

**AGENDA**  
**NELSON COUNTY BOARD OF SUPERVISORS**  
**February 11, 2014**

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

- I. Call to Order**
  - A. Moment of Silence
  - B. Pledge of Allegiance
  
- II. Recognition of Nelson County High School Senior FFA and Drama Teams**
  - A. 2013 NCHS Senior FFA-Forestry Team and Meat Evaluation Team (**R2014-09**)
    - 1. Presentation of Rings
    - 2. Proclamation – **P2014-01** National FFA Week February 15<sup>th</sup> – 22<sup>nd</sup>
  - B. 2013 NCHS Drama Team-One Act Play Ensemble (**R2014-10**)
  
- III. Proclamation – P2014-02** Jefferson Madison Regional Library -The Big Read
  
- IV. Consent Agenda**
  - A. Resolution – **R2014-11** COR Refunds
  - B. Resolution – **R2014-12** FY13-14 Budget Amendment
  - C. Resolution – **R2014-13** Minutes for Approval
  
- V. Public Comments and Presentations**
  - A. Public Comments
  - B. Presentation – Nelson County Community Fund (A. Hodson)
  - C. VDOT Report
    - 1. 2015-2020 Secondary Six Year Plan (SSYP)
  
- VI. New Business/ Unfinished Business**
  - A. Proposed Property Acquisition – 7995 Thomas Nelson Hwy, Tax Map # 67-A-9A
  
- VII. Reports, Appointments, Directives, and Correspondence**
  - A. Reports
    - 1. County Administrator’s Report
    - 2. Board Reports
  - B. Appointments
  - C. Correspondence
  - D. Directives
  
- VIII. Adjourn and Reconvene for Evening Session**

## EVENING SESSION

7:00 P.M. – NELSON COUNTY COURTHOUSE

- I. Call to Order
- II. Public Comments
- III. Public Hearings and Presentations
  - A. Presentation – Region Ten Annual Report (P. Hughes)
  - B. Public Hearing -Special Use Permit #2013-006 / JARSS, Inc.  
Consideration of a Special Use Permit application for the proposed conversion of an office space to a residential space, pursuant to Section 8-1-10a of the Zoning Ordinance. The subject property is identified as Tax Map Parcel #76A-2-2, located at 4148 Thomas Nelson Highway (U.S. Route 29) in Colleen. This is a 0.083-acre property zoned Business (B-1), and is owned by JARSS, Inc.
  - C. Public Hearing – Proposed Ordinance O2014-01 to enact Chapter 4, Article II, Division IV, Nelson County Unsafe Buildings and Structures.
  - D. Public Hearing – Proposed Ordinance O2014-02 to amend the Code of Nelson County, Virginia, Appendix A, Zoning Ordinance to include application fee changes for Special Use Permits, Rezoning, Variances, and Appeals.
- IV. Other Business (As May Be Presented)
- V. Adjourn and Continue until 6:00 pm, February 13, 2014 at the Nelson County Middle School Library for a Joint Meeting with the Nelson County School Board.

**RESOLUTION R2014-09**  
**NELSON COUNTY BOARD OF SUPERVISORS**  
**RECOGNITION OF THE NCHS NATIONAL FFA ORGANIZATION**  
**SENIOR MEAT EVALUATION AND TECHNOLOGY TEAM AND**  
**NELSON SENIOR FORESTRY JUDGING TEAM**

**WHEREAS**, the Nelson County High School National FFA Organization competed in the eighty-sixth (86th) National FFA convention held in Louisville, Kentucky which hosted 63,000 FFA members, advisors, and guests from across the country; and

**WHEREAS**, the NCHS Senior Meat Evaluation and Technology Team placed third (3rd) out of forty-two (42) states including one hundred sixty-four (164) students competing in the their event; and

**WHEREAS**, Senior Meat Evaluation and Technology Team members individually placed as follows: Ben Fitzgerald (14<sup>th</sup>), Zach Phillips (16<sup>th</sup>), Phillip Saunders (23<sup>rd</sup>), and Jenny Elgin (63<sup>rd</sup>); and

**WHEREAS**, the NCHS Senior Forestry Judging Team placed first (1<sup>st</sup>) in the nation out of forty-one (41) states including over one hundred and sixty (160+) students competing in the their event after having won the local, regional, and state levels of competition; and

**WHEREAS**, Senior Forestry Judging Team members individually placed as follows: Jack Taggart (1<sup>st</sup>), Jamie Conner (2<sup>nd</sup>), Zach Barnes (19<sup>th</sup>), and Jesse Carter (43<sup>rd</sup>),

**NOW, THEREFORE, BE IT RESOLVED**, that the Nelson County Board of Supervisors does hereby congratulate and recognize the Nelson County High School National FFA Organization Senior Meat Evaluation and Technology Team consisting of: Jenny Elgin, Ben Fitzgerald, Zach Phillips, and Phillip Saunders, and the Senior Forestry Judging Team consisting of: Zach Barnes, Jesse Carter, Jamie Conner, and Jack Taggart, and

**BE IT FURTHER RESOLVED**, that the Nelson County Board of Supervisors does hereby congratulate and recognize the Nelson County High School National FFA Organization Advisors, Mr. Edward W. McCann and Mr. L. Scott Massie for their outstanding leadership and dedication to the students of Nelson County.

Adopted: February 11, 2014

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

**PROCLAMATION P2014-01  
NELSON COUNTY BOARD OF SUPERVISORS  
NATIONAL FFA WEEK FEBRUARY 15- 22, 2014**

**WHEREAS**, FFA and agricultural education provide a strong foundation for the youth of America and the future of the food, fiber and natural resources systems; and

**WHEREAS**, FFA promotes premier leadership, personal growth and career success among its members; and

**WHEREAS**, agricultural education and FFA ensure a steady supply of young professionals to meet the growing demands in the science, business and technology of agriculture; and

**WHEREAS**, the FFA motto –“learning to do, doing to learn, earning to live, living to serve”- gives direction of purpose to these students who take an active role in succeeding in agricultural education; and

**WHEREAS**, FFA promotes citizenship, volunteerism, patriotism and cooperation

**NOW THEREFORE BE IT PROCLAIMED**, that the Nelson County Board of Supervisors proclaims the week of February 15 through 22, 2014 as FFA Week in Nelson County.

Adopted: February 11, 2014

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

**RESOLUTION R2014-10**  
**NELSON COUNTY BOARD OF SUPERVISORS**  
**RECOGNITION OF THE NCHS DRAMA TEAM - ONE ACT PLAY ENSEMBLE**  
**2013 VIRGINIA HIGH SCHOOL LEAGUE (VHSL) STATE CHAMPIONS**

**WHEREAS**, the Nelson County High School one-act play ensemble won the Virginia High School League (VHSL) One Act Play State Championship for the fourth (4<sup>th</sup>) time in five (5) years, for their one-act play entitled “Tartuffe: A Cautionary Tale”, an adaptation of “Tartuffe”, written in 1664 by Jean-Baptiste Poquelin, more commonly known as Moliere, at the VHSL Group A One Act Play Festival in December 2013; and

**WHEREAS**, the team competed for the championship against seven other schools; having earned first place in district competition and second place in regional competition earlier in the year;

**NOW, THEREFORE, BE IT RESOLVED**, that the Nelson County Board of Supervisors does hereby congratulate and recognize the Nelson County High School Drama Team – One-Act Play Ensemble consisting of: Andrew Alderfer, Laurel Cooper, Dakota Crocker, Austin Garcia, Baylee Lipscomb, Drew McCarter, Sanford Shepard, Cody Harlow, Lydia Holman, Sonora Jamerson, Jon Johnson, Audrey Anna Grace Somers, Rachel Maurhoff, Tristan Fitzgerald, Sierra Watson, Taylor Watson, Madison Gumm, and Maeve Buni for the outstanding performance of “Tartuffe: A Cautionary Tale”, that earned them the 2013 State Championship at the VHSL Group A One Act Play Festival.

**BE IT FURTHER RESOLVED**, that the Nelson County Board of Supervisors wishes to individually congratulate and recognize Cody Harlow, Rachel Maurhoff, and Sanford Shepard for outstanding actor awards at the District/Conference level, and Cody Harlow and Rachel Maurhoff and Drew McCarter at the regional level, and at the state level, Dakota Crocker, Sanford Shepard, Baylee Lipscomb, and Drew McCarter each won outstanding actor awards.

**BE IT FINALLY RESOLVED**, that the Nelson County Board of Supervisors does hereby congratulate and recognize Nelson County High School’s Drama Teacher Ms. Diana Driver and local playwright Peter Coy, for their outstanding leadership and dedication to the students of Nelson County.

Adopted: February 11, 2014

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

**PROCLAMATION P2014-02**  
**NELSON COUNTY BOARD OF SUPERVISORS**  
**PROCLAIMING MARCH 2013 THE BIG READ, HONORING THE NOVEL**  
**TRUE GRIT BY CHARLES PORTIS**

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

**WHEREAS**, the Jefferson-Madison Regional Library invites all book lovers to participate in The Big Read that will be held throughout March 2014. The Library's goal is to encourage all residents of Central Virginia to read and discuss True Grit by Charles Portis; and

**WHEREAS**, True Grit the novel recounts Mattie Ross's youthful quest to avenge the murder of her father with the aid of a down-at-the-heels federal marshal named Rooster Cogburn; and

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

**NOW, THEREFORE BE IT RESOLVED**, that the Nelson County Board of Supervisors do hereby proclaim The Big Read during March 2014 and encourage all residents to read True Grit during this time.

Adopted: February 11, 2014

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

**RESOLUTION R2014-11**  
**NELSON COUNTY BOARD OF SUPERVISORS**  
**APPROVAL OF COMMISSIONER OF REVENUE REFUNDS**

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

<u>Amount</u>	<u>Category</u>	<u>Payee</u>
\$ 303.72	2010-2012 PP Tax & Vehicle License Fee	David B. and Karen M. Holm P.O. Box 371 Lovington, VA 22949
\$190.14	2012-2013 PP Tax & Vehicle License Fee	Susannah Taylor Hill 394 Phyllis Court Virginia Beach, VA 23452

Approved: February 11, 2014

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

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

Telephone: 434-263-7070  
Fax: 434-263-7074  
Email: [jpayne@nelsoncounty.org](mailto:jpayne@nelsoncounty.org)

January 13, 2014

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

**Re: Hill, Susannah Taylor**  
**394 Phyllis Court Virginia Beach, VA 23452**  
**1999 Toyota 4 Runner # 9194**

This letter shall serve as written request that a personal property tax and vehicle license fee refund of **\$190.14** for tax years 2012 and 2013 be issued to the above referenced taxpayer. The subject vehicle was moved to Virginia Beach as of January 1, 2012

Supporting data is available in this office for you review.

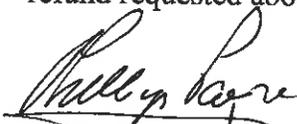
Respectfully requested,



Jean W. Payne  
Commissioner of Revenue

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



Phillip D. Payne, IV  
County Attorney

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

Telephone: 434-263-7070  
Fax: 434-263-7074  
Email: [jpayne@nelsoncounty.org](mailto:jpayne@nelsoncounty.org)

January 13, 2014

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

**Re: Holm, David B.**  
**Holm, Karen M.**  
**P. O. Box 371 Lovington, VA 22949**  
**2003 Ford #2040**

This letter shall serve as written request that a personal property tax and vehicle license fee refund of \$303.72 for tax years 2010, 2011 and 2012 be issued to the above referenced taxpayer per a July 1, 2009 disposition date.

Supporting data is available in this office for you review.

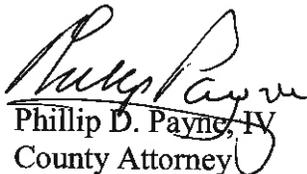
Respectfully requested,



Jean W. Payne  
Commissioner of Revenue

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



Phillip D. Payne, IV  
County Attorney

**RESOLUTION R2014-12**  
**NELSON COUNTY BOARD OF SUPERVISORS**  
**AMENDMENT OF FISCAL YEAR 2013-2014 BUDGET**  
**NELSON COUNTY, VA**  
**February 11, 2014**

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

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

<u>Amount</u>	<u>Revenue Account (-)</u>	<u>Expenditure Account (+)</u>
\$ 2,394.00	3-100-009999-0001	4-100-022010-5419
\$ 5,413.00	3-100-003303-0105	4-100-022010-5420
<u>\$ 7,807.00</u>		

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

<u>Amount</u>	<u>Credit Account (-)</u>	<u>Debit Account (+)</u>
\$ 3,745.00	4-100-999000-9901	4-100-022010-1003
\$ 286.00	4-100-999000-9901	4-100-022010-2001
\$ 13,276.00	4-100-999000-9905	4-100-091050-9999
\$ 25,000.00	4-100-999000-9905	4-100-093100-9206
\$ 10,000.00	4-100-031020-1010	4-100-031020-1009
<u>\$ 52,307.00</u>		

**III. Appropriation of Funds (School Fund)**

<u>Amount</u>	<u>Revenue Account (-)</u>	<u>Expenditure Account (+)</u>
\$ 25,000.00	3-205-004105-0001	4-205-064600-8000
\$ 100,000.00	3-205-002404-4070	4-205-064600-8000
<u>\$ 125,000.00</u>		

Adopted: February 11, 2014

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

## EXPLANATION OF BUDGET AMENDMENT

- I.** The **General Fund Appropriation** reflects appropriation requests by the Commonwealth Attorney's Office for the appropriation of both federal and state asset forfeiture funds allocated to that office. These funds must be spent in accordance with either the Virginia or Federal Forfeited Asset Sharing Program guidelines.
  
- II.** The **Transfer of Funds** reflects a transfer from General Fund Contingency for part-time wages in the Commonwealth Attorney's Office (**\$3,745 & \$286**), additional radios for the Sheriff's Department (**\$13,276**), and a transfer of **\$25,000** to the School Fund to provide the matching funds for a School Security Equipment grant. Also included is an internal transfer of **\$10,000** between Sheriff's Department line items to move funding from the part-time investigator line item to the part-time speed enforcement line item as previously discussed.
  
- III.** The **School Fund Appropriation** reflects a **\$25,000** transfer to the School Fund (from the General Fund) to provide the matching funds for a School Security Equipment Grant in the amount of **\$100,000** making a total appropriation request of \$125,000. Supplemental information is provided with this request.

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**INTEROFFICE MEMORANDUM**

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**TO:** STEPHEN CARTER, COUNTY ADMINISTRATOR  
**FROM:** SHANNON IRVIN, ASSISTANT SUPERINTENDENT FOR ADMINISTRATION  
**SUBJECT:** SUPPLEMENTAL APPROPRIATION REQUEST  
**DATE:** JANUARY 29, 2014  
**CC:** DEBBIE MCCANN, FINANCE DIRECTOR

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I am writing on behalf of the Nelson County School Board to seek a Supplemental Appropriation in the amount of \$25,000 to serve as the local match required of a \$100,000 competitive grant from the 2013-2014 School Security Equipment Grant Program awarded to Nelson County Public Schools. Funds must be spent and a reimbursement requested prior to March 3, 2014.

Funds will be used for the installation of Door Access Controls and Hardware and Remote Entry Systems for each of our schools.

Shannon



# COMMONWEALTH of VIRGINIA

Patricia I. Wright, Ed.D.  
Superintendent of Public Instruction

DEPARTMENT OF EDUCATION  
P.O. BOX 2120  
Richmond, Virginia 23218-2120

Office: (804) 225-2023  
Fax: (804) 371-2099

September 3, 2013

Dr. Roger Dale Collins  
Division Superintendent  
Nelson County Public Schools  
P.O. Box 276  
Lovington, VA 22949-0276

Dear Dr. Collins:

I am pleased to inform you that Governor Bob McDonnell has awarded Nelson County Public Schools a total of \$100,000.00 from the 2013-14 School Security Equipment Grant Program authorized by the 2013 General Assembly and recommended by the Governor's Taskforce on School and Campus Safety. The grant award number assigned to this award is 13001-062. These funds are approved for the purchase and installation of the school security equipment requested on the applications for the approved schools shown below:

Nelson High  
Nelson Middle  
Rockfish River Elementary  
Tye River Elementary

Reimbursements from the state grant will be made only for qualified and approved items purchased on or after September 3, 2013. The equipment must be purchased within six months of the September 3, 2013, date, or by March 3, 2014. A local match of 25 percent of the state grant award is required. The local match should also be spent by the March 3, 2014, deadline.

The state grants will be disbursed on a cost reimbursement basis only. Reimbursement payments will be issued to the division within 30 days of the grant account administrator receiving notification from the Department of Education of approved reimbursements. As this grant is funded with proceeds from notes issued by the Virginia Public School Authority, adherence to program requirements will be strictly

Dr. Roger Dale Collins  
September 3, 2013  
Page Two

enforced. The period of the award is September 3, 2013, through June 30, 2014, and the state funds must be requested for reimbursement during this period.

Attached for your use is the Request for Reimbursement form. This form can also be found at [http://www.doe.virginia.gov/support/facility\\_construction/security\\_equipment\\_grants/index.shtml](http://www.doe.virginia.gov/support/facility_construction/security_equipment_grants/index.shtml). Supporting payment documentation (invoices, receipts, etc.) must accompany your Request for Reimbursement. The completed reimbursement request should be sent to the Department of Education, Support Services, P.O. Box 2120, Richmond, VA 23218.

If you have any questions concerning the reimbursement process, please contact the Support Services office by e-mail to [ViJay.Ramnarain@doe.virginia.gov](mailto:ViJay.Ramnarain@doe.virginia.gov), [Hunter.Barnes@doe.virginia.gov](mailto:Hunter.Barnes@doe.virginia.gov), or [June.Eanes@doe.virginia.gov](mailto:June.Eanes@doe.virginia.gov) or call (804) 225-2035 or (804) 225-2037.

Sincerely,



Patricia I. Wright, Ed.D.  
Superintendent of Public Instruction

PIW/je  
Attachment

**RESOLUTION R2014-13**  
**NELSON COUNTY BOARD OF SUPERVISORS**  
**APPROVAL OF MEETING MINUTES**  
**(January 14, 2014 & January 23, 2014)**

**RESOLVED**, by the Nelson County Board of Supervisors that the minutes of said Board's meetings conducted on **January 14, 2014 & January 23, 2014** be and hereby are approved and authorized for entry into the official record of the Board of Supervisors meetings.

Approved: February 11, 2014

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

January 14, 2014

**Virginia:**

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

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

Absent: None

**I. Call to Order**

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

- A. Moment of Silence
- B. Pledge of Allegiance – Ms. Brennan led the Pledge of Allegiance.

**II. Reorganization of the Board**

Mr. Carter noted that at the first Board Meeting of the year, State law and the County Code required that an annual organizational meeting be held to elect a Chair and Vice Chair. He then noted that the floor was open for nominations.

- A. Election of Chair

Mr. Hale moved to nominate Ms. Brennan for Chair and Mr. Bruguire seconded the motion. There being no other nominations, the nominations for Chair were closed. Supervisors then voted unanimously (5-0) by roll call vote to approve the motion and elect Ms. Brennan Chair.

- B. Election and Appointment of Vice-Chair

Ms. Brennan moved to nominate Mr. Saunders for Vice Chair and Mr. Bruguire seconded the motion. There being no other nominations, the nominations for Vice Chair were closed. Supervisors then voted unanimously (5-0) by roll call vote to approve the motion and elect Mr. Saunders Vice Chair.

