

Back

Personal Information

Alan Patrick
alan@patrickbrothers.net
434-906-2585
Nellysford, VA

Career Highlights

Appointed by the Nelson County Board of Supervisors to serve on the Broadband Full Committee and Sub-Committee to bring Broadband to the County. Business Ownership and Management. Financial Systems Education. Deployment of Multiple SETI Systems in support of the SETI Institute's R&D -- serving as developer and manager on various projects.

Experience

Owner
Alan M. Patrick, LLC
September 2005 - present
Afton, Virginia

After working for the SETI Institute in California for almost 14 years, (and 20 years in Research & Development), I decided to experience small business ownership. Originally I partnered with my brothers to open Patrick Brothers in 2005, a small retail country store in rural Virginia. As of 2008, the partners were bought out and I formed an LLC. In this position, I have gained first hand knowledge of the entire business development process, from formation, operation, accounting, taxes and tax laws, supervision, and HR. It has been a challenging and rewarding experience.

Financial Advisor
Edward Jones
May 2008 - January 2009
Charlottesville, VA

Began Financial Advisor Training in May of 2008. Completed required training and licenses in August 2008: Series 7, Series 66, and Virginia Life & Health Insurance and Annuities.

Project Manager
SETI Institute

January 1992 - August 2005
Mountain View, California

1992 - 1994 Real-Time Software Engineer: Developed a real-time embedded software Pulse Detector for Project Phoenix. Languages: C, Assembler; networking, IT, Versa dos, Unix. 1994 - 1996 Developed and deployed the Follow-Up Detection Device (FUDD) - a real-time embedded system to perform confirmation of pulse and continuous wave signal detection. LynxOS, Linux, C/C++ 1996 - 1997 Woodbury Telescope Control System; working in conjunction with Georgia Tech, performed a retrofit of an AT&T communications antenna to create a radio telescope. In addition to system interface control for the telescope, served as project manager of the effort, working with management at GaTech to deliver a viable radio telescope used in conjunction with the Green Bank telescope to perform signal confirmation of radio signals. C/C++, JAVA, Linux, OOP 1998 - 2004 Programmable Detection Module (PDM) Began development real-time pulse detection, continuous wave detection, and confirmation systems into a single distributed module. Served as Project Manager of New Search System (NSS). Distributed systems development, IT, Networking, C/C++, JAVA, OOP. 2004 - 2005 Began upgrades and modifications to the PDM to support operation on the Allen Telescope Array. Served as Project Manager for Software and Hardware Systems Development. Coordinated efforts of development and deployment with Operations and Networking teams.

Software Engineer
Center for Signals Warfare - Signals Research Division
November 1989 - October 1991
Warrenton, Virginia

Member of Signals Research Division Development Team -- developed embedded software systems for Classified projects.

Entry Level Software Developer to Project Manager
QuesTech Inc, Quest Research Corporation
June 1985 - November 1989
McLean, Virginia
Began work on built-in test of embedded hardware systems. Gained in-depth knowledge of embedded systems development using C and assembler. After a very short time, began leading projects. Just prior to leaving QRC, working with senior management, won a 10-year government contract ($1M per year for 10 years) for on-going development and support for hardware and software systems. At this stage of my career, I felt that I was moving too quickly into management. Began searching for a position that would provide opportunity for developing more in-depth technical skills.

Education

James Madison University
Bachelor's Degree
September 1981 - May 1985

Certifications

Series 7: General Securities Representative (inactive)
Edward Jones
June 2008

Series 66: Uniform Combined State Law (inactive)
Edward Jones
July 2008

Insurance License: Life, Health, and Annuity (inactive)
Edward Jones
August 2008

Interests

- Astronomy & Space Science
- Engineering
- Art & Literature

Skills

- Project Management
- Unix/Linux
- Embedded Software Development
- Realtime Software Development (multiple OSs)
- Multiple Programming Languages: C,C++,Java,etc
- Information Technology
- SQL
- MS Project and all MS Office Software
- Mac OS X
- Apple Pages, Numbers, Keynote
- iPhone, iPad App Development

Languages

- English (Fluent)
- Spanish (Beginner)

References

Dr. Jill C. Tarter
Director, Center for SETI Research , SETI Institute
650-961-6633

Tom Pierson
Chief Executive Officer , SETI Institute
650-691-6633

Dr. Peter R. Backus
Observing Programs Manager , SETI Institute
650-961-6633

Jane Jordan
SonATA Project Manager, Senior Software Engineer , SETI Institute
650-961-6633

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Nelson County Electoral Board

PO Box 292, Lovingston, Virginia 22949 434-263-4068
David McBee, Chair; Don Bailey, Vice-Chair; Lynne S. Simpson, Secretary

June 14, 2013

Nelson County Board of Supervisors
PO Box 336
Lovingston, VA 22949

Re: Central Absentee polling location

Dear Honorable Members:

One of the duties of the Nelson County Electoral Board is to ensure the adequacy of county polling places to service the needs of both primary and general elections.

As the Board of Supervisors is aware, the Central Absentee precinct has been located in the Nelson County Courthouse Jury room for many years. We have been fortunate over the years to not have experienced scheduling conflicts with jury trials. The 2013 General Election is scheduled for November 5, 2013. The Clerk of Court has advised us that there is a jury trial scheduled for November 4 – 5 and the room will not be available for Central Absentee.

We have been contacted Tannith Knight at the Nelson Library and received permission from the Director to use the meeting room as an alternative location. The Library facility and location are suitable to the NCEB. Therefore we are seeking approval from the Board of Supervisors to proceed with this move.

Thank you very much for consideration of this matter.

