

AGENDA
NELSON COUNTY BOARD OF SUPERVISORS
January 12, 2016
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. Reorganization of the Board**
 - A. Election of Chair
 - B. Election and Appointment of Vice-Chair
 - C. Resolution- **R2016-01** Annual Meeting of the Board

- III. Consent Agenda**
 - A. Resolution – **R2016-02** Minutes for Approval
 - B. Resolution – **R2016-03** COR Refunds
 - C. Resolution – **R2016-04** FY16 Budget Amendment

- IV. Public Comments and Presentations**
 - A. Public Comments
 - B. Presentation – Atlantic Coast Pipeline LLC, Potential Economic Impacts
 - C. Presentation – 2014 JABA State of the Seniors Report (F. Mitchell)
 - D. VDOT Report

- V. New Business/ Unfinished Business**
 - A. Planning & Zoning Permit Fees

- VI. Reports, Appointments, Directives, and Correspondence**
 - A. Reports
 - 1. County Administrator’s Report
 - 2. Board Reports
 - B. Appointments
 - C. Correspondence
 - 1. Goodwin Law of VA, PLLC – Proposed Zoning Ordinance Amendment
 - 2. Elaine Woodson – Proposed Zoning Ordinance Amendment
 - D. Directives

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

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

- I. Call to Order**
- II. Public Comments**
- III. Public Hearings**
 - A. Public Hearing – Spruce Creek Resort & Market, Special Use Permits 2015-10, 2015-11, 2015-12, and 2015-13 (Averitt):** The Special Use Permit applications #2015-10 to #2015-13 seek approval to build a small grocery/market for the sale of local foods and goods pursuant to Zoning Ordinance §4-1-35a (“retail store, neighborhood”); build a banquet hall to be used for weddings, meetings, etc....and provide lodging cottages & provisions for overnight stays pursuant to §4-1-13a (“conference center”); build a small spa with a few cabins for guest use and public use pursuant to §4-1-44a (“activity center”); and build a restaurant on property zoned A-1 pursuant to §4-1-34a (“restaurant”). The subject property is identified as Tax Map Parcels #21-A-35; -36, is zoned Agricultural (A-1) and consists of 98.21 acres located on Rockfish Valley Highway.
- IV. Other Business (As May Be Presented)**
- V. Adjournment**

	<u>Chair</u>	<u>Vice Chair</u>
2016	<i>Allen M. Hale</i>	<i>Thomas D. Harvey</i>
2015	Larry D. Saunders	Allen M. Hale
2014	Constance Brennan	Larry D. Saunders
2013	Thomas H. Bruguere	Constance Brennan
2012	Thomas D. Harvey	Thomas H. Bruguere
2011	Joe Dan Johnson	Thomas H. Bruguere
2010	Constance Brennan	Joe Dan Johnson
2009	Allen M. Hale	Constance Brennan
2008	Thomas D. Harvey	Allen M. Hale
2007	Thomas H. Bruguere	Thomas D. Harvey
2006	Harry S. Harris	Thomas H. Bruguere
2005	Gary E. Wood	Constance Brennan
2004	Constance Brennan	Gary E. Wood
2003	Thomas D. Harvey	Constance Brennan
2002	Thomas H. Bruguere	Thomas D. Harvey
2001	Gary E. Wood	Thomas H. Bruguere
2000	Harry S. Harris	Gary E. Wood

**RESOLUTION R2016-01
NELSON COUNTY BOARD OF SUPERVISORS
ANNUAL MEETING**

JANUARY 12, 2016

WHEREAS, pursuant to the applicable provisions of §15.2-1416 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 2016 in the General District Courtroom located in the Nelson County Courthouse in Lovingston, 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 2016 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
Nelson County Planning Commission:	Larry D. Saunders
Jefferson Area Disabilities Services Board:	Kelly Hughes

Adopted: January 12, 2016

Attest: _____, Clerk
Nelson County Board of Supervisors

§ 15.2-1416. Regular meetings

The governing body shall assemble at a public place as the governing body may prescribe, in regular session in January for counties and in July for cities and towns. Future meetings shall be held on such days as may be prescribed by resolution of the governing body but in no event shall less than six meetings be held in each fiscal year.

The days, times and places of regular meetings to be held during the ensuing months shall be established at the first meeting which meeting may be referred to as the annual or organizational meeting; however, if the governing body subsequently prescribes any public place other than the initial public meeting place, or any day or time other than that initially established, as a meeting day, place or time, the governing body shall pass a resolution as to such future meeting day, place or time. The governing body shall cause a copy of such resolution to be posted on the door of the courthouse or the initial public meeting place and inserted in a newspaper having general circulation in the county or municipality at least seven days prior to the first such meeting at such other day, place or time. Should the day established by the governing body as the regular meeting day fall on any legal holiday, the meeting shall be held on the next following regular business day, without action of any kind by the governing body.

At its annual meeting the governing body may fix the day or days to which a regular meeting shall be continued if the chairman or mayor, or vice-chairman or vice-mayor if the chairman or mayor is unable to act, finds and declares that weather or other conditions are such that it is hazardous for members to attend the regular meeting. Such finding shall be communicated to the members and the press as promptly as possible. All hearings and other matters previously advertised shall be conducted at the continued meeting and no further advertisement is required.

Regular meetings, without further public notice, may be adjourned from day to day or from time to time or from place to place, not beyond the time fixed for the next regular meeting, until the business before the governing body is completed.

Notwithstanding the provisions of this section, any city or town that holds an organizational meeting in compliance with its charter or code shall be deemed to be in compliance with this section.

Code 1950, § 15-241; 1950, p. 8; 1954, c. 286; 1958, c. 291; 1960, c. 33; 1962, cc. 218, 623, § 15.1-536; 1964, c. 403; 1980, c. 420; 1994, cc. [371](#), [591](#); 1997, c. 587; 2004, c. [549](#).

**RESOLUTION R2016-02
NELSON COUNTY BOARD OF SUPERVISORS
APPROVAL OF MEETING MINUTES
(December 8, 2015 and December 15, 2015)**

RESOLVED, by the Nelson County Board of Supervisors that the minutes of said Board meetings conducted on **December 8, 2015 and December 15, 2015** be and hereby are approved and authorized for entry into the official record of the Board of Supervisors meetings.

Approved: January 12, 2016

Attest: _____, Clerk
Nelson County Board of Supervisors

December 8, 2015

Virginia:

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

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

Absent: None

I. Call to Order

Mr. Saunders called the meeting to order at 2:00 PM, with all Supervisors present to establish a quorum.

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

II. Consent Agenda

Ms. Brennan noted a minor correction to be made to page 35 of the November 12, 2015 draft minutes and Ms. McGarry noted that correction would be made.

Mr. Hale asked for further explanation of the budget amendment item related to the paving at the Martin's Store tower site. He inquired as to ATT's contribution which Staff noted to be \$6,000. Ms. McCann noted that the purchase order had been issued; however an invoice had not yet been received. She added that it should be approximately \$11,000 and Mr. Carter noted these funds had been budgeted in this fiscal year's budget. He added that this should address the erosion issue at the site and it would be paved not tarred and graveled. It was noted that any surplus funds related to this would remain in the budget.

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

- A. Resolution – **R2015-95** Minutes for Approval

RESOLUTION R2015-95
NELSON COUNTY BOARD OF SUPERVISORS

December 8, 2015

**APPROVAL OF MEETING MINUTES
(November 12, 2015)**

RESOLVED, by the Nelson County Board of Supervisors that the minutes of said Board meeting conducted on **November 12, 2015** be and hereby are approved and authorized for entry into the official record of the Board of Supervisors meetings.

B. Resolution – **R2015-96** COR Refunds

**RESOLUTION R2015-96
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>
\$84.57	2012 PP Tax & License Fee	Rachel V McNeal 110 Rhue Hollow LN Roseland, VA 22967-2316
\$324.45	2013-2015 PP Tax & License Fees	Mindy L. Evans 118 Turtle Creek Rd. Apt.4 Charlottesville, VA 22901-6761

C. Resolution – **R2015-97** FY16 Budget Amendment

**RESOLUTION R2015-97
NELSON COUNTY BOARD OF SUPERVISORS
AMENDMENT OF FISCAL YEAR 2015-2016 BUDGET
NELSON COUNTY, VA
December 8, 2015**

BE IT RESOLVED by the Board of Supervisors of Nelson County that the Fiscal Year 2015-2016 Budget be hereby amended as follows:

I. Appropriation of Funds (General Fund)

<u>Amount</u>	<u>Revenue Account</u>	<u>Expenditure Account</u>
\$1,243.00	3-100-009999-0001	4-100-022010-5419
\$6,000.00	3-100-009999-0001	4-100-091050-7160
<u>\$338,889.00</u>	3-100-009999-0001	4-100-093100-9206
\$346,132.00		

December 8, 2015

II. Transfer of Funds (General Fund)

<u>Amount</u>	<u>Credit Account (-)</u>	<u>Debit Account (+)</u>
\$25,000.00	4-100-999000-9905	4-100-093100-9203

III. Appropriation of Funds (School Fund)

<u>Amount</u>	<u>Revenue Account</u>	<u>Expenditure Account</u>
\$100,000.00	3-205-002404-4070	4-205-064600-8000
\$25,000.00	3-205-004105-0001	4-205-064600-8000
<u>\$338,889.00</u>	3-205-004105-0001	4-205-066100-9305
\$463,889.00		

III. Public Comments and Presentations

A. Public Comments

1. Joanna Salidas, President of Friends of Nelson

Ms. Salidas noted that the Friends of Nelson wished to protect citizens' property rights and that flooding and the other potential impacts of development was a concern. She added that the Friends of Nelson felt that the Floodplain Ordinance should be updated for three reasons:

1. Critical facilities should be defined and should be prohibited in Special Flood Hazard Areas (SFHAs). She added that the County's SFHAs contained many high risk hazard areas.
2. Federal Law granted localities the authority for regulating flood plains and updating the Floodplain Ordinance would reduce the County's liability.
3. Members of the National Flood Insurance Program could take advantage of the Community Ratings System and could be eligible to receive discounted premiums of 10%-15%.

Ms. Salidas then noted that they had a petition containing 466 signatures put together to show the broad community support for updating the Floodplain Ordinance with higher standards.

2. Ernie Reed, Faber

Mr. Reed noted that he was presenting a petition to the Board containing 302 signatures asking the Board to consider passing a resolution asking Federal agencies to do a programmatic environmental impact statement (PEIS). He added that FERC was analyzing three pipelines separate from one another and he thought the only way to assess these, was to evaluate them through one programmatic environmental impact statement. He added that this was the only way to gauge the full impact of these projects, FERC was not obligated to analyze these relative to each other, and this was only undertaken when there was overwhelming support to do so. Mr. Reed then noted that other localities had adopted resolutions endorsing this and legislators had advocated for this. Mr. Reed noted that 28 Nelson County Businesses supported this effort. In conclusion, he asked the Board to

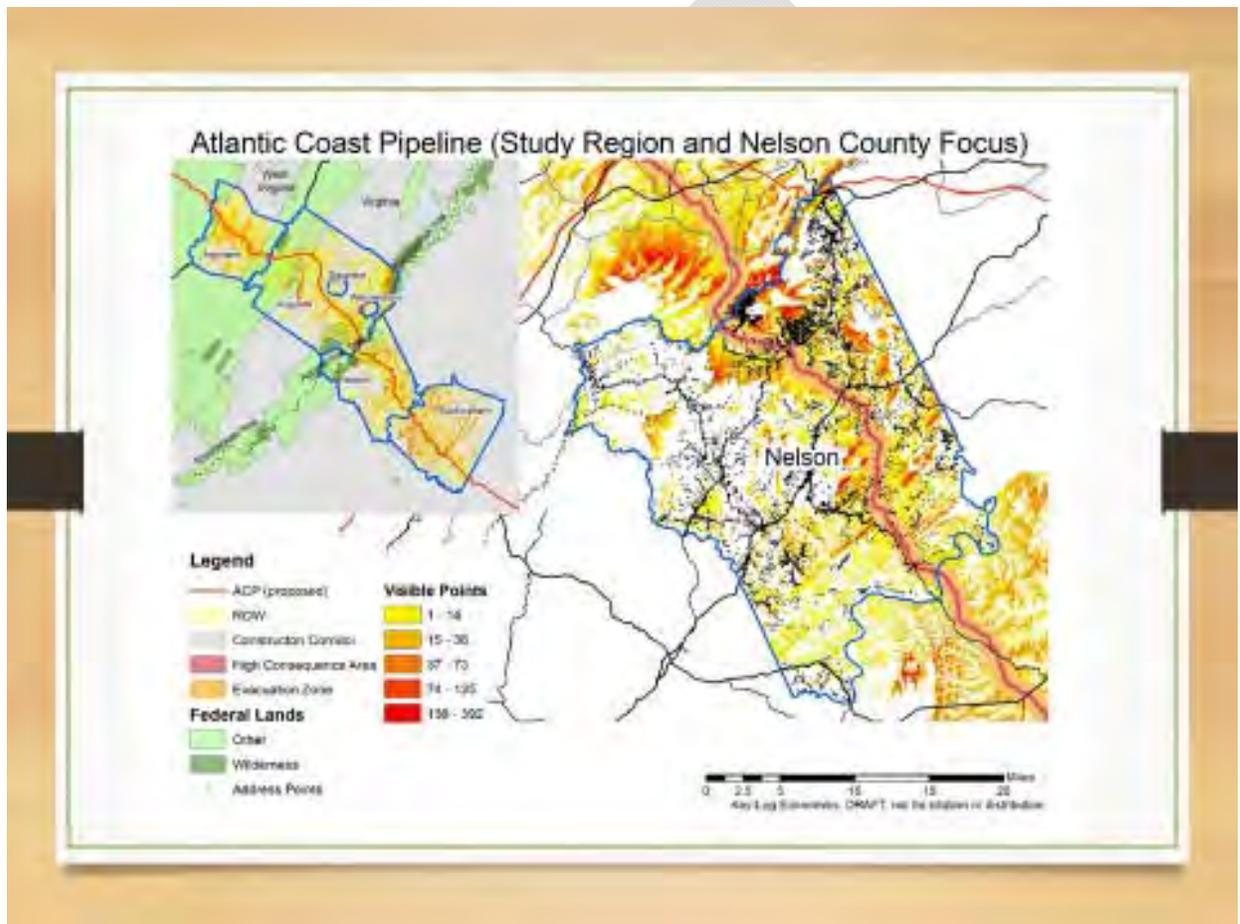
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consider passing a resolution asking FERC to consider a PEIS for the Atlantic Coast Pipeline.

B. Presentation – Potential Economic Effect of the ACP, Key-Log Economics, LLC

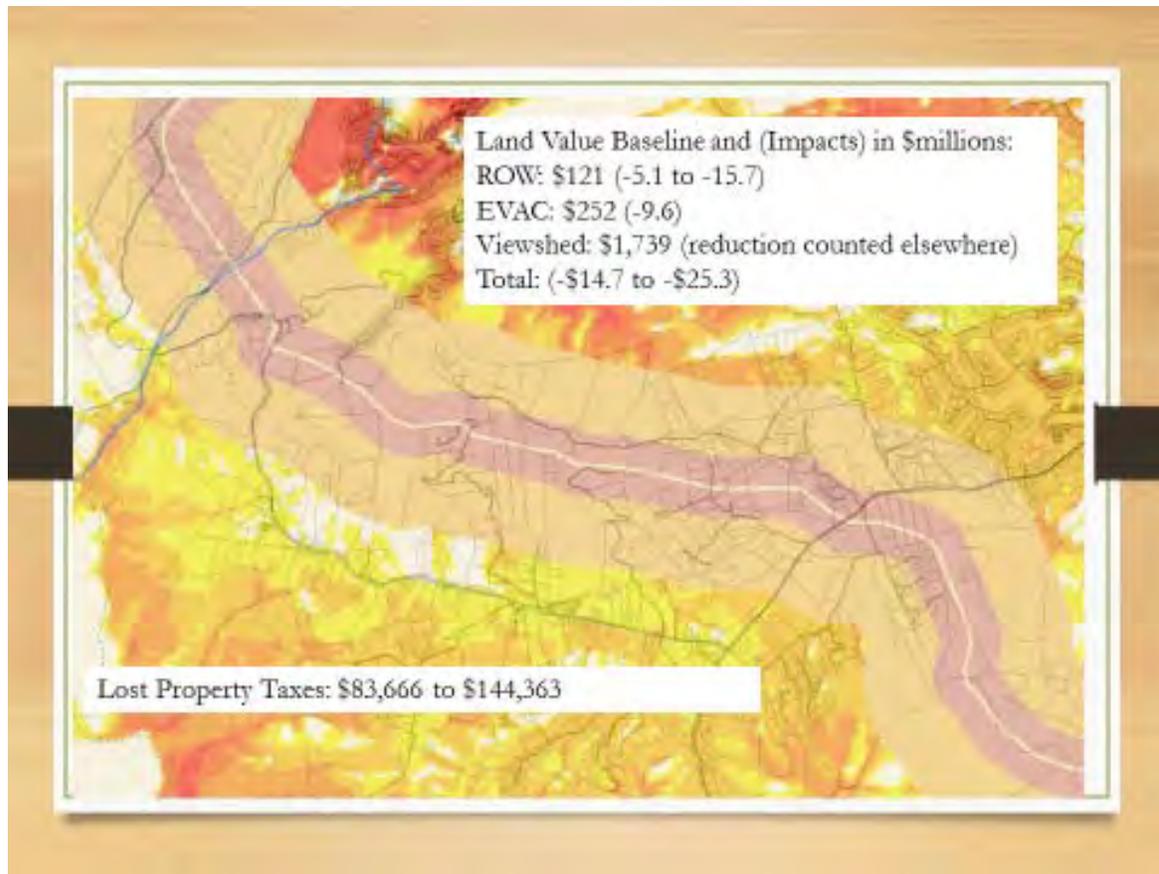
Mr. Spencer Phillips of Key-Log Economics, LLC introduced himself and noted that Dominion had said that the Environmental Impact Statement could only address tangible economic analysis. He noted that his focus was considering the other costs. He then gave the following PowerPoint presentation:

Mr. Phillips noted that the study overview considered: ecosystem services, which meant natural benefits, property values, and economic opportunity/sustainability.

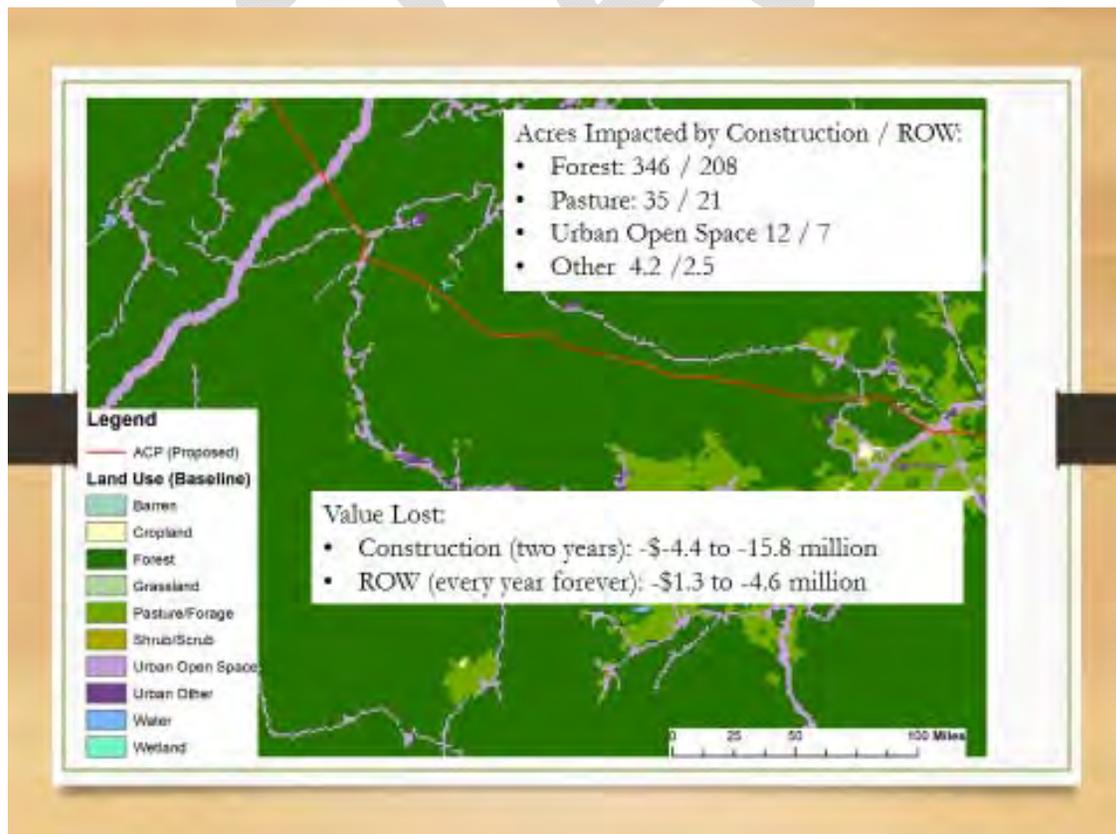


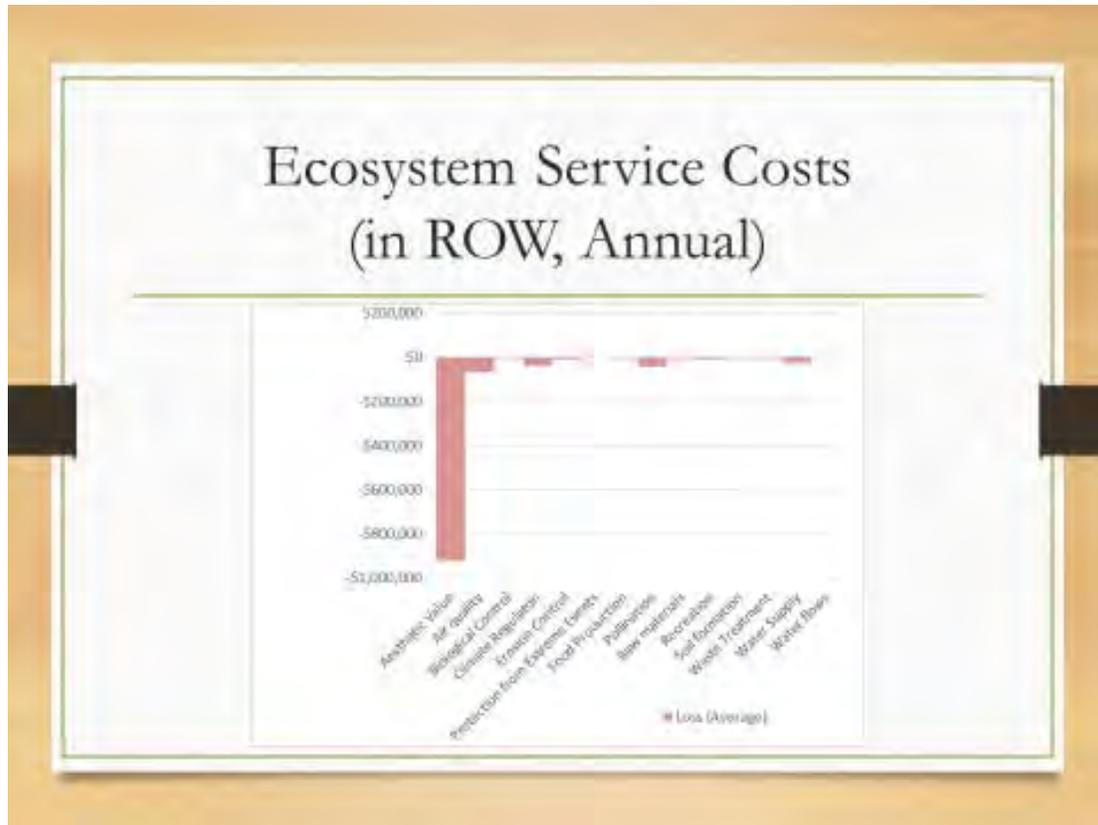
Mr. Phillips showed a map that depicted the ACP proposed route, right of ways, construction corridor, high consequence areas, and evacuation zones. He noted that the evacuation area was 1.3 miles from the pipeline.

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Mr. Phillips noted that this slide was based on information from realtors.





In the slide above, Mr. Phillips showed the annual ecosystem service costs (average loss), in the right of way annually for: aesthetic value, air quality, biological control, climate regulation, erosion control, protection from extreme events, food production, pollination, raw materials, recreation, soil formation, waste treatment, water supply, and water flows.

Economic Development Forgone

- Considering just Recreation and Tourism (and a 20% fall-off)
 - -\$18.5 mm revenue
 - -163 jobs
 - -\$3.2 mm payroll
 - -\$0.8 mm state tax revenue
 - -\$0.5 mm local tax revenue

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Mr. Phillips noted that it was hard to analyze the effect of the Atlantic Coast Pipeline, because there were no other pipelines of this size to compare it to. He noted for this slide; Wintergreen had indicated a drop off of 20% in visitation, so he had used a 10% decline.



Economic Development Forgone

- If slower growth in retirees and/or entrepreneurs
 - Reduced non-labor income
 - Reduce proprietors' and wage & salary income
 - Fewer jobs
 - ...each year

Mr. Phillips noted that retirement income was the fastest growing in the county and there could be an effect should slower growth in either retirees or entrepreneurs occur in the county due to the pipeline.