January 14, 2014

C. Resolution- **R2014-01** Annual Meeting of the Board

Supervisors discussed the meeting schedule and Mr. Harvey asked if the Board needed the second meeting of the month. Mr. Carter advised it was up to the Board and that they could continue from meeting to meeting as needed. A point of concern was that the Broadband Authority had been meeting just prior to the Board's second meeting of the month and Mr. Carter advised that the meeting schedule for the Authority would be determined the following week. He added that he would suggest that this meeting go back to being held quarterly.

Mr. Harvey then moved to adopt resolution **R2014-01** modifying the meeting schedule back to one meeting per month on the second Tuesday of the month at 2pm and 7pm and eliminating the meeting on the fourth Thursday.

Mr. Saunders seconded the motion and Mr. Bruguere noted he had no issues with having continued or called meetings. Mr. Carter advised that the Board would need to continue the current meeting until the following Thursday since public hearings had already been scheduled for this date. Mr. Hale noted that the Board should be fully prepared to continue or have a called meeting as the need arose. Mr. Carter assured the Board that staff was well practiced with continued and called meetings.

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

**RESOLUTION R2014-01**  
**NELSON COUNTY BOARD OF SUPERVISORS**  
**ANNUAL MEETING**  
**JANUARY 14, 2014**

**WHEREAS**, pursuant to the applicable provisions of Title 15.2 of the Code of VA and Chapter 2, Article 2 of the Code of the County of Nelson, VA, the Nelson County Board of Supervisors conducts an annual organizational meeting at the Board's first meeting in January of each year; and,

**WHEREAS**, matters to be determined by the Board of Supervisors in addition to the appointment of a Chairman and Vice-Chairman include the establishment of a schedule of regular and, as applicable, special meetings, the establishment of rules of order, the establishment of (a) meeting agenda(s), and the establishment of Board appointments, including a Clerk and Deputy Clerk to the Board of Supervisors, a Zoning Administrator and a Hazardous Material Coordinator.

**NOW THEREFORE BE IT RESOLVED**, by the Nelson County Board of Supervisors as follows:

Regular meetings of the Board of Supervisors shall be conducted during Calendar Year 2014 in the General District Courtroom located in the Nelson County Courthouse in Lovingston,

January 14, 2014

VA on the second Tuesday of each month, beginning at 2:00 p.m., and reconvening thereafter at 7:00 p.m. Should the regular meetings fall on any legal holiday, the meeting shall be held on the next following regular business day, without action of any kind by the Board; unless otherwise cancelled. Should the Chairman or Vice Chairman (if the Chairman is unable to act) find and declare that weather or other conditions are such that it is hazardous for members to attend regular meetings; the meeting(s) will be continued on the following Tuesday. Such finding shall be communicated to the members, staff, and the press as promptly as possible. All hearings and other matters previously advertised shall be conducted at the continued meeting(s) and no further advertisement is required.

Special meetings of the Board of Supervisors may be convened from time to time, as determined by the Board of Supervisors in accordance with the applicable provisions of the Code of VA and the Code of the County of Nelson, VA.

In accordance with the Code of the County of Nelson, VA, Robert's Rules of Order, shall be observed as the rules for conducting the business of the Board of Supervisors and the agenda for all meetings of the Board of Supervisors shall be established by the Clerk of the Board in consultation with the Chairman.

Board of Supervisors appointments for Calendar Year 2014 shall be as follows:

Thomas Jefferson Planning District Commission:	Allen M. Hale
Thomas Jefferson Planning District Commission:	Tim Padalino
Director of Emergency Services:	Thomas D. Harvey
Emergency Services Coordinator:	Jaime O. Miller
Piedmont Workforce Network Council:	Larry D. Saunders
Clerk to the Nelson County Board of Supervisors:	Stephen A. Carter
Deputy Clerk to the Nelson County Board of Supervisors:	Candice W. McGarry
Zoning Administrator:	Tim Padalino
Hazardous Materials Coordinator:	Jaime O. Miller
Thomas Jefferson EMS Council:	Jaime O. Miller
Nelson County EMS Council:	Thomas H. Bruguiera, Jr.
Thomas Jefferson Community Criminal Justice Board:	Constance Brennan
Nelson County Social Services Board:	Constance Brennan

### **III. Consent Agenda**

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

A. Resolution – **R2014-02** COR Refunds

## **RESOLUTION R2014-02 NELSON COUNTY BOARD OF SUPERVISORS**

January 14, 2014

**APPROVAL OF COMMISSIONER OF REVENUE REFUNDS**

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

<u>Amount</u>	<u>Category</u>	<u>Payee</u>
\$ 19.77	2013 PP Taxes	Lucas Sherman Preston Furrow 334 River View Lane Faber, VA 22938
\$177.18	2013 PP Tax & Vehicle License Fee	Harold A. VanHout, III 1770 Sugar Maple Court Charlottesville, VA 22903
\$866.29	2012-13 PP Tax & Vehicle License Fee	Christopher Mark Vinet P.O. Box 202 Piney River, VA 22964
\$1,106.40	2013 RE Taxes – Disabled Vet Exemption	Edward J. Solomon RR 1 Box 812 Roseland, VA 22967

B. Resolution – **R2014-03** FY13-14 Budget Amendment

**RESOLUTION R2014-03  
NELSON COUNTY BOARD OF SUPERVISORS  
AMENDMENT OF FISCAL YEAR 2013-2014 BUDGET  
NELSON COUNTY, VA  
January 14, 2014**

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

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

<u>Amount</u>	<u>Revenue Account (-)</u>	<u>Expenditure Account (+)</u>
\$ 83,811.00	3-100-003303-0105	4-100-031020-5420

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

<u>Amount</u>	<u>Credit Account (-)</u>	<u>Debit Account (+)</u>
\$ 86.00	4-100-999000-9905	4-100-013020-1003

January 14, 2014

\$ 350.00	4-100-999000-9905	4-100-013010-1010
\$ 26.00	4-100-999000-9905	4-100-013010-5201
\$ 67.00	4-100-999000-9905	4-100-013010-5401
\$ 1,733.00	4-100-999000-9905	4-100-013010-5413
\$ 524.00	4-100-999000-9905	4-100-013010-5501
\$ 93.00	4-100-999000-9905	4-100-013010-5503
\$ 17,729.00	4-100-999000-9905	4-100-043040-7005
\$ 5,500.00	4-100-999000-9905	4-100-043040-5409
<b>\$ 26,108.00</b>		

C. Resolution – **R2014-04** Authorization for Public Hearing, Zoning Fee Ordinance

**RESOLUTION R2014-04**  
**NELSON COUNTY BOARD OF SUPERVISORS**  
**AUTHORIZATION FOR PUBLIC HEARING TO AMEND THE CODE OF**  
**NELSON COUNTY, VIRGINIA – APPENDIX A, ZONING ORDINANCE,**  
**APPLICATION FEES**

**BE IT RESOLVED**, that pursuant to §15.2-1427, §15.2-2204, §15.2-2285, §15.2-2286 and §15.2-107 of the Code of Virginia 1950 as amended, and **Resolution R2013-34** dated May 23, 2013 , the County Administrator is hereby authorized to advertise a public hearing to be held on **February 11, 2014** at 7:00 p.m. in the General District Courtroom in the Courthouse in Lovingston, Virginia. The purpose of said public hearing is to receive public input on an ordinance proposed for passage to amend Appendix A, Zoning Ordinance in accordance with the Planning Commission’s recommendations as modified by the Board of Supervisors on January 14, 2014 as follows:

<u>Fee Type</u>	<u>Current Fee</u>	<u>Proposed Fee</u>
Special Use Permit	\$45	\$200
Rezoning	\$25	\$300
Variance	\$25	\$150
Appeal	\$25	\$150

**IV. Public Comments and Presentations**

A. Public Comments

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

1. Maria Pope, Carter Hill Road Roseland

Ms. Pope requested Carter Hill Road be added to the Secondary Six Year Plan (SSYP) to have the road surface treated. She noted that other roads had been paved before this one and

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that at one point it had been on the plan and she had not been able to ascertain why it was taken off. She added that she has made calls to VDOT and Supervisors and she noted that she thought the traffic counts were fine and that the road was wide enough. She further explained that people get stuck on the road and there was so much dust that they could not enjoy sitting on their porch. She added that her granddaughter had asthma and the dust made it hard to be outside and she wanted to know what could be done.

Mr. Carter noted that this road had been re-established on the SSYP and was pending approval.

Ms. Pope questioned how it came to be removed and Mr. Austin of VDOT noted that it was listed in 2008 on the plan and that when funding for this program was reduced; it was taken off based on traffic counts. Ms. Pope then noted that Pigeon Hill Rd., which went to Persimmon Hill subdivision, was done ahead of Carter Hill Road.

Mr. Carter then advised that a public hearing on the SSYP was tentatively scheduled to be held on the second Tuesday in March at 7pm.

## 2. Reverend Rose, Wingina

Mr. Rose requested that the Board come to observe the mobile food pantry on the first and third Tuesdays of the month. He added that there were many people in need in the County and no one had come to observe this. He reported that 350 families were being served now. He then advised that the mobile pantry would have to move to the Heritage Center in order to be able to serve everyone. He then asked that the Board donate a truck load of food. He noted that the Food Lion in Lovingson had donated a truck load and various organizations made these donations.

Mr. Rose then asked that the Districts have Town Hall meetings. He noted that people did not know who their Supervisor was. He added that in doing this, they could get to know people and what was going on in the Communities. He acknowledged that Ms. Brennan and Mr. Harvey had done this and Ms. Brennan added that Mr. Hale had as well.

Mr. Rose then reiterated his previous request that the speed limit on Route 56 east before the Wingina Fire Station be decreased. He added that the speed limit was lower in other residential areas of the county and he wanted this to be done.

In response to questions, Mr. Rose advised the Board that the mobile food pantry truck arrived around 9:30 AM and that it would be moving to the Heritage Center in March. He noted that it was currently at the Nelson Center now near the Library.

Mr. Saunders asked that Mr. Austin address the speed limit issue that Mr. Rose was concerned about. Mr. Austin noted that a speed study had been done and VDOT had reported back with their findings. He noted that it was not as residential an area and it was a major roadway. Mr. Saunders then stated that the Board had followed up on Mr. Rose's

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original request and had done something on this. Mr. Carter advised that Mr. Rose could be provided the results of the VDOT speed study that had been done.

3. Wayne Mundy, Greenfield Drive, Gladstone.

Mr. Mundy spoke about the poor conditions at the Gladstone Collection site on Route 60. He added that everything was dumped there and the cameras in place did not seem to be catching anyone doing these things. He noted that something better was needed there and the entrance needed improving. He added that the site was full of potholes and that the lighting was out.

Mr. Mundy then noted that on Norwood Rd. Route 626 off of Route 60, the ditches were flat with the road and when the water in the road froze it caused hazardous driving.

Mr. Mundy then noted that he was trying to get VDOT to surface treat their road at the intersection of Norwood and Greenfield. He added that people flew through the road and less than half a mile of the road needed to be done and then the gravel problem would be eliminated. He added that there was a problem with the speed limit there and he would like some posted speed limits there if it were paved.

Mr. Mundy then reported that he had a Supervisor call him from the Shipman shed to ask him to stop calling about the road. He added that the person advised him that if he kept on, he would be called a liar. Mr. Mundy noted that this person was a problem to work with and that he thought the Supervisor should not be in the position he was in. He added that this occurred a year ago.

4. Elwood Waterfield, III Cedar Creek Road, Arrington.

Mr. Waterfield noted that he lived in the South District and had picked up 170 tons of trash on eight or ten roads in his community.

Mr. Waterfield then reported his displeasure with the Sheriff's Department's handling of a threatening letter he had received. He added that the incident had never been investigated and he read portions of the letter aloud.

Mr. Waterfield then described how he had picked up trash on Wilson Hill Road and had picked up four (4) tons of trash in the last seven (7) days. He then described how full his bags were and that he was aware of how VDOT calculated the weight of the bags. He added that he had applied to be appointed to the Keep Nelson Beautiful (KNB) Council every year it had been in existence and was denied every time. He added that no one had come close to picking up as much trash as he had. He then noted that Sunday he had been out picking up trash since 8:00 AM and around lunch time, Mr. Saunders had stopped to let him know how much he appreciated what he was doing. Mr. Waterfield noted he did not feel that Mr. Saunders was being sincere. He then read the September 2013 minutes regarding his appointment to KNB and noted that he believed that the Board only appointed him after he

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had used the work litigious at a previous Board meeting. Mr. Waterfield became agitated and noted that he thought that he had been discriminated against.

Ms. Brennan then noted to Mr. Waterfield that his time limit had been reached and asked that he please conclude his remarks. Mr. Waterfield became belligerent and noted he would not stop speaking. Mr. Carter then called for a deputy to be brought in to remove Mr. Waterfield and Mr. Waterfield reluctantly left voluntarily.

Mr. Carter reiterated that he stood behind his reasons for not wanting Mr. Waterfield to be appointed to KNB. Mr. Saunders noted that he did not recognize who he was when he had stopped to thank him that day and Ms. Brennan acknowledged that Mr. Waterfield had picked up a lot of trash.

B. Presentation – Robinson, Farmer, Cox Associates, FY13 Audit Report (D. Foley)

Mr. David Foley of Robinson, Farmer, Cox Associates thanked staff for their help in preparing for and assisting them in preparing the FY13 audit. He commended staff for an excellent job on that.

Mr. Foley then noted that the independent auditors report was contained on page 1 and that they had issued an unqualified opinion on the County's financial statements and that it was a clean opinion. Mr. Foley referred to two other reports prepared in accordance with Generally Accepted Accounting Principles (GAAP) that were located in the compliance section. He noted that one was the report of internal controls, which was clean, and no deficiencies were found and the second indicated there were no deficiencies in major federal programs. He then advised that there were no other issues addressed in the management letter.

There were no questions for Mr. Foley regarding the audit and Ms. Brennan noted that she was proud of the County's financial position and commended Mr. Carter and Staff for their hard work.

C. VDOT Report

1. 2015-2020 Secondary Six Year Plan (SSYP)

Mr. Don Austin was in attendance and distributed additional information regarding the SSYP. He provided current traffic counts from the last date counted and he noted most were from 2012. He also provided a printout of the 2008 priority list that showed which projects had been completed since then. He added that there was some confusion because some road segments of the same road were budgeted and some were not. He noted for example that the remaining section of Carter Hill Rd. had not been done but a section of it was done and that was on the list. He added that the traffic count was high on that segment that was completed; however it was lower on the segment that Ms. Pope spoke about. He noted he was not sure what established the breaking point at that time; however two (2) segments of Route 807 were programmed at that time. Mr. Austin noted that he had tried to color code the routes on the map.

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Mr. Harvey then confirmed that Parrish Lane (Route 807) has been done and Mr. Austin noted he wasn't sure but they had marked it off as complete on the list.

Mr. Austin added that the list he had provided was not 100% accurate but was a starting point. He noted that VDOT wanted to look at having a March public hearing so he asked for the Board's input during February to formulate a final list. He added that there was very little money and the unpaved road funds were not available for another two (2) years. He did note that the Board could use other project balances towards these. He then asked that the Board e-mail him if they had roads that they wanted them to look at during February. He added that he would verify the dates of the traffic counts provided as well. Mr. Austin then suggested that the Board and staff present anything important to be added at the February Board meeting so they could incorporate it into the plan. He added that VDOT could push the public hearing into April if March did not suit, however they preferred to do it before June.

Mr. Austin then reported that VDOT had acquired the easement to run the power line over to the flashing light on Route 6 and he noted it would soon be operational. He then heard the following concerns from Supervisors:

Mr. Harvey had no VDOT concerns to discuss.

Mr. Saunders:

Mr. Saunders asked Mr. Austin to further explain about the speed study done in Wingina that Mr. Rose had spoken about.

Mr. Austin noted that the traffic division handled speed studies and that they had Federal guidelines to go by. He noted that even though this area was residential it was limited and they were on a primary route. He confirmed that he would provide this information to Mr. Rose if he would like. Mr. Austin then confirmed that he was asked by the Board to look into this and Mr. Harvey noted that this was as far the Board's power went.

Mr. Saunders then noted that it was brought to his attention again that in Arrington, there was a Y intersection instead of a T and that there was no stop sign from Route 719 into Route 639 and drivers were going right out into traffic. He added that it was paved to go one way but people were going another way on the gravel.

Mr. Hale noted he was familiar with this and thought it would continue to be used unless a barrier was put up. He added that he thought it should be kept as a Y intersection and could use a stop sign. Mr. Austin noted that he would check on this.

Mr. Bruguiera:

Mr. Bruguiera presented Mr. Austin with several pictures he had taken around his district to show the lack of maintenance that was being done; which was creating issues. Mr. Austin noted he would check on these.

Mr. Hale:

Mr. Hale thanked Mr. Austin for the work done to fill in the leveling off of Rockfish River Road.

Ms. Brennan:

Ms. Brennan thanked Mr. Austin for reopening the bridge at Woods Mill. Mr. Harvey then added that there had been a head on collision the first hour the bridge was opened. He added that everyone was okay but the vehicles were totaled.

**V. New Business/ Unfinished Business**

A. Conditional Rezoning #2013-004 –Mr. Taylor Smack / Blue Mountain Brewery

Mr. Padalino gave a brief report on the submitted application. He reiterated that the applicant had made an original request for rezoning and he noted the parcel address of 9403 Critzer Shop Road, Afton, Tax Map Parcel #4-A-60. He noted that the current zoning was Residential R-1 and the applicants now wanted approval of a conditional rezoning to Agricultural A-1. He added that the applicants had proffered away the uses of: Kennels (per Section 4-1-9); Public Utilities (per Section 4-1-11); and Automobile Graveyard (per Section 4-1-18). He added that the request for the rezoning was centered on brewery related uses that would not be allowed in R-1. Mr. Padalino reported that the minor site plan submitted was subject to future changes and a major site plan would have to be submitted before things actually changed. He then noted that approval of the application was recommended by the Planning Commission and a decision was tabled by the Board on December 10, 2013.

Mr. Carter noted that the information provided to the Board was the same as that provided in December. Ms. Brennan then invited the applicant to speak and Mr. Smack, in attendance addressed the Board.

Mr. Smack noted that he has made himself available to answer questions. He added that a lot was up in the air and he did not want to spend money on engineering fees just yet. He added that the County had asked for a site plan update for what was there now and they would have to address storm water management issues. He then noted that the general idea was to generate more parking, have a wedding pergola, an event center, more landscaping, and to grow more hops. He noted that the intended event center building would be in the same architectural style as the current building. He noted that they had an existing well that would

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be abandoned and they would be drilling a new one and they would also need a new drainfield. Mr. Smack noted that he had spoken with the neighboring church and they had given him their full approval. He added that they had asked for a fence separating the properties rather than the brush fence that existed now. He noted that he had offered to landscape on theirs and the church's side but they said it was not necessary.

Mr. Smack further noted that their business had growth in all areas except for events. He noted that currently they could not host events on weekends or holidays because the restaurant was so busy. He added that they had weddings booked through 2015 right now. Mr. Smack noted that Route 151 traffic was always a concern and that there were times that he had parked cars in his own yard to make it work. He added that they were trying to keep parking safe by having attendants and having Route 151 coned off.

Ms. Brennan asked if they would be working with VDOT and Mr. Smack noted that his understanding was that a Special Use Permit for the events center would come first and that would prompt VDOT's review. He noted that it was not forgone that VDOT would let them use the current entrance and they could possibly work with E&S people to bridge over to the other property. He added that they wanted the land zoned A-1 anyway even if they cannot use it as planned in order to grow hops. He reiterated they wanted it to be A-1 regardless so it could be used.