Respectfully,

Lynne S. Simpson, Secretary
Nelson County Electoral Board

ORDINANCE O2013-05
NELSON COUNTY BOARD OF SUPERVISORS
AN ORDINANCE TO AMEND THE CODE OF NELSON COUNTY, VIRGINIA CHAPTER 2 (ADMINISTRATION), ARTICLE I (IN GENERAL), SECTION 2-28 (PRECINCTS AND POLLING PLACES) TO ESTABLISH A CENTRAL ABSENTEE VOTER PRECINCT

BE IT HEREBY ORDAINED, pursuant to §24.2-306, and §24.2-712 of the Code of Virginia, 1950 as Amended, that Chapter 2, Administration, of the Code of Nelson County Virginia be hereby amended to establish a Central Absentee Voter Precinct to be used in all elections as follows:

Sec. 2-28. Precincts and Polling Places

Central Absentee Voter Precinct:

Polling Place: Nelson Memorial Library, 8521 Thomas Nelson Highway
Lovingston, VA 22949-0321

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

Adopted: _____,2013

Attest: _____, Clerk
Nelson County Board of Supervisors

NOTICE OF PUBLIC HEARING
NELSON COUNTY BOARD OF SUPERVISORS
A PROPOSED ORDINANCE TO AMEND THE CODE OF NELSON COUNTY, VIRGINIA CHAPTER 2 (ADMINISTRATION), ARTICLE I (IN GENERAL), SECTION 2-28 (PRECINCTS AND POLLING PLACES)

Pursuant to §15.2-1427, §24.2-306, and §24.2-712 of the Code of Virginia, 1950 as Amended, the Nelson County Board of Supervisors will conduct a public hearing on **August 13, 2013** at 7:00 p.m. in the General District Courtroom of the Courthouse in Lovingston, Virginia. The purpose of the public hearing is to receive public input on an Ordinance proposed for passage to amend the Code of Nelson County, Virginia, Chapter 2, Article I, Section 2-28 to re-establish the Central Absentee Precinct in the Nelson Memorial Library, Lovingston Virginia from the current location of the Circuit Court Jury Room in the Courthouse in Lovingston.

The proposed ordinance in its entirety is available for public inspection in the Office of the County Administrator in the Courthouse in Lovingston.

BY AUTHORITY OF THE NELSON COUNTY BOARD OF SUPERVISORS

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§ 24.2-712. Central absentee voter precincts; counting ballots.

A. Notwithstanding any other provision of law, the governing body of each county or city may establish one or more central absentee voter precincts in the courthouse or other public buildings for the purpose of receiving, counting, and recording absentee ballots cast in the county or city. The decision to establish any absentee voter precinct shall be made by the governing body by ordinance; the ordinance shall state for which elections the precinct shall be used. The decision to abolish any absentee voter precinct shall be made by the governing body by ordinance. Immediate notification of either decision shall be sent to the State Board and the electoral board.

B. Each central absentee voter precinct shall have at least three officers of election as provided for other precincts. The number of officers shall be determined by the electoral board.

C. If any voter brings an unmarked ballot to the central absentee voter precinct on the day of the election, he shall be allowed to vote it. If any voter brings an unmarked ballot to the electoral board on or before the day of the election, he shall be allowed to vote it, and his ballot shall be delivered to the absentee voter precinct pursuant to § 24.2-710.

The officers at the absentee voter precinct shall determine any appeal by any other voter whose name appears on the absentee voter applicant list and who offers to vote in person. If the officers at the absentee voter precinct produce records showing the receipt of his application and the certificate of mailing for the ballot, they shall deny his appeal. If the officers cannot produce such records, the voter shall be allowed to vote in person at the absentee voter precinct and have his vote counted with other absentee votes. If the voter's appeal is denied, the provisions of § 24.2-708 shall be applicable, and the officers shall advise the voter that he may vote on presentation of a statement signed by him that he has not received an absentee ballot and subject to felony penalties for making false statements pursuant to § 24.2-1016.

D. Absentee ballots may be processed as required by § 24.2-711 by the officers of election at the central absentee voter precinct prior to the closing of the polls but the ballot container shall not be opened and the counting of ballots shall not begin prior to that time. In the case of punch card or mark sense ballots to be inserted in electronic counting equipment, the ballot container may be opened and the absentee ballots may be inserted in the counting equipment prior to the closing of the polls in accordance with procedures prescribed by the State Board, including procedures to preserve ballot secrecy, but no ballot count totals shall be initiated prior to that time.

As soon as the polls are closed in the county or city the officers of election at the central absentee voter precinct shall proceed to ascertain and record the vote given by absentee ballot and report the results in the manner provided for counting and reporting ballots generally in Article 4 (§ 24.2-643 et seq.) of Chapter 6 of this title.

E. The electoral board may provide that the officers of election for a central absentee voter precinct may be assigned to work all or a portion of the time that the precinct is open on election day subject to the following conditions:

1. The chief officer and the assistant chief officer, appointed pursuant to § 24.2-115 to represent the two political parties, are on duty at all times; and

2. No officer, political party representative, or other candidate representative shall leave the precinct after any ballots have been counted until the polls are closed and the count for the precinct is completed and reported.

F. The electoral board, with the written agreement of the general registrar, may provide that the central absentee voter precinct will open after 6:00 a.m. and at any time before noon on the day of the election provided that the office of the general registrar will be open for the receipt of absentee ballots until the central absentee voter precinct is open and that the officers of election for the central absentee voter precinct obtain the absentee ballots returned to the general registrar's office for the purpose of counting the absentee ballots at the central absentee

voter precinct and provided further that the central absentee voter precinct is the same location as the office of the general registrar.

(1974, c. 428, § 24.1-233.1; 1978, c. 778; 1991, c. 3; 1993, c. 641; 1994, cc. 287, 742; 1998, cc. 549, 572; 2003, c. 1015; 2006, c. 297; 2008, c. 423.)

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§ 24.2-306. Changes not to be enacted within 60 days of general election; notice requirements.