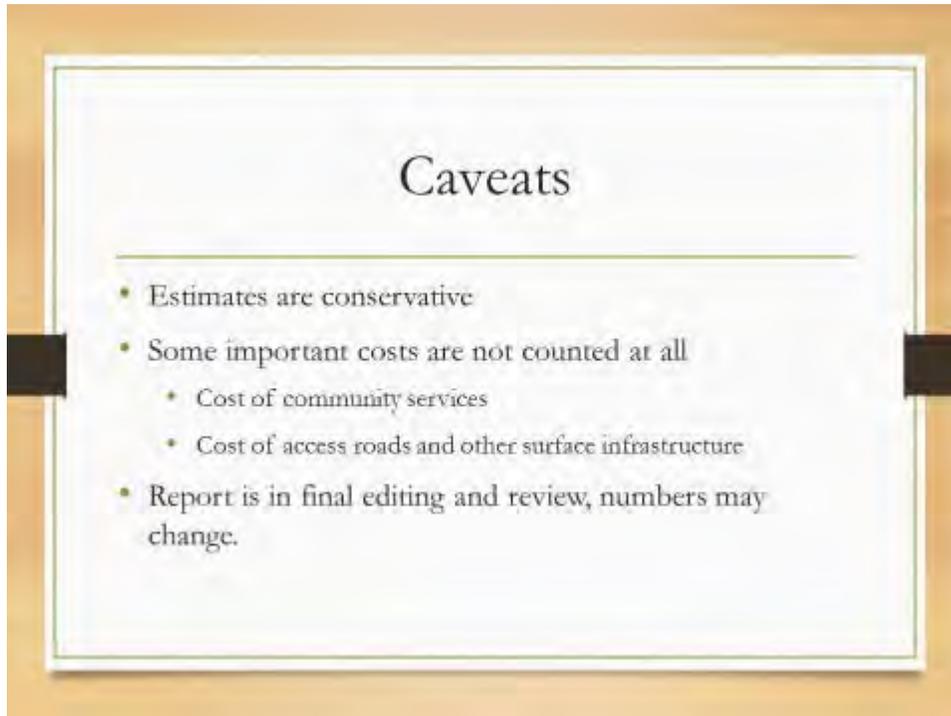


Summing it Up (or Down)

- One-time costs
 - Property Value: -\$14.7 mm to -\$19.0 mm
 - Ecosystem Services: -\$4.6 mm to -\$15.8 mm
- Recurring costs (annual)
 - Property Tax Revenue: -\$84,000 to -144,000
 - Ecosystem Services: -\$1.3 mm to -\$4.6 mm
 - Recreation / Tourism: -\$18.5 mm expenditures, -\$3.2 mm payroll

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Mr. Phillips summarized the one-time costs and recurring costs that were analyzed and presented in the slide above.



Mr. Phillips noted that the summary of costs used conservative estimates and he noted that six out of ten people surveyed would not buy a property with the pipeline. He noted that the costs of community services would go up and these were not accounted for in the study. He added that the final editing of the study was being done and it would be made available.

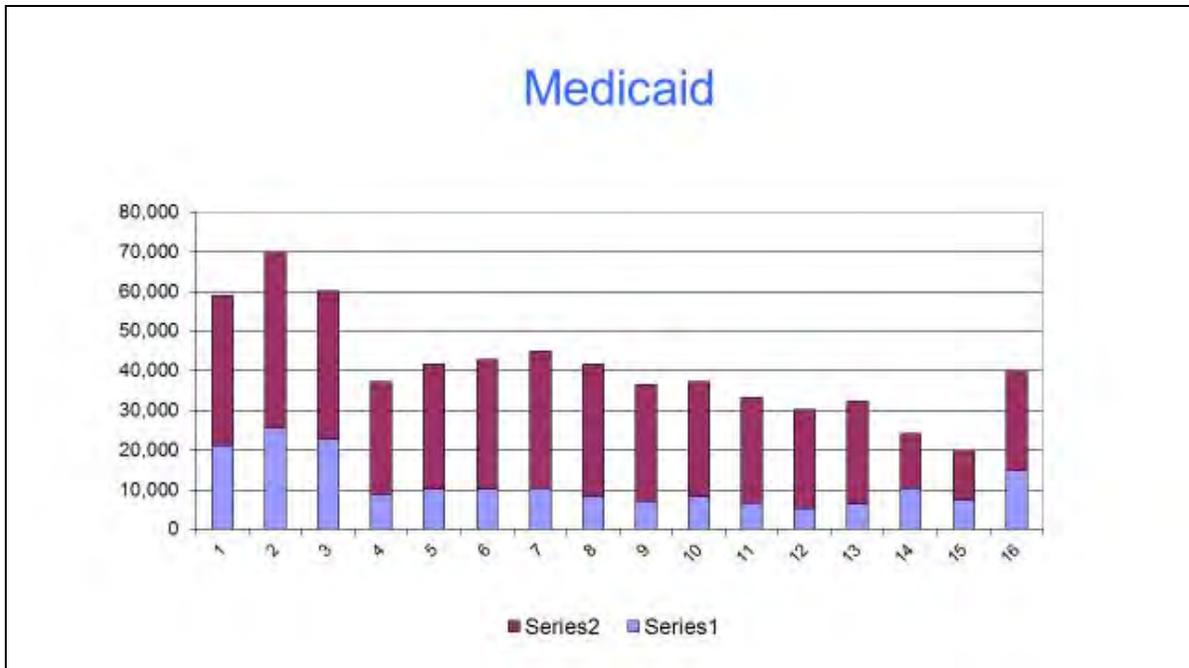
C. Presentation – JAUNT Annual Report & 5-Year Financial Plan

Mr. Brad Sheffield, JAUNT Executive Director addressed the Board and noted that Nelson Board representative, Ms. Dee Dee Greene was present as was Fran Hooper of Albemarle and Fran Davis, JAUNT's Assistant Executive Director.

He noted that it was their 40th year and that they had 120 employees. Mr. Sheffield then gave the following report:

He noted that ridership was climbing back up because of agency services which related to Medicaid payments.

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He further explained that agency passengers helped to subsidize public riders. He reiterated that in 2015, this was going back up; however he was cautious about where that was headed.



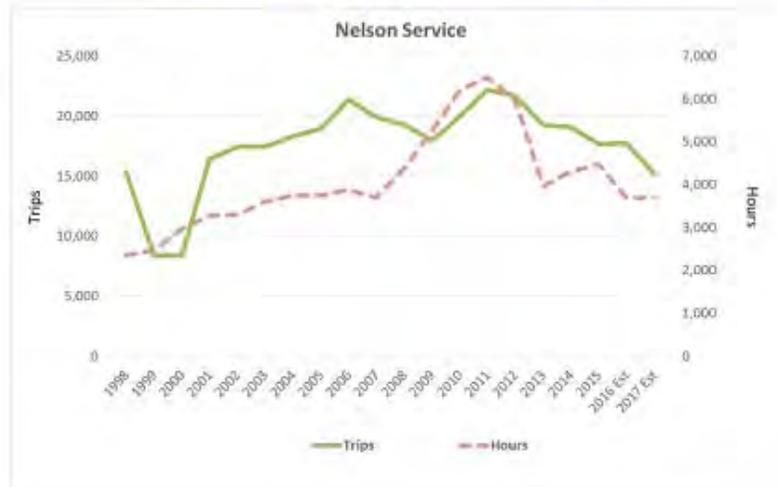
Mr. Sheffield noted that PACE was leading the improvement in agency ridership. He noted that more of the elderly were aging in place and went to the PACE center in Charlottesville.

Nelson Service Summary

Nelson County	FY13	FY14	FY15	Change%
Public Service				
Piney River Route	3,029	3,488	2,845	-18%
Lovingson Route	4,359	3,518	2,287	-35%
Wintergreen Route	2,616	3,145	6,412	104%
Midday to Ch'ville	1,372	1,420	1,476	4%
Intracounty & Misc.	4,337	4,083	3,062	-25%
Total Public	15,713	15,654	16,082	3%
Agency	3,531	2,440	3,686	51%
Total	19,244	18,094	19,768	9%

Mr. Sheffield noted that there had been a decline in Nelson services in the last three years; however fiscal year 2015 was more consistent with the last ten years. He noted that with regards to intracounty services, this had declined over a ten year period and he has recommended reducing this. He added that this should make ridership level off and the number of riders per hour improve.

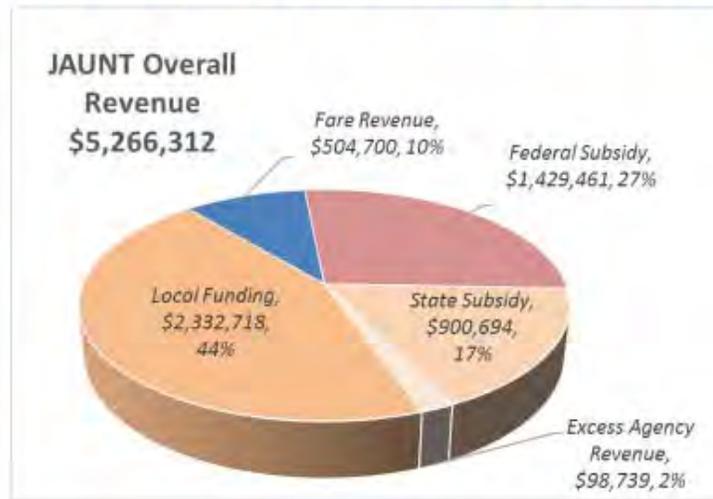
Nelson Service Trend



Mr. Sheffield noted that the green line was ridership and the dashed line was hours. He noted that they were trying to maximize the hours of service being paid for and they were keeping the hours fairly level to improve reliability.

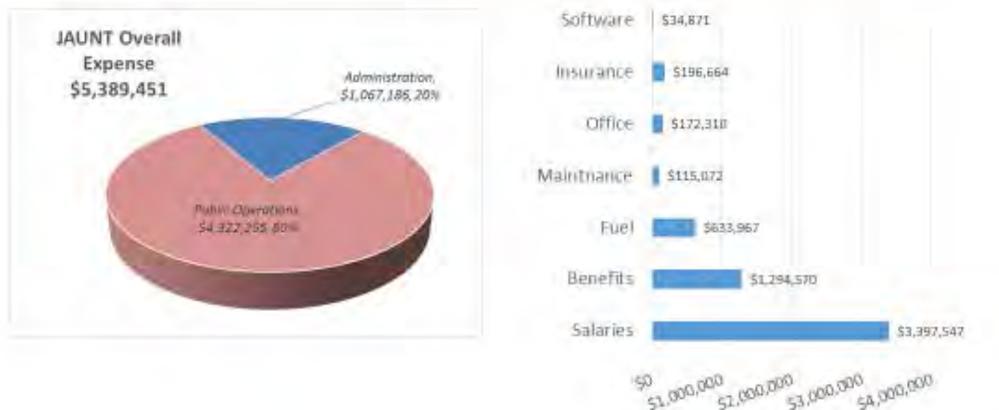
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JAUNT's Overall Financials: Public Revenues



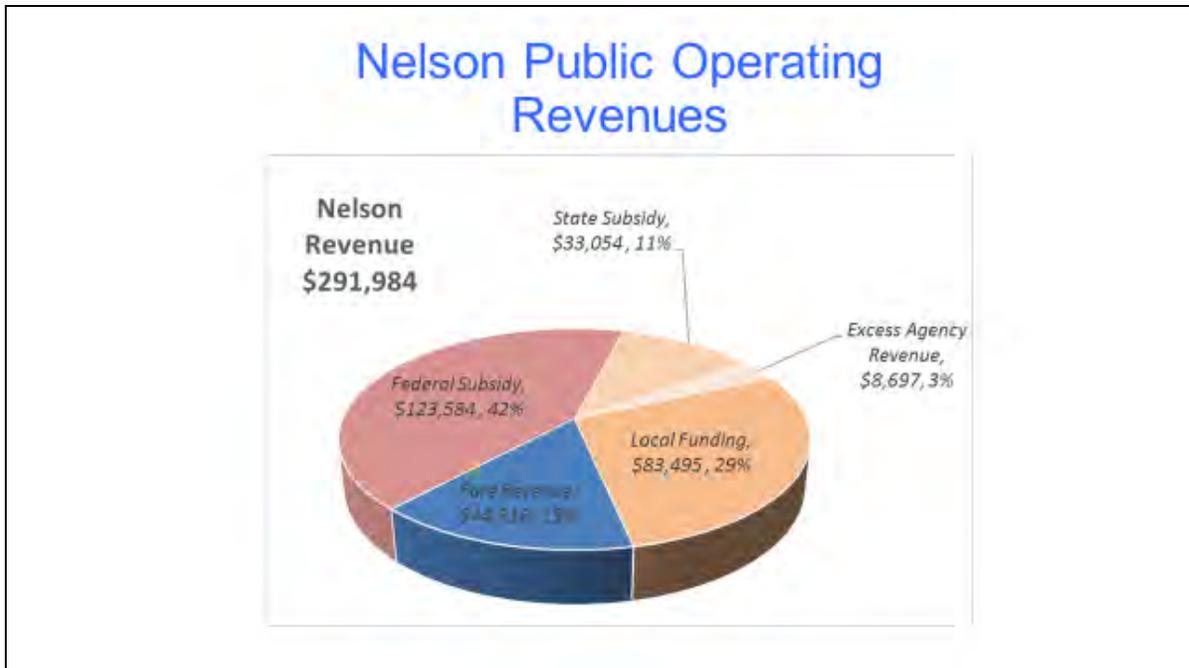
Mr. Sheffield noted that the Federal Subsidy was a dollar for dollar grant in Nelson County.

JAUNT's Overall Financials: Public Expenses

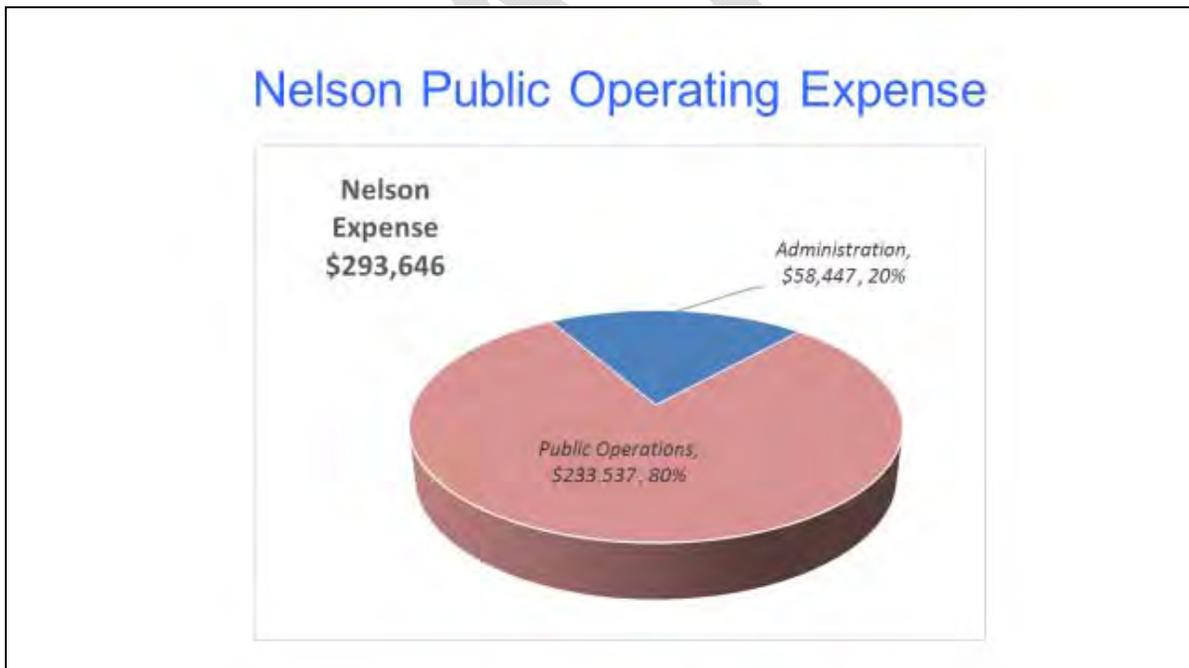


Mr. Sheffield noted that the Administration category included vehicle insurance of \$196,000 and scheduling software that technically should be considered operating expenses; however they had to be counted as administrative.

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Mr. Sheffield noted that the more Excess Agency Revenue, the less local funding required.



Mr. Sheffield noted that they had tapped into reserves to balance this out with less revenues.

Mr. Sheffield then reported that they had hit their 8 million trip mark with the 8 millionth rider being a Nelson resident, Suzy Foster. He added that Donna Shaunesey had retired after thirty years of service to Jaunt.

FY16 and Beyond.....

- Stabilize hours of service
- Midday service (*grant for one day of service will expire by the end of June*)
 - Approx. \$8,500 in FY17
- Continue to increase level of Agency services

Mr. Sheffield concluded by noting the above goals in fiscal year 2016 and beyond.

Following the presentation, Mr. Hale inquired as to what was driving the doubling of the Wintergreen route and Mr. Sheffield advised that was from when Wintergreen took the route back over from individuals that were doing it.

Mr. Hale noted that at the Thomas Jefferson Planning Commission meeting, they had announced that in Albemarle, JAUNT was getting some new buses and was matching more federal dollars. Mr. Sheffield confirmed this and noted that the run would have 3 stops from Route 29 North to Downtown.

D. Presentation - Community Criminal Justice Board- Crime/Incarceration Trends

Mr. Neal Goodloe addressed the Board and noted that he was the Community Criminal Justice Board (CCJB) Planner and he planned to report statistics to the Board annually.

Mr. Goodloe then noted the member jurisdictions of the CCJB as follows:

CCJB Member Jurisdictions
(and affiliated jails)

- Nelson County (ACRJ)
- Albemarle County (ACRJ)
- City of Charlottesville (ACRJ)
- Greene County (CVRJ)
- Fluvanna County (CVRJ)
- Madison County (CVRJ)
- Orange County (CVRJ)
- Louisa County (CVRJ)
- Goochland County (Henrico)

He added that Nelson was in a different judicial circuit and that felony probation was provided out of Lynchburg so there was an overlap in services etc.

Demographics of CCJB Jurisdictions

2014 Demographics

	VIRGINIA	Albemarle Co	Fluvanna Co	Goochland Co	Greene Co	Louisa Co	Madison Co	Nelson Co	Orange Co	Charlottesville
Total Pop	8,326,289	104,489	26,092	21,936	19,031	34,348	13,157	14,850	35,026	45,593
Age Under 18	22.4%	21.0%	21.2%	19.1%	24.3%	21.0%	21.0%	18.8%	21.9%	15.6%
18 and Older	77.6%	79.0%	78.8%	80.9%	75.7%	79.0%	79.0%	81.2%	78.1%	84.4%
Female	50.8%	52.2%	54.3%	50.6%	50.4%	50.6%	51.4%	51.4%	51.0%	51.7%
Male	49.2%	47.8%	45.7%	49.4%	49.6%	49.4%	48.6%	48.6%	49.0%	48.3%
White	71.9%	83.7%	82.6%	80.1%	90.0%	81.1%	88.6%	85.5%	84.0%	71.5%
Black	20.6%	10.5%	16.2%	18.2%	7.8%	17.7%	10.5%	13.3%	14.1%	20.3%
Other Race	7.6%	5.7%	1.2%	1.7%	2.2%	1.2%	0.9%	1.2%	1.9%	8.2%
Hispanic (of any race)	8.9%	5.7%	3.2%	2.4%	5.0%	2.5%	2.1%	3.5%	4.3%	4.9%

Mr. Goodloe noted the County's demographics and that localities would have certain expenditures regardless of size.

Violent Index Crime Rate by Jurisdiction (per 100,000 residents) CY10 - CY14

Albemarle Co	Violent Index Crime Rate	128.0	105.2	97.9	122.3	90.9	-29.0%
Fluvanna Co	Violent Index Crime Rate	73.8	50.0	65.4	80.8	76.7	-3.9%
Goochland Co	Violent Index Crime Rate	96.5	149.0	74.9	18.5	127.6	32.2%
Greene Co	Violent Index Crime Rate	271.1	144.8	101.3	85.1	110.3	-59.3%
Louisa Co	Violent Index Crime Rate	129.2	95.8	128.5	129.6	195.1	51.0%
Madison Co	Violent Index Crime Rate	75.2	113.8	83.3	90.9	76.0	1.1%
Nelson Co	Violent Index Crime Rate	66.7	39.9	101.3	108.2	60.6	-9.1%
Orange Co	Violent Index Crime Rate	80.5	73.7	90.6	57.7	114.2	41.9%
Charlottesville	Violent Index Crime Rate	447.7	421.7	450.3	475.8	418.9	-6.4%
VIRGINIA	Violent Index Crime Rate	212.8	197.0	189.9	195.3	195.7	-8.0%

Mr. Goodloe noted that smaller localities tended to have more volatile numbers; and small increases could significantly impact the crime rates.

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Property Index Crime Rate by Jurisdiction (per 100,000 Residents) CY10 - CY14

Albemarle Co	Property Index Crime Rate	1,794.6	1,638.8	1,441.5	1,600.0	1,522.6	-15.2%
Fluvanna Co	Property Index Crime Rate	1,017.3	815.1	792.9	773.8	839.3	-17.5%
Goochland Co	Property Index Crime Rate	836.1	991.7	983.7	772.2	706.6	-15.5%
Greene Co	Property Index Crime Rate	1,306.9	1,378.0	1,333.2	1,435.9	1,166.5	-10.7%
Louisa Co	Property Index Crime Rate	967.6	1,089.8	1,428.7	1,673.3	1,714.8	77.2%
Madison Co	Property Index Crime Rate	789.5	902.9	1,143.2	886.4	775.3	-1.8%
Nelson Co	Property Index Crime Rate	1,461.7	1,331.0	1,654.0	1,325.3	1,212.1	-17.1%
Orange Co	Property Index Crime Rate	1,010.6	1,108.9	1,093.5	1,170.4	1,176.3	16.4%
Charlottesville	Property Index Crime Rate	3,882.4	3,369.3	3,420.8	3,316.9	2,976.3	-23.3%
VIRGINIA	Property Index Crime Rate	2,307.0	2,234.3	2,143.3	2,039.4	1,912.4	-17.1%

Mr. Goodloe noted that property crime numbers were less volatile and there were more committed than violent crimes. He noted that they looked at trend lines from year to year and there was a hump from 2010-2014 for Nelson that was shared with a couple of other counties. He noted that these statistics were derived from reported crime through the LIDS system.

Drug Arrest Rate by Jurisdiction (per 100,000 residents) CY10 - CY14

Albemarle Co	Drug Arrest Rate	331.4	295.5	191.0	212.6	333.4	0.6%
Fluvanna Co	Drug Arrest Rate	142.4	166.1	126.9	113.2	138.1	-3.0%
Goochland Co	Drug Arrest Rate	179.9	187.0	155.0	203.4	160.3	-10.9%
Greene Co	Drug Arrest Rate	209.2	187.0	209.8	258.6	230.8	10.3%
Louisa Co	Drug Arrest Rate	292.3	289.0	254.2	276.7	303.0	3.7%
Madison Co	Drug Arrest Rate	127.8	145.6	213.3	187.4	195.9	53.3%
Nelson Co	Drug Arrest Rate	222.4	198.6	217.1	262.4	246.1	10.7%
Orange Co	Drug Arrest Rate	408.1	227.5	291.9	271.5	411.7	0.9%
Charlottesville	Drug Arrest Rate	599.9	662.0	630.0	459.6	550.5	-8.2%
VIRGINIA	Drug Arrest Rate	492.6	515.5	532.6	550.3	514.2	4.4%

Mr. Goodloe noted that actual arrest statistics were impacted by a number of things and had significant volatility. He noted that they were hearing that heroin use was on the rise in Central Virginia; however there were no hard numbers to back this up. He added that they

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would be looking at this in the upcoming year and that pain medications were gateway drugs to heroin use.

Domestic Violence Victimization Rate by Jurisdiction (per 1,000 Residents) CY10 - 14

Albemarle Co	Domestic Violence Victimization Ra	5.0	5.5	5.4	5.0	5.0	0.0%
Fluvanna Co	Domestic Violence Victimization Ra	4.1	5.2	5.2	4.0	4.9	19.5%
Goochland Co	Domestic Violence Victimization Ra	2.0	3.0	2.5	2.0	3.1	55.0%
Greene Co	Domestic Violence Victimization Ra	7.5	7.5	8.0	7.0	5.0	-33.3%
Louisa Co	Domestic Violence Victimization Ra	5.8	5.6	5.3	5.7	5.8	0.0%
Madison Co	Domestic Violence Victimization Ra	6.7	7.0	5.8	6.8	4.7	-29.9%
Nelson Co	Domestic Violence Victimization Ra	4.7	4.9	5.8	4.4	4.1	-12.8%
Orange Co	Domestic Violence Victimization Ra	2.5	2.2	2.5	2.2	3.0	20.0%
Charlottesville	Domestic Violence Victimization Ra	8.3	9.3	8.1	7.2	7.1	-14.5%
VIRGINIA	Domestic Violence Victimization Ra	6.6	6.5	6.2	5.9	5.8	-12.1%

Mr. Goodloe noted that these rates were also fairly volatile and they were looked at over a 5 year span and compared to surrounding counties.