Mr. Hale then moved to approve the Conditional Rezoning application #2013-004 to rezone tax map parcel #4-A-60 from R-1 to A-1 and Mr. Bruguere seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

**B. Referral of Proposed Amendments to Zoning & Subdivision Ordinance to Planning Commission – Stormwater Management (R2014-05)**

Mr. Carter reported that these proposed amendments were minor changes to include references to what will be the new Stormwater Ordinance. He added that Sands Anderson had drafted the amendments and they needed to be referred to the Planning Commission and would come back to the Board for consideration following their review.

Mr. Hale then moved to approve resolution **R2014-05**, Referral of Amendments to Nelson County Zoning and Subdivision Ordinance to Nelson County Planning Commission, Local Stormwater Management Program.

Mr. Bruguere seconded the motion and Mr. Carter confirmed that the proposed amendments were paid for with DCR grant funding for the storm water management program development.

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

**RESOLUTION R2014-05**

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**NELSON COUNTY BOARD OF SUPERVISORS  
REFERRAL OF AMENDMENTS TO NELSON COUNTY ZONING &  
SUBDIVISION ORDINANCE TO NELSON COUNTY PLANNING COMMISSION  
(LOCAL STORMWATER MANAGEMENT PROGRAM)**

**WHEREAS**, the Nelson County Board of Supervisors (the Board) has received and reviewed in public session conducted on January 14, 2014 a staff report on changes proposed to Appendix A-Zoning (Nelson County Zoning Ordinance) and Subdivision Ordinance of the Code of the County of Nelson, Virginia; and,

**WHEREAS**, the staff report proposed changes to the Zoning and Subdivision Ordinance in order for these Ordinances to be in concurrence with the mandated Stormwater Management Ordinance currently under review by the Virginia Department of Environmental Quality; to be used in administering the Local Stormwater Management Program;

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

C. Sheriff's Department Request for Funding – New Vehicle Radios

Mr. Carter advised that Susan Rorrer was present in order to speak to this request.

Ms. Rorrer noted that since the original inventory was done early on in the radio project, the Sheriff's Office has had changes in personnel and vehicles and now needed new radios. She noted that two (2) additional portables for the new positions were needed and mobile radios were needed for the three (3) new police cars, the crime scene vehicle, and the Humvee. She noted that three (3) cars took into account all those radios that could be moved.

Ms. Rorrer noted that the pricing she had for the units differed from the quote gotten by Captain Robertson. She noted that a change had been made from a dash mount to a remote mount which increased the cost and then Ms. Rorrer noted she had not included labor costs in her numbers so there was a difference there. Ms. Rorrer explained that she thought a remote mount was located in the trunk and the others were located on the dashboard.

Mr. Harvey noted that none of the other radios were remote mounts and he did not think this was necessary. Ms. Rorrer noted she was unsure; however the Clear Communications quote from Captain Robertson would increase somewhat. She noted a labor charge of \$1,115 should be added and another \$1,000 if they went with the remote mount.

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Mr. Bruguere noted he did not think that they should put mounted radios in the Crime Scene Vehicle or the Humvee since they were not regularly used. He added that mobiles should work for use in these and Mr. Harvey agreed.

Mr. Harvey asked about the current vehicles and Ms. Rorrer noted that the Department has three (3) spare cars. Ms. McCann added that one new car was intended to replace a vehicle but now that vehicle was going to be put back into service. She explained that at first it was going to cost \$4,500 to fix the vehicle and then the Captain was able to have it fixed for \$250.

Mr. Harvey noted that the spare cars did not have any radios on them right now and these would soon be eliminated. It was noted that the two (2) additional cars were for new people. Ms. McCann noted that they would use some of the older vehicles for new positions and this depended on the Board's approval of three (3) more new vehicles.

Mr. Carter added that the Board would consider the request for three new vehicles later in the meeting. He noted that he agreed that all active vehicles should have radios in them. Ms. Rorrer noted that if the Board approved the radios for the additional cars, then the only ones without them would be the three (3) spares, the Crime Scene Unit, and the Humvee. She added that once the vehicles were replaced, the radios would be moved.

Mr. Bruguere asked if the three new vehicles were on site and it was noted that the ones that were included in the budget were on site. It was noted that not all of these were equipped and on the road and Ms. Rorrer confirmed that the cars were in service; however they were only equipped with portables.

Mr. Hale advised that he thought the Sheriff should present these requests so he can answer the Board's questions and added that it was their responsibility to come to discuss things so that the Board can get clarification. He noted that he agreed that radios did not need to be installed in vehicles that were rarely used. Mr. Harvey stated that they needed to go through Ms. Rorrer on the radios and Ms. Brennan agreed that they should have come to present their request. Mr. Carter explained that he thought they ought to come to the Board when Staff was not in agreement with what was requested and what should be done.

Mr. Bruguere then suggested that if they were buying three (3) new cars, they should be able to rotate radios over from the old cars. Mr. Harvey then confirmed that four (4) cars had been approved and three (3) were within the regular budget and one was additional. Ms. McCann added that the Board was to consider the three (3) more vehicles based on the status of speed enforcement revenues.

Members then agreed that they would like a sheet on what vehicles were in the fleet and what was being purchased.

Mr. Hale noted that it made sense to go forward with getting radios for the cars sitting and waiting and Mr. Carter reiterated that the primary consideration was not getting them for the vehicles that sat most of the time.

Supervisors then came to consensus that for the next meeting, Staff would bring back a budget amendment to include the radios that were agreed to, this being the three (3) mobile radios and two (2) portables. Mr. Harvey added that he would like to know more about the remote mount and noted he did not think these were two (2) piece radios.

D. Amendment of Annual Leave and Sick Leave Policy for Hybrid Plan Employees (**R2014-06**)

Ms. McCann explained that the new Hybrid Plan was created by the General Assembly and would apply to all hires after January 1, 2014 except for those in law enforcement. She noted that with this change, VRS recommended that localities review their sick leave policies. She noted that the significant differences were relative to disability benefits. She added that Plan 1 and Plan 2 employees could receive disability retirement; however the Hybrid Plan employees cannot; however they can receive short and long term disability that provides income replacement. She noted that the short term disability benefit lasted for up to 120 days and the long term benefit lasted for up to two years and longer in some situations.

Ms. McCann then reviewed the following summary of changes to the Annual and Sick Leave Policy:

**Annual Leave**

Generally speaking the provisions for annual leave accruals, carryover, and maximum payment are not changed from the current policy. Certain situations that were not addressed in the current policy have been added as follows:

- Current policy states, “If an employee is absent for a period exceeding his or her earned leave balances, he or she will not earn annual leave for that period.” New language modeled after the state policy states that annual leave will not be earned after 90 consecutive calendar days of leave with pay regardless of the type of leave to which the absence is charged.
- New language is added to denote that annual leave is not accrued during periods of Long Term Disability status.
- New language is also added to denote that annual leave is not accrued during periods of suspension/administrative leave which is not specifically addressed in the current policy.
- Language is also added to specifically address the use of annual leave to supplement Short Term Disability benefits, Long Term Disability-Working benefits, and Workers’ Compensation benefits when the benefit is less than 100% of pay.

## **Sick Leave**

General sick leave provisions are changed as follows:

- Current policy requires verification of sick absences after 60 work days which is essentially the same as the 90 calendar day language which is utilized in the revised policy. This language is modeled after the state policy and keeps language consistent with annual leave provisions.
- Current policy does not specifically identify forms of verification that may be provided relevant to use of sick leave. A section is added to the new policy to provide more detail.
- Current policy states that no sick leave is earned during any period of absence immediately following an absence of sixty calendar days. New language modeled after the state policy states that sick leave will not be earned after 90 consecutive calendar days of leave with pay regardless of the type of leave to which the absence is charged.
- New language is added to denote that sick leave is not accrued during periods of Long Term Disability status.
- New language is also added to denote that sick leave is not accrued during periods of suspension/administrative leave which is not specifically addressed in the current policy.
- Language is also added to specifically address the use of sick leave to supplement Short Term Disability benefits, Long Term Disability-Working benefits, and Workers' Compensation benefits when the benefit is less than 100% of pay.

### **Sick Leave Plan for Plan 1 or 2 Employees**

Plan 1 or Plan 2 employees are generally all existing employees and all law enforcement employees. Sick leave earnings and accruals do not change for existing employees unless they opt-in to the Hybrid Plan.

### **Sick Leave Plan for Hybrid Plan Employees**

All employees hired January 1, 2014 or later are Hybrid Plan employees with the exception of law enforcement employees. Additionally existing employees will have a onetime option to move from Plan 1 or Plan 2 into the Hybrid Plan.

The sick leave plan for Hybrid Plan employees differs from the current plan as follows:

- An employee will not carryover sick leave from one leave year to the next. The exception is for existing employees who opt-in to the Hybrid Plan will be able to maintain their balance of sick leave earned while in Plan 1 or Plan 2.
- Employees will receive an annual allotment of sick leave based on the number of complete years of service on each July 1 rather than the monthly accrual received by current employees.

General comparison of the two sick leave plans can be seen in the charts below:

<b>Sick Leave for Plan 1 and Plan 2 Employees</b>				
<b>Tenure</b>	<b>Annual</b>	<b>Per Mo</b>	<b>Annual Carryover</b>	<b>Maximum Payment</b>
Less than 5 Years	96 hrs	8 hrs	Unlimited	None
5-9 Years	96 hrs	8 hrs	Unlimited	None
10 or more Years	96 hrs	8 hrs	Unlimited	None

<b>Sick Leave for Hybrid Plan Employees</b>				
<b>Tenure on July 1</b>	<b>Annual Allotment</b>	<b>Per Mo</b>	<b>Annual Carryover</b>	<b>Maximum Payment</b>
Less than 5 Years	96 hrs	8 hrs	None	None
5-9 Years	108 hrs	9 hrs	None	None
10 or more Years	120 hrs	10 hrs	None	None

Ms. McCann then noted that Plan 1 and Plan 2 could opt into the Hybrid Plan up until July 1, 2014. She further explained that Hybrid plan employees got their leave allotment at the beginning of the year and if an employee terminated prior to the end of the year, then their pay would be docked for the amount of leave not yet accrued. She added that these policies only applied to County employees and that the County did not have the authority to have Constitutional Offices do this. She noted that she hoped the Board would allow her to meet with them to create an MOU so that they would also adopt this policy. She reiterated that it did not apply to law enforcement. Mr. Bruguiere noted that he thought it would be good for an MOU to be developed for the Constitutional Offices.

Mr. Hale then inquired as to whether or not anyone would move to the Hybrid plan from Plan 1 or Plan 2 and Ms. McCann noted she did not anticipate that anyone would. She added that the Hybrid plan was anticipated to save VRS money. She also noted that Plan 1 and Plan 2 employees had to use sick leave because they did not have the disability benefit.

Ms. Brennan then suggested looking at having a sick bank and Ms. McCann advised that this had been looked at before and it involved more monitoring and administration. She

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added that she thought the leave policy was sufficient and with leave carryover, having enough leave was not an issue.

Ms. McCann then advised that as a matter of housekeeping, Section 7.1.1 was covered in 7.2 and 7.3 and could be deleted. She then requested to delete this section and add the following sentence to the resolution to include this:

Now therefore be it further resolved, that the Nelson County Board of Supervisors authorizes the deletion of Section 7.11 Terminal Leave and Pay within the Nelson County Personnel Policies and Procedures Manual.

Mr. Hale then moved to approve resolution **R2013-06** Approval of Nelson County Annual and Sick Leave Policies to Incorporate VRS Hybrid Plan Employees Revision to Section 7.2 and 7.3 of the Nelson County Personnel Policies and Procedures Manual along with the added language provided by Ms. McCann authorizing the deletion of Section 7.11 Terminal Leave and Pay within the Nelson County Personnel Policies and Procedures Manual.

Mr. Bruguiere seconded the motion.

Ms. Brennan then asked at what point an employee would apply for disability if the long term disability went on for two to three years. Ms. McCann noted that if they were on Long Term Disability for that long, they would be required to apply for disability retirement. She added that once an employee was on long term disability, they came off of the County payroll and they could be notified that their job was not required to be held.

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

**RESOLUTION R2014-06**  
**NELSON COUNTY BOARD OF SUPERVISORS**  
**APPROVAL OF NELSON COUNTY ANNUAL AND SICK LEAVE POLICIES TO**  
**INCORPORATE VRS HYBRID PLAN EMPLOYEES REVISION TO SECTION 7.2**  
**AND 7.3 OF THE NELSON COUNTY PERSONNEL POLICIES AND**  
**PROCEDURES MANUAL**

**WHEREAS**, the County of Nelson currently has policies governing annual and sick leave for employees;

**WHEREAS**, employees hired on January 1, 2014 or later (except those hired in positions covered by enhanced benefits for hazardous duty) and those current employees who choose to opt-in to the hybrid retirement plan effective July 1, 2014 shall receive short and long term disability benefits through the Virginia Local Disability Program administered by the Virginia Retirement System;

**WHEREAS**, the Virginia Local Disability Program provides income protection if an employee cannot work because of illness, injury, or major chronic conditions; and

**WHEREAS**, the current sick leave policies serve a similar purpose and as such the current leave policies should be amended in consideration of the benefits provided by the Virginia Local Disability Program;

**NOW THEREFORE, BE IT RESOLVED**, that the Nelson County Board of Supervisors hereby approves and authorizes that the current Section 7.2 Annual Leave through Section 7.3 Sick Leave in the Nelson County Personnel Policies and Procedures Manual (Adopted December 12, 1995 and Effective January 1, 1996) be amended and replaced with the attached Section 7.2 through Section 7.3 which have been modified to incorporate the Virginia Local Disability Program.

**NOW THEREFORE, BE IT FURTHER RESOLVED**, that the Nelson County Board of Supervisors authorizes the deletion of Section 7.11 Terminal Leave and Pay within the Nelson County Personnel Policies and Procedures Manual.

Mr. Carter then commended Ms. McCann for her excellent work on this.

E. Draft Ordinance to Amend Chapter 4, Article II, Div IV Unsafe Buildings and Structures **(R2014-07)**

Mr. Carter noted that ordinances from other localities were collected and Mr. Payne had drafted an ordinance relating to this as requested by the Board.

Mr. Payne then related that the draft Ordinance was straightforward and was authorized by the State Code §15.2-906. He added that the draft Ordinance tracked with this Code section. Mr. Payne then noted that without the Ordinance in place, the Board had three other remedies: Could file suit in court and this allowed the Building Inspections Department to make a determination and give notice to the owner. He added that this method created a lien and the County could get money back. He noted that the third remedy was in use right now and he noted that the Building Inspector had the authority to require that a structure be demolished and then if the landowner did not comply, the County would have to go to court to enforce the directive. He noted that the Ordinance created a more streamlined version of the powers that the County already had.

Ms. Brennan then asked who made the decision on the structure and Mr. Payne noted that the Building Official did.

Mr. Hale noted that the building at Findlay Mountain Road was a perfect example of why this was needed. Mr. Carter advised that notice had been given by the Building Official to these owners. He added that the Building Official would make a determination in these instances and a notice would be issued to the owners. He added that if there was no owner compliance, the County could act under the ordinance; whereas now under state statute, the County would have to go to court.

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Mr. Payne advised that if the landowner rejected the determination, then they could appeal to the Board of Building Appeals. He added that in his opinion, most of these cases would be clear cut.

Mr. Saunders then asked how the County could be reimbursed for related expenses and Mr. Payne noted that the property could be auctioned off and a Civil Penalty of \$1000 could be issued by the court as a fine on top of the cost of removing the building. Mr. Carter noted that the County would probably have to get quotes for this work, however if it were done regularly, he thought the County could pre-qualify numerous contractors in order to streamline the process. He added that initially, this would be bid out or the County would have to get four (4) quotes.

Ms. Brennan then noted that she would assume that these types of property would be assessed at zero and asked what the lien would be for. Mr. Payne noted that it would be for the costs involved and that the lien could be for more than the value of the property. He added that liens could not be put onto other properties of the landowners. He added that the County could be stuck paying these costs.

Mr. Bruguiere then asked if it would be an obstacle if these buildings were of historic building age and Mr. Carter noted that it would not as there were no related controls in place now and this would only apply if the County had an architectural review board etc. Mr. Payne added that the paragraph in the Ordinance about historic properties was State Language and was not something the County would really be faced with.

Mr. Bruguiere then moved to approve resolution **R2014-07** Authorization for Public Hearing to Amend the Code of Nelson County, Virginia Chapter 4, Buildings, Article II, Building Code, Division 4-Nelson County Unsafe Buildings and Structures.

Mr. Saunders seconded the motion and Mr. Bruguiere noted that the purpose of the Ordinance was not to go after every dilapidated unsafe building in the County.

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

**RESOLUTION R2014-07**  
**NELSON COUNTY BOARD OF SUPERVISORS**  
**AUTHORIZATION FOR PUBLIC HEARING TO AMEND THE CODE OF**  
**NELSON COUNTY, VIRGINIA CHAPTER 4 - BUILDINGS,**  
**ARTICLE II – BUILDING CODE, DIVISION 4 -NELSON COUNTY UNSAFE**  
**BUILDINGS AND STRUCTURES**

**BE IT RESOLVED**, that pursuant to §15.2-1427, of the Code of Virginia 1950 as amended, the County Administrator is hereby authorized to advertise a public hearing to be held on **February 11, 2014** at 7:00 p.m. or as soon as possible thereafter, in the General District Courtroom in the Courthouse in Lovingson, Virginia. The purpose of said public

hearing is to receive public input on an ordinance proposed for passage to enact Chapter 4, Article II, Division IV, Nelson County Unsafe Buildings and Structures.

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

A. Reports

1. County Administrator's Report

**I. Courthouse/Government Center Project:** Blair Construction is continuing its efforts to resolve tunnel connector deficient conditions. The remaining project retainage is being held.

**II. Jefferson Building:** Minor punch list item is pending. Re-location of Commonwealth Attorney's office TBD. External building renovation projected for spring 2014.

Mr. Carter added that a soapstone windowsill had a break in it and the County has asked for a credit from the Contractor. He noted that the Commonwealth's Attorney's Office would wait until they got new furnishings to move. Mr. Saunders added that it had been brought to his attention that there were no electrical outlets in the bathroom or hallway in order for the custodial staff to plug in air fresheners.

**III. Health Department Building Demolition:** Demolition of the building is complete. Site restoration (final grading and matting) is pending.

Mr. Carter noted that the Contractor would be using matting rather than straw throughout the site and this would happen once things dried up. He added that they may do some final grading and that the site was flat at the bottom closer to the street.

Mr. Carter reported that the underground storage tank (UST) had been taken care of and about twelve tons of contaminated soils were treated and removed. He noted that all of these costs except for \$500 would be paid for by the DEQ UST fund. Mr. Carter then noted that he thought these tanks were crushed in.

**IV. Massies Mill School Demolition:** Bid advertisement projected by not later than 1-30-14.

Mr. Carter advised that staff still had to identify the UST at the site. He added that Paul Truslow was looking for the tank. Mr. Saunders noted that he thought it was in front of the building towards the road.

**V. Broadband & Radio Projects:** Staff report on broadband operations to be submitted at 1-23 Authority meeting (and copied to Board of Supervisors). Radio project is in process.

Mr. Carter noted that staff was working on a strategy with BRI on this to have CDBG grant funds to extend the fiber to Route 664 and north up to Route 250. He added that staff needed to talk to DHCD and it was still a work in progress.

**VI. Lovington Health Care Center:** JABA's further feasibility assessment is pending.

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Mr. Carter noted that MFA was not relocating until 2015 and would be there another year. He added he was not sure if they had started building the new facility in Albemarle.