A. No change in any local election district, precinct, or polling place shall be enacted within 60 days next preceding any general election. Notice shall be published prior to enactment in a newspaper having general circulation in the election district or precinct once a week for two successive weeks. The published notice shall state where descriptions and maps of proposed boundary and polling place changes may be inspected.

B. Notice of any adopted change in any election district, town, precinct, or polling place other than in the location of the office of the general registrar shall be mailed to all registered voters whose election district, town, precinct, or polling place is changed at least 15 days prior to the next general, special, or primary election in which the voters will be voting in the changed election district, town, precinct, or polling place. Notice of a change in the location of the office of the general registrar shall be given by posting on the official website of the county or city, by posting at not less than 10 public places, or by publication once in a newspaper of general circulation in the county or city within not more than 21 days in advance of the change or within seven days following the change.

C. Each county, city, and town shall comply with the applicable requirements of law, including §§ 24.2-304.3 and 30-264, and send copies of enacted changes to the local electoral board, the State Board, and the Division of Legislative Services.

(Code 1950, §§ 24-49 through 24-51; 1970, c. 462, § 24.1-39; 1971, Ex. Sess., c. 119; 1993, c. 641; 1995, c. 249; 2003, c. 1015; 2004, c. 1000; 2012, cc. 328, 486.)

§ 24.2-310. Requirements for polling places.

A. The polling place for each precinct shall be located within the county or city and either within the precinct or within one mile of the precinct boundary. The polling place for a county precinct may be located within a city (i) if the city is wholly contained within the county election district served by the precinct or (ii) if the city is wholly contained within the county and the polling place is located on property owned by the county. The polling place for a town precinct may be located within one mile of the precinct and town boundary. For town elections held in November, the town shall use the polling places established by the county for its elections.

B. The governing body of each county, city, and town shall provide funds to enable the electoral board to provide adequate facilities at each polling place for the conduct of elections. Each polling place shall be located in a public building whenever practicable. If more than one polling place is located in the same building, each polling place shall be located in a separate room or separate and defined space.

C. Polling places shall be accessible to qualified voters as required by the provisions of the Virginians with Disabilities Act (§ 51.5-1 et seq.), the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. § 1973ee et seq.), and the Americans with Disabilities Act relating to public services (42 U.S.C. § 12131 et seq.). The State Board shall provide instructions to the local electoral boards and general registrars to assist the localities in complying with the requirements of the Acts.

D. If an emergency makes a polling place unusable or inaccessible, the electoral board shall provide an alternative

polling place and give notice of the change in polling place, including to all candidates, or such candidate's campaign, appearing on the ballot to be voted at the alternative polling place, subject to the prior approval of the State Board. The electoral board shall provide notice to the voters appropriate to the circumstances of the emergency. For the purposes of this subsection, an "emergency" means a rare and unforeseen combination of circumstances, or the resulting state, that calls for immediate action.

E. It shall be permissible to distribute campaign materials on the election day on the property on which a polling place is located and outside of the building containing the room where the election is conducted except as specifically prohibited by law including, without limitation, the prohibitions of § 24.2-604 and the establishment of the "Prohibited Area" within 40 feet of any entrance to the polling place. However, and notwithstanding the provisions of clause (i) of subsection A of § 24.2-604, and upon the approval of the local electoral board, campaign materials may be distributed outside the polling place and inside the structure where the election is conducted, provided that the "Prohibited Area" (i) includes the area within the structure that is beyond 40 feet of any entrance to the polling place and the area within the structure that is within 40 feet of any entrance to the room where the election is conducted and (ii) is maintained and enforced as provided in § 24.2-604. The local electoral board may approve campaigning activities inside the building where the election is conducted when an entrance to the building is from an adjoining building, or if establishing the 40-foot prohibited area outside the polling place would hinder or delay a qualified voter from entering or leaving the building.

F. Any local government, local electoral board, or the State Board may make monetary grants to any non-governmental entity furnishing facilities under the provisions of § 24.2-307 or 24.2-308 for use as a polling place. Such grants shall be made for the sole purpose of meeting the accessibility requirements of this section. Nothing in this subsection shall be construed to obligate any local government, local electoral board, or the State Board to appropriate funds to any non-governmental entity.

(Code 1950, §§ 24-45, 24-46, 24-171, 24-179 through 24-181; 1954, c. 375; 1956, c. 378; 1962, cc. 185, 536; 1970, c. 462, §§ 24.1-36, 24.1-37, 24.1-92, 24.1-97; 1971, Ex. Sess., c. 119; 1976, c. 616; 1977, c. 30; 1978, c. 778; 1980, c. 639; 1981, c. 425; 1984, c. 217; 1985, c. 197; 1986, c. 558; 1992, c. 445; 1993, cc. 546, 641; 1994, c. 307; 2003, c. 1015; 2004, c. 25; 2005, c. 340; 2008, cc. 113, 394; 2010, cc. 639, 707; 2012, cc. 488, 759.)

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§ 24.2-310.1. Polling places; additional requirement.

The requirement stated in this section shall be in addition to requirements stated in §§ 24.2-307, 24.2-308, and 24.2-310, including the requirement that polling places be located in public buildings whenever practical. No polling place shall be located in a building which serves primarily as the headquarters, office, or assembly building for any private organization, other than an organization of a civic, educational, religious, charitable, historical, patriotic, cultural, or similar nature, unless the State Board has approved the use of the building because no other building meeting the accessibility requirements of this title is available.

(1993, c. 904, § 24.1-37.1; 1993, c. 641.)

NELSON

CENTRAL ABSENTEE VOTER ELECTION DISTRICT

The governing body of the county or city listed below

- [x] HAS
- [ ] HAS NOT

passed an ordinance establishing a Central Absentee Voter Election District.