ACRJ Population Trends (End of Month Averages FY08 – FY15)

FY	Sentenced Pending							Total Jail	
	Pretrial	Charges	LR Felons	Misdemeanants	Ordinance	Total LR	Federal	SR Felons	Population
FY2008	155.1	132.5	44.4	43.3	1.5	376.8	12.0	135.3	524.1
FY2009	169.9	129.8	46.7	51.0	2.6	399.9	13.8	124.9	538.6
FY2010	178.6	132.2	45.5	52.0	4.0	412.2	12.4	118.7	543.4
FY2011	165.5	106.8	57.9	57.6	3.8	391.7	14.7	135.5	541.9
FY2012	153.3	96.8	46.4	59.6	7.7	363.9	9.9	140.8	514.6
FY2013	141.0	81.6	37.0	43.6	5.6	308.8	9.3	111.9	430.0
FY2014	177.1	56.9	47.3	49.5	2.6	333.4	7.6	68.7	409.7
FY2015	182.9	69.9	40.2	47.8	3.1	343.9	11.3	99.0	454.1

CVRJ Population Trends (End of Month Averages FY08 – FY15)

FY	Pretrial	Sentenced Pending					Total Jail			
		Charges	LR Felons	Misdemeanants	Ordinance	Total LR	Federal	SR Felons	Population	
FY2008		63.3	62.4	29.9	42.2	0.0	197.8	144.0	42.9	384.7
FY2009		76.4	61.4	28.3	53.4	0.0	219.5	101.9	58.1	379.4
FY2010		61.4	58.1	31.3	60.1	0.0	210.9	91.1	70.9	372.9
FY2011		68.9	56.9	35.5	50.3	0.0	211.7	90.7	55.9	358.2
FY2012		72.8	56.6	38.2	51.4	0.0	219.0	85.8	77.0	381.9
FY2013		82.8	53.8	41.5	40.9	0.0	219.2	79.5	72.3	371.0
FY2014		106.0	38.0	34.0	40.5	0.0	219.0	70.7	80.3	370.0
FY2015		121.8	46.3	28.5	37.0	0.0	233.5	63.7	91.8	389.0

Mr. Goodloe noted that they were engaging in groundbreaking evidence based things and have implemented a risk and needs assessment of the jail. He noted that they looked at who was being admitted and 48% of intakes were of individuals who were at low risk to recidivate. He noted that almost half fit that description. He noted the good news was that they had the shortest length of stay. Mr. Goodloe noted that fiscal year 2010 was a high water mark and then there had been five years of decline; with a significant reversal in 2015. He noted this was not impacted by crime rates, but rather by increases in law enforcement efficiency in clearing cases by arrest.

He then advised that Nelson-specific data was not included in the packet; however the Nelson FY15 average daily population (ADP) was the first year to be under 30 at 27, since 2008. He also advised that ACRJ was bringing the number of state responsible felons down significantly but the number was rising at CVRJ.

ACRJ Cost by Jurisdiction (FY16)

- Nelson - \$645,636
- Charlottesville - \$4,804,978
- Albemarle - \$3,587,234

- Total ACRJ Operating Expenses: \$14,476,503 (FY14)

Mr. Goodloe noted that these costs were a reflection of an average of three to six bed days; and their goal was to reduce ADP; but not at the risk of public safety.

What is Known?

- The ACRJ inmate population is trending back up again, after falling five years straight.
- From FY14 to FY15, the inmate population grew from 410 to 454, an increase of nearly 10%.
- The jump can be largely attributable to an increase in pretrial holds and state-responsible inmates held locally.
- This is despite the fact that the number of bed days consumed by probation violators fell from 40,747 to 15,060, a bed day savings of 25,687 year over year.
- Average Length of Stay (ALOS) for those incarcerated for a probation violation dropped 61%.
- A recent study of ACRJ's inmate risk profile for FY14 and FY15 showed that 48% of inmates at booking were at low actuarial risk to recidivate. Low-risk inmates were found to have the shortest length of stay, however, when compared to medium- and high-risk inmates.

Mr. Goodloe noted that they were creating alternatives to incarceration to differentially punishing probation violations and have reduced bed days by over 25,000. He added he was not sure this was durable but it was encouraging.

What is Currently Unknown?

- What is the actuarial risk/needs profile at ACRJ, by jurisdiction? Do they differ?
- What is the median length of stay, by crime severity and recidivism risk level per jurisdiction (are the "right" inmates being held)?
- What percentage of bed days are consumed by pretrial inmates unable to make the cash/surety bond set, per jurisdiction?
- What percentage of bed days are consumed by probation violators, per jurisdiction?
- What percentage of the jail population is suffering from mental illness? Are they getting appropriate treatment?
- What is the recidivism rate for former inmates, by jurisdiction? What impacts this recidivism rate, and how can it be lowered?
- What are the primary criminogenic treatment needs of inmates, and how can they best be met? What percentage are getting treatment now?

Mr. Goodloe noted he did not know where the service gaps were in Nelson County and he needed to find that out as well as how well programs were providing that service.

How Can the Criminal Justice Planner Help?

- Work with ACRJ to provide member counties with relevant data.
- Provide research on proven correctional practices that have safely reduced the inmate population elsewhere.
- Write grants to support evidence-based programming (both at the jail and in the community).
- Serve on all Reentry Councils in the CCJB to coordinate inmates' successful return to their communities.
- Assist ACRJ in gaining a detailed understanding of the inmate risk/needs profile, and plan for programming accordingly as a function of length of stay.
- Supply member jurisdictions with the latest in crime trends.
- Provide subject matter expertise where helpful to improve public safety and reduce cost.

Following Mr. Goodloe's presentation, Ms. Brennan asked if he had spoken to the Department of Social Services on the re-entry program. Mr. Goodloe advised that they had not received a grant for this; it was a very competitive process and Nelson was not large enough to compete. He added that he has been talking to reentry councils to try to link all of the services available to those coming out; so they can be successful.

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Mr. Bruguieri asked how many days were required to be served of a six month sentence and Mr. Goodloe noted for a misdemeanor, they got a 1 for 1 day credit for good behavior. He added that if jailed on a state charge, the state says they must serve at least 85% of the sentence. He noted that the state was no longer coming to get their inmates at local jails if they were serving less than two years. He added that the state responsible inmates were in local jails with a \$12 per day per diem that did not cover their costs. Mr. Bruguieri then asked what it would take to move them to a state facility. Mr. Goodloe noted that most states were experiencing a decrease in state populations and if that continued more bed space would be available to take them. He added that he did not have a lot of confidence in that happening. He advised that there was more legislation being passed that made more state issues a local responsible issue; there was a shifting of responsibility.

Mr. Carter noted that in his tenure on the Regional Jail Board, they pushed the state to take them. Mr. Bruguieri noted he thought there should be an over-abundance of state beds; however Mr. Neal noted that they were at or over capacity. He noted that Mecklenburg Jail had closed when a couple of new ones were opened.

E. VDOT Report

Mr. Don Austin reported the following:

The median had been cut down at the Route 29 and Route 56 west intersection in Colleen and the sight distance was better. He noted they were looking into a similar request made for the intersection at Tye River.

The speed study results for Nellysford were back and the speed would be retained as is. He noted that Mr. Carter would distribute this report to the Board.

The speed study results for Route 56 going to High Peak Lane were back and the speed there would be retained as well.

Lodebar Estates and Cedar Creek Rural Rustic projects were complete. He noted they would do Wheelers Cover Road and Wright's Lane next summer. He noted that in January and February, they would look at revising the six year plan. He would send out the list and there was no projected increase in funding.

Mr. Bruguieri had no VDOT issues to report.

Ms. Brennan reported the following VDOT issues:

- On Buck Creek Lane, pot holes kept popping up where the pavement ended and gravel started. Mr. Austin noted he could put it on the unpaved road list and they would look at it for patching.
- On Twin Popular Road, between Route 29 and Old Roberts Mountain Road, Ms. Brennan asked VDOT to look at the roadside mowing there. Mr. Austin noted they had done regular mowing there but they may also do some boom-ax work since it was on a slope.
- There were bad potholes on Adial Road near Tiffany Lane.

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- Asked if VDOT was looking at a Beech Grove Road to Nellysford speed limit study and Mr. Austin reported this was still under advisement. Ms. Brennan commented she did not see how the speed limit could be 35 mph in Shipman and 45 mph in Nellysford where more people were pulling out etc.
- On Route 6, coming towards Route 29, there was a passing zone; however it was very narrow there and seemed dangerous since you were passing around an inside curve. Mr. Austin noted some passing zone criteria had changed and they would review all passing zones on Rt. 151 to Route 29.

Mr. Hale reported the following VDOT issues:

- Got a nice note from Ligmincha Institute on their road being fixed. He then inquired as to where the Drumheller's Hollow Bridge was on the replacement schedule. Mr. Austin noted he would check as he was not sure it was on the schedule.
- On Route 639, the pavement on the road sides was starting to break off. He noted this was where spot leveling was done and the edges were breaking off and the road needed rock on the shoulder.
- Noted that Mr. Carter had been charged with finding out who to talk to at the Calohill Shopping Center on who was responsible for fixing that road. Mr. Harvey noted he thought Doug Long was responsible. Mr. Carter noted he has contacted him and he said he was not responsible. Mr. Hale noted it needed to be maintained on a regular basis. Mr. Austin noted they needed to repave down at the bottom of the hill. Mr. Carter noted he was pursuing this and all of the property owners had been identified, yet no one was willing to take responsibility

Mr. Harvey reported the following VDOT issues:

- Thanked Mr. Austin for work done on Durrett Town and Batesville Roads. He added that they had done a good job on the paving at the school entrance. He added that Pounding Branch Road continued to be a problem.
- Noted there was a tree just before Goodloe Lane that was at a 45 degree angle to the road, the roots were exposed, and he thought the tree would come down. Mr. Austin noted he would look at it.
- Inquired as to what had happened to the Nelson and Albemarle jurisdictions working together on the intersection of Route 151 and Route 250. He then suggested making two lanes there by paving the shoulder. Mr. Austin noted they were working on that.
- Inquired as to when VDOT would talk to the Avon landowners and Mr. Austin noted this would be soon. He then asked about them using a retaining wall instead of taking more of the American Native Mission's land to level that area out and Mr. Austin noted doing that was usually more expensive.

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In response to questions, Mr. Austin noted that Rich Toms was the new Superintendent at the Bryant Shed and Mr. Harvey noted that he has been very responsive.

Mr. Saunders reported the following VDOT issues:

- People were happy with the Cedar Creek Road paving.
- Noted people had called him about potholes on Norwood Rd. to Route 60.
- Noted he had gotten compliments from citizens on the median being shaved off at the intersection of Route 56 west and Route 29.
- Noted that even though there had been no recommendation to change the speed limit in Shipman near the trash site; VDOT had fixed the no passing zone.

Mr. Bernie McGinnis was then recognized by Mr. Saunders and he noted that there were no signs about Lovingson coming from Lynchburg, like there were coming from Charlottesville. Mr. Austin noted he would check on this.

1. Beautification Project, Intersection of US Business 29 and Route 56 East.

Ms. Karla Murray introduced herself to the Board and noted that she was involved in the Naturalist Program and Gardening. She noted that when coming into Lovingson, she has always noticed the area in question at the intersection of US Business 29 and Route 56 east. She noted that the Dogwood trees there were suffering from Anthracnose and the Crepe Myrtle was going up the telephone lines. She added that these trees had been planted forty (40) years ago by a Girl Scout troop and she wanted to figure out how the area could be revitalized.

Ms. Murray then noted she was working with Jeff Kessler of VDOT on the project, she has drawn up several plans, and would like to garner the Board's support. She added that if she got the Board's support, then she thought that Mr. Carter and Mr. Kessler would meet on final arrangements.

Mr. Saunders then asked if the plan had been approved by VDOT and Mr. Michael LaChance of Virginia Cooperative Extension addressed the Board.

Mr. LaChance noted that the existing trees were in poor shape and this was a great opportunity to show what native plants were suitable to be planted around power lines. He noted that he was helping Ms. Murray and their first step was to speak with Mr. Carter and VDOT, and then to approach the Board with the scope of the project. He added that the first phase was to plant eight or nine trees followed by shrubs and maybe add some sign-age. He noted that Mr. Carter had stated that he did not want an increase in maintenance responsibilities for the County and he had agreed.

Mr. Austin then noted that Jeff Kessler of VDOT has been working with Ms. Murray and Mr. LaChance on this. He noted that VDOT did have permit requirements and roadside management requirements and that Mr. Kessler was involved with permitting and another person had roadside management oversight.

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He noted that initially, the County would have to be the permittee; however they had another program where a group could be the permittee with a letter of endorsement from the County. He added that he did not think there could be any signage and Ms. Murray noted they were planning a "Lovingston" sign; which Mr. Austin supposed may be allowed. Mr. Austin noted that the permit holder was the responsible party and there may be bonds that would be required if an individual was the permittee. Mr. Austin then noted that VDOT had no issues with the project; however he would discourage placing a bench there. Ms. Murray explained that the bench was meant for a person who was pruning there to sit down.

Ms. Esther Larkin, representing the Garden Club, added that they would help with purchasing the trees; however they were not committing to maintenance.

Mr. Harvey questioned how traffic control would be handled while doing this and Mr. Austin advised that if they did not block the lane, they could probably provide a "road work ahead" sign. He added that these details would be part of the permitting process.

Mr. Hale noted he liked the idea and he thought the hurdles involved could be overcome. Mr. Bruguere added that the County did not have the maintenance staff to take this over and someone else needed to step forward on this.

Mr. Bernie McGinnis was recognized by the Chair and he noted he was behind the project 100% in order to make the County seat more pleasant to look at. He added he wanted to make this more attractive to visitors.

Mr. Saunders noted he was in favor of it, but wanted to work out the details. Mr. Austin noted that he could work with Jeff Kessler and Mr. Carter to tie down all of the loose ends. He suggested that the Board endorse the project and have staff work out the details.

Mr. Bruguere inquired about the signs all around Lynchburg and Mr. Austin noted these were sponsorship signs with a minimum donation of \$5,000 for maintenance and installation. It was noted that the Amherst County Garden Club maintained the circle area in Amherst.

Mr. Hale then moved that the Nelson County Board of Supervisors endorse the concept of improving the triangle and for County staff to work with VDOT on the best route.

Ms. Brennan seconded the motion and Mr. Bruguere added the importance of coming up with the responsible parties on this. Ms. Murray noted that once it was done, there would be less maintenance than there was now.

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

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

Introduced: Referral of Amendments to Floodplain Ordinance

Mr. Hale noted that he had been absent at the October meeting when the Board addressed special use permits for development in floodplains. He noted he had reviewed the

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information provided by Mr. Padalino and the Department of Conservation and Recreation's (DCR) review of the Ordinance for higher standards and he thought it should be referred to the Planning Commission. He added that special use permits related to the floodplain were currently reviewed by the Board of Zoning Appeals and he thought this should be done by the Board of Supervisors. He further noted that he thought it would be appropriate for the Planning Commission to review the standards recommended by DCR and report back; although not all recommendations would necessarily be followed. He noted he thought this was an important area to look at; however having worked with flood elevation certifications; he was not at all interested in increasing the requirements for those. He concluded by noting he was interested in looking at higher standards for critical facilities and hazardous materials and he understood the Board voted 3-1 that nothing be done with the ordinance.

Ms. Brennan noted she felt the same as before; the Board should have the Planning Commission look at it and she agreed with Mr. Hale that maybe not all proposed changes would be implemented. She added that she thought this would protect citizens from another huge flood.

Mr. Hale reiterated that the special use permits coming to the Board was the most important issue to him. He then read aloud the special use permit requirements that Mr. Padalino had noted in his staff report and recommended that the Board of Zoning Appeals be replaced by the Board of Supervisors.

Mr. Bruguiere noted that he thought only variances should go to the BZA. Mr. Carter noted that he thought that the change was made in 2012, when the ordinance was last updated, to have special use permits go to the BZA. Mr. Harvey noted he did not know of any of those that had gone to the BZA.

Mr. Hale read aloud the current regulation and noted he saw no harm in sending it to the Planning Commission for their review and recommendation. He then moved that the Nelson County Board of Supervisors refer the question of floodplains and special use permits therein to the Planning Commission and Ms. Brennan seconded the motion.

Mr. Harvey noted he would like to get that clarified and Mr. Carter noted that in section 10-22 it was stated that variances and special use permits shall be issued by the BZA. He added that when staff spoke to DCR about updating the ordinance, they noted that the majority of local ordinances had the BZA serving in this capacity.

Mr. Hale noted that DCR had recommended that localities update their floodplain ordinances, the Planning Commission should discuss it, and then the Board did not have to do anything if they did not want to. Mr. Harvey noted he thought this was a policy decision and it did not have to go to the Planning Commission. Mr. Hale then reiterated what the staff report said and Mr. Carter reiterated that when this was looked at previously with staff and DCR, the whole ordinance was looked at for overall revisions. He added it was last updated in 2012 and that the work has been done and the proposed ordinance was as stringent as anyone's in the state; however it could be stronger. Mr. Hale noted that he was in favor of the changes because of the Community Rating System savings that could be achieved.

There being no further discussion, Supervisors voted (3-2) by roll call vote to approve the motion with Mr. Bruguiere and Mr. Harvey voting No. Mr. Saunders noted that he thought the Board looked at it pretty well previously, but he voted Yes.

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Mr. Harvey noted that he would like to see a report from Mr. Payne on when the special use permit requirements changed.

Mr. Carter asked for clarification on whether or not the vote was for the Planning Commission to undertake a complete review of the proposed ordinance or just the special use permit revisions. Ms. McGarry reread the motion and it was determined that the review would be of all of the proposed ordinance amendments inclusive of the special use permit language.

Introduced: North District Service Authority Appointment

Mr. Hale requested that Ms. McGarry advertise for a North District Service Authority Board member.

V. Reports, Appointments, Directives, and Correspondence

A. Reports

1. County Administrator's Report

1. Courthouse Project Phase II: Construction is in process. The second monthly project progress meeting was conducted on 11-25. No items of concern to the County were presented. Change Orders that have been presently authorized are expense neutral, as credits (savings) to the County were either equal or exceeded to increases in project costs. Jamerson-Lewis's first pay request (\$408,760.10) has been received and is being paid with 12-8-15 disbursements. The project is on schedule.

Mr. Carter noted that the financing on the project had closed and approximately \$4 Million was now available.

2. Broadband: A) Local Innovation Grant Project: Construction of Phase 1 (Rt. 151/6 at Martins Store to Rt. 151/664 Intersection) is scheduled, per CCTS, to start on 12-8 with an estimated 8 – 10 week completion schedule. Phase 2 and 3 to follow thereafter. VA-DHCD's first project compliance visit is scheduled for 12-15. County staff received on 11-16 a significant records request, per the VA-FOIA. The records request has been prepared pending payment by the requesting party of the County's advance determination, per Code of VA allowances. **B) Broadband Strategic Planning Project:** County staff completed a conference call with Blacksburg based Design Nine, Inc. on 11-23 to discuss the company's interest in working with Nelson County and NCBA on a comprehensive broadband planning initiative (long range planning, assessment of current operations, etc.). Design Nine's services proposal was subsequently received on 12-7 and is being reviewed for content and approval by County staff. The company will be retained using Louisa County's previous procurement of Design Nine for a similar undertaking, which included cooperative procurement provisions enabling Nelson County/NCBA to directly retain Design Nine (a nationally recognized broadband consultant). Design Nine's services proposal is \$32,500 versus the \$50,000 budgeted for this initiative.

A) Mr. Carter noted that an Advance Determination had been paid that day and staff would now process the FOIA request.

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3. BR Tunnel: The current project focus includes 1) obtaining VDOT approval to put Phase 2 (Tunnel Rehab & Bulkhead Removal) out to bid (in early 2016) and 2) securing final grant agreement from VA-DCR for Recreational Trails Program funding that will be used to complete Phase 2. A contract addendum with Woolpert to facilitate completion of Phase 2 is pending. County and City of Waynesboro staffs have been working with their respective Commonwealth Transportation Board members in an effort to insure the respective CTB members are sufficiently apprised of the joint Phase 3 TAP grant application to VDOT. A possible CTB (entire Board) tour of the Tunnel may be conducted in mid-2016. County staff is also reviewing the potential to apply for \$50,000 in funding from the national Rails to Trails Conservancy entity.

4. Lovingson Health Care Center: A proposal (or final response) from a Harrisonburg based company is pending receipt. Piedmont Housing Alliance staff reiterated PHA's interest in working with the County on re-use of the property (senior housing) should the assisted living facility outcome not be achieved. And, Region Ten CSB has also previously submitted a proposal for its ownership and operation of the LHCC.

Mr. Carter noted that the moving date was now February or March 2016 and could be later than that. He noted that the Harrisonburg Company had retained an architectural consultant and was assessing the feasibility of purchasing and expanding the building. He noted they had asked for floorplans and setback information as well as have toured the building. He added that it was probable that the company would expand the building to make it financially viable.

Ms. Brennan reported that the Committee was waiting to hear from the Harrisonburg Company. Mr. Saunders asked if the committee was going to make a suggestion to the Board on what to do if the building was not sold and Ms. Brennan noted that if they could not find any use for the building, then their work was done.

Mr. Carter noted that there had been outreach through the committee, staff or others and it had gotten to the point where this was the one option left or there would be some other alternative use of the building.

Mr. Hale noted that the Nursing Home provided a valuable service to the County and he wanted to do what they could to provide an incentive for a similar use if necessary. Mr. Carter noted that all prospects had intimated that they may need a partnership with the County to apply for grant funds etc. Mr. Harvey noted that there was no Medicaid availability, so any facility would essentially be private pay. Mr. Carter clarified that Medicaid funding was available for assisted living, just not for a nursing home.

5. Radio Project: County staff are working with Motorola, RCC and Clear Communications staffs to complete a) close out of the overall radio project, which is in operation, and, b) to define provision of additional services to assist the County with enhancing network coverage areas (specifically the Rockfish Valley/151 Corridor to Nellysford) and for the County's acquisition of additional equipment that will also enhance localized coverage (see S. Rorrer report).

Mr. Carter reiterated that staff was cognizant of the need to move this along.

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6. CDBG Grant Application for Sewer Line Extension: Per input received from VA-DHCD, County staff has scheduled the two public meetings/hearings required for grant eligibility and pre-contract requirements should the County's grant application be funded by the Department. The first of the two public sessions was conducted on 12-7 in the second floor meeting room in the Courthouse. The second public session is scheduled for 12-8 during the Board of Supervisors evening meeting. County staff are presently endeavoring to have project related questions addressed by DHCD staff with responses currently pending receipt. The requested grant award is \$250,000 with a 25% local match (\$62,500) which Wild Wolf Brewery has committed to provide. A final decision date on the grant by DHCD has not been established.

Mr. Carter noted that Board should have the public hearing; and noted that there would be additional work the County would have to do according to DHCD; who has now answered staffs' questions. He noted that the County would have to survey residents along the route and if they were low to moderate income and wanted to connect; the budget may have to be amended to allow for up to \$15,000 per household per connection.

Mr. Carter noted that if all of the work was done, the prospect for success was there. He added that DHCD has had inquiries on the project as has the County.

Mr. Saunders asked if anyone along the route could connect and Mr. Carter noted that the force main was 2.5 inches and was sized for access and use by businesses and residences along the way to Wild Wolf Brewery, but not beyond.

Mr. Harvey noted that Aqua Virginia was in control of connections and fees and who could connect. Mr. Carter noted that citizens would not be required to connect; however the project budget may be amended to include funds for LMI connections.

Mr. Hale inquired about the first public meeting held and Mr. Carter advised that it was held on November 30, 2015 and was conducted by staff as was allowed by DHCD.

Mr. Hale asked if this was a public utility that people could connect to and it was noted that it was a private utility.

Ms. Brennan confirmed with Mr. Carter that the Board did not have to make any decisions that night.

Mr. Bruguere noted that the purpose of the project was to help Wild Wolf Brewery and anyone who wanted to hook up because the septic systems in that area were not great. Mr. Carter added that the purpose was to retain 46 jobs and create 5 new ones. He added that more questions had arisen and it had taken DHCD a month to get back to staff. He advised that only low to moderate income households could use grant monies for connection and they were not required to do it.

Mr. Harvey noted that rates had skyrocketed and people there were unhappy. Mr. Carter noted that to date Aqua Virginia had sized the main extension to Wild Wolf to enable connections along the route. He noted he did not know beyond that because he was unsure of their permitted capacity. He noted that whenever they hit 80% of their permitted capacity, they had to have a plan. He added that the main was smaller by design because if it were too big, they would have to flush it out.

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7. Nelson County Public Schools (Office of Civil Rights Follow-Up): County staff are processing the funding approvals made by the Board at the November 12th meeting.

8. FY 14-15 Audit Report (CAFR): RFC has submitted the draft report, which is being reviewed by staff.

Mr. Carter noted there were no concerns presented by the Auditors and the Departmental budgets were due back to the Finance Department by January 6th.

9. VDOT HB2 Applications: A final decision on the County's three HB2 project applications is pending (early to mid-2016).