**VII. BR Tunnel and BR Railway Trail Projects:** A) **BRRT** – Construction in progress with completion date of 5-15-14. B) **BRT** – Advertisement for Phase 1 bids projected for 1-19-14.

Mr. Carter advised that the ad for bids would be in the Richmond Times Dispatch that Sunday and the Nelson County times the following week. He added that the drawings would be available in a plan room and the ad would be on the County's website.

Mr. Saunders asked where the work was being done now on the Blue Ridge Trail and Mr. Carter noted that the work was on the East end closer to the depot. He noted that the trail would be extended somewhat but not extensively. Mr. Hale added that the trail did not connect at that end and that this was being looked at; however it would require acquisitions or easements from property owners there. He noted that one could not follow the exact track to the end; you had to walk to the end and then go back. Mr. Carter confirmed that they had never been able to get an outlet on that end of the trail; however they were working on it.

Mr. Harvey inquired about the location of the weigh station and Mr. Carter noted it was about half way 2-4 miles in from the Nelson side and would be an exhibit of sorts.

**VIII. 2014 Gen. Reassessment:** Board of Equalization training on 1-16. Hearings TBD.

**IX. Real Estate Tax Collection:** Annual report by Schrader Law Office is attached.

Mr. Carter advised that the County had recouped almost 2 million dollars from delinquent tax sales or tax collection. He noted that the funds were held in escrow for two (2) years.

Mr. Bruguiere inquired about Mr. Shrader's fees and Mr. Carter noted that his fees were included in the recoveries. He added that the County did front some of the money; however he collected it from the sales. Mr. Carter noted that there were instances where work had been done but the sale did not go through and his expenses were covered by this money.

Mr. Hale noted that it appeared that in 2013 he took about \$83,000 for his work. Mr. Carter noted that the inference was that money was taken in and some was sitting in the Clerk's Office escrow account waiting. He added that there was a surplus if more was taken in than owed. It was noted that it was hard to determine from the reports where Mr. Shrader's fees were included; however it was noted to be not really relevant based on the money being brought in.

Mr. Carter advised that the fees that were held in escrow had been coming back to the County. Ms. McCann noted that the fees had gradually declined; possibly due to the fact that the larger delinquencies had been addressed first or people were not as delinquent as when the program began. It was agreed by all that the program was successful.

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**X. FY 14-15 Budget:** Draft budget completion is in process.

Mr. Carter noted that the School Division CIP budget had been provided to the Board and that staff was still working on the County's draft budget which would be presented in late February.

**XI. 2014 Board Work Session (February 4 & 5, 2014):** Scheduled.

## 2. Board Reports

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

### Mr. Hale:

Mr. Hale reported that the first meeting of the Blue Ridge Claudius Crozet Tunnel Foundation (BRCCTF) was held the previous week and they had discussed that the Foundation wanted to show support of the tunnel rehabilitation project. He noted that somewhere around \$25,000 had been raised and the BRCCTF Board voted to give \$10,000 to the County to show its support for the project and ensure that it was a genuine public private partnership. He added that the County had stepped forward in purchasing the Tyler property and the Foundation was appreciative of that.

Mr. Hale then reported that the TJPDC was still searching for an Executive Director with the firm Springstead. He reported that they had held Skype interviews the previous day and that they would interview three (3) of those candidates. He added that he hoped to find someone who would drum up funding besides money from localities to operate. He noted that the TJPDC had a Grant Writer who was available to localities. Mr. Carter noted that staff had met with her and she had attended an EMS Council meeting to introduce herself and her services. Mr. Hale then reported that the TJPDC Corp. has raised some money for the PDC.

### Ms. Brennan:

Ms. Brennan reported that the Governor had appointed her to the Transition Council on Local Government. She added that she had attended a meeting and the Governor had spoken to the Council.

Ms. Brennan attended a JABA Board meeting and heard a talk on aging by Dr. Lindsay. She added that she thought the County needed to include issues related to aging in the Comprehensive Plan.

Ms. Brennan noted that there was not much to report from DSS and the agency was running along nicely. She added that they were all waiting to see what would happen with Medicaid expansion in Virginia.

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Ms. Brennan reported attending a meeting with the Route 151 organization who wants to do strategic planning for the Route 151 corridor in order to preserve the Route's rural beauty and to promote marketing for the area.

Mr. Carter then asked the Board if they wanted this group to come to the retreat and noted that they could be invited or allowed to speak under public comment. Mr. Bruguere recommended that they come to a meeting and suggested that they present at the February 11, 2014 meeting. Supervisors agreed by consensus to proceed with this. Mr. Harvey then commented that their members were all wineries, vineyards or distillers. He added that there was very little property left to be developed along the corridor. Ms. Brennan suggested that they could do their own study of the corridor rather than the County committing staff time for this. Mr. Bruguere reported that the BB&T on RT 151 would be closed at the end of January. He noted that the ATM may be there for some time after closing and that the property was 1-2 acres.

Ms. Brennan reported attending a meeting with Ms. Kelley, Mr. Carter, Hank Theiss, and a resident of Wintergreen. She noted that they were interested in developing an enhanced marketing venture with Wintergreen. She noted that everyone left with some concerns and that they would let it mellow around a little bit. She noted that they would probably meet again to see what they proposed and she would share this with the Board.

Ms. Brennan reported that she attended the first School Board meeting of the year and enjoyed the presentation for the Drama Team. She then asked about the Board's recognition of them and Ms. McGarry reported that she was working on coordinating a dual recognition of the Drama Team and FFA Teams for the February meeting.

#### B. Appointments

Ms. McGarry noted that a second application for the PVCC Board had been received after the packets had gone out and it was distributed at the Supervisors' seats. Mr. Hale asked that consideration of the PVCC Board appointment be deferred until the January 23, 2014 meeting and the Board agreed by consensus to do so.

#### C. Correspondence

##### 1. Sheriff's Department Funding Request – Part Time Speed Enforcement

Mr. Carter advised that the current budget provided \$10,000 for speed enforcement and the Sheriff's department had exhausted these funds, so they were asking for another \$10,000. He noted that typically, fines and forfeitures have covered these additional costs. He added that the Board was going to look at this line to determine if they were going to authorize funding for three (3) additional vehicles and look at fines and forfeitures. Mr. Carter noted that the revenue projections were short of the budget estimate and these funds would be in addition to this. He noted that there was a significant difference in revenues from last year at this time.

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Staff then noted that the Part Time investigator's position had not been filled and the funding for a full year was still in place. Ms. McCann noted that Staff had discussed freezing the funding for this position or using \$10,000 from this line to cover the request for speed enforcement. It was noted that this would not be utilizing new funding and would simply be a transfer of \$10,000 from the Part Time Investigator budget line to the Part Time Speed Enforcement budget line.

Mr. Harvey then noted that staff was comparing projected revenue numbers and he added that they have not had a car to use for speed enforcement. Mr. Carter and Ms. McCann noted that they have had a car and it was in use. They noted that this program was a win-win for the County and the Sheriff's Department.

Mr. Carter noted that if they put this aside and there was no consideration of any changes, then it was a question of appropriating an additional \$10,000. He added that this would be over and above the three (3) new cars that would be requested.

Mr. Hale agreed that staff should transfer the \$10,000 from the Part Time Investigator position line to cover this. He added that they funds were still there if they hired someone for now until the end of the year.

Mr. Harvey then suggested that the Sheriff's Department should only ask for two cars and not three. Ms. McCann noted that the cars had not been requested at this point.

Mr. Carter then noted that the funding solution would be brought back as a budget transfer and staff would let the Sheriff's Department know how their request has been addressed.

#### D. Directives

Mr. Harvey, Mr. Hale, and Mr. Bruguiere had no directives.

Ms. Brennan requested that the Supervisors come to the Work Session/Retreat with ideas on goals and objectives. She added that the Board should also consider Mr. Carter's evaluation.

Ms. Brennan then asked if the Board could do a resolution in recognition of Cecelia Epps for her many contributions to the County and Mr. Harvey suggested that he would like to see something more than that done. It was suggested that a list of her contributions could be obtained from JABA as these were noted at her retirement party celebration. Mr. Harvey suggested that a room at the Nelson Center be named for her or a portrait be done to hang there. Supervisors agreed by general consensus that something more substantial should be done in her honor.

It was noted that there would be a service Friday night at Calvary Baptist Church with the burial on Saturday. Mr. Carter noted he would find out the exact arrangements.

Ms. Brennan noted she would not be able to attend the next Mayors and Chairs meeting at the PDC and Mr. Carter and Mr. Saunders noted they would attend.

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Mr. Saunders reported that he had received a call regarding the water usage over the last few months at the Gladstone Senior Center. He added that the Service Authority had gone down and no leaks were found. He noted that they had determined that a valve could not be turned off to isolate the potential leak that was possibly between the meter and the building. He noted that because of this, it was not the Service Authority's responsibility and he asked if there was anything the Board should or could do.

Mr. Hale noted that the Service Authority had equipment that could find leaks above ground. Mr. Saunders noted that they may have to dig up the area between the meter and the building and that they did not have the money to pay for this. Mr. Harvey noted that they would work on this.

Mr. Saunders reported that the seniors did not want to move to another building and Mr. Harvey noted that the Board has put a lot of money into a building that the County does not own. Mr. Saunders confirmed that they were not using the building in the winter and the water was now shut off. He added that the bill showed that 11,000 gallons a month was used and the main concern was finding the leak. It was noted that there was some contention among the members there such that some did not want to move and some did not get along.

Following discussion, no action was taken.

Mr. Mundy in attendance then asked if he could ask a question regarding the deputies' cars. Mr. Mundy was recognized by the Chair and He asked if the County had looked at what it would save to keep the deputies' cars at the Courthouse after their shifts.

Mr. Harvey noted that there were pros and cons to that and that the Sheriff ran his own department. Mr. Hale added that the Board had some say in things; however they did not have the authority to mandate this.

## **VII. Adjournment - Evening Session Is Cancelled**

Prior to adjournment, Ms. Brennan reminded members she would be absent for the January 23, 2014 meeting and the Vice Chair, Mr. Saunders would be presiding.

At 5:05 pm, Mr. Harvey moved to adjourn and continue the meeting until 7:00 PM on January 23, 2014. Mr. Bruguere seconded the motion and there being no further discussion, Supervisors voted unanimously by voice vote to approve the motion.

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**Virginia:**

AT A CONTINUED MEETING of the Nelson County Board of Supervisors at 7:00 p.m. in the General District Courtroom located on the third floor of the Nelson County Courthouse.

Present: Thomas D. Harvey, North District Supervisor  
Thomas H. Bruguiera, Jr. West District Supervisor  
Larry D. Saunders, South District Supervisor – Vice Chair  
Allen M. Hale, East District Supervisor  
Stephen A. Carter, County Administrator  
Candice W. McGarry, Administrative Assistant/Deputy Clerk  
Tim Padalino, Director of Planning and Zoning

Absent: Constance Brennan, Central District Supervisor - Chair

**I. Call to Order**

Mr. Saunders called the meeting to order at 7: 00 PM with four (4) Supervisors present to establish a quorum and Ms. Brennan being absent.

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

**II. Public Comments**

Mr. Saunders opened the floor for public comments and the following persons were recognized:

1. Clay Stewart, Stewart Computer Services

Mr. Stewart expressed his company's concerns regarding the County not helping him bring more internet to the county and the time it was taking to build out for wireless internet services in the County. He noted that he had asked for a build out lease months ago and had requested the use of High Top tower years ago. He noted that he offered his advice in where to place the towers for the broadband project in order to get cheaper fiber in so he could get to more people at a lower cost. He noted that he supported fiber and fiber to the home; however he expected a discount on the wireless towers and the actual network costs were not what were expected from the beginning. He added that he had requested the top of the NCBA towers and was not successful. He noted that months had been lost in getting the tower lease agreements worked out and in setting the rates. He noted that he had offered to come up with a public/private partnership to help get internet out to the people. He noted that he was told no by the County and that the County could not show favoritism towards any one company. Mr. Stewart then noted that CIT had related to the County a model of this from a successful project done in Franklin County. He noted that there was evidence of these partnerships in other counties.

2. Mary Creed Pallone, Shipman

Ms. Pallone began to speak about the tower ordinance and was advised that the public hearing on this subject would be later in the meeting.

3. Elwood Waterfield, Arrington

Mr. Waterfield noted that there was an article in the Nelson County Times regarding the need for Keep Nelson Beautiful (KNB) and that he was asking that KNB remain intact. He noted that Schuyler and the South district were the worst and that unclean equaled unsafe. He reiterated that KNB was needed and they needed to keep their focus on these two areas of the County. Mr. Waterfield reiterated that he had been denied membership to KNB for five years and alleged he was then appointed to the Board after he had threatened litigation. He added that the seats had expired in January and the vacancies had not been advertised. He added that he thought the Board had discriminated against him and their actions constituted misconduct in office and malfeasance. He added that he would pursue having them investigated for misconduct.

### III. Public Hearings & Presentations

- A. **Public Hearing -Proposed Ordinance O2014-01**: Repeal Appendix A - Zoning Ordinance, Article 20, Communication Towers, §20-1 through §20-19, including the Fee Schedule, and to enact replacement §20-1 through §20-21.

Mr. Padalino reviewed the major changes in the amendment as follows:

Section 4 definitions: moving from Class I-IV to class A, B, and C. He then noted each of these definitions as follows:

*Class A Communication Tower*: A communication tower which is equal to or greater than forty (40) feet in tower height and which is less than or equal to one hundred (100) feet in tower height and not in a residential district.

*Class B Communication Tower*: Any communication tower located in a Residential, R-1; Residential, R-2; or Residential Planned Community, (RPC) District; or any communication tower in any district that is greater than one hundred (100) feet in tower height, to a maximum allowed height of 130 feet; or any communication tower within three hundred (300) feet of an occupied dwelling, provided however, if the owners of all such occupied dwellings affirm in writing to the applicant that they have no objection to the proposed tower, then this final clause shall not, standing alone, cause the proposed communication tower to proceed as a Class B communication tower application.

*Class C Personal Wireless Services*: Would be similar to what was on the books as a Class IV tower.

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Section 5 deals with procedures for each class. Class A permits would be issued by the Planning & Zoning Director and Class B permits would be issued by the Board of Supervisors. Class C would be administrative in nature and would have to comply with proposed Section 20-18. He noted also that subsection 1 required that a \$1 million dollar insurance policy be maintained.

Section 6 details application procedures for a Class A tower permit and requires the Planning and Zoning Director to check applications for completeness and compliance with the Ordinance.

Section 7 details application procedures for a Class B tower permit and establishes the requirement for a balloon test and review by the Planning Commission and optional public hearing. Provides factors for the Board of Supervisors to consider in reviewing applications and requires a public hearing prior to a determination being made on a Class B tower permit.

Section 8 deals with view sheds and minimum setbacks based on the height of the tower. He noted that the current Ordinance has a setback of 1 mile for the Blue Ridge Parkway and Scenic byways and he noted the proposed setbacks as follows:

Required Minimum Setbacks – View Sheds (1) and (2).

1. A communication tower which does not exceed 100 feet in tower height: 500 feet from the boundary line of the Blue Ridge Parkway, Skyline Drive or Virginia Scenic Byway closest to the tower.
2. A communication tower that is greater than 100 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 Virginia Scenic Byway 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 Virginia Scenic Byway closest to the tower.

Section 11 requires completion of a tower within a year of the issuance of the permit and provides for a one year extension and a ninety day removal requirement if the permit becomes void. He noted that it also required that the Planning and Zoning office be notified within thirty (30) days if a change in tower ownership occurred.

Section 16 is the application Fee Schedule as follows:

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

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

Section 17 allows for modifications of certain regulations as follows:

- A. The Board of Supervisors may modify the location or height restrictions, or both, upon a determination that (i) the strict application of the ordinance would produce undue hardship; (ii) such hardship is not shared generally by other properties in the same zoning district and the same vicinity; and (iii) the authorization of the modification will not be of substantial detriment to adjacent property and the character of the zoning district will not be changed by the granting of the modification.
- B. In authorizing a modification, the Board of Supervisors may impose such conditions regarding the location, character, and features of the communication tower as it may find necessary for compliance with the purposes set forth in Section 20-2.
- C. No such modification shall be authorized except after notice and hearing as required by Section 15.2-2204 of the Code of Virginia.

Section 18 provides that Class C towers are defined the same as Class IV towers except for some provisions that would be moved into Section 20-20. These provisions concern policies, procedures, and fees for collocation, permit amendments, and un-classed poles - monopoles less than 40 feet in height and temporary tower permits. He added that these would also be reviewed administratively.

Section 21 covers appeals and provides for denials to be made in writing. He noted that Class A appeals would be made to the Board of Supervisors.

Supervisors and Staff then discussed the following:

Section 20-8 Viewsheds was discussed and it was noted that in regards to the Parkway and the Skyline Drive, there were some provisions where Federal agency comment on tower placement was required.

Mr. Hale questioned the need for inclusion of any towers greater than 130 feet and Mr. Carter noted that in Section 20-17, there was a provision where the Board could allow a tower over 130 feet. Mr. Hale then noted that this was not of great concern for him.

Mr. Harvey questioned how far a view shed went and Mr. Padalino advised that the ordinance provided it was one air mile from the outermost boundary of the Parkway or Skyline Drive. Mr. Harvey questioned whether or not homes disrupted view sheds such as the ones at Wintergreen and Mr. Hale read aloud the view shed definitions from the Ordinance as follows:

*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

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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 Byway: 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 Byway.*

Mr. Harvey noted he did not like the term view shed because every time someone puts something up on their property, the neighboring views change. He and Mr. Saunders both indicated that the setbacks concerning the Scenic Byways needed to be removed.

Mr. Hale suggested that there was no harm in including them if the Board had the ability to grant exceptions.

Mr. Harvey noted that he thought that there was still more work to be done on the Ordinance.

Mr. Bruguier noted that citizens wanted better communications and if the Ordinance made the towers be placed so far off of the Scenic Byways, there would be far more detriment to the environment by having more roads, power, and shelter installations. Mr. Harvey concurred and noted that everywhere else, the towers were along the highways.

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

1. Clay Stewart, Stewart Computer Services (SCS)

Mr. Stewart noted that his concern was with the sections of the draft Ordinance pertaining to towers 40 feet and under. He added that he thought that this part of the Ordinance was created to go directly against SCS broadband infrastructure given that only he used poles ranging from 2 ft to 30 ft. He questioned the motivation for implementation of the Ordinance and noted it was not requested by any citizen concerned with the safety of the 1 watt radios used, the poles used, or the chimney mounts and he did not understand why there was an Ordinance for this. He noted that completing Zoning Applications took time away from him deploying his network.

He added that there was no consideration of grandfathering his current installations and he again questioned where the force came from to produce such an Ordinance for something having so small of an impact. He concluded by asking again why the County was not helping him to get internet out and noted that the Ordinance was another big thing to deter him from doing this since his business was so labor intensive.

2. Mary Creed Pallone, Shipman

Ms. Pallone noted she was in favor of creating a better radio and cell tower network in the county; however she noted that the County could do this in a manner that did not remove the public notification and hearing process. She then noted that she would like

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the setback for Class B towers to occupied dwellings to be greater than three hundred (300) feet. She added that she thought this was too close in a rural environment. She then noted that she thought the major problem was that there was no requirement to notify adjoining property owners of neighboring tower construction. She then distributed a photograph of a balloon test near her house that had been conducted under the current ordinance. She noted that this would not be required under the new Ordinance. She noted that if the new Ordinance was passed the way it was, she would have no input on the placement of the neighboring tower and it would be within three hundred (300) feet of her horse shed and pasture. She also objected to there being no rules in place to make applicants look for an alternate tower placement.