If established, the ordinance was passed on: _____ and shall be used for:
(date)

- [x] All elections; or
- [ ] Only the following elections:

_____

_____

_____

A copy of the ordinance for the records of the State Board of Elections

- [ ] IS ENCLOSED
- [x] HAS BEEN PREVIOUSLY FORWARDED.

County/~~City~~ of: Nelson

Signature: Margaret G. Smith
Secretary of Electoral Board

Date: 10/18/1984

County of Nelson

Board of Supervisors

P. O. Box 336
Lovingston, Virginia 22949

PHONE 804 - 263-4873

February 12, 1981

R. LEON BRANDT, JR.
East District
Lovingston, VA. 22949

WALTER A. HOFFMAN, JR.
West District
Roseland, VA. 22967

LEONARD BURNLEY
South District
Shipman, VA. 22971

JOHN K. POLLOCK
North District
Afton, VA. 22920

JOHN B. WILLIAMSON, III
Lovingston, VA. 22949
County Administrator

Ms. Joan S. Mahan
Secretary, State Board of Elections
101 Ninth Street Office Building
Richmond
Virginia 23219

Dear Joan:

This is to advise that at the recommendation of the Nelson County Electoral Board, the Nelson County Board of Supervisors has following advertisement and public hearing taken the following action:

1. Relocation of the East I Polling Place from the Building Official's Office to the Circuit Courtroom.

2. Relocation of the West II (Montebello) Polling Place from Anderson's Store to the Montebello Fishing and Campground Store.

3. Created a Central Absentee Election District.

Attached to this letter is a copy of the documentation sent to the Attorney General's Office for your review. Included in this documentation are copies of the resolutions of the Board of Supervisors for your files.

Thanking you for your attention to this matter, I am

Sincerely,

John B. Williamson

John B. Williamson, III
County Administrator

JBW/jwc

Attachment

Virginia:

At a regular meeting of the Nelson County Board of Supervisors on February 10, 1981, at the Courthouse thereof:

Re: Creation of a Central Absentee Voter Election District

WHEREAS, The Nelson County Board of Supervisors did adopt a resolution of intent to create a Central Absentee Voter Election District by Ordinance; and

WHEREAS, Said intent was advertised in the Nelson County Times on January 22, January 29, and February 5, 1981; and

WHEREAS, A Public Hearing was duly held as advertised at the County Courthouse on February 10, 1981:

NOW THEREFORE, On a motion duly made by Mr. Brandt and seconded by Mr. Hoffman with Mr. Burnley voting yes and Mr. Pollock voting yes, the following resolution was adopted:

BE IT RESOLVED, That the Nelson County Board of Supervisors does hereby by ordinance create a Central Absentee Voter Election District as allowed by 24.1-233.1 of the Code of Virginia as amended, to become effective immediately.

The foregoing, consisting of one page, is a true copy of Resolution recorded in Supervisor's Order Book 10.

A Copy -

Teste: Ken R. Williamson
County Administrator

Print

Sec. 2-28. - Precincts and polling places.

The precincts and their polling places are established as follows:

North District:

Rockfish Precinct

Polling place: Rockfish Valley Volunteer Fire and Rescue Building, Afton

All that area comprising the North Election District as set forth in section 2-27 above.

East District:

Lovingston Precinct

Polling place: Lovingston Fire Department, Lovingston

All that portion of the East District as set forth in section 2-27 above lying north and west of a line beginning at a point on the East District boundary at the confluence of the James River and Swan Creek and continuing in a northwesterly direction along Swan Creek to its intersection with Cabell Road/State Route 626;

thence, northeast along Cabell Road/State Route 626 to its intersection with Warminster Drive/ State Route 604;

thence, northwest along Warminster Drive/State Route 604 to its intersection with Hunting Lodge Road/State Route 646;

thence, northeast along Hunting Lodge Road/State Route 646 to its intersection with Virginia Lee Drive;

thence in a straight line from such intersection to the confluence of Beaver Creek and Buffalo Creek;

thence, west along Beaver Creek to its intersection with Glade Road/State Route 722;

thence, southwest along Glade Road/State Route 722 to its intersection with the Lovingston Magisterial District boundary;

thence, northwest along the Lovingston Magisterial District boundary to its intersection with the Norfolk Southern Railway;

thence, in a northeasterly direction along the Norfolk Southern Railway to its intersection with Rockfish River Road/State Route 617.

Schuyler Precinct

Polling place: Walton's Mountain Museum, Schuyler

All that portion of the East District as set forth in section 2-27 above lying southeast of the line established for the Lovingston Precinct.

South District:

Shipman Precinct

Polling place: American Legion Post #17, Shipman

All that portion of the South District as set forth in section 2-27 above lying north of a line beginning at a point on the south bank of the James River opposite the mouth of Owens Creek, thence along the centerline of Owens Creek to the centerline of State Route 626, thence in a southwesterly direction along the centerline of State Route 626 to its intersection with State Route 721;

thence, due north along a straight line to the Tye River;

thence, up the Tye River to the confluence of the Buffalo River and the Tye River;

thence, up the Buffalo River to the Nelson County line.

Gladstone Precinct

Polling place: Gladstone Rescue Squad Building, Gladstone

All that portion of the South District as set forth in section 2-27 above lying south of the line established for the Shipman Precinct.

West District:

Roseland Precinct

Polling Place: Roseland Rescue Squad, Roseland

All that portion of the West District as set forth in section 2-27 above lying south and east of a line beginning at a point on the Nelson County line where a line drawn due south will intersect with the end of the State Route 684;

thence, along a straight line to the confluence of Pannels Creek with the North Fork of the Tye River;

thence, along a straight line to the top of the De Priest Mountain;

thence, along a straight line to the junction of the county lines of Rockbridge, Amherst and Nelson.

Montebello Precinct

Polling Place: Montebello Volunteer Fire and Rescue Building, Montebello

All that portion of the West District as set forth in section 2-27 above lying west and north of the line established for the Roseland Precinct.