10. Board Retreat: The Board's retreat is scheduled for 12-15 at Veritas Winery (8:30 a.m. to 3-4 p.m.). Mr. Chip Boyle, Executive Director of TJPDC will serve as facilitator. The 12-8 agenda includes continuation of the meeting to provide for the Board's retreat.

Mr. Carter noted he would send out the scope to the Board by Friday.

11. Department Reports: Included with the BOS agenda for the 11-12 meeting.

2. Board Reports

Supervisors reported the following:

Ms. Brennan:

- Attended the Senior Center luncheon.
- Attended Social Services Board meeting; they are fully staffed now.
- Met with Lindsay Dornier of Bold Rock, who noted they will be offering other events etc.
- Attended Nelson County Community Development Fund dinner.
- Attended TJPDC Legislative Forum; discussed the proposed Go Virginia Program; which would increase regional cooperation. She added that regional cooperation did not mean contiguous regions.
- Attended JABA Business Development Meeting - historically has looked at raising funds to give back to JABA to provide services.

Mr. Bruguere:

- Attended a Farmers Market Committee meeting; and would attend another meeting on December 15th. He reported they were adding language to allow the resale of products and to allow for crafters. He noted that the existing Coop could restrict things. He noted it was a work in progress especially on wayside stands. He added he

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did not think site plans should be required for seasonal things. He reported that Jim Saunders, Maureen, Tim, and a woman from the Crozet Market (Lawes) was on the Committee.

Mr. Saunders noted that the Planning Commission had suggested these things and they were haggled over a lot.

- Attended Farm Bureau State Convention and noted that the Governor spoke.

Mr. Hale:

- Reported on the Blue Ridge Tunnel Project and noted that the Foundation had acquired the second book on the tunnel. He added it was available at the Economic Development Office and the County Administrator's Office for a donation that would support the Foundation. He noted that the book covered the whole railroad project and contained many pictures. Mr. Hale then reported that the Foundation now had \$28,000 from book sales, being the licensee at festivals, and donations. He then advised that the County was having issues with the fence being opened up and he was meeting with Evergreen Fence Company to discuss relocating the chain link fence to go around the purchased property. He noted that the Foundation may cover the cost of doing this. He noted that the fence was 140 ft. of vinyl black fence that would be pulled up and placed around the property and another 360 ft. would be added. He then asked if the fence should be the same as the existing and it was noted there may be a height requirement from CSX. He added that Mr. Wayne Nolde had suggested that it be kept the same and this would delineate the lay down area for Phase 2.

Mr. Bruguiere inquired as to whether or not this would keep people out and it was noted that there were people going through the fence all of the time even though the County had cameras there etc. It was noted that the no trespassing signs were there for liability purposes but did not keep people out.

- Reported that at the Sturt Property, a strategic plan was being developed and Martha Warring was on the committee and was working on it.
- Reported that the TJPDC has done a corridor study and has rated the safety of the bike route.
- Reported that he had not attended the last Service Authority meeting; however he understood that Eddie Rothgeb was at the meeting and seemed to be doing well.

Mr. Harvey:

- Advised that the County had a lot of people getting ready to retire: Jean Payne, David Brooks, and Elsie Nappier to name a few. He added that Ms. Nappier has been with the Sheriff's Department for 47 years and the Board needed to recognize them.

Supervisors and Staff briefly discussed how and when to recognize these retirees and Mr. Carter suggested that the Board could approve something at the retreat possibly and no action was taken.

Mr. Saunders:

- Mr. Saunders recognized the job that Rachel Smith had done on the story on the Moore’s and the pipeline. He noted that he had met with them and Dominion on it and Dominion would be using a directional bore there so that no right of way would be visible and their water quality would be maintained.

B. Appointments

Ms. McGarry noted the following information to the Board and advised that even though Mr. Moyer was recently appointed to fill the vacancy left by Kim Cash, he needed to be reappointed as her term expired in November 2015. She advised that he had recently had some health issues; however he felt that he would be able to continue to serve on the BZA. She noted that these seats had been advertised on the County’s website.

<u>(1) New Vacancies/Expiring Seats & New Applicants :</u>				
<u>Board/Commission</u>	<u>Term Expiring</u>	<u>Term & Limit Y/N</u>	<u>Incumbent</u>	<u>Re-appointment</u>
Board of Zoning Appeals	11/10/2015	5 Years/No Limit	Ronald Moyer	Y- Email
JABA Council on Aging	12/31/2015	2 Years/No Limit	David Holub	No Response Yet
			Pamela Baldwin	Y- Email
T.J. Water Resources Protection Foundation	12/31/2015	4 Years/No Limit	Andy Wright	Y-Email

Board of Zoning Appeals: Mr. Bruguere moved to recommend reappointment of Mr. Ronald Moyer to the Board of Zoning Appeals and Mr. Harvey seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

JABA Council on Aging: Ms. McGarry noted not having heard back from Mr. Holub regarding his reappointment and Ms. Brennan noted he was present and could speak to this. Mr. Holub noted that it was his understanding that the Council had another person in mind to serve and that he preferred for that person to be appointed. He added that he would be open to reappointment if the aforementioned person was not interested.

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

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T.J. Water Resources Protection Foundation: The function of this Board was briefly discussed as being an arm of the TJPDC that administered their conservation easement program. Ms. Brennan then moved to reappoint Andy Wright and Mr. Hale seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

C. Correspondence

1. NCHS Senior FFA, Request for Rings-Forestry Team

Mr. Saunders noted the FFA request for rings at a cost of \$1,100 to commemorate their third place finish at the National Convention. It was noted that rings had been previously given for State and National Championships.

Mr. Harvey then moved to approve the request and Ms. Brennan seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

2. Planning Commission, Request for Extension – “Bed & Breakfast and “Transient Lodging Uses”

Mr. Saunders noted the request from the Planning Commission for an extension to review the proposed amendments related to Bed & Breakfasts.

Mr. Hale moved to approve an additional three month extension from December 4, 2015 to allow the Planning Commission to continue to refine their recommendations on Bed and Breakfast uses. Mr. Harvey seconded the motion and there being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

3. Thomas Guthrie – Nuisance Dog Ordinance

Mr. Saunders noted the correspondence and proposed ordinance language from Mr. Guthrie relating to nuisance dogs. Mr. Hale questioned how one would prove a certain dog was menacing a person and it was acknowledged that the proposed ordinance would be difficult to enforce. Supervisors then agreed by consensus to take this under advisement.

D. Directives

Directives were considered during the evening session.

VI. Recess and Reconvene Until 7:00 PM for the Evening Session

At 5:10 PM, Mr. Harvey moved to continue the meeting until 7PM and Ms. Brennan seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

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

I. Call to Order

Mr. Saunders called the meeting to order at 7:00 PM, with all Supervisors present to establish a quorum.

II. Public Comments

1. Joe Lee McClellan, Lovington

Mr. McClellan noted that he did not think people should be required to hook onto the proposed sewer line in Nellysford if their septic system failed; they should have a choice. He then noted he was in support of the sewer line and thought the County should help businesses.

III. Public Hearings

A. Public Hearing – Special Use Permit #2015-15 “Dwelling”/Michael Tapager: Application made pursuant to Zoning Ordinance, Section 8-1-10a to re-establish the use of a residential dwelling within the upper stories of an existing building in the Lovington Historic District. The subject property is at 622 Front Street, is identified at Tax Map #58B-3-2 and is zoned Business B-1.

Mr. Padalino noted that the requested special use permit application #2015-15 by Michael Tapager was pursuant to Zoning Ordinance, Section 8-1-10a to re-establish the use of a residential dwelling within the upper stories of an existing building in the Lovington Historic District. He noted that the subject property is at 622 Front Street, is identified at Tax Map #58B-3-2 and is zoned Business B-1. He further noted that the request was to reinstate a use that was traditional and customary at that location. He further advised that a SUP was necessary to have a dwelling there as it was B-1. He added that no one has lived there for a couple of years and the grandfathered use had lapsed.

Ms. Brennan asked how long the SUP was good for if it was granted and no one lived there for a while. Mr. Padalino noted that the use would have to be established within twelve months per the ordinance or he would have to request an extension. Otherwise, the special use permit would last forever.

Mr. Harvey noted that the property was one building; but functioned as two buildings. He added that there had only been a residence on the upper part and this would be in character with the town of Lovington.

Mr. Padalino noted that the Planning Commission held their public hearing and voted to recommend approval to the Board. He also noted a letter of support provided from a neighbor. It was noted that the property was for sale and Mr. Padalino noted that the SUP would stay with the property.

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Ms. Brennan then inquired if the upstairs portion of the building could be used for a business by right and Mr. Padalino noted it could. He then noted there were entrances on the side of the building and at the back of the building to the upper floors.

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

1. Joe Lee McClellan, Lovingson

Mr. McClellan noted he had no objection to granting the SUP and he noted there had always been someone living upstairs in the building.

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

Mr. Hale then moved to approve special use permit application #2015-15, to re-establish the use of a residential dwelling within the upper stories of an existing building in the Lovingson Historic District. Ms. Brennan seconded the motion and there being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

**B. Public Hearing – County of Nelson Grant Application
DHCD/CDBG Funding:**

The County of Nelson seeks citizen input on its proposed grant application to the Department of Housing and Community Development for Community Development Block Grant funding through its Community Economic Development grant program; specifically the Nelson County-Wild Wolf Infrastructure Project. The County proposes to utilize \$250,000 in available funds for a Community Economic Development Project that will install approximately 2200 feet of HDPE sewer force main from the Aqua Virginia pump station on State Route 151 to 2461 Rockfish Valley Hwy (Wild Wolf Brewing Company) ending with a coated manhole. Wild Wolf will then provide the connections and pump station from their property to the coated manhole.

Mr. Carter noted that this was the second of two public hearings required by DHCD to establish eligibility to receive CDBG funding.

He then explained that this issue went back to when Wild Wolf Brewing Company was addressing its waste water compliance with the Health Department. He noted that the initial suggestion of putting in an extensive drain-field was cost prohibitive for the business (a couple million dollars) and the County offered to assist by inquiring with DHCD about the use of grant funds to extend the sewer main line from the pump station down to the Brewery.

He then explained that at a previous meeting, the Board authorized staff to pursue a grant application for this; it was an economic development project and met the National Objective of assisting Low to Moderate Income beneficiaries. He added that it would help to retain forty-six (46) jobs and would create five (5) new jobs.

Mr. Carter then noted that as defined by DHCD, Low to Moderate Income status was determined based upon the US Department of Housing and Urban Development's (HUD) Section 8 Income Limits for both household size and income. He noted that Nelson County was part of the Charlottesville Metropolitan Statistical Area (MSA) and in 2015, LMI was

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\$46,100 for a one person household. He added that the table showed LMI income levels for a range from a household of one up to a household of 8.

Mr. Carter then advised that a preliminary letter of interest was submitted to DHCD and the County received a response from them to proceed with the public hearings and then they would consider whether or not to award a grant.

Mr. Carter then noted that the sewer main would be a private system to benefit Wild Wolf Brewing Company, however the County would have to survey all residents in the project area to see if anyone had an interest in connecting to the system. He noted this would not be mandatory and the interested residents would have to complete a survey to determine if they were LMI; the County would amend the submitted budget to allow for up to \$15,000 per LMI connection. Mr. Carter then noted that this particular grant had a \$700,000 maximum and costs to date were shown at \$250,000 with a local match of \$62,500 to be paid by the business.

Mr. Carter further noted that if the grant were approved by DHCD, the County would need to enter into an agreement with Aqua Virginia to guarantee the County access to the system for twenty (20) years. Mr. Carter reiterated that no one would be mandated to connect; however voluntary non-LMI connections would be at the citizen's expense. He added should LMI residents choose not to connect during the initial grant period, they would have to pay for a later connection.

Mr. Carter then noted that in terms of Aqua Virginia's capacity, presently their flow in summer was 12,000 to 15,000 gallons per day and they were licensed for 65,000 gallons per day. He noted that they would only be at 32.5% of their permitted capacity with an additional 5,000 gallons used per day by Wild Wolf Brewery.

Mr. Carter noted that the County would have to do additional work before the grant would go forward. He added that Ms. Wolf was present, had committed to paying the local match, and would have to commit to the job retention and creation through an agreement. He noted that the outcomes would be audited and the objectives would be well documented.

Mr. Carter then concluded by reiterating that the purpose of the public hearing was to complete a second public hearing to establish eligibility; however the County had been given the green light to apply and once rework of the application was done, DHCD would evaluate it and make a final decision.

Mr. Saunders then opened the floor for questions from Supervisors as follows:

Ms. Brennan clarified with Mr. Carter that anyone who wanted to connect could do so and this applied to businesses and homeowners. Mr. Carter confirmed this and noted that if the connections were after the grant project, they would deal with Aqua Virginia to connect and not the County. He noted that he did not know if there would be any accessibility fees charged and he was not aware of a monthly availability fee. He added that the County had a mandatory connection requirement for those within 1,000 feet of its line; however if you had a working system, the County could not require a connection. He clarified that if the septic system failed, then the County's ordinance mandated a connection. He noted that Aqua Virginia did not have these provisions.

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Mr. Hale asked if there was a 25% match for any LMI connections and Mr. Carter noted there probably was and that would have to be addressed. He added that once this was determined, it could potentially come back to the Board to consider. He noted that Wild Wolf Brewing Company was to pay the local match as the project was originally conceived. He noted that they would have additional costs that were not part of the grant project, such as the cost to connect to the system - from the main termination point at the property line to the business.

Mr. Harvey then questioned the twenty-year agreement with Aqua Virginia; asking what the County's obligation was if Wild Wolf Brewing Company went out of business in five years. Mr. Carter noted that this would have to be addressed and noted that if the business changed hands, the County would have to provide in the agreement that connections be served for twenty (20) years. Mr. Carter added that DHCD has received concerns that the project was conceived to benefit other businesses and he noted that the only objective in pursuing the project was to ensure Wild Wolf Brewing Company stayed in the county, retained the current jobs, and created new ones.

Mr. Harvey then questioned how Aqua Virginia could only be at 35% capacity when they have barely skated through with the dry summers. Mr. Saunders noted this was more a question of how they could meet their discharge limitations because the creek has been low. He noted this did not affect their capacity. Mr. Carter noted that if that did happen, DEQ would send them a notice of violation and they would have to address it. He added that he had not gotten into that level of discussion on the issue since that would be incumbent upon Aqua Virginia. He then reiterated that there was more work to do; the Board did not need to endorse the project again and no further action was required; unless additional grant match was a consideration.

Mr. Harvey noted he thought the Board only voted to have staff check into applying for the grant and did not endorse the project. Mr. Carter noted his understanding was the Board had endorsed the project; however it could be revisited. Mr. Hale noted that the minutes from that meeting had been sent out to Supervisors.

Mr. Saunders then reiterated that no action was to be taken and the purpose that night was to hold the second public hearing; the question of the Board's endorsement or not could be clarified at a later date. Mr. Carter reiterated that the first public hearing had been held on Monday, November 30th and was properly advertised.

Mr. Hale noted that it was in the June 9, 2015 minutes for the meeting at which this was first considered that were provided to the Board by Ms. McGarry, and he read the following motion: "Mr. Bruguere noted he thought staff should start the process and he then moved that staff start the process of applying for the DHCD grant through the initial phases."

Mr. Carter then noted that the Board could always reject a contract from DHCD for the project. Mr. Harvey questioned the process of having public hearings if the project has already been approved. Mr. Carter then explained that this DHCD grant had open submission provisions and staff went forward with the preliminary application in their automated system. He noted that following that, DHCD notified the County that they had reviewed it and advised the staff to conduct the two public hearings. He added that if awarded, there would be more requirements to be met in order to get under contract.

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Mr. Saunders then invited Ms. Wolf of Wild Wolf Brewing Company to speak.

Ms. Wolf noted how important the project was to them. She noted that putting in a 15,000 gallon per day drain-field was not feasible or reasonable for them. She added that the sewer main extension could potentially be a great service to those along the way and it allowed them to keep their forty-six (46) employees there and continue to grow as a business.

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

1. Alan Patrick, Nellysford

Mr. Patrick noted he was troubled by the public information process and was disappointed that the detailed information was not made available sooner. He noted he thought it was a business owner's responsibility to be sure that they could fulfill its requirements and it was the County's responsibility also. He noted that he was concerned that the County would be using grant money to support questionable judgment or decisions. He also noted that the concern of availability in Nellysford raised questions of mandatory connections for failures and he questioned if open lots would have to connect when they were developed. He added that the problems with the limited availability of water that comes out of the system was not a new problem and that water had been diverted to support Wintergreen and as a result the rivers and streams were trickles. Mr. Patrick then questioned whether or not cattle farmers would have to connect their waterers to provide water for their cattle. Mr. Patrick also questioned how the Board could vote on something without having all of the information and without allowing the local community to have input. He added that the over-development in Nellysford has been a problem and he was concerned that tabled development projects would go ahead if the project was done. He then noted he hoped the Board would delay or oppose this and not go forward. In conclusion, he asked the Board to take the time to think about growth as it projects out. He noted his concern that the Nellysford community would grow beyond what could be supported and what was wanted by the local residents. In conclusion, he requested the Board vote against the project.

2. Kevin Blackburn, Business Owner in Nellysford

Mr. Blackburn noted he understood the concerns and the benefits of the project. He noted he has been a public servant in the past and growth was inevitable in any municipality and it was incumbent upon its leaders to plan for growth down the road. He noted that he had selected his business's location because of the growth there, the existing business infrastructure, and the influx of traffic along Route 151. He noted that their plan for growth in ten (10) years was to add five (5) employees and they would add to the tax base. He noted that bringing the sewer line down to Wild Wolf Brewery, a secure system that was proven, could only be beneficial to increasing the safety of existing water. He added that the project would protect the existing ground water there and that Aqua Virginia would bear the responsibility of permitting requirements. He concluded by noting that he would like to see this go forward to help Wild Wolf Brewery grow; which would in turn help them.

3. Julia Rogers, Business Owner in Nellysford (Neighbor to Wild Wolf Brewery)

Ms. Rogers noted that she had been surprised when she bought her property in Nellysford that she was not required to have a septic system. She noted she had put in a proper system then and if she had the opportunity to connect to Aqua Virginia or a similar entity, it would

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have saved her \$5,000 to \$6,000. She noted she thought the project was a benefit for the future and to Wild Wolf Brewery. She added that there were always concerns about growth and how to manage it; however it would come and the important thing was how it was managed.

Ms. Rogers noted there would be other properties along the route where septic systems have failed and they would be thankful for the project. She acknowledged that there were many questions to be answered but she did not think that should stop the process.

4. Donna Small, Nellysford

Ms. Small noted she was opposed to the project for the following reasons:

She noted that she called Aqua Virginia and they said they would own the sewer line and she did not think grant money should go to a private company. She then noted that an investment group owned land in the path of the proposed sewer line; and when she asked Aqua Virginia if they could connect to the line, they stated that anyone could hook up as long as they paid for the connection and monthly fees. She then noted that other Aqua Virginia customers, such as those in Fluvanna County, had very high rates and that was something to look into.

5. Todd Rath, Nelson County Business Owner

Mr. Rath noted that Nelson County should use the grant funds because if they did not; then someone else would. He noted that as a county, a decision needed to be made as to where business was wanted. He added that the businesses needed love and support from the County and that Tourism and Agriculture paid the bills in the County. He concluded by noting he supported the project but thought it should be monitored so that if it were successful; it could be used again to bring in other businesses that supported the local economy.

6. Denver Riggleman, Nelson County Business Owner

Mr. Riggleman noted he supported Ms. Wolf and her business however he did not want to alienate anyone. He noted that he was proud of what has been done with the Board and the Planning Commission and he believed that Wild Wolf Brewing Company needed their help. He noted that traffic on Route 151 was exploding, and they needed to grow, however they had nowhere else to grow, and needed help with where to go in the future. He also noted that guidance was needed on infrastructure. He reiterated that businesses were nervous about alienating citizens and the County needed to find a balance so that business owners felt they were welcome in the County also. He advised to keep the teamwork going and he noted he supported the project.

7. Linda Russel, Nellysford

Ms. Russell noted that she had submitted a list of questions to County staff last week and she appreciated getting the answers. She noted that she was not present to take a position and that it was unfortunate the detailed information was not available ahead of time for those that wanted to make a comment; and she suggested the Board should consider the following questions:

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- Was the County in competition with somebody else in the state or was the grant guaranteed if the County applied? If the grant were received, would it reduce the County's chances of getting CDBG grant funds in the future?
- Would the County be setting a precedent with this proposal and were there other businesses in the County that have over expanded and are looking for increased infrastructure support from the County and would they be asked to assist them?
- Is Wild Wolf Brewery currently in the Wintergreen Valley Utility Service Area? She noted that Aqua Virginia had to supply a Service Area to the SCC which she is in as are two vacant lots on both sides of Route 151. She noted that the area between the shopping center and Wild Wolf were not in the currently defined area. She then asked if Wild Wolf was not, how then would they get to be in it?
- If the County does not support the request, how many jobs would not be retained given that the inference was all or nothing? She added she thought if this weren't approved, there would be a cut back in jobs but there would still be a viable business there.
- Why does the proposal ask for \$250,000, which she understands must be matched by the County, and will be paid by Wild Wolf, when the cost is \$350,000? What happens to the extra money?

Ms. Russel noted for information purposes, that currently Aqua Virginia had a capacity of 65,000 gallons per day but only had a discharge permit for 40,000 gallons per day and that was based on the water flow of Allen's Creek and the Rockfish River; so if the creek went dry, the discharge permit would change and be reduced. She noted that was the difference between discharge permitting and capacity. She added that if they had a permit of 40,000 gallons per day and were only using 15,000 gallons per day, there was still plenty of room to add this extension.

She then noted that who was to be hooked up would be determined by the sizing of the pipe installed and that was a question that needed to be answered.

8. Joe Lee McClellan, Lovington

Mr. McClellan encouraged everyone to have a meal at Wild Wolf Brewery and noted it was an asset to the community. He noted he supported the project and would also like to see sidewalks and a sewer line go up to the old Rhodes Farm entrance. He added that progress could not be stopped but it would have to be managed.

9. William Smith, Faber

Mr. Smith noted he supported public water; however he was bothered by a private company benefiting from this. He noted that Aqua Virginia had been in front of the SCC three times that year. He noted his understanding that this would help low to moderate income people; however some of Aqua Virginia's service areas had seen 200% increases in the last ten years in their bills; which did not help LMI residents. He noted that if the need was there, then the County should take the lead and work with the Service Authority on a solution.

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

In response to some of the questions raised, Mr. Carter noted that this was a competitive grant program that was annually funded at about \$14 Million to \$15 Million statewide. He added that not all of that was allocated to this particular program. He also noted that it was not an automatic award and the application would be reviewed by DHCD and the Governor's office.

Mr. Carter then noted that staff would have to explore the Utility Area as pointed out by Linda Russell. He added that Aqua Virginia may have to seek expansion of that. He also stated that Ms. Russell had more specific information on their facility's capacity and licensing for treatment which provided good clarification.

Mr. Saunders then noted that there was currently no Service Authority infrastructure in that area so the extension would have to be on the Aqua Virginia system. He noted he was not necessarily in favor of that; however there was not a choice in this instance.

Mr. Harvey stated that he disagreed with the comments that growth could not be stopped. He noted that Nellysford was in a sensitive area; where the wells were 10-20 feet deep and were hand dug. He added that the flood plain came up almost to the highway on Rt.151 and if these lines were put in, it created the potential for every homeowner there to sell their property for commercial use. He added that they had to take into account the people that have lived there for years. He noted that some businesses in the area were no different from residences; however if they started running water and sewer, businesses would come. He further stated that they had to start looking at the locals and consider whether or not the changes were going to impact them so that they no longer wanted to live in the area.

Mr. Harvey noted he did want to see growth in the County; however he thought there were other areas it could happen in; Colleen for example. He noted that he felt strongly that they had negatively impacted the Nellysford residents there now and businesses were closing in on everyone there. He then stated that with regards to Aqua Virginia; they should ask their current subscribers; who were not happy with them. He added that the valley system was sold because drastic expansion was needed and the sellers could not develop their two parcels without the line expanding down to Wild Wolf Brewery. He concluded by stating he did not want to do anything that would leave the County holding the bag.

Mr. Bruguiere noted that he shared some of Mr. Harvey's concerns but also felt an obligation to everyone in Nellysford. He noted that sewer problems have been there and the septic systems have contaminated the more shallow wells there. He added that the whole purpose of the grant was to help an existing business and those along the sewer line; and the intent was to help everyone. He noted that it was a grant and was also taxpayer money. He echoed Mr. Carter's comments that it was a competitive process and was not guaranteed; and that he felt they were obligated to try to help them out and he was in favor of it.

Mr. Hale then noted it was his understanding that the grant did not provide water service; and was strictly sewer.

Mr. Harvey then noted that the Service Authority would not run sewer lines without a water line. Ms. Brennan then questioned whether or not Aqua Virginia could run a water line with

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the sewer line and Mr. Carter noted they probably could; however the objective was to address Wild Wolf's need with wastewater capacity. It was noted that the proposed size of the pipe was 2.5 inches which would accommodate anyone along the 2,200 foot path. He added that it seemed reasonable to put a water pipe in at the same time. Ms. Brennan noted she was concerned that the pipe was correctly sized for the needs of the community and that Aqua Virginia was permitted enough to serve everyone. She added that she expected to get answers to the questions raised.