3. Steven Waller, Consultant in Wireless Industry (Verizon)

Mr. Waller thanked the County for its efforts to improve service throughout the County. He noted that Verizon has had representatives that have provided input throughout the Ordinance development process and they appreciated that. He noted that he was present to answer any questions and he then addressed the photo of the balloon test that Ms. Pallone had provided. He advised that the balloon test was done at 95 feet and that the site was on hold to see what direction the County would go in with the Ordinance. He added that Ms. Pallone and other neighbors had been contacted for input ahead of them putting in the tower application for that particular site because they and the applicant wanted to be a good neighbor. He noted that the balloon had to be flown about fifty (50) feet out of the woods because the actual site was so heavily wooded and they wanted to hide the base. He noted that there was considerable difficulty in presenting a realistic picture of how the site would look.

4. Mary Creed Pallone, Shipman

Ms. Pallone rebutted Mr. Waller and noted that she was not involved until they knew she owned the driveway to get to the site.

5. Gary Sherwood, Shipman

Mr. Sherwood noted that he was the landowner and applicant neighboring Ms. Pallone and that he felt like he was in the middle. He advised that through Verizon, he had informed Ms. Pallone at every step of the process. He added that he was speaking to the Ordinance in that it was his right to put up a 100 foot tower without permission.

6. Joe Dan Johnson, Arrington

Mr. Johnson noted that he thought that the Ordinance was too restrictive and that the purpose as stated in the Ordinance did not say anything about encouraging broadband across the county in a responsible fashion or encouraging economic development, or helping education; and it in fact said that the purpose was to minimize the economic impact on tourism. He added that he thought broadband services were imperative for

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tourism and he added that people needed connection while visiting sites for various reasons.

He noted that the proposed Ordinance would cause hardships to local providers and would put the County's only local wireless service provider out of business. He noted it would treat wired poles and wireless poles differently. He noted that the application process and charges were disparate. He added that the wording in the applications for the Class C facilities was misleading and it said that the facility was the house and not the antenna or antenna array. He then noted that the removal provisions for Class A and B towers were often discussed in the Ordinance and then there was nothing for Class C installations. He reiterated that the verbiage was confusing. He then questioned whether or not two-way communication capabilities meant an antenna was considered to be commercial and he noted that this would affect exempt and non-exempt status. He noted that whip antennas were addressed two different ways in the proposed Ordinance and that receiving and broadcasting created confusion.

Mr. Carter noted that wired poles were regulated by the state and Mr. Johnson noted that even so, poles with DSL were not required to pay the \$100 local fee that wireless providers were.

Mr. Johnson reiterated that the Ordinance verbiage created areas where some statements were counteracted by wording in other places.

Mr. Johnson reiterated that he thought the Ordinance, as proposed, was restrictive and almost treated towers as a bad thing and he would like to see the purpose revised to reflect the benefits of towers and broadband. He reiterated that the verbiage needed to comport throughout the document. He noted that most importantly, the mindset of the document needed to be changed to reflect that the County wanted broadband for tourism and better quality of life and to encourage this for the least physical cost. He encouraged the Board to move forward and hit more areas of the county with Broadband.

Mr. Saunders then noted for the public that the intent of the Board was not to approve an Ordinance that night but to discuss it.

#### 7. Jace Goodling, Afton

Mr. Goodling asked the Board to look at the spirit of the Broadband project which was to provide broadband to as many people as possible as quickly as possible. He added that he had heard that the top of the broadband towers were reserved for profit seeking cellular companies. Mr. Goodling then noted that he hoped the Board of Supervisors would take a good look at the proposed Ordinance as it needed to be cleaned up. He noted that he thought it to be far overreaching in its fees and taxes and it gave the appearance of trying to shut SCS down.

Mr. Goodling noted he thought the County was acting in the role of a business and was competing with other businesses in the county. He added that the draft Ordinance was not

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in line with the spirit of the Broadband Project and the Board should scrap it and start over. He concluded by stating that he thought the County should assist SCS in continuing to provide services.

Mr. Harvey noted that it was known within the scope of the broadband grant that outside income would be needed to make the project work. He added that income from cellular companies was included because they would pay a lot more to be on the towers than others. He added that this was part of the business plan from the start.

Mr. Goodling stated that the project was done with government money and he did not think it was intended to be that way.

8. Shelby Ralston Bruguere, Afton – provided to the Board via email

“It may not be the best course of action to include strict setbacks in the Ordinance. The location of the towers should be determined by the topography and characteristics of the land, so as to position towers in the most advantageous locations in order to maximize coverage with fewer towers being needed. Having the Ordinance stipulate setbacks, may prevent the best coverage being attained.

Also, the setbacks seem to not only discriminate against owners of smaller tracts of land (which may not meet setback requirements, but have the best site location characteristics), but will also have placement of towers compromise the view-shed in an even more negative manner; IE, the farther a tower is setback from the roadways, the more intrusive the tower is to the view-shed.

Further when considering tower placement along roadways, it should be noted that the setbacks for commercial operations are 75 ft. Some of the buildings which have been recently constructed (and currently under construction along Rt 151) block the view of an entire mountain as you drive along this scenic by-way. Requiring a tower to have setbacks which are farther from the road than actual buildings does not treat residents/business/commercial interests equitably.

Again, I think we should leave tower location determinations to the service provider and the land owner, in order to ensure the towers are in the most advantageous positions to maximize service coverage. This also reflects the spirit of the broadband initiative, which is to achieve the highest level of communication and connectivity services possible in Nelson County.”

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

Mr. Bruguere noted that he thought the Ordinance needed more work and suggested that the Board have a work session to go through it. He added that even though the Planning Commission recommended its adoption, the Board needed to consider the comments presented.

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Mr. Saunders agreed and noted that he was not in favor of a lot of restrictions and he wanted the Ordinance to work for businesses. He concurred that the Board should have a work session and he reiterated that the proposed Ordinance would not be acted upon that night.

Mr. Harvey agreed with Mr. Saunders and added that he thought the Ordinance should contain grandfather provisions.

Mr. Carter then explained that the Class IV provisions were originally written to relieve WISPS of having the same responsibilities as larger tower companies and that the new Ordinance was actually more favorable to SCS. He added that under the old Ordinance, Mr. Stewart was in violation, which was ignored because the County knew the revision was imminent.

Mr. Hale noted that the Board's intent was to be proactive and beneficial to wireless companies and broadband provision. Mr. Harvey added that the Board's goals were the same as they originally were. He noted that the highest goal would be to have 100% broadband coverage of the county; however it may not ever be possible. He acknowledged that the County had a lot of kids that had to have the service and it was needed for college courses.

Mr. Hale noted that the difficulty the Board has had was that there were cell phone towers which did have a significant impact on adjoining properties and the Board's intent was to provide public notice and have limitations on these. He noted that these were in a different category from antennas or poles under 40 feet and that the Board was trying to tackle both and not succeeding.

Mr. Harvey then inquired as to when balloon tests were done, what determined the diameter of balloon used. He noted that he thought the balloon should show how the top of the pole would look from various locations.

Mr. Waller of Verizon noted he could answer the question and he was then recognized by the Chair. Mr. Waller noted that Verizon did not conduct the balloon test themselves, their consulting engineering firm did. He noted that the one shown in Ms. Pallone's pictures was six (6) ft in diameter. He added that it depended on the product each engineering company used and the site conditions. He noted that there was really no way to replicate the true size and color of what the tower would look like with a balloon test. Mr. Harvey supposed that they could use computer simulations which would be more realistic.

Mr. Harvey then asked what the average size of the top of an average tower was. Mr. Waller noted that one like the tower at Woods Mill was about 18 inches in diameter at the top and then there were antennas attached, which made it about 52 inches across. He noted that with the proposed Ordinance the flush mounted antennas would not necessarily be the norm; however the diameter would not be much more than 52 inches.

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Mr. Padalino added that the draft Ordinance did not prohibit platform antenna configurations on the towers.

Mr. Saunders thanked the public for their comments and noted that the Board would go back and work on the Ordinance.

B. **Presentation** – Piedmont Virginia Community College Annual Report  
(Dr. F. Friedman)

Dr. Friedman, President of Piedmont Virginia Community College (PVCC), addressed the Board to present his annual PVCC update.

Dr. Friedman reported that total enrollment was just under 8,000 and Nelson County enrollment was 299, up 10 from the previous year. He added that Nelson County students made up 4% of enrollment and this number included twenty-nine (29) students that had just graduated from NCHS, sixty-two (62) that were taking dual enrollment classes at NCHS and half were taking at least one course from them online. He added that the online class program really made a difference and that Broadband access was important to these students.

Dr. Friedman then reported that enrollment was leveling off after five (5) years of growth and this may mean that the economy is picking up because this was an inverse relationship. He added that the college had opened up off campus sites in Greene County and at the Jefferson School in Charlottesville. He noted that the students at these locations averaged 1.5 classes per person and that the Culinary Arts program had filled up immediately.

Dr. Friedman noted that their priority now was expanding short term programs so people could get back to work. He noted that they were looking at adding an Early Childhood Education program for preschool workers, Pharmacy Tech, Central Sterile Processing - Sterilization of Medical things that had been requested by the hospitals and would be a semester or two long, Retail Sales Management, Hospitality, and Cyber Security.

Dr. Friedman then noted that their biggest next project was construction of a Student Success Center. He explained that the campus currently had no student space; they were okay on classroom and lab space but needed more room for students. He added that the College has had legislation introduced to start the funding process through the state and that they would be seeking site development funds from localities 2-4 years from now.

In conclusion, he requested that the Board appoint a new PVCC Board member and he offered his assistance.

Mr. Bruguiere then asked how the dual enrollment students at the High School were affected when they missed school for snow days. Dr. Friedman noted that most High Schools had more time built in for these classes and losing this time should not have an

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effect. He added that the Deans would work with faculty to be sure these students were getting through what was required.

Dr. Friedman then thanked the Board for their time and distributed packets of information for their reference.

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

##### **A. Approval of Minutes (R2014-08)**

Mr. Harvey moved to approve resolution **R2014-08** Minutes for Approval and Mr. Bruguere seconded the motion. There being no further discussion, Supervisors voted (3-0-1) to approve the motion, with Mr. Hale abstaining due to his absence from that meeting, and the following resolution was adopted:

**RESOLUTION R2014-08  
NELSON COUNTY BOARD OF SUPERVISORS  
APPROVAL OF MEETING MINUTES  
(December 10, 2013)**

**RESOLVED**, by the Nelson County Board of Supervisors that the minutes of said Board's meeting conducted on **December 10, 2013** be and hereby are approved and authorized for entry into the official record of the Board of Supervisors meetings.

##### **B. PVCC Board Appointment**

Mr. Hale asked to defer consideration of this appointment until he had a chance to speak to both of the applicants. He noted he had spoken to one of them and he would like to speak to the other. After brief discussion, the Board agreed by consensus to defer this until the next regular meeting.

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

Mr. Harvey noted he would like to ask the Board for a short Executive Session dealing with a potential property acquisition for a public purpose.

Members indicated their willingness and Mr. Harvey moved to convene in closed session to discuss the following as permitted by Virginia Code § 2.2-3711(A) (3): discussion or consideration of the acquisition of real property for a public purpose.

Mr. Bruguere seconded the motion and there being no further discussion, Supervisors voted unanimously (4-0) by roll call vote to approve the motion.

Supervisors conducted the closed session and upon its conclusion, Mr. Hale moved to return to open session and Mr. Bruguere seconded the motion. There being no further

January 23, 2013

discussion, Supervisors voted unanimously (4-0) by roll call vote to approve the motion and the Board reconvened in open session.

Upon reconvening in open session, Mr. Harvey moved that the Nelson County Board of Supervisors certify that, in the closed session just concluded, nothing was discussed except the matter or matters specifically identified in the motion to convene in closed session and lawfully permitted to be discussed under the provisions of the Virginia Freedom of Information act cited in that motion. Mr. Hale seconded the motion and there being no further discussion, Supervisors voted unanimously (4-0) by roll call vote to approve the motion.

Following certification of the closes session, no action was taken by the Board.

**VI. Adjourn and Continue to February 4, 2014 at 9:00 am in the Board of Supervisors Room of the Courthouse, Lovingson VA for Board of Supervisors Retreat/Work Session.**

At 8:39 pm, Mr. Hale moved to adjourn and continue the meeting until February 4<sup>th</sup> at 9:00 am in the old Board of Supervisors Room. Mr. Brugiere then suggested starting at 10:00 am and Supervisors agreed by consensus to stay with a start time of 9:00 am.

Mr. Harvey then seconded the motion and Supervisors voted unanimously (4-0) by roll call vote to approve the motion and the meeting adjourned.

**From:** [Austin Sr., Donald L. \(VDOT\)](#)  
**To:** [Steve Carter](#); [Hamilton, Randy L, P.E. \(VDOT\)](#)  
**Cc:** [Candy McGarry](#)  
**Subject:** RE: Nelson County - SSYP  
**Date:** Friday, February 07, 2014 10:40:04 AM

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Steve:

I will bring additional information to meeting Tuesday. Below are some recommendations.

Route 613 - Lodebar Estates  
From: Route 151 To: Rte 612  
0.40 Mile 320 VPD

Route 654 – Cedar Creek  
From: Rte 655 To: Rte 661  
4.24 Miles 160 VPD  
Break up into several projects

Route 653 - Wilson Road  
From: Rte 650 to Rte 655  
2.68 Miles 70 VPD  
(Oakridge area improvement)

Route 814 – Campbell’s Mt  
From: Rte 1.00 mi N. Rte 56 To: Rte 684  
3.45 Miles 110 vpd

Route 680 – Cub Creek Rd  
From: .50 Miles N Rte 699 To: 1.45 Mi N GWNF Boundry  
2.84 Miles 70-80 VPD

Route 721 – Green field Rd  
From: Route 626 To: 0.50 N Route 626  
0.50 Miles 51 VPD

Thanks,  
Don

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**From:** Steve Carter [mailto:SCarter@nelsoncounty.org]  
**Sent:** Thursday, February 06, 2014 2:48 PM  
**To:** Austin Sr., Donald L. (VDOT); Hamilton, Randy L, P.E. (VDOT)  
**Cc:** Candy McGarry  
**Subject:** Nelson County - SSYP

Don, Randy,

We have the ensuing SSYP on the BOS' 2-11 agenda. This is for your receipt of additional input from the Board prior to scheduling a public hearing, etc.

At the January 2014 meeting Don distributed a hand out that include traffic counts for several County roads, a listing o current priorities and a color coded map showing completed and pending projects. Can you advise on whether or not you can bring this information again, abbreviate it to specific recommendations, including an updated map, etc. to facilitate moving this subject to the necessary public hearing?

We will be sending the 2-11 agenda out tomorrow (2-7) so any follow up you can provide is much appreciated (i.e. informational handouts and/or specific recommendations for the ensuing SSYP).

Thanks,

Steve

Stephen A. Carter  
Nelson County Administrator  
P. O. Box 336  
84 Courthouse Square  
Lovingston, VA 22949  
Ph. (434) 263-7001  
Fx. (434) 263-7004

Tax ID 09580

Printed 01/29/2014

1 1

PARCEL NUMBER  
67 A 9A  
Parent Parcel Number  
Property Address  
7995 THOMAS NELSON HWY  
Neighborhood  
0  
Property Class  
4 4-commerc/industr  
TAXING DISTRICT INFORMATION  
Jurisdiction 60  
Area 001  
District 01

KIRT JAMES A &  
NANETT O  
P O BOX 595  
PINEY RIVER, VA 22964  
TUNSTALL-ASHLEY  
DB 316-392

07/31/1998 PUGH PHILLIP L & JACQUELINE G  
% JAMES A KIRT  
06/23/1992

Bk/Pg: 423, 401  
\$23000  
Bk/Pg: 316, 392  
\$15000

# COMMERCIAL

01/01/2003 01/14/2008 01/01/2014 01/01/2014

	Reassessment	Reassessment	2014 Reval	Assessor Chg
L	39000	46800	48000	72000
B	57500	69700	65800	81100
T	96500	116500	113800	153100
VALUATION				
L	0	0	0	0
B	57500	69700	65800	81100
T	57500	69700	65800	81100

Topography:  
Rolling

Public Utilities:

Street or Road:  
Paved

Neighborhood:  
Static

Zoning: 1 Primary Commercial/Indust land

Legal Acres:  
1.2000

1.2000 1.00 60000.00 60000.00 72000 72000

GEN: GENERAL  
2014- FOR SALE ASKING \$169,000  
STREAM IN BACK  
MEMO: FR LUNSFORD ASHLEY

Supplemental Cards

Supplemental Cards

MEASURED ACREAGE 1.2000

TRUE TAX VALUE 72000

42	18
Comm:Misc	Comm:Misc
(1260)	(540)
[1]	[2]

(LCM: 100.00)

01	COMGAR	0.00	4	C	1998	1999	AV	0.00	N	50.00	42x 30	63000	15	SV	100	53600
02	OFFICE	0.00	1			1998	AV	0.00	N	60.00	18x 30	32400	15	SV	100	27500

February 7, 2014

To: Board of Supervisors  
From: S. Carter  
Re: County Administrator's Report (February 11, 2014 Meeting)

**I. Courthouse/Government Center Project:** Resolution of the tunnel connector is outstanding. Blair is working to address this. The remaining project retainage is being held.

Consideration of Phase 2 (renovation of 1809-19705 structures) requires Board authorization to retain AE services, which can be accomplished in 60-75 days (approximate).

**II. Jefferson Building:** Interior restoration is complete. Relocation of the Commonwealth Attorney's office is planned for completion by 2-28. Exterior restoration prior to 6-30.

**III. Health Department Building Demolition:** Demolition of the building is complete. Site restoration (final seeding and matting) is pending due to site conditions.

**IV. Massies Mill School Demolition:** Project advertised. Pre-bid on 2-12. Bids due on 2-20.

**V. Lovington Health Care Center:** Consultant retained by JABA for additional feasibility assessment. No specific time table provided for receipt of consultant's report.

**VI. BR Tunnel and BR Railway Trail Projects:** A) **BRRT** – Construction in progress with completion date of 5-15-14. B) **BRT** – Pre-bid conducted on 2-6. Bids due on 2-20.

**VII. 2014 Gen. Reassessment:** Board of Equalization hearings scheduled 3-4 to 3-12.

**VIII. FY 14-15 Budget:** Draft budget presentation to Board by March 2014.



DEPARTMENT OF  
PLANNING & ZONING



PLANNING COMMISSION  
BOARD OF ZONING APPEALS

To: Chair and Members, Nelson County Board of Supervisors  
From: Tim Padalino | Director | Department of Planning & Zoning  
Date: February 6, 2014

**Subject: Special Use Permit Application #2013-006 (Mr. Jaya Tiwari / JARSS, Inc.)**

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On December 19<sup>th</sup>, the Dept. of Planning & Zoning received an application from Mr. Jaya Tiwari, on behalf of JARSS, Inc., seeking approval for a Special Use Permit. The application is pursuant to §8-1-10a: residential dwelling units in the Business District (B-1).

The subject property is 4148 Thomas Nelson Highway, further identified as Tax Map Parcel #76A-2-2, in Colleen. (See Figure 1.) It is a 0.083-acre property zoned Business B-1. (See Figure 2.) 4148 is part of a larger multiple-use building, which contains the BP station. The BP station has the address of 4173 Thomas Nelson Highway, and is located on a separate Tax Map Parcel (#76A-2-3).

The applicant seeks to renovate an existing office space at the subject property to be converted into a one-bedroom, two-person rental apartment. Mr. Tiwari noted that after he posted an advertisement for “space for rent” (referring to office space available for lease), he received a large volume of inquiries from people seeking a rental lease for a residential apartment.