Central District:

Nellysford Precinct

Polling place: Tuckahoe Clubhouse, Nellysford

All that portion of the Central District as set forth in section 2-27 above lying northwest of a line beginning at a point on the Central District boundary at the intersection of the Massies Mill Magisterial District boundary and the Schuyler Magisterial District boundary and continuing along the Schuyler Magisterial District boundary to its intersection with the stream which feeds the lake on the east side of Gullysville Road/State Route 629;

thence, east along said creek to its intersection with the Rockfish River;

thence, in a northerly direction along the centerline of the Rockfish River to its confluence with an unnamed tributary of the Rockfish River located south of Truslow's Lane/State Route 788.

Faber Precinct:

Polling place: Nelson Rescue Squad Building, Faber

All that portion of the Central District as set forth in section 2-27 above lying southeast of the line established for the Nellysford Precinct.

(Ord. of 5-17-01; Ord. of 9-10-02; Ord. of 6-8-04; Res. No. R2009-45, 5-28-09; Ord. No. O2010-07, 7-22-10; Ord. No. O2011-02, 4-12-11)

RECEIVED

JUN 1 9 2013

COUNTY ADMINISTRATOR'S OFFICE

Douglas W. Domenech
Secretary of Natural Resources

David A. Johnson
Director

COMMONWEALTH of VIRGINIA

DEPARTMENT OF CONSERVATION AND RECREATION

600 East Main Street, 24th Floor
Richmond, Virginia 23219
(804) 786-6124

June 19, 2013

Mr. Stephen A. Carter
Nelson County Administrator
Post Office Box 336
Lovingston, Virginia 22949

RE: Scenic River Study of the Tye River

Dear Mr. Carter:

At your request, the Department of Conservation and Recreation (DCR) conducted an evaluation of the Tye River from Route 738 (Tye Depot Road) to the confluence with the James River, a distance of approximately 12.7 miles. On the basis of a field study on May 21, 2013, this river segment was found to qualify as a Virginia Scenic River.

Background work conducted during the winter of 2012-2013 laid the ground work for the field evaluations, and on May 21, DCR staff, along with staff from the Virginia Tech Community Design Assistance Center (CDAC) and local stakeholders, paddled this section of the Tye. In addition to representatives of DCR and CDAC, those participating in the fieldwork were Emily Harper, Director of Parks and Recreation for Nelson County, a staff member from the Virginia Department of Environmental Quality and other Nelson County residents.

Should your locality wish to continue the designation process, the next step will be to obtain a resolution from the County Board of Supervisors (example attached), and then forward a copy to us so we can begin the final report.

Following adoption of the resolution, the County will need to contact your local legislators to ask that they serve as patrons for legislation in the 2014 General Assembly session to codify the designation. A proposed amendment to the *Code of Virginia* is attached.

DCR will present the recommended designation to the Board of Conservation and Recreation at their next meeting for endorsement. Additionally, if you would like us to present the program to your locality or to your Board of Supervisors, please let us know.

DCR staff is looking forward to working with Nelson County to complete the designation process. Any additional questions can be directed to Lynn M. Crump, Environmental Programs Planner, (804) 786.5054 or Lynn.Crump@dcr.virginia.gov .

Sincerely,

for

Danette Poole, Division Director
Planning and Recreation Resources

Attachments

cc: Ms. Emily Harper, Director, Nelson County Parks and Recreation Department
Ms. Lynn Crump, DCR, Environmental Programs Planner

PITTSYLVANIA COUNTY BOARD OF SUPERVISORS
SCENIC RIVER DESIGNATION – BANISTER RIVER

RESOLUTION
2012-09-11

VIRGINIA: At the adjourned meeting of the Pittsylvania County Board of Supervisors on Tuesday, September 18, 2012 in the General District Courtroom of the Edwin R. Shields Courthouse Addition, the following resolution was presented and adopted:

WHEREAS, the Virginia Scenic Rivers Program was enacted by the Virginia General Assembly in 1970 for the purpose of identification, protection, and preservation of certain rivers, or sections of rivers, which possess high quality natural beauty; and

WHEREAS, the Virginia Department of Conservation and Recreation has been charged with administering the Scenic Rivers Program and developing an objective evaluation process to judge the suitability of river segments; and

WHEREAS, several Pittsylvania County residents joined staff from the Virginia Department of Conservation and Recreation to visit the Banister River and evaluate its eligibility for Scenic River designation; and

WHEREAS, the Virginia Department of Conservation and Recreation completed its evaluation and determined that the portion of the Banister River under review in Pittsylvania County was found to qualify as a Virginia Scenic River; and

WHEREAS, the Virginia Board of Conservation and Recreation supported the endorsement for designation as a Scenic River of a portion of the Banister River; then

THEREFORE, BE IT RESOLVED, that the Pittsylvania County Board of Supervisors does hereby support the designation of the Banister River, from the Anderson Bridge at Route 640 in Pittsylvania County to the point where the Banister River leaves the County at the Pittsylvania/Halifax County line, as a Virginia Scenic River; and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that Pittsylvania County will contact our General Assembly representatives to request that they serve as patrons for the legislation that will codify the Scenic River designation.

Given under my hand this 18th day of September, 2012.

Tim R. Barber, Chairman
Pittsylvania County Board of Supervisors

William D. Sleeper, Clerk
Pittsylvania County Board of Supervisors

Proposed Legislation for the *Code of Virginia*:

Tye River State Scenic River.

The Tye River within Nelson County from Route 738 (Tye Depot Road) to the confluence with the James River, a distance of approximately 12.7 miles, is hereby designated a component of the Virginia Scenic Rivers System. Nothing in this section shall preclude the Commonwealth or a local governing body from constructing, reconstructing, or performing necessary maintenance on any road or bridge.