Mr. Harvey noted that a 2.5 inch small force main was enough. Mr. Saunders explained that the Wintergreen mains were 2 inches and if they were too big, they would not work. He added that the majority were in the 2-2.25 inch range. He further explained that grinder pumps grind the solids and liquid comes out. He noted that the gravity line at the Nellysford shopping center was one of last lines his company put in and he was very familiar with the system there. He added that underneath the shopping center was all river-jack and the water table was only a couple of feet down. He added that the development behind the shopping center was put in by him. He noted that there has never been a public system there; it has always been private, and there was no way to control a private company's rates unless the SCC came in. Mr. Saunders then noted he was in favor of businesses. Mr. Harvey added that private companies had to go through the SCC to set/change their rates.

Mr. Saunders then advised the public that no action was going to be taken, it was only an informational meeting to get input to establish eligibility, and he did not know if the project would be approved. Mr. Carter added that it would take at least sixty (60) days to conduct income surveys along the route and it could take DHCD ninety (90) days or longer to make a decision. He then noted that it was only within the last thirty (30) days, that DHCD had said it was okay for the County to begin the final eligibility process. Mr. Carter noted that the first public hearing was not project specific but was about CDBG funds and to take public comment on past use of funds by the County.

Mr. Harvey then stated that he thought the project could have an effect on other CDBG projects. Mr. Carter disagreed and noted that every project was evaluated on its own merits. He added that the County had at least five or more of these since he has worked here and the applications were compared against others.

Mr. Hale noted that the Board had heard a lot of opinions on this and questions were raised that they would like to have answers to also. He added that there were still gray areas and questions would be discussed further in a public forum in the future.

Mr. Saunders and members of the Board thanked the public for their attendance and comments.

IV. Other Business (As May Be Presented)

There was no other business considered by the Board; however Board Directives were given as follows:

Mr. Harvey and Mr. Saunders had no Directives.

December 8, 2015

Mr. Hale:

Mr. Hale questioned the new business license issued for the Inn at Blue Mountain Brewery and Mr. Carter noted the owners were moving and turning their former home into a bed and breakfast. He noted he would have to check to see if a special use permit was required.

Mr. Hale then inquired as to whether or not the County was still receiving litter control funds and Mr. Carter confirmed it was. Mr. Hale then inquired as to whether or not the County could help a landowner clean up their property that was used for a dump on Green Creek Road. He added he would like to suggest that if they cleaned it up, those funds could be used to defray their tipping fee costs at the transfer station. He noted that it was a benefit to all when people cleaned up their properties and he would like to explore this. Mr. Carter advised that using the litter control funds for that may depend on the grant criteria and he noted he would need the name of the property owner and the location.

Mr. Bruguere then noted he wanted to have another tire amnesty day to include large truck tires. Mr. Carter advised that it was hard for County staff to handle the larger tires which was why they were not included in the first amnesty. Mr. Bruguere noted it cost \$1,800 to do the last one and even if this one cost \$2,500 it needed to be done. Mr. Harvey noted that the larger truck tires tended to be commercial tires and Mr. Carter noted that the amnesty had been limited to residential use tires. He noted that the tires were recycled with a company outside of Lynchburg. Mr. Hale stated that if these were cleaned up it was better, period.

Mr. Bruguere then moved to have another tire amnesty day in January to accommodate larger truck tires up to 25 inches.

Mr. Harvey noted this could cost up to \$8 per tire and companies would have hundreds of them laying around to get rid of. It was noted that the County had limited the number per household last time. Mr. Bruguere suggested that the litter control grant money be used for this if it was eligible. Mr. Carter reiterated that staff would get overwhelmed with those tires and that those that had many laying around could be reported to DEQ for having an illegal junk pile. Mr. Hale noted he was in favor of this but not for large truck tires. Mr. Carter confirmed that out of county trash was prohibited at the transfer station.

At the Chairs request, Ms. McGarry re-read the motion on the floor and it was clarified that this was for Nelson County residents only and that out of county trash was prohibited at the transfer station.

There was no second of the motion and Mr. Saunders called for the vote. Supervisors voted (4-1) by roll call vote to disapprove the motion with Mr. Bruguere voting Yes.

Supervisors and staff briefly discussed the logistics of having a large truck tire amnesty day and even though the matter had been decided at present, they agreed by consensus to look into doing this in the future. Mr. Carter advised he would look into this to see what could be done.

December 8, 2015

Ms. Brennan:

Ms. Brennan noted that she was disappointed that the School Resource Officer was not introduced earlier. Mr. Carter apologized and noted that it was the understanding of staff that Captain Ron Robertson would be there to make the introduction and he had not attended the afternoon session.

Ms. Brennan noted that she would like to see the Board request FERC to require a Programmatic Environmental Impact Statement for the Atlantic Coast Pipeline and that she would like to discuss this at the retreat.

Ms. Brennan noted she would like a time-line or chart for the Blue Ridge Tunnel progress. Mr. Saunders and Mr. Hale noted they would look into it.

V. Adjourn and Continue Until 8:30 am December 15, 2015 for the Board of Supervisors Retreat – Veritas Winery

At 8:50 PM, Mr. Hale moved to adjourn and continue the meeting until 8:30 am, December 15, 2015 for the Board of Supervisors retreat at Veritas Winery and Ms. Brennan seconded the motion. There being no further discussion, Supervisors voted unanimously by voice vote to approve the motion and the meeting adjourned.

December 15, 2015

Virginia:

AT A CONTINUED MEETING of the Nelson County Board of Supervisors at 8:30 a.m. at Veritas Winery in Afton, Virginia;

Present: Constance Brennan, Central District Supervisor
Allen M. Hale, East District Supervisor – Vice Chair
Thomas H. Bruguiera, Jr. West District Supervisor
Larry D. Saunders, South District Supervisor – Chair
Thomas D. Harvey, North District Supervisor
Stephen A. Carter, County Administrator
Candice W. McGarry, Administrative Assistant/Deputy Clerk
Chip Boyles, Retreat Facilitator (Executive Director, Thomas Jefferson Planning District Commission)

Absent: None

I. Call to Order

Mr. Saunders called the meeting to order at 9:03 am with all Supervisors present to establish a quorum.

II. Board of Supervisors Retreat

Introductions:

Mr. Boyles introduced himself and thanked the Board for inviting him to facilitate their retreat.

He then advised that they would be looking at things for Nelson County using the Department Head ideas and their own ideas. He advised them to identify key things to be started that year and or started and completed in the next year. He added that this was not so much a long term planning meeting but rather one that would help staff go in a certain direction over the next year or two.

He noted that they would identify and prioritize items to move forward as it related to funding in the budget and he advised them to keep it manageable and to stay with what was doable.

Mr. Boyles then gave the Board some background noting that he had been with the Planning District Commission (PDC) and living in Albemarle County for twenty months now. He noted that he had accomplished a lot and the PDC had a great staff. He noted that he spent five years in Baton Rouge LA working for the Mayor there and had a \$20 Million budget out of a \$700 Million total budget. He added that he had worked in redevelopment and worked with 700 abandoned properties and \$10 Million in CDBG grants. He noted that prior to that he was in City Management in South Carolina and Maryland.

Mr. Boyles then asked the Board members to introduce themselves and note what had gotten them started in local politics.

December 15, 2015

Board Member Introductions:

Mr. Hale:

Mr. Hale noted that he was interested in politics and sought the Democratic nomination for the US House of Representatives in 2000 and then decided to look at the General Assembly, having the view that they were not addressing issues important to him. He noted that he received 35% of the vote there and then decided to run for the East District Board of Supervisors seat. He advised that he had two opponents and won with a strong majority. He related that his motivation was to try to bring the average person's needs and concerns about government to bear and to act upon them. He added that he enjoyed listening to what people had to say while campaigning and that local government was the most representative form and affected everyone. He concluded by noting that schools were important as were real estate taxes.

Mr. Harvey:

Mr. Harvey noted he has been on the Board for thirty-one years and that Emergency Services had gotten him started. He added that there was not much organization or cohesiveness to it and the County was not contributing anything to the volunteer departments. He noted that they then established a county-wide EMS Council and set up the first budget. He added that schools were also important to him. Mr. Harvey noted that he has run a business for forty-one years, was born and raised in Piney River and moved to Afton when he graduated from High School.

Mr. Boyles then asked if emergency services was better and if it was where he would like it to be. Mr. Harvey noted that volunteerism was tough and the departments were stretched out so that none were first due in their own county, however they were first due outside of the county. He added that an interest free loan fund of \$700,000 had been established so that the departments could borrow money for land, equipment, etc. and that a year or two ago the County started purchasing vehicles for them. He advised that for rescue squads, the County matched grant funds for ambulances and for Fire Departments, the County provided an 80-20 match. He related that six fire trucks and three ambulances had been purchased and that every year, it rotated departments and that when a new one was gotten, the old one was disposed of.

Ms. Brennan:

Ms. Brennan noted she moved to Nelson County in 1974 and her kids went to Nelson County public schools. She noted that in the 1990s, she ran for School Board because education was important to her. She noted that when she moved to Nelson, she ran calls with the rescue squad because health was also important to her. She advised that in 2000, the County was redistricted and a new district was formed She then realized that the Board of Supervisors controlled the money and so she ran for office. She noted she was now in her fourteenth year on the Board. She added that she was interested in criminal justice, was on the Community Criminal Justice Board and was trying to get her arms around managing an aging community. She added that Nelson had the highest rate of growth of aging people in the Planning District.

December 15, 2015

Mr. Boyles agreed that the aging population was growing and he suggested that as the Board was having discussions, they not just focus on how to address negative sides of services, but rather be thinking about how to take advantage of it. He added that many localities were putting in facilities as economic development tools. He added that they could think about recreational facilities for those over 50 as an example and that concerns could also be an opportunity.

Mr. Saunders:

Mr. Saunders noted he was born and raised in Nelson County and owned and operated a construction business since 1964. He added that he was retired now and in 2008 ran for office and lost by three votes. He noted he ran again and won and was now newly re-elected. He noted he thought that with his construction background, he could bring this knowledge to the Board. He added that he enjoyed working to help people and it was a good feeling to help.

Mr. Bruguere:

Mr. Bruguere noted that he was a co-owner of Dickie Bros. Orchards, which was a seventh generation farm. He noted that he ran for the Board primarily because he did not like the person running in his district. He noted his focus was the school system and he noted his family was heavily involved in education as he had a family of teachers. He related that he has had a hard time with the dollars requested over the last few years, it bothered him how much money was being utilized; acknowledging that much of it was for salaries which was important. He noted that he wanted to change some things; however he could not since he was not on the School Board. He noted that he had joined the rescue squad because the needed help and he volunteered for twelve years. He noted that he has always wanted a County swimming pool for recreation; however that was expensive. He added he was not in favor of raising taxes and it was difficult to work within what the County had. He noted that Nelson was still basically a poor county despite the presence of Wintergreen, the wineries, and breweries; adding that the general populous was low to moderate income. Ms. Brennan added that the County's free and reduced lunch rate was 50% and most were free. Mr. Saunders noted he was in favor of school uniforms and free lunches for everyone.

Mr. Boyles noted he kept falling back to his opinion that things were not perfect and there was a long way to go as leaders in the region; however things also were not so bad at all either.

County Mission and Services:

Mr. Boyles then referred to the County's Mission Statement: "It is the mission of the Board of Supervisors to maintain Nelson County as a beautiful, safe, healthy, and prosperous rural county; where public services are effective, efficient, adequate and responsive to the needs of its citizens; where education is a life-long process; where citizens are involved in all aspects of their governance; and where the community is well planned to assure respect for and dedication to its traditions and resources, while continuing to improve its economic viability."

He noted that all had mentioned priorities that were contained within the mission statement and specifically all had mentioned education being important. He then noted that the PDC

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used note cards with their mission and goals on the back to have as a reminder; which they found helpful.

Identification of Priority Issues:

Mr. Boyles then suggested that they go around the table and have the Supervisors give their highest priority. He added that a good fiscal practice to keep in mind was the difference between a onetime expense and a recurring expense. He noted that a letter C could be used for capital expenses and an O could be used for operating expenses.

Supervisors then noted the following high priorities:

- Education/Schools
 - Maintain adequate funding
 - Maintain communication and cooperation
- Infrastructure and Business Attraction in Southern Nelson County
 - Extended water/sewer
 - Look into Go Virginia Program
 - Look into Larkin property acquisition
- Continued Route 151 Area Planning
 - Planned Development and Zoning
 - Community Engagement
- Aquatic Center
 - County-wide Access
 - Consider Building in Stages.
- Economic Development
 - Encourage Home-based and Small Businesses (low impact)
 - Increase Broadband Access
- Increase Overall Community Engagement
 - Between New and Long-term Residents
 - Develop Method to Reach All Residents
- Improve Rural Roads
 - Upgrade Dirt and Gravel Roads
 - Improve VDOT Maintenance
- Upgrade GIS system
 - Include layers for EMS, Health, and Schools
 - Make GIS More User Friendly
- Wireless Broadband Development , Use & Business Management
 - Better Market The County's Network
 - Engage Private Providers
 - Expand Services

December 15, 2015

- Look Carefully At Imposing New Regulations
 - Review and Streamline Existing Ordinances & Processes
 - Review New Ordinances for Consequences
- Review Boards and Commissions
 - Consider Term Limits
- Blue Ridge Tunnel Restoration
 - Ongoing Operations
 - Have State or National Parks System Assume Operation
- Investigate Pre-K Education
 - Funding
- Lovingson Healthcare Center
 - Retain Access to Care in the County
 - Future Facility Use
- Emergency Services
 - Wintergreen
 - Funding
 - Equipment
 - Training & Regulations
- Staffing
 - Departmental Requests
- In House Reassessment

Confirmation of High Priorities:

Mr. Boyles then distributed ten dots per Supervisor and instructed them to place dots on the issues that were most important to them; with a maximum placement of three dots per person on one issue. He noted that he had labeled each issue with a C for capital cost (one-time expense) or an O for operating cost (recurring expense). He also suggested combining several of the items that were similar in nature and Investigating Pre-K Education was eliminated.

Supervisors then allocated their dots with the following results:

- | | |
|-------------------------------|--------|
| • Wireless Development | 6 Dots |
| • Business Development | 6 Dots |
| • Rural Roads | 5 Dots |
| • Education | 4 Dots |
| • Corridor Planning | 4 Dots |
| • GIS Upgrades/Operations | 4 Dots |
| • Lovingson Healthcare Center | 4 Dots |
| • Emergency Services | 4 Dots |

December 15, 2015

- Aquatic Center 3 Dots
- Community Engagement 3 Dots
- Blue Ridge Tunnel 3 Dots

Discussion of each item ensued as follows:

Wireless Broadband Development:

Operation of the County's network was discussed and Mr. Carter noted that the Authority could do this. He noted that this had been analyzed a couple of years ago and he noted that a company was in the process of being hired to develop a plan to help establish how to go about this.

Supervisors discussed that the Authority had not successfully engaged the private competition to the County-owned system and it was suggested that they sit down and talk to the local companies about it. It was also noted that the primary mission of getting Broadband out to the county quickly had failed. Mr. Boyles then suggested doing this type of exercise with the Broadband Authority. Mr. Carter noted that the Authority and County would have to invest more money to build it out; which would be a budgetary consideration. He noted that he would have the hired consultant come and report to the Broadband Authority. Mr. Boyles noted that the Go Virginia program could help with broadband funding for home based businesses if it was part of the business development plan.

Action Items: Create a business model & plan for broadband expansion. Increase marketing efforts for the network.

Business Development:

The question was raised as to how this item gets moved forward. Mr. Carter noted that the County could put together a budget amount for an RFP for consulting firms to do a comprehensive study to development a needs assessment of how to invigorate the southern area of the County. Supervisors noted they thought that the Larkin property would need to be acquired prior to studying the area. It was noted the property contained 1,000 acres on both sides of Route 29 south of Lovingson and 50 acres near the High School. Mr. Carter suggested that the study should look at the area of Lovingson to Colleen. Supervisors agreed that acquiring the Larkin property was first priority.

Mr. Boyles noted that the PDC did get UVA students looking for projects and they could be used for this. Mr. Hale noted that there had not been much demand for the current lots available at the industrial park and the County should be cautious about purchasing 1,000 acres. Mr. Hale then advised that the Central Virginia Electric Cooperative would like to have a solar panel field and was looking for 25 acres. Mr. Harvey then suggested that the two Larkin parcels be separated by east and west. He added that the east side had already been studied and he thought the west side was more important.

Action Items: Budget for and create a comprehensive, county-wide economic development strategy, prioritize acquisition of the Larkin property, review and update the existing plan for the Larkin property.

Rural Roads:

This item was removed due to it not being something that staff could really work on other than to lobby State Legislators.

Education:

It was noted that staff had a good working relationship with the new Superintendent and there was nothing more to be done presently. Supervisors were advised to speak to their School Board counterparts about any individual or constituent concerns. Mr. Boyles noted that the common thread seemed to be that the cooperation and communication between School and County staff continue.

Corridor Planning:

Supervisors discussed Route 151 planning and it was noted that the associated AFID grant related to this was in process. Supervisors discussed protecting the Route 151 corridor as well as planning for development. It was also noted that community engagement on this was very important. Supervisors then discussed that the only way prevent over-development was to design for it and it was also noted that there was limited land that could be developed because of topography. It was agreed that staff should continue its activities on this, address community engagement, and identify build-able vs non-build-able properties. Other corridor planning should also be addressed.

Action Items: Identify buildable and non-buildable parcels on Route 151, identify infrastructure, budget for either in-house or consultant for plan development.

GIS Upgrade/Operations:

Supervisors agreed that this item may require evaluation at budget time and it was noted that they had the department's recommendation.

Action Item: Develop a departmental committee to pursue opportunities to share data.

Lovington Healthcare Center:

Supervisors discussed what to do with the facility and implementing an aging type of healthcare. Staff noted this has been worked on for three years now. Another suggestion was to move those County Departments leasing space into that facility.

Action Item: Continue to pursue like service providers to utilize the facility.

Emergency Services:

Supervisors and staff discussed the increase in these expenditures and it was noted that this was related to: the increase in volunteer agency funding, the increase in paid crew staffing, and contracted services. It was noted that volunteerism was down and the County still had the same number of fire and rescue agencies. It was noted that the issue was how to more effectively provide these services. Collecting ambulance fees was discussed and it was noted

December 15, 2015

that debt set-off procedures could be used to collect; however the Board did not want to deter citizens from calling for help. The volunteer effort was discussed and it was noted that this depended upon the agency. Mr. Carter noted that all had done better; however some were below a 30% response rate. Leadership was discussed as an issue and that there is no leadership training offered by the State. Mr. Carter noted that the volunteer agencies had been in existence for so long and no one wanted to give up their agency and consolidate and the consideration was were overcoming these inefficiencies worth the potential upheaval. Mr. Carter then advised he would send out Ms. Miller's year to date call response report.

Action Items: Budget for 24/7 rescue services and identify or develop leadership training for volunteers.

Aquatic Center:

It was noted that this could be a part of the Larkin Property discussion. Mr. Boyles noted that Business Parks that became inclusive were becoming prominent. Ms. Supervisors noted they would like to see this located near the High School and they would like to see the operational costs associated with this. It was noted that this could be a joint project with the schools and it should be available after hours for the public. Mr. Boyles suggested that they look at using a Design-Build arrangement when it got to the point of construction. He suggested that the operational costs associated with this were pretty large and the Board should consider whether or not this was worth a tax increase. It was also suggested that the community be engaged in this issue.

Action Items: Develop pro-forma annual operating costs and work towards land acquisition for the facility.

Community Engagement:

Mr. Boyles noted that the PDC could help with these efforts. He noted that people were not as apt to go to a website; rather the information had to be pushed out to them via email, Facebook etc. He added that these could contain a link to a website. Mr. Carter noted that the County was transitioning to a new 911 system and it could send out public service announcements. Supervisors noted they wanted to work on this and that an application called "Constant Contact" could help push this.

Action Item: Develop a plan to increase community engagement efforts.

Blue Ridge Tunnel:

The ongoing operations of this once it was complete was briefly discussed. It was noted that ideally the State or National Park Service would take it over in two to five years. It was noted that staff should begin conversations on this as more use would be achieved if it were a State Park.

Action Item: Develop a pro-forma annual operating budget and continue to efforts to partner with State or Federal Parks Services for operation and maintenance of the tunnel and trails.

December 15, 2015

Conclusion:

Supervisors noted they would like to see a timeline for completion on some of these things and that coming back in a year and looking at it would also be constructive. It was also suggested that funding sources be identified for each item.

III. Other Business (As May Be Presented)

There was no other business considered by the Board.

IV. Adjournment

At 2:05 pm, Mr. Hale moved to adjourn and Ms. Brennan seconded the motion. There being no further discussion, Supervisors voted unanimously by voice vote to approve the motion and the meeting adjourned.

DRAFT

**RESOLUTION R2016-03
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>
\$4,754.60	2014&2015 PP Tax	Trans Lease, Inc. 630 N Central EXPY, Suite A Plano, TX 75074
\$234.45	2015 PP Tax	VW Credit Leasing LTD 1401 Franklin Blvd. Libertyville, IL 60048-4460
\$263.21	2012-2015 PP Tax	John E. Perry 7299 Briar Springs Farm LN Schuyler, VA 22969

Approved: January 12, 2016

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:

October 20, 2015

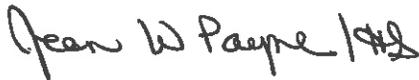
Mr. Larry Saunders, Chairman
Nelson County Board of Supervisors
P. O. Box 336
Lovington, VA 22949

Re: TRANS LEASE INC
630 N CENTRAL EXPY, SUITE A
PLANO TX 75074

This letter shall serve as written request for 2014 & 2015 personal property tax refund in the amount of \$4754.60 be issued to the above referenced taxpayer. This refund is based on Seminole Transportation Inc. out of state miles.

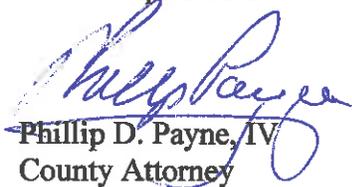
Please see copy of attached letter from Trans Lease Inc.

Respectfully requested,



Jean W. Payne
Commissioner of Revenue

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



Phillip D. Payne, IV
County Attorney



October 7, 2015

P.O. Box 16464 - Denver, CO 80216-0464

RECEIVED
OCT 15 2015
COMMISSIONER
OF REVENUE

Nelson County
Commissioner of Revenue
P.O. Box 246
Lovingston, VA 22949

RE: Seminole Transportation, Inc.

VIN's: 1S12E948XCE525874, 1S12E9481CE525875, 1S12E9483CE525876, 1S12E9485CE525877,
1S12E9487CE525878, 1S12E9489CE525879, 1S12E9485CE525880, 1S12E9487CE525881, 1S12E9489CE525882,
1S12E9480CE525883

Dear Hazel M Stratton,

We are writing this letter to request a refund for overpayment of property for the VIN's listed above that we are currently leasing to Seminole Transportation, Inc. We are requesting the refund based on Seminole Transportation Inc. out of state miles. Seminole Transportation, Inc. in state/out of state miles are listed below by quarter:

Q1 2014 – VA miles 123,598, out of state miles 64,867	48%	
Q2 2014 – VA miles 132,544, out of state miles 56,376	5	
Q3 2014 – VA miles 150,155, out of state miles 66,144	50%	
Q4 2014 – VA miles 123,384, out of state miles 70,707	50%	Total 2014 VA miles 529,681, 2014 out of state 258,094
Q1 2015 – VA miles 143,658, out of state miles 74,322	50%	
Q2 2015 – VA miles 124,059, out of state miles 61,519	50%	Total 2015 VA miles 267,717, 2015 out of state 135,841

Please let me know if you need any other information, I can be reached at 303-301-7695.

Sincerely,

Heather Beshany
Accounting Specialist
Trans Lease, Inc.
303-301-7695
hnazzaro@transleaseinc.com

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:

December 2, 2015

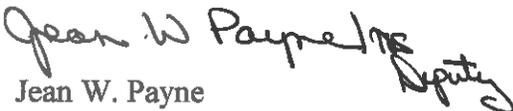
Mr. Larry Saunders, Chairman
Nelson County Board of Supervisors
P. O. Box 336
Lovington, VA 22949

**Re: VW CREDIT LEASING LTD
1401 FRANKLIN BLVD
LIBERTYVILLE IL 60048 – 4460**

**RE: ACKERMAN LAUREN K/LESSEE
ACKERMAN EMANUEL C/LESSEE
2014 AUDI Q5 #WA1LFAFP4EA049168**

This letter shall serve as written request for 2015 personal property tax relief refund in the amount of **\$234.45** be issued to the above referenced taxpayer. The vehicle was billed as non-qualifying, however, the taxpayer has qualified by filing the required affidavit.