The applicant has submitted a Floor Plan (attached) showing the planned renovations. The proposed rental apartment would be connected to the Service Authority utilities for sewer, and would continue to utilize an existing well on the adjacent property. It is not clear which property the existing well is on, as that information is not specified on the Minor Site Plan (attached).

During the Site Plan Review meeting, the Committee indicated their concern over the absence of parking spaces shown on the Minor Site Plan. The applicant has stated that parking will not be an issue, as there are numerous existing spaces that could be utilized by future tenants. The Committee further articulated their concern that two parking spaces for the proposed apartment should be provided on the subject property, and not on the adjacent parcels; and that there should be bollards, curb stops, or other features to ensure that vehicles cannot hit the structure.

The Planning Commission (PC) held a public hearing on January 22. No comments were made by any members of the public. On a motion made by Commissioner Russell, the PC unanimously agreed to forward the application to the Board with a recommendation for denial, due to what was described as “incompatible uses.”

Please contact me if you have any questions about this report or the application itself. Thank you.

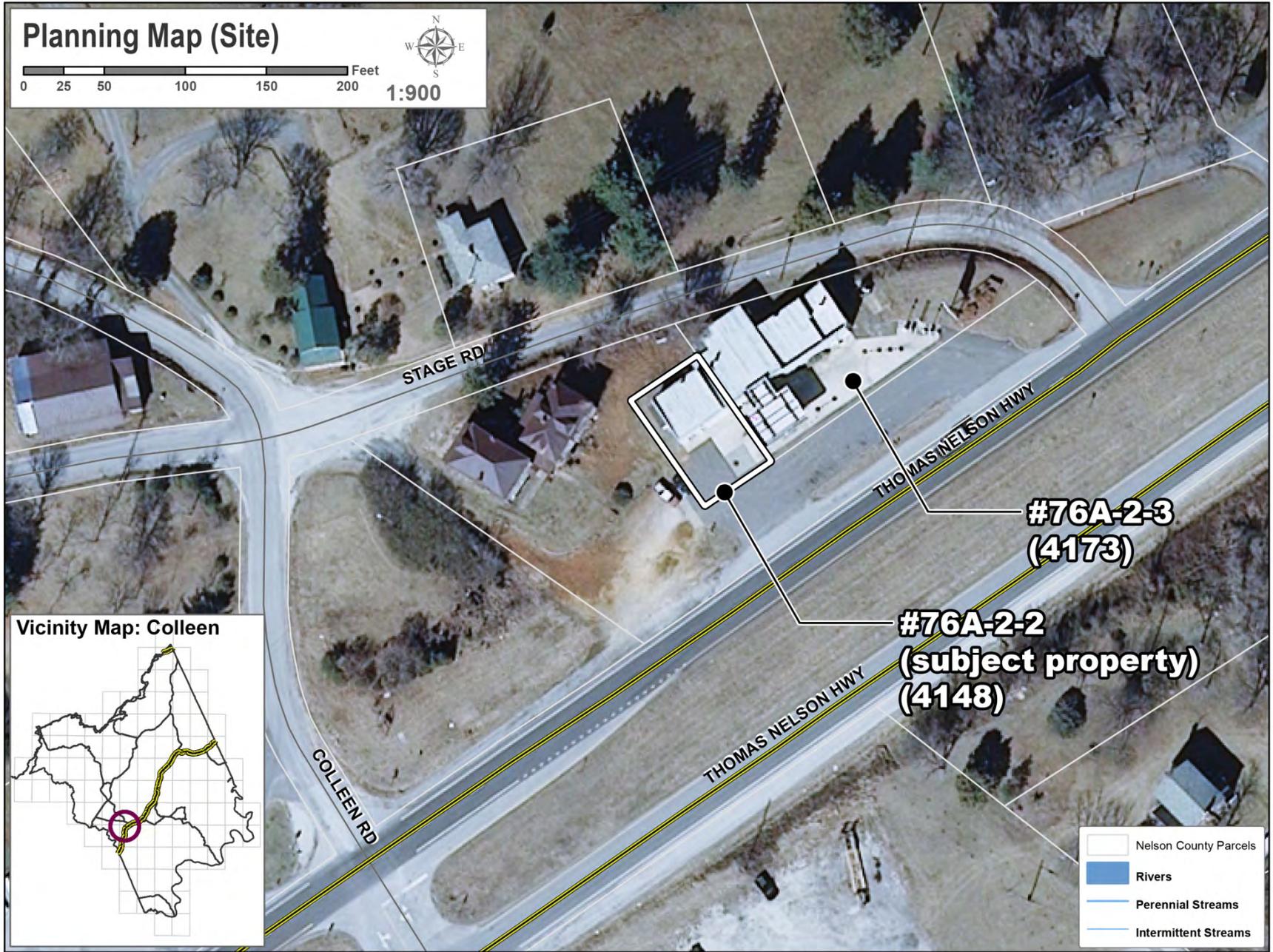


Figure 1.

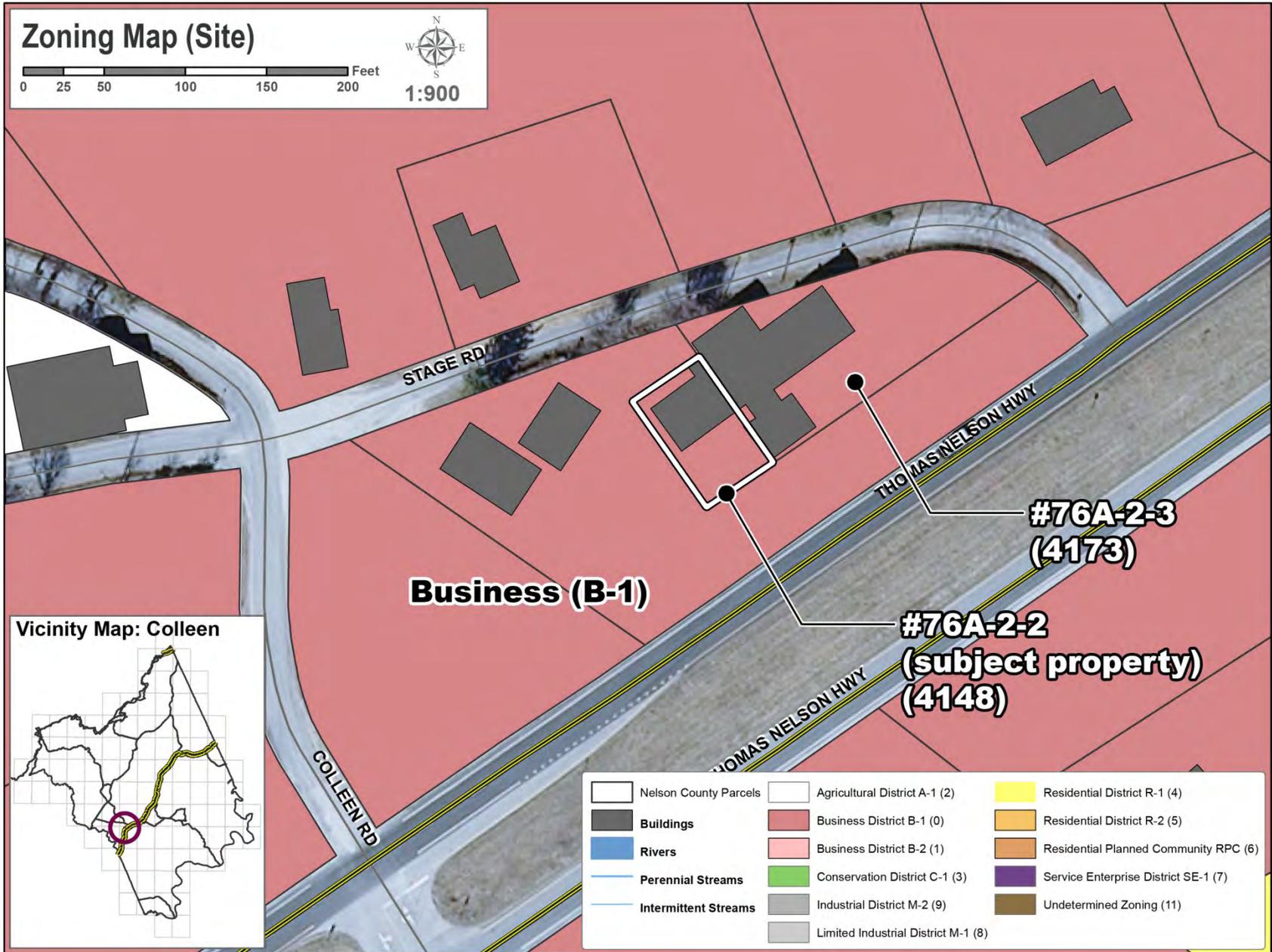
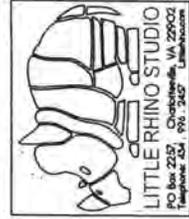
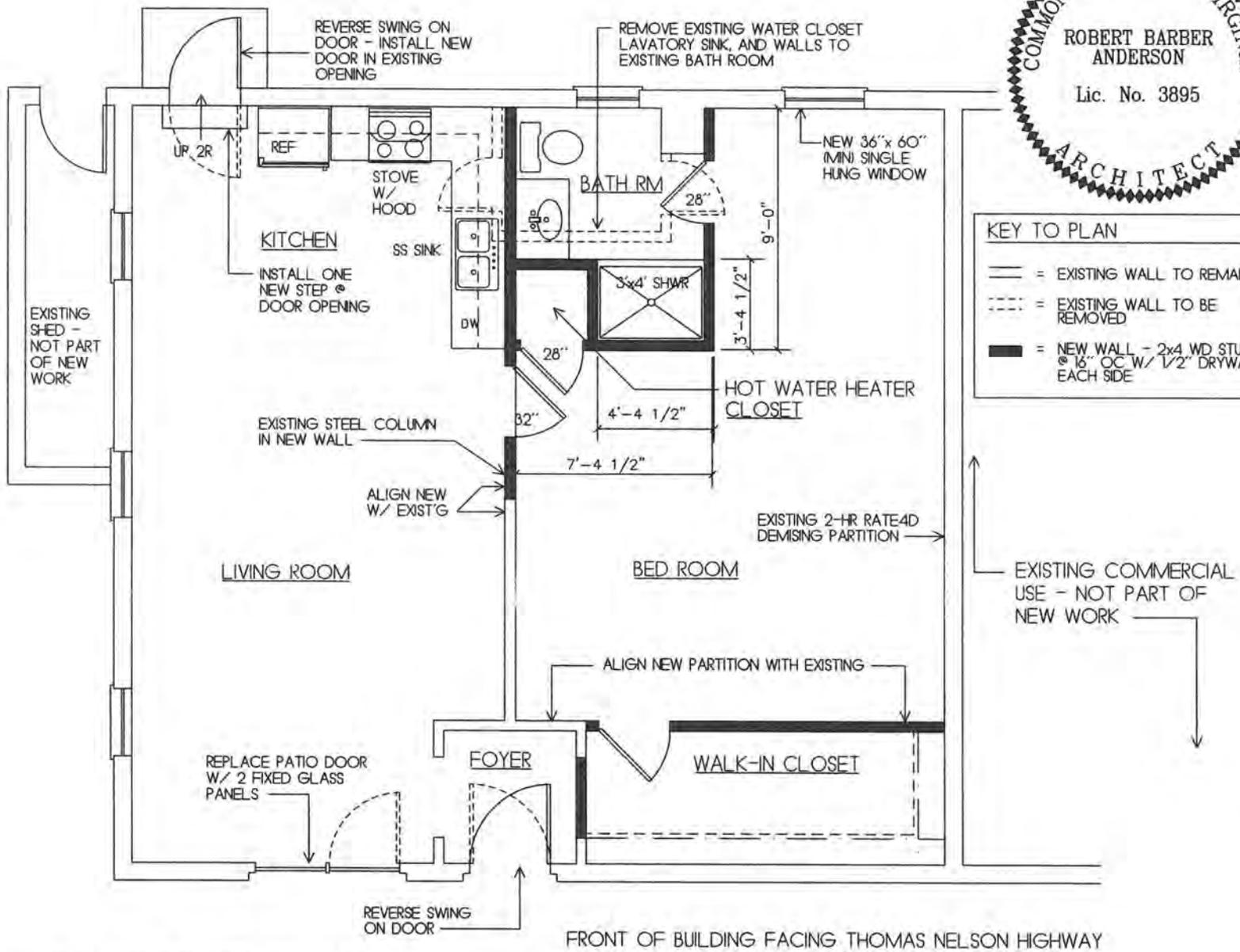


Figure 2.



proposed apartment

property line  
(approximate)



**KEY TO PLAN**

- = EXISTING WALL TO REMAIN
- - - = EXISTING WALL TO BE REMOVED
- = NEW WALL - 2x4 WD STUDS @ 16" OC W/ 1/2" DRYWALL EACH SIDE

OWNER: **JARSS, INC.**  
4173 THOMAS NELSON HIGHWAY  
ARRINGTON, VA 22922  
(434) 263-4156

DESIGN BY:	RBA
DRAWN BY:	RBA
CHECKED BY:	RBA

PROJECT TITLE: **CONVERSION TO APARTMENT USE**  
4148 THOMAS NELSON HIGHWAY  
ARRINGTON, VA 22922

DRAWING TITLE: **FLOOR PLAN**

PROJ. NO.: 13-28

DATE: 11-15-13

SHEET NO.

**A1.0**

**FLOOR PLAN**  
SCALE: 3/16" = 1'-0"



TO THE ZONING ADMINISTRATOR:

1. The undersigned hereby petitions the Planning Commission and/or Board of Supervisors for approval of the following (check appropriate box):

- Rezoning from \_\_\_\_\_ to \_\_\_\_\_
- Special Use Permit
- Site Plan – Preliminary (Optional)
- Site Plan – Final
- Amend text of Zoning Ordinance
- Subdivision – Regular Preliminary
- Subdivision – Regular Final
- Site Plan - Minor
- Site Plan - Major
- Other - \_\_\_\_\_

Pursuant to Article 8, Section 8-1-10A of the Nelson County Zoning Ordinance.  
Pursuant to Section \_\_\_\_\_, Subsection \_\_\_\_\_ of the Nelson County Subdivision Ordinance.

Reason(s) for request: \_\_\_\_\_

2. Applicant(s) and Property Owner(s): (Please print names of applicants and property owners and indicate applicable title. If applicant is not the property owner, show relationship, i.e. lessee, contract purchaser, etc.)

Applicant  Property Owner Name: JARSS Inc  
 Address: 4148 Thomas Nelson Hwy, ARRINGTON, VA 22922  
 Tel. No.: 434-963-4156 Cell No. 434-987-4263 E-mail addr. jarssinc@gmail.com  
 Relationship (if applicable): \_\_\_\_\_

Applicant  Property Owner Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Tel. No.: \_\_\_\_\_ Cell No. \_\_\_\_\_ E-mail addr. \_\_\_\_\_  
 Relationship (if applicable): \_\_\_\_\_

Applicant  Property Owner Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Tel. No.: \_\_\_\_\_ Cell No. \_\_\_\_\_ E-mail addr. \_\_\_\_\_  
 Relationship (if applicable): \_\_\_\_\_

Applicant  Property Owner Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Tel. No.: \_\_\_\_\_ Cell No. \_\_\_\_\_ E-mail addr. \_\_\_\_\_  
 Relationship (if applicable): \_\_\_\_\_

(Use reverse if more space is needed.)

3. Location and Characteristics of Property:

a. Address of property including specific location, route numbers, street names, direction (NSEW), Magisterial District, etc.: 4148 Thomas Nelson Hwy, Arrington, VA 22922

Official tax map number: 16A-2-2

b. Acreage of property: 0.083

c. Present use: \_\_\_\_\_

d. Present zoning classification: B-1

e. Zoning classification of surrounding properties: B-1

(Continued on reverse.)

4. Names of Adjacent Property Owners: James R. Satterwhite, Jr. + Shirlyn H.

5. **Affidavit:** The undersigned applicant(s) and/or property owner(s) certifies that this application and the foregoing answers, statements, and other information herewith submitted are, in all respects, true and correct to the best of their knowledge and belief. Also, the applicant(s) and/or property owner(s) gives permission for members of the Planning Commission, Board of Supervisors, and County Staff to visit and view the subject property.

Signature: [Handwritten Signature]  
Signature: \_\_\_\_\_  
Signature: \_\_\_\_\_  
Signature: \_\_\_\_\_

6. **Additional information:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

7. **Please note:** In the event of cancellation or postponement **at your request** after the initial newspaper advertisement for this application, an additional fee will apply for re-advertisement. The fee will be based on the actual cost of the ad, and will not apply in cases of Planning Commission or Board of Supervisor deferments.

\*\*\*\*\*TO BE COMPLETED BY PLANNING & ZONING OFFICE\*\*\*\*\*

Completed application and fee (\$ 145 ) received on 12/19/2013  
Hearing Notice published on Jan 2nd + Jan 9th, 2014  
Planning Commission action; Date of Hearing: 1/22/2014  
Recommendation: \_\_\_\_\_

Board of Supervisor action: Date of Hearing: \_\_\_\_\_  
Date of Decision: \_\_\_\_\_  
Action: \_\_\_\_\_

**NOTICE OF PUBLIC HEARING  
NELSON COUNTY BOARD OF SUPERVISORS  
SPECIAL USE PERMIT #2014-006, JARSS, INC.**

Pursuant to §15.2-2310 of the Code of Virginia 1950 as Amended and Appendix A, Zoning, Section 12-3-6 of the Code of Nelson County, Virginia, the Nelson County Board of Supervisors will hold a public hearing on **February 11, 2014** at 7:00 p.m. or as soon as possible thereafter, in the General District Courtroom in the Courthouse in Lovingston, Virginia to receive public input on the Board's consideration of a Special Use Permit application for the proposed conversion of an office space to a residential space, pursuant to Section 8-1-10a of the Zoning Ordinance. The subject property is identified as Tax Map Parcel #76A-2-2, located at 4148 Thomas Nelson Highway (U.S. Route 29) in Colleen. This is a 0.083-acre property zoned Business (B-1), and is owned by JARSS, Inc.

Copies of the above files are available for review in the Dept. of Planning & Zoning office, 80 Front Street, Lovingston, Virginia, Monday through Friday, 9:00 a.m. to 5:00 p.m. Telephone inquiries may also be directed to the Dept. of Planning & Zoning, (434) 263-7090, or toll free at 888-662-9400, selections 4 and 1.

**BY AUTHORITY OF THE NELSON COUNTY BOARD OF SUPERVISORS**

**ORDINANCE O2014-01**  
**NELSON COUNTY BOARD OF SUPERVISORS**  
**ENACTMENT OF CHAPTER 4, ARTICLE II, DIVISION IV**  
**NELSON COUNTY UNSAFE BUILDINGS AND STRUCTURES**

Sec. 4-57. Short title; authority.

a. This article may be known and cited as the "Nelson County Unsafe Buildings and Structures Ordinance."

b. This article has been enacted pursuant to Code of Virginia §15.2-906 (1950, as amended), and shall be administered consistent with the provisions of the Uniform Statewide Building Code and regulations promulgated thereunder applicable to or adopted by Nelson County.

Sec. 5-58. Definitions.

*Building* shall mean any structure used or intended for supporting or sheltering any use or occupancy.

*Building official* shall mean the person so designated by the Nelson County Board of Supervisors to serve as the code official for administration and enforcement of the provisions of the Virginia Uniform Statewide Building Code, or his designee.