Scenic Rivers Background

The Virginia Scenic Rivers Program was established in 1970 as a way to celebrate outstanding examples of Virginia's more than 49,000 miles of rivers and streams. The program continues to expand and protect Virginia's rivers because:

- Rivers and streams provide drinking water, recreational opportunities, habitat for fish and wildlife, resources for commerce, and some of our most scenic vistas.
- Informal, traditional river access sites are being lost when land use changes from agricultural to residential, and the new, smaller lot owners prohibit public use of the property.
- Scenic river designation promotes a greater awareness of the value of rivers among the citizens of Virginia.
- Ninety percent of all the physical resources cherished by residents of a region fall in water, wetlands and steep topography area (Lewis).

The program is managed by the state in partnership with citizens and local government and focuses on enhancing the conservation of scenic rivers and their corridors. Recognized for their scenic, recreational, historic and natural characteristics, rivers and streams that gain this designation are honored by community groups, localities, DCR and Virginia's General Assembly as being Virginia's finest.

Scenic river designations result from partnerships between local groups, local governments, state agencies and the Virginia General Assembly. The act assigns management responsibilities of the program to the Board of Conservation and Recreation. The board discusses river issues and makes recommendations on the stewardship of existing scenic rivers and expansion of the program with other eligible river segments.

In order to gain this designation, local residents and state representatives evaluate rivers according to program criteria to determine whether or not river segments are worthy. This is done only after each locality adjacent to the river segment requests the study. Once the river is found worthy, the locality must then have its local legislators present a bill to the General Assembly, which then passes a resolution adopting the river into the system of scenic rivers.

The Virginia Scenic Rivers Program protects scenic rivers and streams and provides an opportunity to consider scenic and other resources in planning and design. The program encourages the protection of rivers with scenic, recreational, historic and natural characteristics. If locally adopted, properties along designated scenic rivers may be eligible for a special tax assessment to reduce tax liability.

Scenic river designations result from local partnership initiatives of concerned citizens, local governments, state agencies and the Virginia General Assembly. This partnership begins in the evaluation phase and continues through and after the designation process. The grassroots effort of many citizens ensures the quality and continued success of the program.

A methodology has been established that is used to objectively evaluate potential scenic rivers and determine their eligibility for designation. The same tool is used to monitor changes on system components to ensure each section continues to meet the standards. The evaluation and

ranking procedure provides data for formulating goals, objectives and priorities for management of designated scenic river corridors.

Scenic River Code Sections

The *Code of Virginia*, §10.1-401 assigns the following duties and powers to the director of DCR:

- Identify rivers or river segments, including shores and natural environs, to be considered for designation.
- Conduct evaluations of rivers or segments to be considered for designation.
- Recommend rivers or segments to be considered for designation to the governor and General Assembly.
- Should a river be designated, the DCR director may acquire real property or interest in lands which offer protection to the Scenic River, but eminent domain cannot be exercised in acquiring any such property or interests.

The *Code of Virginia*, §10.1-402, provides that DCR may fully review and make recommendations to federal, state and local agencies regarding the planning for use and development of water and related land resources so that scenic rivers resources are protected.

The Scenic Rivers Act prescribes the powers and duties of the administering agency, DCR, in the *Code of Virginia*, §10.1-405.

The duties include:

- Administration of the scenic river system to preserve and protect its natural beauty and to assure its use and enjoyment for its scenic, recreational, geologic, fish, wildlife, historic, cultural or other assets, and to encourage the continuance of existing agricultural, horticultural, forestry, and open-space land and water uses.
- Periodically surveying each scenic river and its immediate environs and monitoring of all existing and proposed uses of each scenic river and its related land resources.
- Assisting local governments with problem solving associated with the Virginia Scenic Rivers System in consultation with the director, the board and other advisory committees.

The *Code of Virginia*, §10.1-407, states that after the designation of a scenic river, no dam or other structure that impedes natural flow thereof shall be constructed, operated or maintained in such river unless specifically authorized by an act of the General Assembly.

After Designation

- The localities work with VDOT to erect scenic river signage.
- Localities work with the Board of Conservation and Recreation and any local river committees to manage the river resources.
- DCR works within the environmental review process and with localities to protect the river.

Virginia Department of Conservation & Recreation
State Parks • Soil & Water Conservation • Natural Heritage
Chesapeake Bay Local Assistance • Land Conservation
Outdoor Recreation Planning • Dam Safety & Floodplains

Virginia DCR
Planning & Recreation Resources
203 Governor Street
Richmond, VA 23219

Since the inception of the Scenic River System program in 1970, 24 river segments totaling 519.8 miles of river have been added to the System.

WHAT SCENIC RIVER DESIGNATION DOES

- Designation encourages protection and preservation of the river.
- Designation declares the protection of a river's scenic values to be a beneficial purpose of water resource policy.
- Designation allows for a local administering committee, that can be appointed by Department of Conservation and Recreation (DCR).
- Designation requires the Board of Conservation and Recreation (BCR), whose members are appointed by the Governor, to advise the Director of DCR on the federal, state or local plans that impact the designated river segment and to give local citizens a voice in river-related issues.
- After designation, the General Assembly must approve construction of any dam that would result in an impediment to the natural flow of the river.
- For properties along designated scenic rivers, a special tax assessment may be given to reduce the tax liability, as valued by the State Land Evaluation Advisory Council, if adopted by the locality.
- The Federal Energy Regulatory Commission (FERC) recognizes Virginia's designated Scenic River System. This acknowledgement of the program ensures that the qualities of the designated river are considered during licensing or relicensing of federal projects on that river.
- Designation allows for lands along designated corridor to receive grant funds.

WHAT SCENIC RIVER DESIGNATION DOES NOT DO

- Designation does not give the state control over land use.
- Designation carries with it no land use controls.
- Designation does not give the public any right to use privately owned land.
- Virginia does not commercially promote its scenic rivers.
- Recreational use of the rivers currently in the Scenic Rivers System has not increased any more that the use of high quality streams that are not in the system.