Respectfully requested,



Jean W. Payne
Commissioner of Revenue

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



Phillip D. Payne, IV
County Attorney

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:

December 8, 2015

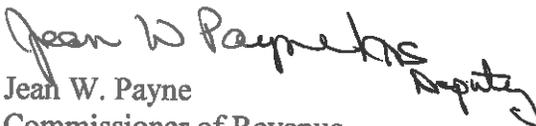
Mr. Larry Saunders, Chairman
Nelson County Board of Supervisors
P. O. Box 336
Lovington, VA 22949

**Re: PERRY JOHN EDWARD
7299 BRIAR SPRINGS FARM LN
SCHUYLER VA 22969**

RE: 1997 MITSUBISHI GALANT #5169

This letter shall serve as written request for 2012, 2013, 2014 & 2015 personal property tax & license fee refund in the amount of **\$263.21** be issued to the above referenced taxpayer. The vehicle was garaged in Albermarle Co for the above referenced tax years.

Respectfully requested,


Jean W. Payne
Commissioner of Revenue

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


Phillip D. Payne, IV
County Attorney

**RESOLUTION R2016-04
NELSON COUNTY BOARD OF SUPERVISORS
AMENDMENT OF FISCAL YEAR 2015-2016 BUDGET
NELSON COUNTY, VA
January 12, 2016**

BE IT RESOLVED by the Board of Supervisors of Nelson County that the Fiscal Year 2015-2016 Budget be hereby amended as follows:

I. Appropriation of Funds (General Fund)

<u>Amount</u>	<u>Revenue Account</u>	<u>Expenditure Account</u>
\$ 1,800.00	3-100-002307-0001	4-100-021060-1003

II. Transfer of Funds (General Fund)

<u>Amount</u>	<u>Credit Account (-)</u>	<u>Debit Account (+)</u>
\$ 7,000.00	4-100-999000-9905	4-100-013010-1010
\$ 500.00	4-100-999000-9905	4-100-013010-5201
\$ 3,853.00	4-100-999000-9905	4-100-013010-5401
\$ 3,998.00	4-100-999000-9905	4-100-013010-5413
\$ 1,400.00	4-100-999000-9905	4-100-013010-5501
\$ 350.00	4-100-999000-9905	4-100-013020-1003
<u>\$ 17,101.00</u>		

Adopted: January 12, 2016

Attest: _____, Clerk
Nelson County Board of Supervisors

EXPLANATION OF BUDGET AMENDMENT

- I.** The **General Fund Appropriation** reflects an appropriation request by the Clerk of the Circuit Court for an additional allocation of Compensation Board funds for part-time help in the amount of **\$1,800**.

- II.** The **Transfer of Funds** reflects a **\$17,101** transfer from the General Fund Contingency to provide for expenses relative to the March 1, 2016 Presidential primary elections. These funds are allocated within the Electoral Board (1301) and the Registrar (1302) budgets as requested by the Registrar. After this request, \$1,365,750 remains in the General Fund Contingency of which \$1,146,895 is recurring revenue.

Office of General Registrar
Jacqueline C. Britt
P.O. Box 292
Lovington, VA 22949



Phone: 434-263-4068
Fax: 434-263-8601
Email: jbritt@nelsoncounty.org

December 29, 2015

Mr. Steve Carter
Administrator
County of Nelson
PO Box 226
Lovington, VA 22949

Dear Mr. Carter,

I am requesting on behalf of the Nelson County Electoral Board and the Registrar's Office that the Board of Supervisors amend their budget and appropriate additional funds to enable the Electoral Board to hold the March 1, 2016 Democratic and Republican Presidential dual primary elections.

Attached is the projected of the cost of the primary elections that was not included in the original budgets for this fiscal year.

Sincerely,

Jacqueline Britt
General Registrar

Cc: Debbie McCann

March 1, 2016 Dual Primary Election Expense

Expense Item	Account	Amount
Officer of Election Payroll (Election Day & Training)	13010.1010	7,000.00
Postal Services (Absentee voting)	13010.5201	500.00
Ballots	13010.5401	2,500.00
Machine tape rolls (Open/Close Reports & ADA Ballots)	13010.5401	653.00
Election/Office Supplies	13010.5401	500.00
Training Manuals	13010.5401	200.00
Voting Machine Programming	13010.5413	2,398.00
Machine Custodian	13010.5413	1,600.00
Electoral Board Mileage	13010.5501	800.00
Machine Custodian Mileage	13010.5501	200.00
Officer of Election Mileage	13010.5501	400.00
Part-time Assistant payroll(Election prep/Absentee voting)	13020.1003	350.00
Total Estimated Expense		17,101.00



STATE OF THE SENIORS FY2014
The Third Annual Report to the Nelson County Board of Supervisors
From the Senior Advisory Committee
December 30, 2014

Senior Advisory Committee Mission Statement: to promote the well-being of Nelson County’s seniors and those who care for them by identifying needs and issues as well as resources and solutions.

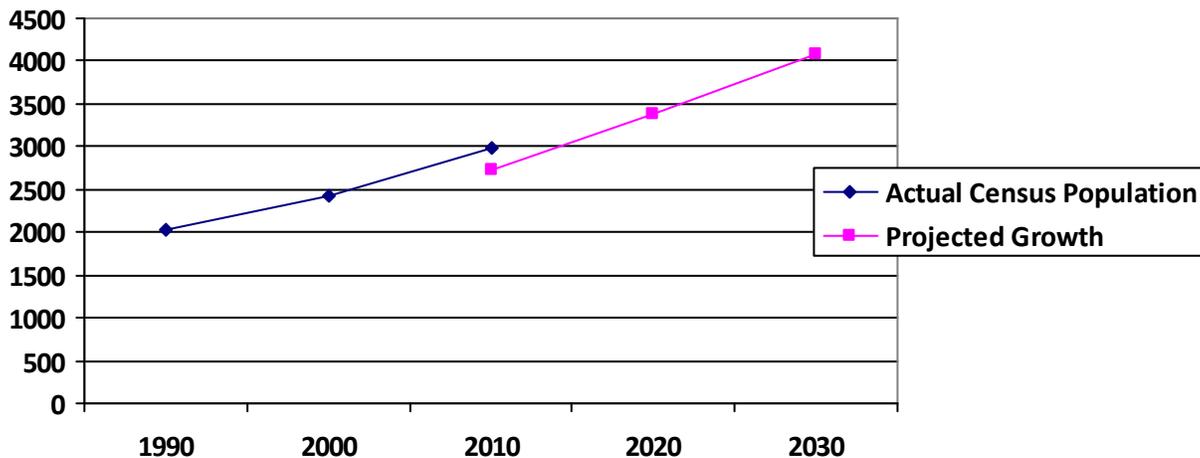
The purpose of this report is to draw attention to the status of seniors in the County and to familiarize the Nelson County Board of Supervisors with the issues facing seniors today and in the future.

Where We Are Now:

Statistics from 2011 U.S. Census Quick Facts

- According to this data the total population in Nelson was 15,097
- 3095 of the total population were seniors (65 and over)
- In 2011 seniors comprised 20.5% of the total population in Nelson

Nelson 65+ Actual and Projected Population Growth
State Projections from Virginia Employment Commission



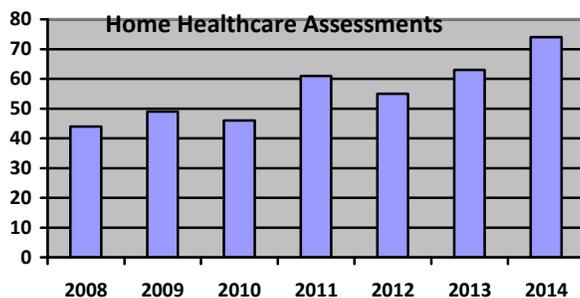


Dental Care 2014

- BRMC's Rural Health Outreach Program provided affordable dental care to approximately 42 seniors in 2014 through a voucher program

Health Care 2014

- Nelson County has three primary care sites, all of which offer a sliding fee scale; the County is listed as an official "medically underserved area" primarily because of the distances residents must travel to get to specialty care and or hospital based care
- In 2014 BRMC served 1742 seniors, comprising 18.2% of their patient population
- The Nelson Senior Center provided 178 health promotion activities which included assessments, screenings, 36 health education, 34 physical activity and 83 therapeutic social recreational activities
- The Medication Assistance Program at BRMC served 121 seniors in 2014.
- The Nelson County Health and Social Services departments provided 74 home healthcare assessments or screenings to seniors to evaluate their need for nursing home care, assisted living and in home companion services (assisting with house-cleaning, grocery shopping, bathing etc.)



Meals - 2014

In FY14: 50 Nelson County residents received 2,150 meals served at the Nelson Center, 915 at the Gladstone Center (including 50 meals delivered to shut in seniors), 807 at the Schuyler Center (which includes 279 meals delivered to shut in seniors), 1,225 at the Rockfish Center (including 22 meals delivered to shut in seniors) and 65 Nelson County residents received 7674 Home Delivered Meals via JABA's Mom's Meals program.

- JABA is required to meet the Virginia Department of Aging nutrition requirements for meals served at the Nelson Center as well as the JABA Home-Delivered Meals program

Affordable Housing - 2014

- Ryan School Apartments currently has seniors in 21 of its 32 affordable units. Seniors 60 and over compose 66% of the residency
- Lovington Ridge Apartments currently has seniors in 26 of its 64 affordable units. Seniors 60 and over compose 41% of the residency
- Rosewood Village at Wintergreen is a 55 and older community. Currently, of the 24 lots available 17 homes have been built. 15 of the homes are occupied and 2 of the homes are for sale. 7 lots are available for sale to build on

Supports for Seniors to Help Them to Remain in Their Homes Longer - 2014

- In FY14: JABA provided approximately 75 home visits to seniors to help ensure they had access to programs and services which assist them with home safety, nutrition, caregiver support, medications, dental and eye care, transportation, housing and other important initiatives which put senior concerns first and allows them to stay in their homes longer
- According to the Nelson County Department of Social Services, at the end of 2014 there were 24 seniors on the waiting list for companion services

JABA Home Support Services

- JABA provides home care services through a contract with At Home Care Staffing. These services are provided in all the localities of Planning District Ten by funds provided by the Virginia Department of Rehabilitative Services (DARS). JABA provided home care to three Nelson County residents that helped them to remain in their homes. These services costs almost \$5000 but the recipients of these services received them at no cost.

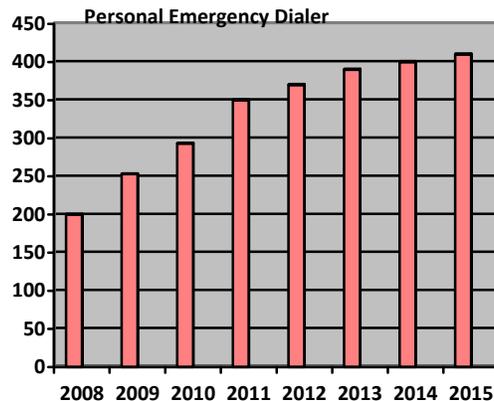
Families Program

- JABA is a partner with the UVA Memory and Aging Care Clinic and the Alzheimer’s Association in a federally-funded research program that provides counseling, support and access for family caregivers of individuals with Alzheimer’s disease or other types of dementia. Ten caregivers who are residents of Nelson County have participated

Safety & Security - 2014

Personnel Emergency Dialers (PEDs) are a Nelson - TRIAD project

- The recipient’s cost is a one-time fee of \$75.00
- Over 410 PED’s have been installed by the Nelson County Sheriff’s Dept. since 2008



Transportation - 2014

- In FY14: JAUNT provided 5322 trips to seniors
- JAUNT services include:
- Three commuter routes
(two to Charlottesville on weekdays and one to Wintergreen Wednesday through Sunday)
 - Monday-Wednesday-Friday service to Charlottesville
 - Monday and Tuesday intra-county service, primarily to the senior centers



What Is Needed In 2015 and Beyond:

Health Care

- Affordable dental care that is integrated with primary care; there are many more seniors who are suffering from serious oral health problems
- Improved and more affordable home-based services so that low-income seniors can “age in place” by remaining in their own residences longer
- Mental health services that cater to seniors
- Alzheimer’s Care Unit in Nelson

Meals

- Expanded meals programs at Nelson, Rockfish, Gladstone and Schuyler centers to allow more seniors to participate as well as attend more often

Housing

- An assisted living facility in Nelson
- Additional units of affordable housing are needed for seniors
- Need for additional home improvement program(s) in Nelson. A program like the Albemarle Housing Improvement Program, focuses on helping those who are low income to rehabilitate and improve homes.

Transportation

- More flexible services to reduce long waiting times after doctor visits, as well as to reduce long ride times
- Five day/week service to doctor appointments, etc. in Charlottesville
- Five day/week service to destinations within the County

At Risk Seniors

- At-risk seniors need monthly visits to help with bill-paying



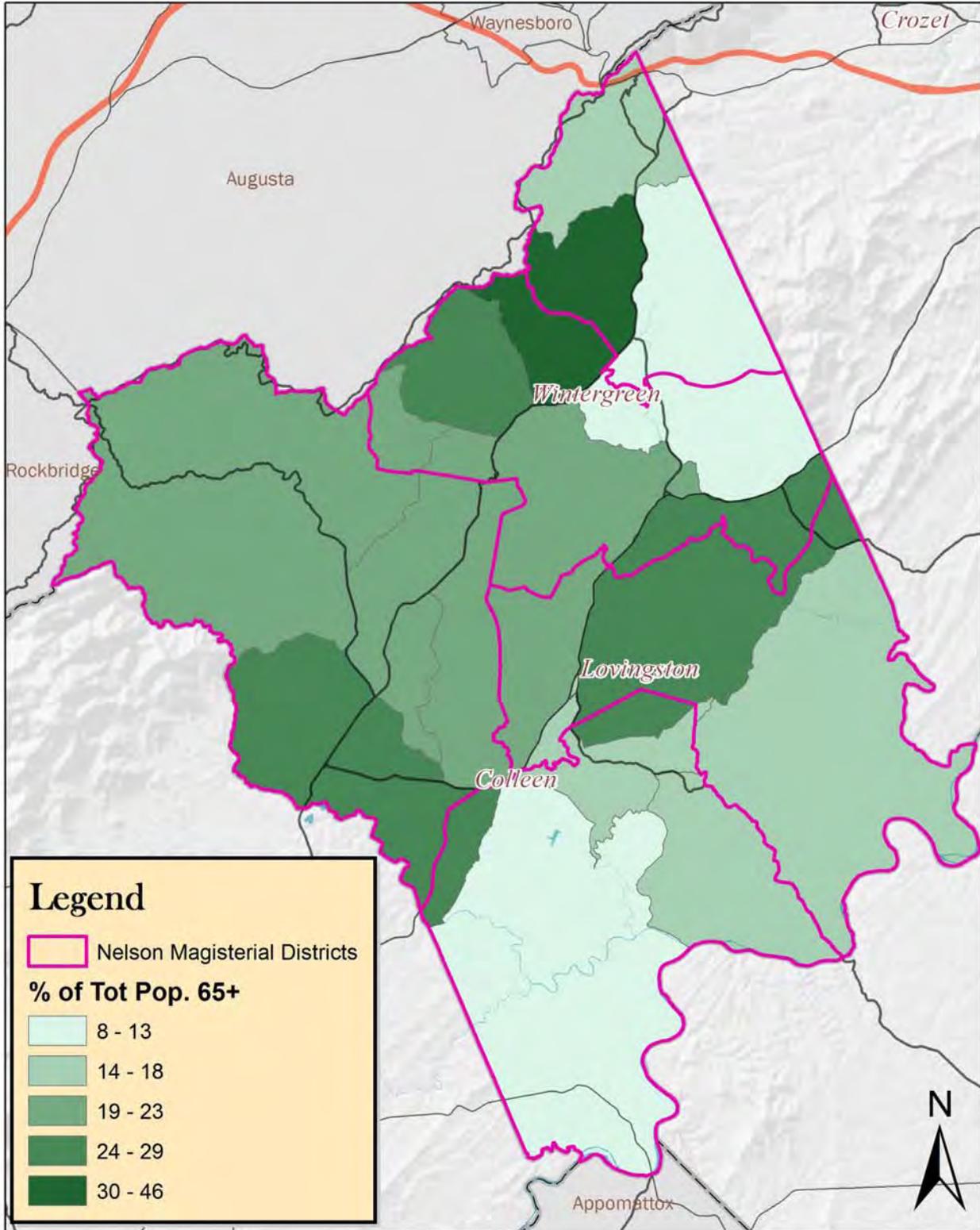
How Do We Get There?

We need to engage the entire community to work toward solutions for our growing population of seniors

Additional funding from the County can draw down more federal and state dollars to improve the lives of senior citizens

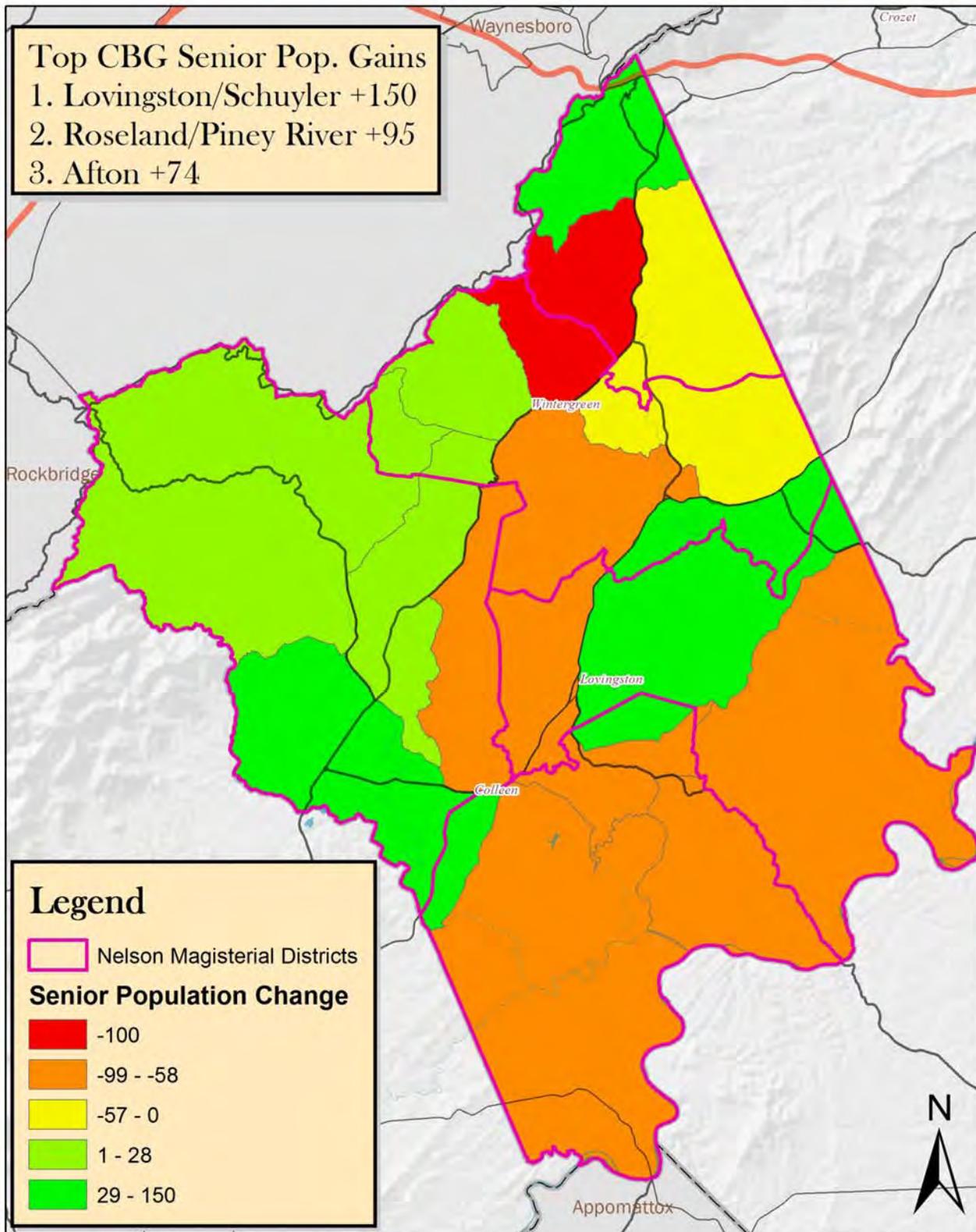
Based on American Community Survey data, the following map gives an overview of the density of seniors by census block group in Nelson County

Elderly % of Total Population 2013



The following map based on American Community Survey data estimates the change in senior population by census block group between 2010 and 2013. The three census block groups with the estimated largest population gains are listed in the upper left corner of the map

Est. Change in Senior Population 2010-2013



DEPARTMENT OF
PLANNING & ZONING



PLANNING COMMISSION
BOARD OF ZONING APPEALS

To: Chair and Members, Nelson County Board of Supervisors

From: Tim Padalino | Planning & Zoning Director

Date: January 6, 2016

Subject: Determining Fee Schedule for General Zoning Permit Applications

[Introduction]:

The Department of Planning & Zoning was recently contacted by County Administrator Steve Carter with an inquiry regarding the collection of \$25 fee payments in connection with several different types of administrative zoning permits.

Specifically, Mr. Carter inquired about the \$25 fee payments being collected by staff in the Planning & Zoning Department for certain types of zoning permits contained in Z.O. Article 4, Section 11 "Administrative Approvals." These include the following:

- Temporary Travel Trailer Permits
- Wayside Stand Permits
- Special Events Permits

It is important to note that the fees for these zoning permits are not specified in either of the following:

- The fee schedule contained in the General Provisions Article (Table 5 in Z.O. Article 12, enacted via Ordinance O2104-02)
- The fee schedule contained in the Site Plan Article (Z.O. Article 13-9, enacted via Ordinance O2010-5)

The practice of collecting a \$25 fee for these types of zoning permits (specified above) has been in place since my addition to County staff in 2011. Upon Mr. Carter's inquiry about the authority or basis for collecting this \$25 fee payment, Mrs. Stormy Hopkins and I reviewed the Zoning Ordinance and other documents. Our review only identified one source of this \$25 fee amount: the Planning and Zoning Department "Office Procedures" manual, which was created by Mrs. Betty Fortune under then-Planning & Zoning Director Fred Boger, which shows a fee of \$25 to be collected for "Travel Trailer Permits."

(Note: Temporary Travel Trailer Permits are contained in the same subsection of the Zoning Ordinance – Article 4, Section 11 – as Wayside Stand Permits and Special Events Permits, which are the two other types of zoning permits for which a \$25 application fee has been traditionally charged.)

In addition to review by Planning & Zoning staff, County Administration staff also conducted a thorough review. Mr. Carter indicated that Ms. Anna Birkner reviewed County records going back decades, and only found approval by the BOS for charging a \$5 fee for a use permit (that is not covered by other approved permit fee). At the conclusion of this review, Mr. Carter indicated that Planning & Zoning staff needs to use the \$5 fee until the Board addresses and resolves the issue.

[Items for Review and Consideration]:

Therefore, the following questions are presented to the BOS for consideration and action:

1. Should County staff continue to collect \$25 for applications for the above-referenced administrative zoning permits, or revert to the \$5 fee payment?
2. Should the Zoning Ordinance be amended to clearly and officially state the fees for zoning permits contained in Article 4, Section 11 (“Administrative Approvals”)?
3. Should the County consider establishing a revised fee schedule for these types of zoning permits?

(Note: the fee schedule for “Special Events Permits” is currently under review and is being addressed through the ongoing amendment process for “Temporary Events, Festival Grounds, and Out-of-Door Accessory Uses” per BOS referral R2015-68, which would establish a new Article 24 in the Z.O.)

[Conclusion]:

County staff will await BOS direction on how to process administrative zoning permits (\$25 or \$5), and on whether or not to undertake a process of formally establishing a fee schedule in the Zoning Ordinance.

Additionally, upon request by the BOS, County staff can also compile a brief comparison of similar zoning fees from neighboring localities if BOS members find that to be necessary.

Thank you for your time and attention to this matter. Please contact me with any questions or comments you may have regarding the subjects addressed in this staff report.

8 January, 2016

To: Board of Supervisors
From: S. Carter, County Administrator
Re: County Administrator's Report (January 12, 2016 Meeting)

1. Courthouse Project Phase II: Construction is in process, on schedule and budget. No construction issues to report to date. A related project element is working towards the procurement of audio-video and recording equipment for the Circuit Court, which was not an initial project element and which has grown (somewhat) in scope.

2. Broadband: Please see the attached 1-8-16 report on this subject to the NCBA.

3. BR Tunnel: County and Woolpert staff are focused on the consolidation of Phase 2 and Phase 3 in order to secure grant funding that will enable the overall project to be funded for completion. Input from VDOT staff is, as follows:

“We have received confirmation from Central Office that the Open Container funds are available for eligible off system trail projects that can be obligated in FY17. These are 100% funds which means there is no match requirement by the locality. To be a competitive candidate for these funds it will be important to show that your project can be obligated in fiscal year 2017. Open Container Funds will not be available until October 2016 which means you will not be able to advertise until after the funds are in place. To be able to advertise in October 2016 we will need to obtain federal authorization in advance of that date. Federal authorization to advertise can take up to 30 days once a submittal to FHWA is made. To get all of the documentation necessary to make this submittal will take several months (sometimes 4-5 months). To allow plenty of time to get the documentation needed the County should start submitting documentation as you have it completed with a target of having everything in by early May.”

Additionally, County staff will submit later in the month of January a grant request to the national Rails to Trails Conservancy. The grant request (amount) has not yet been finalized. The maximum grant award is \$50,000. The funding would be used for installations such as project signage, kiosks, possibly, security cameras, etc.