*County* shall mean Nelson County, Virginia.

*Owner* shall mean any person having a legal or equitable interest of record.

*Person* shall mean any individual, firm, partnership, cooperative, corporation, association, estate, trust, trustee in bankruptcy, receiver, club, society, or other group or combination acting as a unit.

*Structure* shall mean that which is built or constructed.

Sec. 4-59. Order to remove, repair, or secure.

The building official may order any owner of property in the county to remove, repair, or secure any building, wall, or other structure which he determines might endanger the public health or safety of other residents of the county.

a. The order shall be contained in a notice issued by the building official to the owner and to the lien holder. The notice shall be in writing and shall identify the condition of the building, wall, or other structure that constitute a danger to the public health or safety, specify the measures that must be taken to eliminate the danger, and state a reasonable time within which the measures must be taken.

b. The notice shall be mailed by certified or registered mail, return receipt requested and be sent to the last known address of the property owner. The notice shall also be published once a week for two successive weeks in a newspaper having general circulation in the county.

c. For purposes of the section, "repair" includes maintenance work to the exterior of a building to prevent deterioration of the building, wall, or structure, or adjacent buildings.

Sec. 4-60. Authority of building official to remove, repair, or secure.

Upon the issuance by the building official of an order to remove, repair, or secure any building, wall, or any other structure which might endanger the public health or safety of other residents of the county, the County Administrator, through the county's agents or employees, is authorized to remove, repair, or secure any building, wall or any other structure, if:

a. Notice has been provided to the owner of the property and the lienholder as provided in Section 4-59;

b. At least 30 days have passed since the later of either the return of the receipt or newspaper publication, as provided in section 4-59(b,) except that the county may take action to prevent unauthorized access to the building within seven days of such notice if the structure is deemed to pose a significant threat to public safety and such fact is stated in the notice; and,

c. The owner and the lien holder of the property have failed to remove, repair, or secure the building, wall, or other structure within the time period specified in the notice.

Sec. 4-61. Recovery of costs if the county removes, repairs, or secures; lien.

a. If the county removes, repairs, or secures a building, wall or other structure pursuant to Section 4-59, the cost or expenses thereof shall be chargeable to and paid by the owner of the property.

b. Every charge authorized by this section may be collected by the county as taxes are collected.

c. Every charge authorized by this section with which the owner of the property has been assessed and which remains unpaid shall constitute a lien against the property. The lien shall rank on a parity with liens for unpaid local taxes and shall be enforceable in the same manner as provided in Virginia Code §§ 58.1-3940 *et seq.* and 58.1-3965 *et seq.*

Sec. 4-62. Written consent.

Notwithstanding the foregoing, with the written consent of the property owner, the county may, through its agents or employees, demolish or remove a derelict nonresidential building or structure provided that such building or structure is neither located within or determined to be a contributing property within a state or local historic district nor individually designated in the Virginia Landmarks Register. The property owner's written consent shall identify whether the property is subject to a first lien evidenced by a recorded deed of trust or mortgage and, if so, shall document the property owner's best reasonable efforts to obtain the consent of the first lienholder or the first lienholder's authorized agent. The costs of such demolition or removal shall constitute a lien against such property. In the event the consent of the first lienholder or the first lienholder's authorized agent is obtained, such lien shall rank on a parity with liens for unpaid local taxes and be enforceable in the same manner as provided in Section 4-61. In the event the consent of the first lienholder or the first lienholder's authorized agent is not obtained, such lien shall be subordinate to that first lien but shall otherwise be subject to Section 4-61.

Sec. 4-63. Civil penalty.

If the owner of the property should fail to remove, repair, or secure the building, wall, or other structure within the time period specified in the notice the owner shall be liable for, in addition to any other cost and expense, a civil penalty of \$1,000.00.

Sec. 4-64. Remedies of this article not exclusive.

The remedies authorized by this article shall not be exclusive of any other remedy provided by law, including any remedy to abate, raze, or remove an unsafe structure or equipment as provided in the building code, or any remedy to abate, raze, or remove a building, wall, or structure that constitutes a public nuisance as provided in Virginia Code §§ 15.2-900, 15.2-1115, and 48-1 *et seq.*

State Law Reference: *Va. Code* §15.2-906

**NOTICE OF PUBLIC HEARING  
NELSON COUNTY BOARD OF SUPERVISORS**

**TO AMEND THE CODE OF NELSON COUNTY, VIRGINIA  
CHAPTER 4 - BUILDINGS, ARTICLE II – BUILDING CODE,  
DIVISION 4 -NELSON COUNTY UNSAFE BUILDINGS AND STRUCTURES**

Pursuant to §15.2-1427 and §15.2-906 of the Code of Virginia 1950 as amended, the Nelson County Board of Supervisors will hold a public hearing on **February 11, 2014** at 7:00 p.m. or as soon as possible thereafter, in the General District Courtroom in the Courthouse in Lovingston, Virginia. The purpose of said public hearing is to receive public input on an Ordinance proposed for passage to enact Chapter 4, Article II, Division IV, Nelson County Unsafe Buildings and Structures. The proposed Ordinance includes: definitions, provisions for the instances where the Building Official may order the removal, repair, or securing of buildings, walls, or structures determined to endanger the public health or safety of other county residents, provisions for the authority of the County or its agent(s) to remove, repair, or secure any building, wall, or structure and to recover the cost thereof, provisions for written consent of property owners to authorize the County or its agent(s) to demolish or remove a derelict nonresidential structure, and civil penalties for owner's non-compliance with Notices.

The full text of the proposed Ordinance is available for public inspection in the Office of the County Administrator, 84 Courthouse Square, Lovingston VA 22949 and at [www.nelsoncounty-va.gov](http://www.nelsoncounty-va.gov) .

**BY AUTHORITY OF THE NELSON COUNTY BOARD OF SUPERVISORS**

**ORDINANCE O2014-02**  
**NELSON COUNTY BOARD OF SUPERVISORS**  
**AMENDMENT OF THE CODE OF NELSON COUNTY, VIRGINIA –**  
**APPENDIX A, ZONING ORDINANCE, APPLICATION FEES**

**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, §14-5-2, and enacts fees schedule for fees associated with Special Use Permits, Rezoning, Variances and appeals within Appendix A, as follows:

14-5-2 Appeals requiring an advertised public hearing shall be accompanied by a certified check for ~~twenty five (\$25.00)~~, the required filing fee payable to the Treasurer for deposit in the general fund.

**APPENDIX A – ZONING**  
**FEES SCHEDULE FOR APPLICATIONS**

1. Special Use Permit:

An application permit fee of Two Hundred Dollars (\$200).

2. Rezoning:

An application permit fee of Three Hundred Dollars (\$300).

3. Variance:

An application permit fee of One Hundred Fifty Dollars (\$150).

4. Appeal:

An application permit fee of One Hundred Fifty Dollars (\$150).

Adopted: \_\_\_\_\_, 2014

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

**NOTICE OF PUBLIC HEARING  
NELSON COUNTY BOARD OF SUPERVISORS**

**TO AMEND THE CODE OF NELSON COUNTY, VIRGINIA – APPENDIX A,  
ZONING ORDINANCE, APPLICATION FEES**

Pursuant to §15.2-1427, §15.2-2204, §15.2-2285, §15.2-2286 and §15.2-107 of the Code of Virginia 1950 as amended, the Nelson County Board of Supervisors will hold a public hearing on **February 11, 2014** at 7:00 p.m., or as soon as possible thereafter, in the General District Courtroom in the Courthouse in Lovingston, Virginia. The purpose of said public hearing is to receive public input on an Ordinance proposed for passage to amend the Code of Nelson County, Virginia, Appendix A, Zoning Ordinance to include the following fee changes:

<u>Fee Type</u>	<u>Current Fee</u>	<u>Proposed Fee</u>	<u>\$ Increase</u>
Special Use Permit	\$45	\$200	\$155
Rezoning	\$25	\$300	\$275
Variance	\$25	\$150	\$125
Appeal	\$25	\$150	\$125

The full text of the proposed Ordinance and information concerning the documentation for the proposed fees is available for public inspection in the Office of the County Administrator, 84 Courthouse Square, Lovingston VA 22949 and at [www.nelsoncounty-va.gov](http://www.nelsoncounty-va.gov) .

**BY AUTHORITY OF THE NELSON COUNTY BOARD OF SUPERVISORS**

## Fee Schedule Report | COVER LETTER | Nelson County Dept. of Planning & Zoning

This report examines the Nelson County Department of Planning & Zoning's existing fee schedule. Specifically, this "Fee Schedule Report" contains the following:

- [pages 1-2]: Narrative description ("Purpose of Report" & "Analysis")
- [pages 3-5]: Tables providing detailed analysis of existing fee schedules of Central Virginia localities (including Nelson Co.)
- [pages 6-9]: Bar graphs comparing existing fee schedules of Nelson Co. to other localities' fees
- [page 10]: Recommendations for revised Nelson Co. fees
- [pages 11-14]: Bar graphs comparing proposed Nelson Co. fees to other localities' fees

County staff have worked thoughtfully to develop a set of recommended increases to some permit application fees. These increases are designed to be moderate in amount, fair to the applicant, comparable to neighboring localities, and simple to administer.

These recommended increases in the fee schedule are intended to address a portion of the following overhead costs associated with administering various

permit review and plan review processes:

- average cost of \$136 per application to run two legal advertisements (as required by State Code); this does not include the additional cost to run two more legal ads for each application reviewed by the BOS...
- mailing cost of \$2 - \$3 per packet, per meeting for members of the Site Plan Review Committee, the PC, and/or the BZA...
- each member of the PC and the BZA receive a \$75 stipend per meeting...and
- average monthly mileage reimbursements costs of \$116 for PC and \$103 for BZA

When these various overhead costs are added together, there is an average of \$430 of total overhead costs per application (using an average of two applications per public meeting). *Please note: that \$430 figure does not factor in the additional costs of the staff hours required of the Administrative Assistant and Director of Planning & Zoning to administer these application review processes. It is only a reflection of the tangible overhead costs associated with processing various permit applications.*

Fee Type / Fee Amount	Existing Fee	Proposed Fee*
Special Use Permit	\$45	<b>\$450</b>
Rezoning	\$25	<b>\$450</b>
Variance	\$25	<b>\$350</b>
Site Plan Review (Minor)	\$100	(same)
Site Plan Review (Major)	\$500	(same)
Site Plan Review (Amended)	\$100	(same)
Plat Review (Prelim)	\$100 + \$10/lot	(same)
Plat Review (Final)	\$75 + \$5/lot	(same)
Appeal	\$25	<b>\$250</b>

(\* Note: If it is ever necessary to re-advertise Public Notices as a result of an applicant's decision to postpone or reschedule their public hearing, the applicant will be responsible for paying the costs associated with re-advertisement.



To: Chairman and Members,  
Nelson County Board of  
Supervisors; and  
Mr. Stephen A. Carter,  
County Administrator,  
County of Nelson

From: Tim Padalino | Director  
Dept. of Planning & Zoning

Date: May 8, 2013

**Subject: Report on Department's  
Existing Fee Schedule &  
Proposed Revised Fees**

### **Purpose of Report**

The report examines the Department of Planning & Zoning's existing fee schedule for various duties related to the permitting process and plat review process. Specifically, this report contains a comparison of Nelson County's fees to the fees required by other localities within the Central Virginia region; and also provides recommendations for a newly revised fee schedule for Planning & Zoning services.

This report was prompted by a desire to understand Nelson County's "cost of doing business" relative to our neighboring localities and to comparable communities in the region. Currently, the Planning & Zoning fee schedule does not even come close to covering the cost of running legal advertisements, let alone paying for the staff time required to process, review, and report on zoning permit applications, or overhead costs such as mailing out application packets, color printing, or mileage reimbursements.

Moreover, Nelson County's fees are substantially lower than neighboring and comparable communities,

sometimes being extremely lower in cost for the same type of service. (See "Section I. Analysis" – pages 1-2; Tables 1, 2, and 3 on pages 3-5; and the bar graphs on pages 6-9.)

Recommended increases are intended to bring the fee schedule into balance with communities of similar characteristics and development dynamics. These recommended fee increases would make a meaningful contribution to the Department's revenue stream, but the intent is not to create "self-sufficiency" or to attempt to completely cover the County's costs to operate the Department.

Rather, the idea is to design a fair and appropriate fee schedule that more accurately reflects a "user fee" system. This approach would concentrate a larger amount of the overall cost burden onto the applicant, as their fee payment would cover a greater portion of the cost of the permitting process (such as the legal advertisements). This is in contrast to the extremely low fee schedule now in place, which requires a more generalized source of taxpayer dollars to keep the fees so low for all Department applicants. (See "Section II. Recommendations" – page 10.)

**Section I. Analysis**

*Comparing the Existing Nelson County Dept. of Planning & Zoning Fee Schedule to Neighboring Localities and Other Comparable Communities*

Former and current County staff have worked to assemble a comprehensive review of the various planning and zoning fees charged by local governments across our region. This work, assembled below, allows for simple analysis of our current fees relative to our regional neighbors.

Specifically, analysis of the Nelson County fee schedule is provided in three categories:

- [page 3]: Comparison to member governments / Thomas Jefferson Planning District Commission (Charlottesville metro area)
- [page 4]: Comparison to member governments / Region 2000 Partnership (Lynchburg metro area)
- [page 5]: Comparison to a selection of other neighboring localities and similar communities

In addition, the charts on pages 6-9 provide an illustration of Nelson

County’s existing fees (red) relative to other localities (blue).

*[An important note about these bar graphs]:* These graphs are meant to reflect a conservative estimate of other localities’ fees, due to the fact that many fees are variable based on the specific details contained in each permit application, site plan, or plat. The bar graphs that represent other localities’ fees do not include any additional costs (above and beyond the initial base fee) which may exist in other fee schedules. Examples of such additional fees include mailing costs, costs to run the legal advertisement, etc. Some localities do charge the applicant these fees on top of a base fee; such as Fluvanna County and the cities of Charlottesville, Lynchburg, and Bedford.

The Nelson County Department of Planning & Zoning does not currently include any additional fees related to legal advertisements, mailing costs, etc. County staff do not recommend that such “add-on” fees be codified into any revisions to the fee schedule; but we do recommend that such costs are accounted for during any potential fee increases. (In other words, County staff recommend an increased fee schedule, but also recommend keeping one simple flat fee for each application.) See page 10 for more information on

staff recommendations, including a detailed proposal for establishing an increased fee schedule.

In regards to estimating Department costs related to legal advertisements, mailing costs, and other overhead costs, Department staff reviewed budget materials from January 2012 – April 2013. Analysis of Lynchburg News & Advance invoices during that time period reveals that the average cost for our Department to run two legal advertisements (as required by State Code) is approximately \$136 per application. This does not include the additional cost to run two more legal ads for public hearing held by the BOS.

In addition, Melissa Thompson estimates an additional mailing cost of \$2 - \$3 per packet, per meeting [for members of the Site Plan Review Committee, Planning Commission (PC), and Board of Zoning Appeals (BZA)]. Additionally, each member of the PC and the BZA receive a \$75 stipend per meeting, and are reimbursed for their mileage. Monthly mileage reimbursements costs are \$116 for the PC and \$103 for the BZA.

Please keep these additional administrative costs in mind when reviewing the following tables and graphs, and when reviewing the proposed fee increases on page 10.

## Fee Schedule Report | Nelson County Dept. of Planning & Zoning

Locality / Fee Type	Special Use Permit	Rezoning	Variance	Minor / Major Site Plan Review	Preliminary / Final Plat Review	Appeal	Telecommunication Tower Permit
<b>Nelson County</b>	<b>\$45</b>	<b>\$25</b>	<b>\$25</b>	<b>\$100 minor</b>	<b>\$100 + \$10/lot</b>	<b>\$25</b>	<b>\$100 (I)</b>
<i>Population: 15,020</i>				<b>\$500 major</b>	<b>\$75 + \$5/lot</b>		<b>\$500 (II)</b>
<i>Med. House. Income: \$48.1K</i>				<b>\$100 amendment</b>			<b>\$1,000 (III)</b>
<b>Greene County</b>	\$500	\$200 +	\$500	\$1,000 prelim	\$500 + \$50/lot	\$200	\$1,500
<i>Population: 18,403</i>	\$100	\$100/acre		\$500 final	\$1,000 + \$100/lot		
<i>Med. House. Income: \$54.3K</i>	mobile home			\$500 amendment	\$100 lot line adj., etc		
<b>Fluvanna County</b>	\$800 + mail costs	\$1,000 + \$50/acre + mail costs	\$550 + mail costs	\$150 sketch/amend	\$500+\$50/lot	\$125	\$1,500 all towers
\$550 minor				\$1000+\$50/lot		\$5,500 consultant review	
\$1,100 major				\$100 all final plats			
<i>Population: 25,691</i>				\$200	\$1,500 + \$50/lot (<8)	\$250	
<i>Med. House. Income: \$68.2K</i>		\$1000 + \$10/acre		\$750 + \$50/acre	\$3,000 + \$50/lot (8+)		
<b>Louisa County</b>	\$500		\$500	\$200 amendment	\$200 family division		
<i>Population: 33,153</i>							
<i>Med. House. Income: \$54.2K</i>							
<b>Albemarle County</b>	\$2,000	\$2,500	\$500	\$1,200 + \$15/unit	\$2,200	\$240	
<i>Population: 98,970</i>		\$3,500 (> 50 acres)		\$1,800 + \$15/unit	\$2,100-2,320		
<i>Med. House. Income: \$64.8K</i>				\$3,500 final review	\$540 (<3 lots)		
<b>Charlottesville (City)</b>	\$1,500 to \$1,800 + ad + \$1/letter	\$1,500 to \$2,000 + ad + \$1/letter	\$250	\$1,800+\$20/100sf (non-res) or	\$1,330	\$100	
<i>Population: 43,475</i>				\$1,300+\$13/unit	\$100		
<i>Med. House. Income: \$42.2K</i>				\$750 PC review			

**Table 1. Comparison to member governments: Thomas Jefferson Planning District Commission (Charlottesville metro area)**

“Population” statistics from 2010 Decennial Census; “Median Household Income” statistics from 2010 American Community Survey 5-Year Estimates. U.S. Census Bureau.