In a nutshell, Scenic River designation constitutes official recognition of the natural, scenic, historic and recreational values of some of Virginia's most valuable riverine resources and provides them with a measure of protection not afforded other rivers. In addition, it gives riparian landowners and other local citizens a stronger voice in any government action or decisions that have the potential to impact 'their' river.

Planning and Recreation Resources
Lynn M. Crump, CLA, ASLA, Environmental Programs Planner
(804) 786- 5054 fax (804) 371-7899 Lynn.Crump@dcr.virginia.gov

Virginia Scenic Rivers

Revision Date: 3/13/2012

River Name	Designated Reach		Total miles	Administrating Legislation	Orig. Date Approved	Extension Date
	From	Downstream to				
Appomattox River	100 ft. from the Lake Chesdin Dam	Confluence w/ the James River	19.2	§10.1-409	1977	1998, 2011
Big Cedar Ck.	Near Lebanon, 5.8 miles from confluence	Confluence w/ the Clinch River	5.8	§10.1-410.2	1992	
Blackwater River	Proctor's Bridge at Rte. 621	Confluence w/ Nottoway River at the Virginia/North Carolina line	56	§10.1-418.6	2010	
Catoctin Creek	Town of Waterford	Confluence w/ Potomac River	16	§10.1-410	1977	
Chickahominy River	Rte. 360	Hanover/Henrico/ New Kent Co. Line	10.2	§10.1-410.1	1990	
Clinch River	Confluence with Little River	Rte. 645 (Nash Ford Bridge)	20	§10.1-410.2	1992	1994
Clinch River	Rte. 58 in Saint Paul	Confluence w/ the Guest River	9.2	§10.1-411.1	2002	
Goose Creek	Confluence of N. & S. Prongs of Goose Ck. Near Linden	Confluence w/ Potomac River	48	§10.1-411	1976	2007
Guest River	100 feet down stream of Rte. 72	Confluence w/ the Clinch River	6.5	§10.1-411.1	1990	
Hughes River	Shenandoah National Park line	Confluence w/ the Hazel River	10	§10.1-418.6	2010	
Historic Falls of the James^	West Richmond 1970 City Limits	Orleans Street (extended)	8.6	§10.1-412	1972^	1984
Upper James River	0.2 miles SE of Rte. 43 @ Eagle Rock	Rte. 630 Bridge at Springwood	14	§10.1-413	1985	
Lower James Historic River^	1.2 miles east of Trees Point	Lawnes Creek (James City/ Surry Co.)	25	§10.1-419^	1988	
Jordan River	Rte. 522 Brdg. at Flint Hill	Confluence with the Rappahannock River	6	§10.1-418.6	2010	
North Mayo River	Rte. 695	North Carolina line	7.1	§10.1-418.4	2008	
South Mayo River	Patrick County line	North Carolina line	6.9	§10.1-418.5	2008	
Meherrin River	Brunswick/Lunenburg/ Mecklenburg Co. Line	Brunswick/ Greeneville Co. Line	37	§10.1-418.3	2006	
North Meherrin River	Rte. 712 Bridge	Junction of South Meherrin River	7.5	§10.1-418.1	1997	
Moormans River	Charlottesville Reservoir	Confluence w/ Mechums River	14	§10.1-413.1	1988	
North Landing River (Pocaty, West Neck & Blackwater Cks.)	North Landing Road (Rte.165)	North Carolina line	26.7	§10.1-413.2	1988	
Nottoway River	Rte. 40 Bridge at Stony Creek	Confluence w/ Blackwater River at the Virginia/North Carolina line	72.5	§10.1-414	1979	1992, 2011
Rappahannock River	Headwaters near Chester Gap	Ferry Farm/ Maysfield Brdg. (Rt/3 bypass)	86	§10.1-415	1985	1990
Rivanna River	South Fork Rivanna River reservoir	Confluence w/ the James River	46	§10.1-416	1975	1988, 2009
Rockfish River	Rte. 693, Schuyler	Confluence w/ the James River	9.75	§10.1-415.1	1990	
Russell Fork River	Splashdam railroad crossing	Kentucky state line	9	§10.1-411.2	2010	
Shenandoah River	Warren/Clarke Co. Line	West Virginia/Virginia State line	21.6	§10.1-417	1979	1992
St. Mary's River	Headwaters in Augusta Co.	George Washington - Jefferson National Forest boundary	6	§10.1-418.2	1979	
Staunton River	Rte. 761 (Long Island)	Rte. 360	51.3	§10.1-418	1975	2001, 2003
TOTAL Segments	^ river protected w/ separate Act of the Gen. Assembly & included w/ program		656	#REF!		

RESOLUTION R2013-50
NELSON COUNTY BOARD OF SUPERVISORS
SCENIC RIVER DESIGNATION- TYE RIVER

WHEREAS, the Virginia Scenic Rivers Program was enacted by the Virginia General Assembly in 1970 for the purpose of identification, protection, and preservation of certain rivers, or sections of rivers, which possess high quality natural beauty; and

WHEREAS, the Virginia Department of Conservation and Recreation has been charged with administering the Scenic Rivers Program and developing an objective evaluation process to judge the suitability of river segments; and

WHEREAS, on May 21, 2013, Nelson County residents and staff joined staff from the Virginia Department of Conservation and Recreation, the Virginia Department of Environmental Quality, and staff from the Virginia Tech Community Assistance Design Center to visit a section of the Tye River and evaluate its eligibility for Scenic River designation; and

WHEREAS, the Virginia Department of Conservation and Recreation completed its evaluation and determined that the portion of the Tye River under review in Nelson County was found to qualify as a Virginia Scenic River; and

WHEREAS, the Virginia Board of Conservation and Recreation supported the endorsement for designation as a Scenic River of a portion of the Tye River;

THEREFORE, BE IT RESOLVED, that the Nelson County Board of Supervisors does hereby support the designation of the Tye River within Nelson County from Route 738 (Tye Depot Road) to the confluence with the James River, a distance of approximately 12.7 miles; and

BE IT FURTHER RESOLVED, that Nelson County will contact our General Assembly representatives to request that they serve as patrons for the legislation that will codify the Scenic River designation.