4. Lovingson Health Care Center: Harrisonburg based Valley Care Management has requested a meeting with the County to discuss the company's status on acquiring the facility for use as an assisted living and memory care center. The meeting will be scheduled in January or early February 2016.

5. Radio Project: The following was taken from the monthly report of the Department of Information Systems (S. Rorrer): County staff and B&V (RCC) have completed a review of system documentation and provided Motorola with a list of additional information that should be provided. Once that information is received the County will sign off on the final project milestone.

The County and B&V are currently working to evaluate the Digital Vehicular Repeaters proposed to be installed in vehicles for the Rockfish, Montebello and Wintergreen departments. Motorola has provided a list of references who currently utilize the DVR Systems. Motorola has requested proof of concept information from systems engineering however that information has not been

received. The County will proceed with the purchase once the solution has been proven to work as proposed.

The County is continuing to pursue the deployment of a new communications site on Bear Den Mountain. Black and Veach, Motorola, Virginia State Police and the County will work together to assess options for use of the site. The site will provide significant coverage enhancement in the northern part of the County.

6. CDBG Grant Application for Sewer Line Extension: A set of information questions has been submitted to Aqua VA, which has just recently assigned staff to this subject (to work with the County). Until these informational needs are addressed and done so to enable the project to proceed to a final decision by VA-DHCD on project funding, additional work that is required to be completed (i.e. income surveys, grant application revisions, etc.) are being deferred (until there is certainty that all required details can be completed with Aqua VA).

7. Nelson County Public Schools (Office of Civil Rights Follow-Up): An update on the status of this subject has not been received from the School Division but is thought to be in process.

8. FY 14-15 Audit Report (CAFR): The completed report will be distributed to the Board in the ensuing two weeks with staff from Robinson, Farmer Cox Associates to present on this subject at the February regular session.

9. FY 16-17 Budget: Work on the County's ensuing fiscal year budget is in progress. Department of Finance and HR staff are also endeavoring to complete a compensation study for the Board's consideration during FY 16-17 budget work sessions.

10. VDOT HB2 Applications: A final decision on the County's three HB2 project applications is pending (early to mid-2016). The Rt. 29/655 application has been shifted at the request and recommendation of VDOT staff to the Department's Safety HB2 Need Category (instead of the Corridor of Statewide Significance Category).

11. Board Retreat: Completed. A summary report completed by Mr. Boyles (Chip) of TJPDC is included herewith.

12. Department Reports: Included with the BOS agenda for the 1-12-16 meeting.

8 January, 2016

To: Nelson County Broadband Authority
From: S. Carter
Re: Report for January 12, 2016 NCBA Meeting

An update on the local broadband network is provided, as follows:

I. Subscription: The middle-mile fiber optic networks' customer base (business and residential) is currently 159 connections. The majority of customers are served by Ting (formerly Blue Ridge Internet Works). Nelson County Community Cablevision is also a service provider on the network.

II. Budget/Finance: Please refer to the financial information included in the Authority's agenda documents.

III. Broadband Strategic Plan: The services of Blacksburg based Design Nine have been retained complete a multi-faceted broadband strategic plan. The base contract document, which delineates the work to be accomplished, is attached hereto. Design Nine's services submittal, which provides overall background on the company and its commentary to assist with completion of the planning project is also included within the 1-12 agenda documentation.

IV. Network Expansion Project: The CDBG and County funded Network Expansion Project, which will add approximately 8.1 miles to the middle-mile fiber network in three areas along or extended from the Route 151 Corridor is behind schedule with construction of the first of three phases not yet initiated (as of 1-8-16). The project's construction contractor, Computer Cabling & Telephone Services, Inc. (CCTS), has, as of 1-6, verbally committed to County staff that CCTS will initiate Phase 1 on 1-11-16 and commence from this date to complete the overall project (i.e. Phases 1 – 3). Should CCTS not begin work on 1-11, this will be reported to the Authority on 1-12 to provide direction to County staff on how to proceed in order to provide for the project's completion, which is now approximately 2 months beyond the original completion date.

V. Network Management/Operation: The former Blue Ridge Internet Works was purchased in 2015 by Canadian based Ting. County staff have met subsequent to Ting's acquisition of BRIW with two or Ting's corporate executives to discuss the continuation of Network Management & Operation services (middle-mile fiber network) by Ting. To date, Ting's corporate representatives have advised County staff of the company's willingness to continue this service albeit with proposed contractual changes. These changes entail Ting 1) not being directly or overall responsible for all installation related services with this responsibility transitioning to either the Authority/County or to another third party; 2) billing services that Ting presently administers transitioning to either the Authority/County or to a another third party (Ting would continue to bill its customers on the NCBA network); 3) revision(s) to the NCBA fee structures, as necessary, to enable Ting to provide a 1 Gigabit Service to residential and business customers at a current price point of \$89.95. These proposed changes will be included in the strategic planning project with outcomes either then negotiated with Ting and/or presented to the Authority for, as needed authorizations.

VI. Outside Plant Services (OSP): The network's OSP services have been provided since the startup of the NCBA network by Harrisonburg based CCTS. CCTS is a full service provider with respect to the Authority's OSP needs. However, CCTS's services have proven to be difficult with regard to timeliness and installation errors, which have resulted in complaints from customers and significant criticism from the Network Operator (BRIW, now Ting) due to CCTS's inconsistent services. County staff have

continually prevailed upon CCTS to address and improve these conditions. Another strategic planning project component is how best to address OSP services.

VII. Internet Service Providers (ISP's): The current service providers on the middle mile fiber network include: 1) Ting and, 2) Nelson County Community Cablevision. As noted herein, Ting is seeking contractual changes with the Authority that will enable the company to sell 1 Gigabit services and transition Ting staff in Charlottesville to the business model the company utilizes in its Canadian and U.S. markets (which will require operational changes in the Authority's current contractual relationship with Ting). Retaining Ting as both an ISP and Network Operator are very important to the network and the changes that may be required are not considered by staff to be a basis of dissolution of these relationships. As to Nelson Cable, the company has become an ISP on the Authority/County middle mile network and has added several customers to the network. County staff want this relationship to continue and to improve. However, there is also a competitive and deterrent relationship that also needs to be addressed.

VIII. Wireless Internet Service Providers (WISP's): Stewart Computer Services (SCS) has been acquired by AcelaNet. The former SCS's operations are understood to be continuing to operate status quo, which includes use of two of the Authority's tower locations (Martins Store and Massies Mill) albeit the company's customer base in Nelson County is not reported to the Authority/County and, therefore cannot be provided with this report. County staff will meet on 1-12 with one of AcelaNet's principals and the communications that led to the scheduling of this meeting have provided for optimism in an improved working relationship.

IX. Network Marketing: A recurring concern expressed by the Authority has been network marketing. While a perception the Authority has had is the responsibility for marketing the network is a requirement of Ting's services to the County this is, somewhat of, a misunderstanding. Ting, as well as Nelson Cable, have the responsibility to market their services but neither, necessarily, has a contractual requirement to market the Authority/County network, etc. The efforts, to date, by County staff has been informational with, primarily, posting or public notices to the County's website or to the local newspaper. To address this concern/need, Lisa Shannon of the Department of Economic Development and Tourism (Lisa has an MA Degree in Marketing) will work with County staff to develop a marketing plan that will endeavor to address the needs in all respects to market the network and do so on a continuous basis.

X. Other: County staff met in the third and fourth quarters of 2015 with representatives of Shentel and Lumos and, most recently, on 1-5, with Mid Atlantic Broadband Communications Corporation (MBC). These meetings entailed broad discussions with each company on their respective interest in significantly broader working relationships with NCBA/Nelson County (each of these companies is connected to the middle mile network and provide a degree of services that either support their operations or provide limited services in the County e.g. Shentel provides internet services to the School Division and Lumos provides this same service to the County's local government network). To date, Shentel has advised that it is no longer interested in an expanded relationship with the County other than to serve its business operations outside the County. Lumos staff have advised that their Small Business & Residential Group is meeting on 1-12 to discuss the NCBA/Nelson County network and will advise County staff after 1-12 of any interest the company may have in an expanded services footprint in the County. Most recently MBC's Vice-President of Sales and Business Development met with county staff (1-5) to discuss MBC, which, as a non-profit corporation, operates an extensive middle mile network and is currently working with Louisa, Orange and Culpeper counties to assist with the development of a "possible" regional network. The meeting with MBC was productive with ensuing input from MBC to County staff anticipated in the very near future. The objective of County staff in all of these discussions/meetings was that of the means to strengthen the local network (operationally and financially), expand services, expand the local network, etc.

Please advise on questions you may have on any of the above subjects. Your consideration of the information reported on herein is appreciated.

BROADBAND STRATEGIC PLAN AGREEMENT

This Agreement is entered into between Design Nine (“Contractor”) and Nelson County Broadband Authority (“Authority”) as of January 4, 2016 is an extension of the Louisa County Broadband Authority Letter Agreement dated January 7, 2015. These terms and conditions will apply to all engagements of Design Nine by Nelson County Broadband Authority unless specifically disclaimed in writing by both parties prior to the beginning of the term for service.

For and in consideration of the mutual covenants, promises, and agreements herein contained, agree as follows:

- 1. PROVISION OF SERVICES:** Design Nine will assist the Nelson County Broadband Authority as directed, with work tasks identified below but not limited to these work items:
 - a. Assistance with a prioritized network build out plan (county wide or as extensively as determined feasible) that encompasses both the local middle mile fiber backbone and the current (wireless) tower networks. This planning would also entail cost projections, grant and financing sources/options, assisting the Nelson County Broadband Authority with development of a strategic plan for its broadband network, and guidance on the Nelson County Broadband Authority network being a conduit for network expansion to end users by other entities through use of the Nelson County Broadband Authority network.
 - b. Evaluation and recommendations on the Nelson County Broadband Authority’s current rate structure.
 - c. Evaluation and recommendations on network operations and outside plant services.
 - d. Evaluation and recommendations for last mile installations (the Nelson County Broadband Authority currently provides discounts, amortization of costs and sharing of costs for both individual service connections and/or neighborhood builds that entail expansion of the middle mile network to serve the neighborhood).
 - e. Assistance in determining options for Nelson County Broadband Authority to become a participating entity in the FCC’s Connect America 2 Program, including identification of potential partners the Nelson County Broadband Authority could engage to meet FCC program requirements.
 - f. Assistance with identification of ISPs and WISPs that the Nelson County Broadband Authority could solicit to provide services in Nelson County through use of the Nelson County Broadband Authority network.
 - g. Completion of an overall evaluation of the current structure (funding, staffing, operations, etc.) of the Nelson County Broadband Authority network and its operations with recommendation for overall improvement, efficiency, financial sustainability, etc.

- h. Other, as may be determined in further consultation with Design Nine to complete a final scope of work for the proposed strategic planning project.
- i. Conduct monthly progress meetings.
- j. Presentation of a final report to the Nelson County Broadband Authority.
- k. Additional Scope of Work may be established with each renewal period.

2. DELIVERABLES INCLUDED IN SCOPE:

The following sections describe in detail the deliverables that the Consultant shall produce and present to the Authority.

a. **Progress Reports:**

The consultant shall meet at least monthly with staff to review findings and discuss progress with work tasks.

b. **Final Report to the Authority:**

The Consultant shall prepare and deliver to the Authority a Final Report that contains all of the collected data and analyses performed by the Consultant during the course of the project.

- i. The Final Report shall be reviewed with staff prior to presentation to the Nelson County Broadband Authority.
- ii. The final report shall address all identified work tasks.

3. CONTRACT DOCUMENTS: The Contract Documents consist of this agreement, Letter Agreement with Louisa County dated January 7, 2015, Request for Proposal RFP#BPA – 15-01 dated 10/6/2014, Addendum 1, dated 10/16/2014, Appendix A Louisa County Broadband Authority Standard Terms and Conditions, Design Nine response to RFP#BBA15-01, Design Nine Proposal to Nelson County Broadband Authority dated 12/4/2015, Exhibit B Nelson County Broadband Authority General Conditions. All references to “Louisa County Broadband Authority” in the Letter Agreement with Louisa County Broadband Authority are hereby amended to reference Nelson County Broadband Authority. Where the terms of this agreement are at variance with the provisions of the Letter Agreement with Louisa County Broadband Authority, the provisions of this contract shall prevail. Nelson County Broadband Authority General Conditions Exhibit B will hereby replace Appendix A Louisa County Broadband Authority Standard Terms and Conditions.

4. CONTRACT TERM: The initial term of this contract shall be for six months commencing on January 1, 2016. Upon mutual agreement of both parties, this contract can be renewed for up to three additional 1 year periods. Scope of Work shall be established at renewal.

5. CONTRACT AMOUNT: In return for the services identified above, the Nelson County Broadband Authority shall compensate the Contractor at the hourly rates shown as follows:

Broadband Architect	\$125.00
Network Engineer	\$125.00
Senior Broadband Planner	\$110.00
Financial Engineering	\$115.00
GIS/CAD Design & Mapping Work:	\$85.00
Technical Support & Web Development	\$65.00

The Nelson County Broadband Authority will pay a fee to Contractor not to exceed Thirty Two Thousand, Five Hundred dollars (\$32,500.00) for services as described in this Agreement. The hourly rates for the work shall remain fixed during the initial term of the Agreement and any permitted extension thereof. The Nelson County Broadband Authority agrees to pay Contractor according to monthly invoices rendered by Contractor to the Nelson County Broadband Authority during the term of this Agreement. Compensation shall be due Contractor only for that Work authorized by the Nelson County Broadband Authority.

6. INSURANCE: The Contractor shall, during the performance of the Agreement, keep in force at least the following minimum limits of insurance: Workers compensation insurance shall comply with the requirements of the laws of the Commonwealth of Virginia.

<u>Type of Insurance</u>	<u>Each Person</u>	<u>Each Occurrence</u>	<u>Aggregate</u>
Worker's Compensation Public Liability	Statutory	Statutory	
Property Damage			\$1,000,000
Contractor's Protective Public Liability	\$1,000,000	\$1,000,000	
Contractor's Protective Property Damage			\$1,000,000
Contractual Liability	\$500,000	\$1,000,000	
Contractual Property Damage			\$1,000,000
Completed Operations And Products Liability	\$500,000	\$1,000,000	\$1,000,000

Nelson County Board of Supervisors



Veritas Vineyards and Winery
Afton, Nelson County, Virginia

Agenda

8:30	Breakfast
9:00	Introductions
9:30	Review of today's agenda & meeting goals
9:45	County Mission & Services
10:00	Priority Issues Identification
11:00	Break
	Consolidation of List
11:15	Dot Placement
11:45	Lunch
12:45	Confirm highest priorities
1:00	List action strategies/assignment/measurement for each priority
2:00	Wrap up discussions
3:00	Adjourn

Attendees

- Nelson County Board of Supervisors
 - Larry Saunders, Chair
 - Allen Hale, Vice Chair
 - Connie Brennan
 - Tom Bruguiere
 - Tom Harvey
- Nelson County Staff
 - Steve Carter, County Administrator
 - Candy McGarry, Deputy Clerk to Board
- Facilitator
 - Chip Boyles, Thomas Jefferson Planning District Comm.

Retreat's Goals

- Review County Mission Statement
- Identify key priorities for FY 17 through FY 19
- Discuss connections between priorities and funding
- Develop immediate and longer term strategies to achieve identified priorities
- Document next action steps

Nelson County Mission

It is the mission of the Board of Supervisors to maintain Nelson County as a beautiful, safe, healthy, and prosperous rural county; where public services are effective, efficient, adequate and responsive to the needs of its citizens; where education is a life-long process; where citizens are involved in all aspects of their governance; and where the community is well planned to assure respect for and dedication to its traditions and resources, while continuing to improve its economic viability.

Nelson County Services

Departmental Recommendations (Attached)

- Administration
- Animal Control
- Emergency
Management Services
- Finance &
Administration
- Information Systems
- Parks & Recreation
- Planning & Zoning
- Registrar & Electoral
Board

Prioritization Exercise

- I. Go one by one around BOS table for highest priority items to address until exhausted
- II. Group like items into same categories
 - I. Capital or Operating Costs
- III. Eliminate by consensus any that can be removed
- IV. Rewrite what's left
- V. Have Supervisors place dots on their highest priorities. Each person gets 10 dots, you can place up to 3 on one item.
- VI. Look for clear-cut top priorities
- VII. Discuss and confirm that these are top work items

Commissioner Recommended Areas of Need

- Educational & School Programs, Operations & Facilities
 - Maintain adequate funding for current level of services
 - Communication and cooperation between School Board and Board of Supervisors
- 151 Corridor Planning
 - Planned Development of corridor
 - Zoning of corridor
 - Plan with full community input and engagement
- Aquatic Center

Commissioner Recommended Areas of Need

- Economic & Business Development in All areas of County, especially in Southern Nelson County
 - Plan & promote small business, low impact & home based businesses
- Increase Community Engagement
 - Improve communication between new residents and long term residents
 - Develop communication tools to reach all residents

Commissioner Recommended Areas of Need

- Improve Rural Roads
 - Upgrade dirt roads to paved/gravel
 - Communicate with VDOT more
 - Understand VDOT funding priorities and decision making to request improvements
- Upgrade GIS & Data Consolidation
 - Partner between EMS, Health & Schools
- Broadband
 - Market services more like private industry
 - Engage private carriers
 - Expand services

Commissioner Recommended Areas of Need

- Streamline Platting, Survey & Land Use Permitting Form Requirements
 - Review existing ordinances and requirements for unnecessary and redundant information
 - Review new ordinances for cumbersome consequences
- Review Boards and Committees Requirements and Term Limits
 - Review for usefulness
- Blue Ridge Tunnel
 - Ongoing Operations
 - Transfer operations to State or Federal Parks

Commissioner Recommended Areas of Need

- Lovingston Health Care Center
 - Leaves no current access to health care in area
 - Use of donated facility
- Staffing
 - Departments requested additional staffing to meet needs
- Perform In-House Property Reassessment
- Emergency Services
 - Staffing between volunteers & paid staff
 - Funding sources for operations, staff, equipment
 - Training & Regulations
 - Partner with Wintergreen

Commissioner Priority Actions

- **Broadband & Wireless Development** – 6 votes

- Create a business model & plan for broadband service (action item)
- Consider county run operations and privatization of operations
- Promote & market customer recruitment (action item)
- Increase service area as economic development tool

- **Economic & Business Development** – 6 votes

- Budget & Create a Comprehensive, County Wide Economic Development Strategy and Plan (action item)
- Include extensive community engagement
- Prioritize the Larkin Property for Acquisition (action item)
- Review & update development plan for Larkin Property (action item)

Commissioner Priority Actions

- **Corridor Planning / County Wide** – 4 votes

- Identify buildable vs non-buildable land
- Don't focus just on 151
- Identify infrastructure
- Budget for either in-house or contractual plan prioritization and development (action item)

- **GIS Upgrades & Operations** – 4 votes

- Partner with EMS, Health, Schools and others to create and share data
- Make user friendly on web site
- Use for land use and economic development
- Develop a departmental committee to pursue needs and opportunities and shared data areas (action item)

Commissioner Priority Actions

- **Lovingston Health Care**
– 4 votes
 - Currently in talks for new service provider (action item)
 - Possible re-use as elderly housing
- **Emergency Services** – 4 votes
 - Plan for decreasing volunteers due to regulations, time commitment, changing times
 - Prepare budget for 24/7 coverage (action item)
 - Develop leadership training for volunteers (action item)

Commissioner Priority Actions

- **Aquatic Center – 3 votes**
 - Partner with the school system
 - Locate near the high school
 - Update concept drawings & capital cost estimate
 - Prepare Pro-formas of estimated annual operating costs (action item)
 - Acquire land necessary for the center (action item)
 - Plan in phases
- **Improved Community Engagement with citizens and businesses – 3 votes**
 - “Push out” more information and notices of meetings and projects
 - Work to receive more citizen input
 - Engage all residents, especially from different areas
 - Prepare a Marketing Plan to map out ways to increase numbers and effectiveness of community engagement efforts (action item)

Commissioner Priority Actions

- **Blue Ridge Tunnel – 3**
votes
 - Determine annual operating budget (action item)
 - Confirm or obtain final construction funds
 - Talk with State and Federal Parks for partnership to operate tunnel activities and maintenance.(action item)

Summary

- County staff will work on action items, staff time permitting, based upon Supervisor prioritization. Items not addressed in the FY2017 budget and work plan will either be discussed and/or included in a later budget cycle.
- The goal is to meet again next year to review accomplishments from this list and to update based upon completed action items, changing circumstances and Supervisor re-prioritization.

2016 Board/Commission Appointments

<u>Board or Commission</u>	<u>Terms Expiring</u>	<u>Incumbent</u>
NC Social Services Board <i>BOS Member Annually Appointed in January</i>	1/1/2016	Connie Brennan-BOS
Jefferson Area Disability Services Board <i>Gov't Rep. Appointed at BOS Org. Meeting</i>	1/1/2016	Kelley Hughes
Piedmont Workforce Network Board <i>1 year term annually appointed BOS member</i>	1/30/2016	Larry D. Saunders
Planning Commission <i>BOS Member Annual Appointment in January</i>	1/30/2016	Larry D. Saunders
T.J. Community Criminal Justice Board <i>Appointed at BOS Annual Org. Meeting</i>	1/1/2016	Connie Brennan-BOS
T.J. Planning District Commission <i>1 year term appointed at BOS Annual Organizational Meeting</i>	1/1/2016 1/1/2016	Tim Padalino -Planning Director Allen M. Hale - BOS
Ag & Forestal Dist. Advisory <i>4 Year Term - 3 Term Limit</i>	5/13/2016	Other Landowners Bill Halvorsen
Board of Building Appeals <i>4 Year Term - No Term Limit (initial 3 - 2012, initial 2 - 2014 per Ordinance)</i>	6/30/2016 6/30/2016 6/30/2016	Shely Bruguere Steven C. Crandall Kenneth H. Taylor
Jefferson Madison Regional Library Board <i>4 Year Term - 2 Term Limit</i>	6/30/2016	Marcia McDuffie (T1) Unexp Term of Mary Coy
N.C. Broadband Authority <i>4 Year Term</i>	6/30/2017	Alan Patrick Vacancy- Central
N.C. Economic Dev. Authority <i>4 year term</i>	6/30/2016 6/30/2016	R. Carlton Ballowe Emily H. Pelton
N.C. Library Advisory Committee <i>4 year term appointed by District</i>	6/30/2016	Audrey Evans - West District
N.C. Service Authority <i>4 Year term appointed by District</i>	6/30/2016 6/30/2016 6/30/2018	Edward L. Rothgeb - South David S. Hight-West Tommy H. Vacancy- North
N.C. Social Services Board <i>4 year term with 2 term limit</i>	6/30/2016	Clifford Savell (T1)
Piedmont Workforce Network Board <i>PWN Business Representative - 3 Year Term No Term Limits</i>	6/30/2016	James S. Turpin
Planning Commission <i>4 Year term appointed by District</i>	6/30/2016 6/30/2016	Mary K. Allen - South Michael Harman-West

2016 Board/Commission Appointments

Region Ten Community Services Board <i>3 Year term / 3 Term Limit</i>	6/30/2016	Patricia Hughes (T1)
JABA Board of Directors <i>2 year term</i>	7/15/2016	Diane Harvey
JAUNT <i>3 year term</i>	9/30/2016	Janice Jackson
Board of Zoning Appeals <i>Appointed by Circuit Ct. Judge</i> <i>5 year term</i>	11/10/2016	Goffrey Miles
T.J. Planning District Commission Corporation <i>1 year term no term limit - Appointed By TJPDC Corporation</i>	12/10/2016	George Krieger

DEPARTMENT OF
PLANNING & ZONING



PLANNING COMMISSION
BOARD OF ZONING APPEALS

To: Chair and Members, Nelson County Board of Supervisors

From: Tim Padalino | Planning & Zoning Director

Date: January 6, 2016

Subject: Staff Comments for "Correspondence" Items on Jan. 12 BOS Meeting Agenda - Mrs. H. Goodwin (12/15/2015) and Mrs. E. Woodson (12/30/2015)

[Introduction]:

I have been asked by County Administrator Steve Carter to prepare a brief report for the two correspondence items pertaining to Planning & Zoning on your January meeting agenda. Please review the following summaries, comments, and recommendations for these two items (below).

[Correspondence from Mrs. Heather Goodwin – 12/15/2015]:

This is the latest correspondence between myself (as Zoning Administrator) and Mrs. Goodwin (as attorney representing Mr. Gary Bryant, property owner of Tax Map Parcel #6-A-102D on Mill Lane in Afton, which is in violation of the Zoning Ordinance).

Mrs. Goodwin's correspondence ultimately seeks to establish "contractor's equipment storage yard" as a permissible use in the Limited Industrial District M-1. That land use is currently only a permissible use in Industrial District M-2. Mrs. Goodwin's request of the BOS to consider initiating a text amendment would remedy the zoning violation at Mr. Bryant's property, as the subject property is zoned M-1 and is currently the operational headquarters of Bryant Paving (which was previously determined to be a "contractor's equipment storage yard").