## Fee Schedule Report | Nelson County Dept. of Planning & Zoning

Locality / Fee Type	Special Use Permit	Rezoning	Variance	Site Plan Review: Minor / Major	Plat Review: Preliminary / Final	Appeal	Telecommunication Tower Permit
<b>Nelson County</b>	<b>\$45</b>	<b>\$25</b>	<b>\$25</b>	<b>\$100 minor</b>	<b>\$100 + \$10/lot</b>	<b>\$25</b>	<b>\$100 (I)</b>
<i>Population: 15,020</i>				<b>\$500 major</b>	<b>\$75 + \$5/lot</b>		<b>\$500 (II)</b>
<i>Med. House. Income: \$48.1K</i>				<b>\$100 amendment</b>			<b>\$1,000 (III)</b>
<b>Amherst County</b>	\$300	\$300	\$300	\$75	\$40	\$300	
<i>Population: 32,353</i>				\$200	\$60 + \$15/lot		
<i>Med. House. Income: \$44.7K</i>							
<b>Appomattox County</b>	\$200	\$300		\$100 + \$10/acre	\$25 + \$5/lot (1-4)		\$250
<i>Population: 14,973</i>					\$50 + \$10/lot (5+)		
<i>Med. House. Income: \$49.2K</i>							
<b>Bedford County</b>	\$300	\$300 + \$5/acre	\$200	\$300 + \$10/acre	\$150 + \$10/lot	\$150	
<i>Population: 68,676</i>							
<i>Med. House. Income: \$54.1K</i>							
<b>Campbell County</b>	\$300	\$300	\$200	\$100	\$25 (single lot)		\$500 or actual cost (whichever is >)
<i>Population: 54,842</i>					\$50 + \$10/lot		
<i>Med. House. Income: \$43.4K</i>					\$500 (PUD)		
<b>Lynchburg (City)</b>	\$400 + ad + mailing costs	\$400 + \$75/acre	\$200/res	\$150	\$75		
<i>Population: 75,568</i>			\$400/bus	\$300 + \$50/acre	\$150 + \$30/lot		
<i>Med. House. Income: \$37.0K</i>							
<b>Bedford (City)</b>	\$300 + ad	\$300 + \$5/acre + ad	\$200 + ad		\$150 + \$10/lot	\$150 + ad	
<i>Population: 6,222</i>							
<i>Med. House. Income: \$32.2K</i>							

**Table 2. Comparison to member governments: Region 2000 Partnership (Lynchburg metro area)**

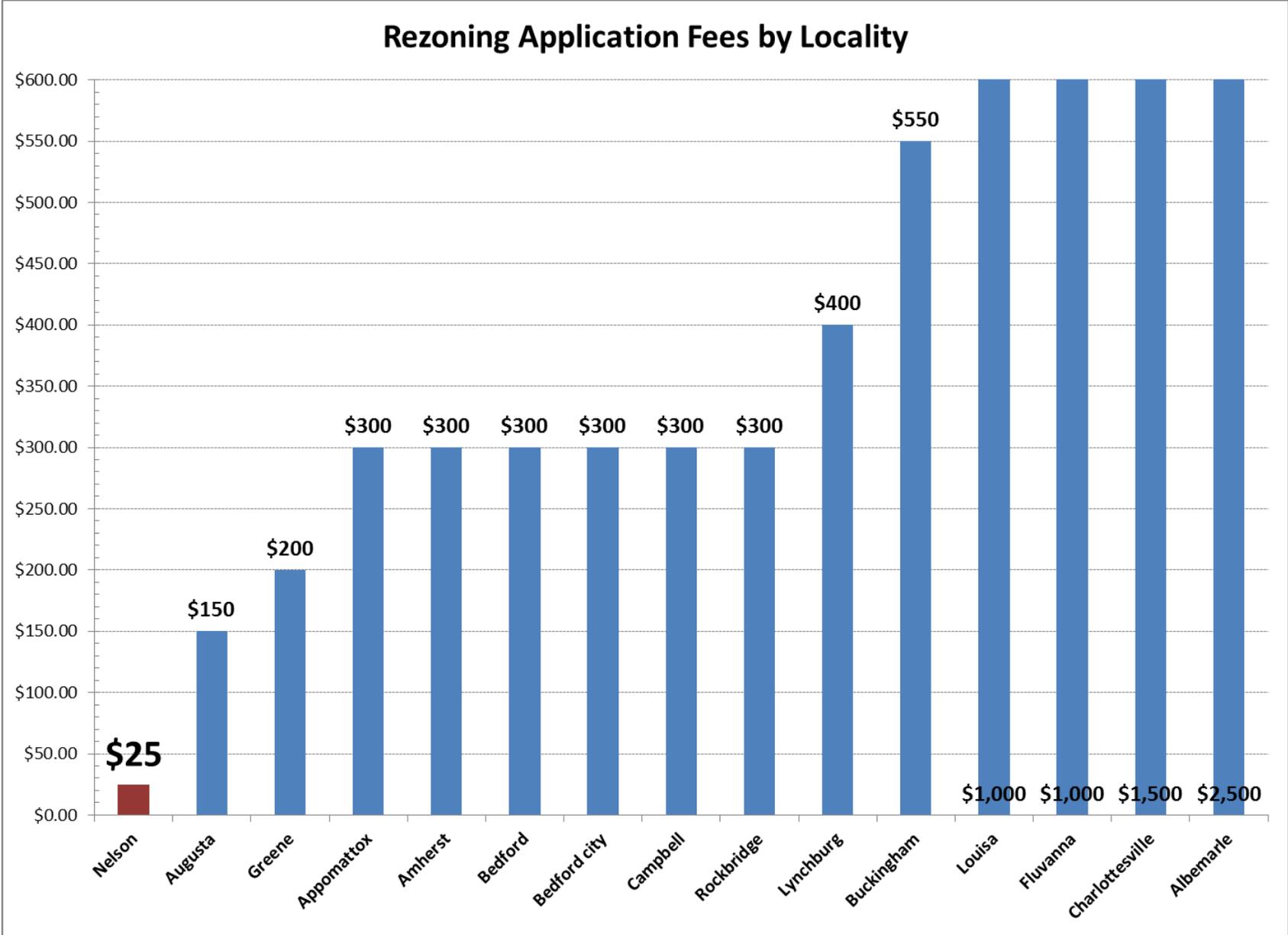
"Population" statistics from 2010 Decennial Census; "Median Household Income" statistics from 2010 American Community Survey 5-Year Estimates. U.S. Census Bureau.

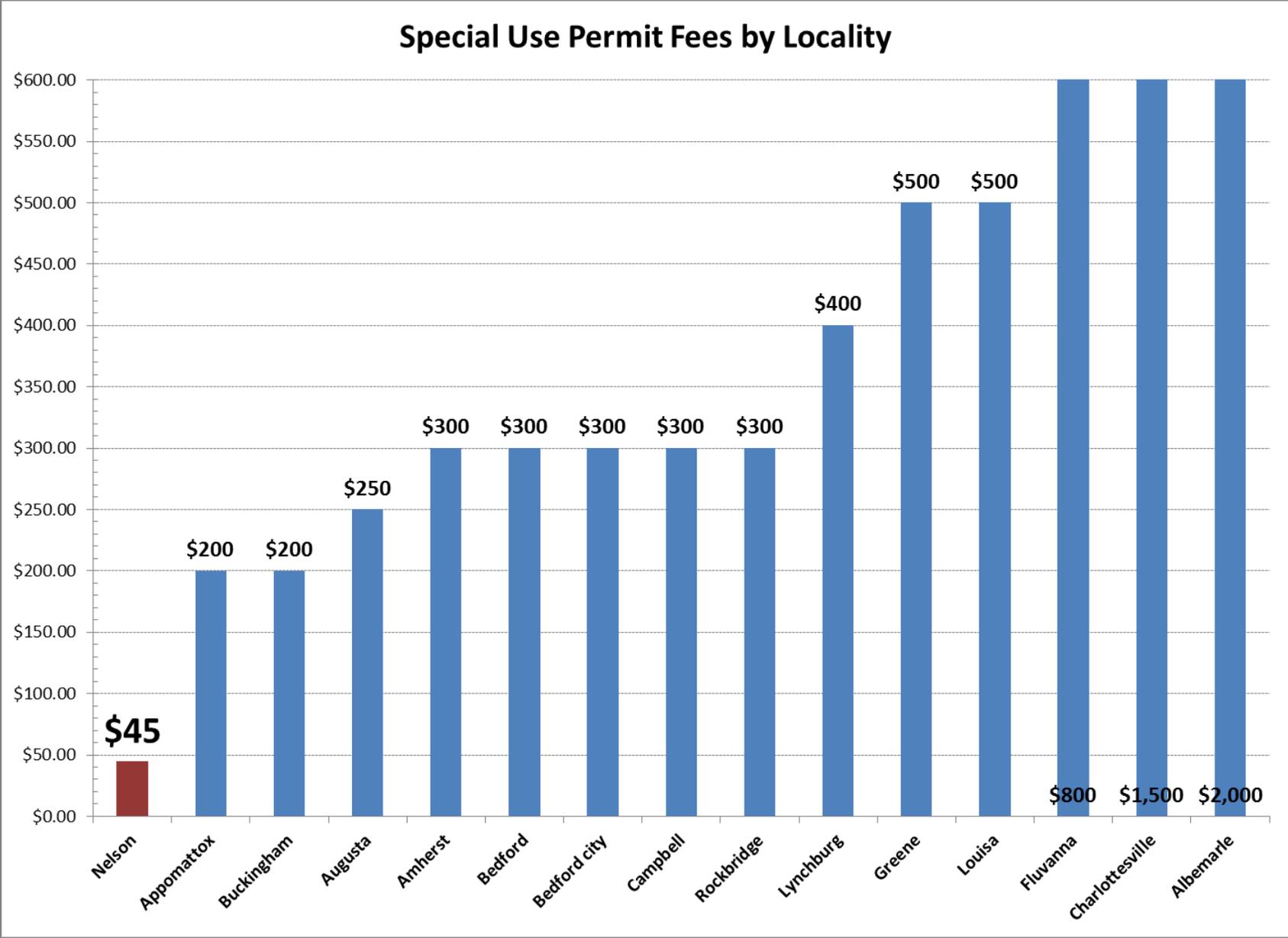
## Fee Schedule Report | Nelson County Dept. of Planning & Zoning

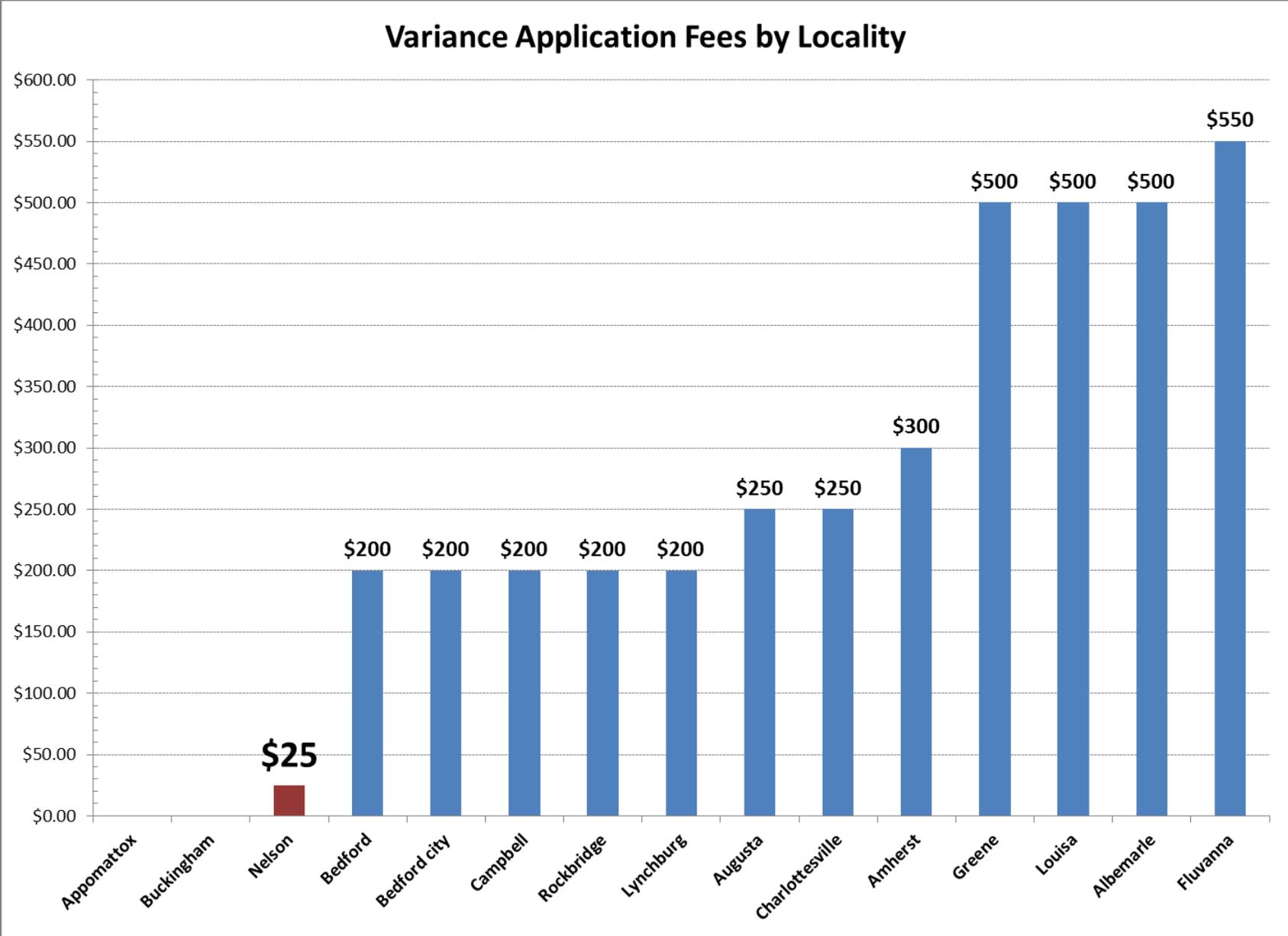
Locality / Fee Type	Special Use Permit	Rezoning	Variance	Minor / Major Site Plan Review	Preliminary / Final Plat Review	Appeal	Telecommunication Tower Permit
<b>Nelson County</b>	\$45	\$25	\$25	\$100	\$100 + \$10/lot	\$25	\$100 (I)
<i>Population: 15,020</i>				\$500	\$75 + \$5/lot		\$500 (II)
<i>Med. House. Income: \$48.1K</i>							\$1000 (III)
<b>Augusta County</b>	\$250	\$150 ag	\$250	\$100 ag and res	\$150-300 prelim	\$100	\$1,000 collocate
<i>Population: 73,750</i>		\$350+\$10/acre		\$300 other zoning	\$100 + \$10/lot final		\$3,500 new tower
<i>Med. House. Income: \$50.6K</i>				\$100 towers	\$100 minor final		
<b>Buckingham County</b>	\$200	\$550			\$400 (<4 lots)		
<i>Population: 17,146</i>					\$2,000 + \$50/lot		
<i>Med. House. Income: \$34.7K</i>							
<b>Rockbridge County</b>	\$300	\$300 +	\$200	\$50	\$150+\$25/lot (<11)		
<i>Population: 22,307</i>		\$10/acre		\$150 + \$10/acre	\$150+\$100/lot (21+)		
<i>Med. House. Income: \$44.4K</i>					\$75+\$25/lot (family)		

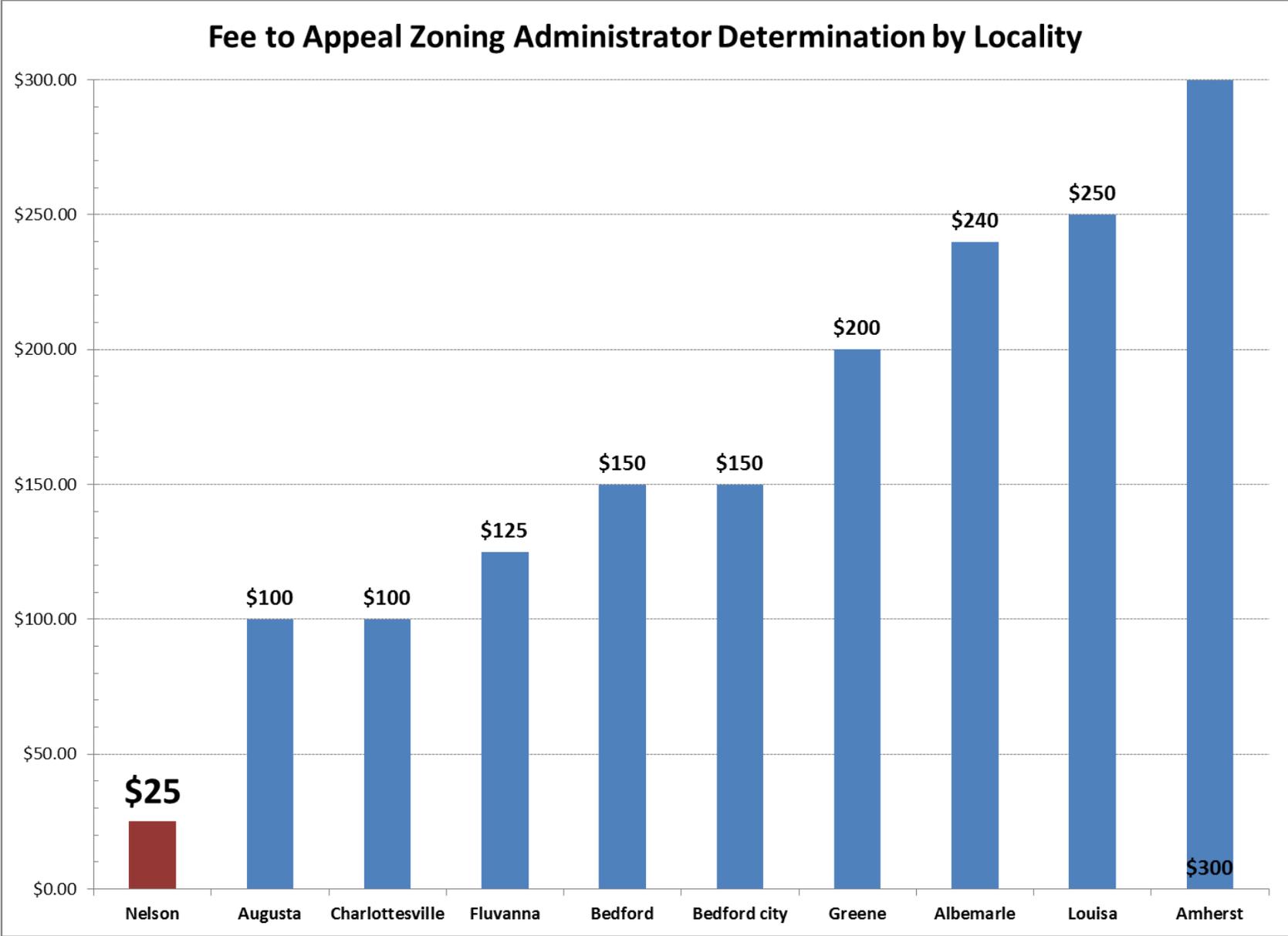
**Table 3. Comparison to a selection of other neighboring localities and similar communities**

“Population” statistics from 2010 Decennial Census; “Median Household Income” statistics from 2010 American Community Survey 5-Year Estimates. U.S. Census Bureau.









**Section II. Recommendations**

*Proposed Revisions to Fee Schedule to Generate Increased Revenue*

County staff recommend that the Governing Body enact moderate increases to portions of the Department’s fee schedule, except for the Tower Ordinance fee schedule. Specifically, the following recommendations are proposed (right). Staff consider these to be moderate increases which are fair to the applicant and simple to administer.

Thank you very much for your time and attention on these important matters. As you consider this information and review these proposals, please feel free to contact me with any questions, suggestions, or concerns you may have.

Sincerely,



Timothy M. Padalino  
 Director | Dept. of Planning & Zoning  
[tpadalino@nelsoncounty.org](mailto:tpadalino@nelsoncounty.org)  
 434-263-7090

Fee Type / Fee Amount	Existing Fee	Proposed Fee*
Special Use Permit	\$45	<b>\$450</b>
Rezoning	\$25	<b>\$450</b>
Variance	\$25	<b>\$350</b>
Site Plan Review (Minor)	\$100	<b>(same)</b>
Site Plan Review (Major)	\$500	<b>(same)</b>
Site Plan Review (Amended)	\$100	<b>(same)</b>
Plat Review (Prelim)	\$100 + \$10/lot	<b>(same)</b>
Plat Review (Final)	\$75 + \$5/lot	<b>(same)</b>
Appeal	\$25	<b>\$250</b>

**Table 4. Existing and Proposed Department Fee Schedule**

(\* Note: If it is ever necessary to re-advertise Public Notices as a result of an applicant’s decision to postpone or reschedule their public hearing, the applicant will be for paying the costs associated with re-advertisement.