Approved: _____, 2013 Attest:_____, Clerk
Nelson County Board of Supervisors

From: Steve Carter
To: Candy McGarry
Cc: Emily Harper
Subject: FW: news article
Date: Monday, July 22, 2013 12:14:54 PM

Candy,

FYI for 8-13 BOS meeting.

SAC

Stephen A. Carter
Nelson County Administrator
P. O. Box 136
84 Courthouse Square
Lovingston, VA 22949
Ph. (434) 263-7001
Fx. (434) 263-7004

From: Emily Harper
Sent: Monday, July 22, 2013 12:05 PM
To: Steve Carter
Subject: FW: news article

This is the article as it appeared in the Nelson Times, Lynchburg News & Advance & the Daily Progress

http://www.newsadvance.com/nelson_county_times/news/article_6430b70e-eef5-11e2-8ced-001a4bcf6878.html

Tye River may get "scenic" label

This southeast portion of the Tye River already is known for its beauty by area paddlers, tubers, fishers and nature enthusiasts of all kind. Now, it may gain more wide-reaching recognition for its scenic appeal, including its clear water, lush, green shorelines and near seclusion from houses, roads and other signs of civilization.

A 12.7-mile portion of the Tye River evaluated in a study by the Virginia Department of Conservation & Recreation meets criteria necessary to receive a Virginia Scenic River designation. To start the process, the Nelson County Board of Supervisors is asking for input from residents along the river

"We found that it does qualify for scenic river designation," said Lynn Crump, the environmental programs planner with the DCR, who presented the findings from the May 21 field study to the Nelson County Board of Supervisors at its meeting July 9.

The qualifying segment runs from Virginia 738, or Tye Depot Road, to the river's confluence with the James River.

The Virginia Scenic River Program is managed solely by the state and is designed to "identify, designate and help protect rivers and streams that possess outstanding scenic, recreational, historic and natural characteristics of statewide significance for future generations," DCR's website states.

The program started in 1970 and currently designates 30 river segments, or about 670 miles of river, as scenic throughout the state, Crump said

"It's a program that's really about designation, recognition of the qualities of the river," she said, adding that many localities use the title to help get additional grant money or easements.

The program is not a regulatory program, Crump said, outside of one restriction mandating that a dam cannot be build on a segment of a waterway with a Virginia Scenic River designation without the approval of the General Assembly.

There are, however, some recommendations for portions of rivers that carry the designation. For instance, any development that must go through state or local permitting processes should "take in to consideration the scenic values of the rivers that are designated," Crump said.

Another recommendation would be the creation of a local administering committee, with members to be appointed by the DCR, to help oversee the continued protection of the river and its qualities. The DCR would help support the committee.

To move forward with the process, the Board of Supervisors would need to pass a resolution of support, and then contact local legislators to ask "that they serve as patrons for legislation in the 2014 General Assembly to codify the designation," according to a June 19 letter from DCR Division Director Danette Poole to County Administrator Steve Carter.

At its July 9 meeting, the board decided to hold off on passing the resolution until landowners along the river could be notified and given a chance to give input.

"I'd like the landowners, since they're going to be the ones who are most affected, to have a voice before this county government just slaps a designation on [the river segment]," said Tommy Bruguiere, chairman of the board of supervisors.

Crump said the designation will have little to no impact on the landowners.

"There's no changes to how they're managing their lands," Crump said.

Supervisors plan to hold a meeting within the next month or two to allow people to speak on the matter.

Also at the board's meeting, Tara Sieber, the valley region Total Maximum Daily Loads coordinator with the Virginia Department of Environmental Quality, presented a report on the water quality study that was conducted on the Tye River and its tributaries, including Hat Creek, Rucker Run and Piney River.

A Technical Advisory Committee in cooperation with the DEQ has been studying the TMDL for those waterways to find the sources of pollution and figure out how to eliminate them.

Sieber said the next steps will be to submit a plan to the Environmental Protection Agency and then to work on a clean-up plan that will identify practices, strategies and actions that can be implemented to reduce the bacteria.

"The more active and involved the community is, the faster we try to push for a clean-up plan, so we're hoping the Tye River will be quite soon," Sieber said.

Contact Katherine Lacaze at (434) 385-5542 or klacaze@newsadvance.com.

Emily Harper
Director
Nelson County Parks & Recreation
P.O. Box 442
Lovingston, VA 22949
434-263-7130
www.nelsoncounty-va.gov

PUBLIC HEARING NOTICE
NELSON COUNTY BOARD OF SUPERVISORS
TYE RIVER, VIRGINIA SCENIC RIVER DESIGNATION

The Nelson County Board of Supervisors will hold a public hearing on **August 13, 2013** at 7:00 p.m. in the General District Courtroom of the Courthouse in Lovingston, Virginia. The purpose of the public hearing is to receive public input regarding the Board's consideration of designating a portion of the Tye River within Nelson County a Scenic River, to be accepted by the Virginia Department of Conservation and Recreation into the Virginia Scenic River Program. The portion of the Tye River to be considered for designation is from Route 738 (Tye Depot Road) to the confluence with the James River, a distance of approximately 12.7 miles. To obtain more information on the Virginia Scenic River Program call the County Administrator's Office at 434-263-7000, or visit http://www.dcr.virginia.gov/recreational_planning/srmain.shtml

BY AUTHORITY OF THE NELSON COUNTY BOARD OF SUPERVISORS