While it is my position that amending the Ordinance to resolve a zoning violation is typically not a good practice, it may be justified in this case. Specifically, my recommendation is as follows:

Amend Zoning Ordinance Article 18, Limited Industrial District M-1, Section 3, to include "contractor's equipment storage yard, or rental of equipment commonly used by contractors" as a Use – Permissible by Special Use Permit only.

As noted above, this particular land use is currently permissible in M-2, but not in M-1. In some cases, the use may be acceptable or appropriate in Limited Industrial District M-1; but it is also

possible that it may not be acceptable or appropriate in the M-1 district in other cases (depending on the scale of the operation and other property-specific and project-specific details).

Therefore, allowing this land use as a “special use” in M-1 gives property owners the opportunity to request a Special Use Permit from the BOS; but it doesn’t guarantee the property owner the right to use M-1 property for that land use (as it would be if it were made a “Use – permissible by-right”). Additionally, requiring a SUP for this type of land use in M-1 would allow the BOS to make case-by-case decisions about establishing conditions to any SUP approval, if the Board were to determine that there were property-specific or project-specific reasons for doing so.

In conclusion, please contact me with any questions or comments you may have pertaining to my recommendation to amend the Zoning Ordinance to establish “contractor’s equipment storage yard, or rental of equipment commonly used by contractors” as a “Use – Permissible by Special Use Permit only” in the Limited Industrial District M-1.

[Correspondence from Mrs. Elaine Woodson – 12/30/2015]:

This correspondence seeks to initiate a text amendment to the Zoning Ordinance which would allow sheds, garages, and/or other structures (typically considered “accessory structures”) to become permissible (by-right) primary uses/structures.

This requested amendment would represent a significant departure from current County policies and from traditional County practices.

Currently, there is no limit to the number of sheds, outbuildings, garages, or other accessory structures which may be placed or constructed on a property – but only if a permissible primary use or structure already exists on the property. Commonly, the permissible primary use/structure is a dwelling, to which the other structures are permissible accessory uses/structures. There are numerous examples in most zoning districts of properties having both primary and accessory uses.

In my opinion, amending the ordinance to allow such sheds, outbuildings, or other garages without a permissible primary use or structure on the same parcel is not advisable. Allowing sheds and/or garages prior to establishing a primary use or structure may help certain individuals in certain instances, but it is not in the interest of the County at large.

Consider the following thoughts regarding the requested amendments; these attempt to take into account all possible scenarios (and not just the one current circumstance involving Mrs. Woodson):

- It would create conditions in which the shed or garage has an increased potential for being used as a dwelling (regardless of whether that is the initial intent, or not) – despite the structure not being compliant with all applicable Building Inspections and/or Health Department regulations. In essence, this concern is related to public health and safety, and more specifically the issues of sub-standard housing, child welfare, and at-risk seniors with fixed, limited, or no income.
- It would contribute to some (perhaps many) properties not being utilized for their “highest and best use,” which would in turn result in reduced aggregate property values and would negatively affect County tax revenues. If property owners are permitted to construct or place a

shed on a property in lieu of building a dwelling, cottage, or vacation house, that would ultimately impact the County's ability to fully realize potential tax revenues.

- It would represent an abrupt departure from deliberate County policies and established procedures. The ordinance is clearly written to prevent sheds, garages, and other such structures from being a permissible primary use. Consider (among other provisions) Article 14, Section 2 "Powers and Duties of Board of Zoning Appeals" Item 1a: *"To hear and decide applications for Special Use Permits to erect an accessory building prior to the construction of the primary building on the same parcel or lot."* This provision clearly shows that previous Nelson County Board of Supervisors, in their judgment and discretion, did not wish for sheds or garages to be permissible by-right as a primary use, but rather to only be permissible with a Special Use Permit issued by the Board of Zoning Appeals (a quasi-judicial body).

Therefore, with respect to those considerations, my recommendation is as follows:

Do not amend the ordinance to allow sheds, outbuildings, garages, or other structures typically considered "accessory structures" to be permissible as a by-right primary use/structure.

In my opinion, the only possible amendment which should be considered in regards to this issue would be to explicitly add "accessory building(s) prior to the construction of the primary building(s) on the same parcel or lot" as a "Use – Permissible with Special Use Permit only" to certain Articles, including Article 4 (Agricultural District A-1), and/or whichever other zoning districts the PC and BOS consider to be appropriate. Such an amendment would help to clarify the existing policy (which is currently only referenced in Article 14, "Board of Zoning Appeals"), but is not necessary.

[Conclusion]:

County staff will await BOS direction on how to proceed with regards to Mrs. Goodwin's correspondence and related code enforcement issues against Mr. Bryant; and with regards to Mrs. Woodson's correspondence and any possible amendment efforts related to sheds and garages.

Thank you for your time and attention to this report and to the subjects referenced herein. Please contact me with any questions or comments you may have regarding the correspondence and/or the subjects and recommendations contained in this staff report.



Heather H. Goodwin
ATTORNEY AT LAW
www.goodwinlawofvirginia.com
hgoodwin@goodwinlawofvirginia.com
(434) 263-4040 telephone
(434) 263-4004 facsimile

MAILING ADDRESS
P.O. Box 216
Lovingsston, Virginia 22949

NELSON COUNTY OFFICE
182 Main Street
Lovingsston, Virginia 22949

AMHERST COUNTY OFFICE
220 South Main Street
Amherst, Virginia 24521

RECEIVED

December 15, 2015

DEC 16 2015

COUNTY ADMINISTRATOR'S
OFFICE

Tim Padalino
Director of Planning and Zoning
County of Nelson
P.O. Box 558
80 Front Street
Lovingsston, Virginia 22949

RE: Request for Zoning Text Amendment

Mr. Padalino,

Thank you for taking time to speak with me on Monday, December 14th concerning zoning matters related to property known as Nelson County Tax Parcel # 6-A-10D owned by Mr. Gary Bryant. As suggested in your letter to Mr. Bryant dated November 25, 2015, I am requesting on behalf of my client, Mr. Bryant, that the Nelson County Board of Supervisors consider an amendment to the current zoning ordinance text to provide for an additional by right use in the Limited Industrial ("M-1") zoning.

As you are well familiar, Article 18-1, Limited Industrial (M-1), the current zoning on this particular parcel, is intended to "provide for and encourage limited industries" in order to "foster development of the local economy." Although uses in this zoning are "expected" to be conducted indoors, many of the current by right uses engage in positioning of equipment on or around the parcel of property to facilitate various business functions.

The Limited Industrial (M-1) zoning currently provides for the following by right uses:

- 18-1-1 Dwellings and agricultural uses existing at the time the land is zoned in this district
- 18-1-2 Manufacturing, assembly, data processing, computing, warehousing, research and development, wholesaling, tele-marketing and similar industrial uses provided there is no air discharge requiring smoke stack approval and the use complies with Section 18-4
- 18-1-3 Office Complex- a minimum of 100,000 square ft. lot with a minimum aggregate in one (1) or more building of 5,000 square ft. of gross floor area
- 18-1-4 Public utility: Generating, booster or relay stations, transformer substations, transmission lines with support structures, and other facilities for the provision and

maintenance of public utilities, including railroads and facilities, water and sewage installations, water storage tanks, and wooden telephone poles for electric, telephone lines and similar lines

- 18-1-4 Communication towers subject to Article 20, Communication Tower Ordinance
- 18-1-5 Small wind energy system, per requirements in Article 22 of these regulations
- 18-1-6 Distillery
- 18-1-7 Brewery

Under Article 9, Industrial District M2, there exists a by right use for “Contractors’ equipment storage yard or plant, or rental of equipment commonly used by contractors.” My client requests that this particular by right use, or a portion thereof, be added to those currently permitted and listed as by right under Limited Industrial M-1. Although not clearly defined in the zoning ordinance, the language of this listing indicates the simple positioning of operable equipment on the parcel of land. Visibly this positioning would be comparable to trucks and inventory movement equipment associated with business operations currently permitted. For example the required loading/unloading equipment and trucks found frequenting “manufacturing”, “wholesaling”, “warehousing”, “distillery”, and “brewery” facilities provide the same exterior appearance. Additionally the Board may consider classification listings similar to those used for Automobile Graveyards to limit the number of machines on site.

We feel that the addition of Contractor’s equipment storage yard complies with the intention of the Limited Industrial Zoning of the Nelson County Zoning Ordinance and strongly encourage consideration of this addition as a by right use. We welcome the opportunity to provide additional information and statistics for your review in this consideration.

By copy of this letter to Stephen Carter, County Administrator, and Phillip Payne, County Attorney, we are advising them of this request and seeking their submission of this information to the Nelson County Board of Supervisors.

Please advise of any future discussions of this request by the either the Planning and Zoning Board or the Nelson County Board of Supervisors so that we may be present to provide additional comments on this matter. Trusting this request will satisfy your requirements, as discussed, until further action can be taken by the Board, I remain

Very truly yours,

GOODWIN LAW OF VIRGINIA, PLLC

By: 

cc: Stephen Carter
Phillip Payne
Steve Key
Gary Bryant

December 30, 2015

Stephen Carter, County Administrator
84 Courthouse Square
P.O. Box 336
Lovingston, VA 22949

RECEIVED

DEC 31 2015

COUNTY ADMINISTRATOR'S
OFFICE

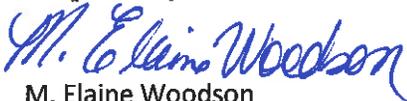
Dear Mr. Carter:

In the current Nelson County ordinances, sheds and/or garages are not allowed to be built on property unless there is a home dwelling built first. Unfortunately I found this out first hand while trying to put an addition on to a storage building that was in a state of despair that was already on my property. It is my opinion as a landlord of several rental properties over the years, that many newcomers to Nelson County put a shed on their property prior to building a home so that they can have a place to store their furniture, mowers, etc, while their home is being built. They can then use the storage facility as a shed or garage after the home is built. I can understand if the Zoning Board requests that the owners give a preliminary site for the new home, but I cannot understand, nor do I agree with the fact that sheds/garages cannot be built until after a home is built. I feel that this violates the land owner's rights and hinders growth and goodwill between Nelson County landowners and the Nelson County Board of Zoning/Building Inspections.

As a Nelson County born, permanent resident, I am writing to respectfully request that you modify **Section 4-1** of the "**NELSON COUNTY ZONING ORDINANCE**" so that buildings such as garages and specifically sheds are recognized as a "use permitted by-right". Please consider initiating a text amendment process which (for example) would result in "sheds, private storage buildings, garages" being defined in **Article 2** and added as a use provided for in Article 4.

Please consider my request for this modification that would benefit Nelson County residents in the future. I would greatly appreciate a reply after this issue has been addressed.

Respectfully submitted:



M. Elaine Woodson
735 Craigtown Road
Shipman, VA 22971



This half of a house was not considered a structure and was not allowed to be remodeled into a storage shed due to current zoning/building policies. As you can plainly see, there is a “structure” there, whether the county recognizes it or not. I had \$4,000 worth of building material inside and \$5,000 worth of building materials on outside of building that I wanted to store “inside the structure”. I had to buy a building permit for a house because of current regulations, which I feel violates the rights to use my own land. In addition to this 2 acres, I also own the adjoining 6 acre lot which has a rented doublewide on it and I also own other rental property. I firmly believe that a remodeled or new shed or storage structure would/should have been very welcome vs. leaving this eyesore. I have already gotten my “house” permit but do hope that the regulations/zoning ordinance can be modified so that future county residents will not have to deal with this type of situation.

M. Elaine Woodson

Woodson, Elaine E *HS

From: Tim Padalino <tpadalino@nelsoncounty.org>
Sent: Wednesday, November 04, 2015 11:16 AM
To: Woodson, Elaine E *HS
Cc: Stormy Hopkins
Subject: RE: Builder's permit restriction - Help needed.

Hi Elaine,

Good questions and thanks for your thoughtful message.

The distinction is that "Building" is not a use/structure provided for in Section 4-1 ("Uses – permitted by right").

Section 4-1 provides for (emphasis included) "single-family detached *dwellings*" ... "two-family attached *dwellings*" ... and many other types of uses/structures, but "building" is not recognized as a "use permitted by-right." It is of course something the County defines for one reason or another, but being defined in Article 2 does not equate to it being a "use permitted by right" that is provided for in the A-1 district in Article 4.

Short of actually drafting a proposed ordinance amendment on your behalf, I can only suggest you explain the issue to a Planning Commissioner and/or County Supervisor and ask that they consider initiating a text amendment process which (for example) would result in "sheds" or "private storage buildings" being defined in Article 2 and added as a use provided for in Article 4.

The actual specifics / details of any such text amendment would require careful review and recommendations, as this change would represent a relatively large change in County policy. County staff can certainly help with all of those details, if such a directive is received from the Planning Commission or the Board of Supervisors.

Thanks Elaine.

Tim Padalino
(434)-263-7090

From: Woodson, Elaine E *HS [mailto:MEW3U@hscmail.mcc.virginia.edu]
Sent: Wednesday, November 04, 2015 10:52 AM
To: Tim Padalino
Subject: RE: Builder's permit restriction - Help needed.

From Page 7 of NELSON COUNTY ZONING ORDINANCE As amended through August 11, 2015

Building: Any structure used or intended for supporting or sheltering any use or occupancy.

Building, accessory: A subordinate building, customarily incidental to and located upon the same lot occupied by the main building. No such accessory building shall be used for housekeeping purposes.

4-3-4 Accessory structure:

Minimum of fifteen (15) feet from property line, except no accessory building shall be located within the required front yard setback.

5-1-5 Accessory uses as defined; however, garages or other accessory structures attached to the main building shall be considered part of the main building. No accessory building may be closer than five (5) feet to any property line in the rear yard and ten (10) feet from the property line on a side yard.

5-1-6 Off-street parking as required by this ordinance

Sorry Tim. I am still confused as to the interpretation of building. Why could my structure not have been considered a building or structure used for supporting or sheltering any use? Please let me know exactly what I would need to request be changed in order for Nelson County residents to build or buy a shed and put on their property without having to build a home first. As I stated before, I believe many people who move to Nelson would buy or build a shed to store their furniture while building their new home. I think this is worth the effort to try and have it amended for all of us.

Thank you for your help!

Elaine

From: Tim Padalino [<mailto:tpadalino@nelsoncounty.org>]

Sent: Wednesday, November 04, 2015 9:55 AM

To: Woodson, Elaine E *HS; Steve Carter

Cc: Stormy Hopkins; Grant Massie

Subject: RE: Builder's permit restriction - Help needed.

Hi Elaine,

Yes, I can provide some more detailed info. Please see the following provisions / items in the Zoning Ordinance (below). I hope this helps; and please let me know if you have additional questions or requests for assistance.

Article 2. "Definitions" (page 5)

Accessory use or structure: A subordinate use or building customarily incidental to and located upon the same lot occupied by the main use or building.

Article 4. "Agricultural District A-1" (page 22)

4-1 *Uses – Permitted by right.*

4-1-1 Single-family detached dwellings

4-1-2 Two-family detached dwellings

4-1-12 Accessory uses as defined.

Article 14. "Board of Zoning Appeals" (page 113)

14-2 *Powers and duties of Board of Zoning Appeals.*

The Board of Zoning Appeals shall have the following powers and duties:

14-2-1 To hear and decide applications for Special Use Permits where authorized in this ordinance.

14-2-1a To hear and decide applications for Special Use Permits to erect an accessory building prior to the construction of the primary building on the same lot or parcel.

Tim Padalino
[434] 263-7090

From: Woodson, Elaine E *HS [<mailto:MEW3U@hscmail.mcc.virginia.edu>]
Sent: Tuesday, November 03, 2015 4:57 PM
To: Tim Padalino; Steve Carter
Cc: David Thompson; Debbie Harvey; Stormy Hopkins
Subject: RE: Builder's permit restriction - Help needed.

Hi Tim.

Could you specify which Article, page number of the zoning ordinance that was used in the decision making of my issue which I would specifically need to address with the Planning Commissioners/County Supervisors? I tried to Google it but could not easily identify the specific zoning ordinance stating there could not be a shed or addition to an existing structure to be used as a shed prior to building a home on one's property. I will need to address the specific Zoning issue in order to try and get it amended by the appropriate group.

Thank you for your help.

M. Elaine Woodson

From: Tim Padalino [<mailto:tpadalino@nelsoncounty.org>]
Sent: Tuesday, November 03, 2015 3:18 PM
To: Woodson, Elaine E *HS; Steve Carter
Cc: David Thompson; Debbie Harvey; Stormy Hopkins
Subject: RE: Builder's permit restriction - Help needed.

Hello Elaine,

Thanks for your previous questions about your interest in appealing / disputing the regulations contained in the Zoning Ordinance. And thanks for your patience while I researched and confirmed everything.

I'm writing to point you in the direction of the two options available to you. These options are outlined in Zoning Ordinance Article 16 ("Amendment and Rezoning"), Section 1 ("Procedures for amendment"). I've attached the excerpt of that Article for your reference.

As noted in the ordinance, *"The regulations, restrictions and boundaries established in this ordinance may, from time to time, be amended, supplemented, changed, modified, or repealed by the governing body pursuant to Section 15.2-2285 of the Code of Virginia, as follows:*

16-1-2 By the adoption by the governing body of a resolution of intention to amend, which resolution, upon adoption, shall be referred to the Planning Commission.

16-1-3 By the adoption by the Planning Commission of a resolution of intention to propose an amendment."

So the two options, as demonstrated in the text above, are to convince one (or more) County Supervisors to "take up the cause" and successfully introduce a resolution to amend the ordinance; or to convince one (or more) Planning Commissioners to "take up the cause" and introduce a resolution to amend the ordinance.

That unfortunately means there is no mechanism or application process in the Zoning Ordinance that allows for residents to directly propose amendments to the existing laws contained in the Zoning Ordinance.

I hope this info is helpful, even if it doesn't provide you with a large number of options. Please let me know if you have any questions or would like us to assist you with anything.

Thanks; sincerely,
Tim

Tim Padalino
(434)-263-7090

From: Tim Padalino
Sent: Wednesday, October 28, 2015 1:18 PM
To: 'Woodson, Elaine E *HS'; Steve Carter
Cc: David Thompson; Debbie Harvey; Stormy Hopkins
Subject: RE: Builder's permit restriction - Help needed.

Hello Elaine,

Yes, we will provide assistance regarding your interest in disputing the regulations you referenced.

This will require me to communicate further with other members of County staff prior to giving you specific guidance on what your options are. I will follow up with you once I am able to do so.

Thank you for your interest and your patience; sincerely,
Tim

Tim Padalino
(434)-263-7090

From: Woodson, Elaine E *HS [<mailto:MEW3U@hscmail.mcc.virginia.edu>]
Sent: Wednesday, October 28, 2015 12:38 PM
To: Steve Carter
Cc: David Thompson; Debbie Harvey; Tim Padalino; Stormy Hopkins
Subject: RE: Builder's permit restriction - Help needed.

Thank you Mr. Carter. I believe my issue is resolved and permit has been issued. Thank everyone for their time involved.

I would still like to appeal the regulation on behalf of all Nelson County residents and their rights to build a shed on their uninhabited property. I am not sure "appeal" is the correct term, but I would like to know if there is a way I can "dispute" the regulation in order to try and have it modified and/or hopefully eliminated.

Tim: would you please let me know how to proceed?

Thank you.
M. Elaine Woodson

From: Steve Carter [<mailto:SCarter@nelsoncounty.org>]
Sent: Wednesday, October 28, 2015 11:57 AM
To: Woodson, Elaine E *HS
Cc: David Thompson; Debbie Harvey; Tim Padalino; Stormy Hopkins
Subject: RE: Builder's permit restriction - Help needed.

Ms. Woodson,

Thank you for the message. My understanding is the concern(s) with the County's ordinances/regulations have now been resolved and you are proceeding in accordance with local requirements.

Prior to receipt of your email message, I had been apprised of this subject by Tim Padalino and conferred with him on it, including concurring with the input/guidance or, perhaps, decision(s) that he provided to you with regard to your proposal to locate an accessory building without, as I understood it, complying with the County's requirements. As such, while I did and have, as noted, conferred with County staff, including following receipt of your email communication, I could not intercede to provide you with approval of what you were seeking, as I agreed, as noted herein, with the determinations made by County staff.

I am certainly happy that this subject is now resolved or in the process of being so. I will add, however, that if you do not concur with the decisions made by County that you do have the ability to appeal such decisions. If an appeal is an avenue you wish to pursue, then, please confer with either Mr. Padalino or Mr. Thompson and they will provide you (if they have not already done so) with the necessary means to appeal albeit I hope this will not be necessary.

Thank you again for apprising me of the subject(s) of your concern. And, if I may, County staff always endeavor to be helpful and cooperative and provide assistance to the people that we work for. As I'm sure you understand, we have to work within the requirements of local regulations and cannot do otherwise with respect to the responsibility we have in administering local ordinances, regulations, etc. There is the right of appeal, as I've noted herein, and if you should decide to do County staff will assist you in providing you with the means to do so.

Respectfully and with best regards,

Steve Carter

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

From: Woodson, Elaine E *HS [<mailto:MEW3U@hscmail.mcc.virginia.edu>]
Sent: Tuesday, October 20, 2015 5:44 PM
To: Steve Carter
Subject: Builder's permit restriction - Help needed.

October 20, 2015

Hello Mr. Carter.

I recently started a project on my property at 348 Sonshine Lane, Shipman, VA. I also own the adjoining land at 260 Sonshine Lane, Shipman, VA. The property at 348 Sonshine Lane originally had a half a house built with an older trailer

attached to the front. The owners plan was to build the other half of the house when they could but it never happened. I renovated the trailer and rented the place as it was for a couple of years but the tenants tore the place up so badly that I ultimately pulled the old trailer out a couple of years ago and cut the power off.

I had purchased material to fix up the other half the house as a storage unit for now for my rental properties. The old half is already full of doors, windows, rugs, trim, shower units, etc. We got permits and redid the electrical pole and had it inspected. We have started work on the addition to the old half house to make it into a full storage unit for now **as** we told the building inspector's office when we got the electrical permits. We have been trying to get building permits to get the other half of this structure completed. I told "Tim" at the Zoning Office that for now the structure will only be used for storage as I did not have money to renovate it all into a house. Tim said that as far as the county is concerned there is no structure there and that you cannot build a shed on a property without a house already on it. We have repeatedly tried to explain to Tim that I own the property next door to this property and it is inhabited. The two properties actually share the well that is on said "renovation" property (348 Sonshine). Tim said he would check around to see if I could work on this property and I gave him several days before going back to get his decision, which again was that I cannot put a structure on the property. There is ALREADY a structure on the property, whether the county recognized it or not. David Thompson has been by this property, and I am attaching a picture, which I also showed to Debbie and Tim at the Building Inspector/Zoning office.

I was born and have lived in Nelson County all my life. This is my property that I have worked hard to keep and am still working hard to maintain. I would certainly think that the County would prefer I renovate this ugly structure than to let it continue to sit and be useless in its current state. I have gone ahead and filed for a building permit, but as I stated previously above and to Tim, I do not have funds to complete a house project at this time. My main point is my frustration at the Zoning Office (Tim and whoever else is involved) that common sense does not come into the equation when it comes to county residents. This is my property, and my right to utilize it, whether it be a shed or a house. As I stated above, I own the adjoining rental property at 260 Sonshine Lane. Any new ruling about not building a shed on a property without a house should not apply to this or any other renovation. In my opinion it should not apply at all. What could it possibly hurt to have a shed on a property before you build a house? Many people do this so that do not have to pay storage for their furniture while building a house.

I respectfully request that you check into this matter and/or direct me to the correct office so that my voice can be heard. I feel that my rights are being violated as a landowner in my own home town. We are not a big city. This is Nelson County. Most of us live here in Nelson because we don't want to live in subdivisions with HOA's where you can't even pick out the color of your own front door. Please don't let Nelson become like that!

DEPARTMENT OF
PLANNING & ZONING



PLANNING COMMISSION
BOARD OF ZONING APPEALS

To: Chair and Members, Nelson County Board of Supervisors
From: Tim Padalino | Planning & Zoning Director
Date: January 5, 2016
Subject: **Public Hearing for Four (4) Special Use Permits:
 #2015-10, #2015-11, #2015-12, and #2015-13
 (“Spruce Creek Resort & Market” / Averitt)**

Summary of Application(s)	
<u>Site Address / Location:</u>	Rockfish Valley Highway / Nellysford / Central District
<u>Tax Parcel(s):</u>	#21-A-35 and #21-A-36
<u>Parcel Size:</u>	98.21 acres
<u>Zoning:</u>	Agricultural (A-1) with General Floodplain overlay (FP) along Spruce Creek
<u>Applicants:</u>	Mr. Richard Averitt IV <i>and</i> Mr. Richard G. “Dick” Averitt III
<u>Request:</u>	Approval of Special Use Permits #2015-10, -11, -12, and -13
<ul style="list-style-type: none"> ▪ <i>Completed Applications Received On: August 26th, 2015</i> 	

On August 26th, the Department of Planning & Zoning received five (5) Special Use Permit (SUP) applications and supporting materials from Mr. Richard Averitt IV and Mr. Dick Averitt III. On November 18th, the co-applicants formally withdrew their application for SUP#2015-14 (for “farm winery permanent remote retail establishment”). As a result, the remaining application materials for BOS review and consideration include the following submittals:

- Four (4) Special Use Permits as follows:
 - SUP #2015-10 for “neighborhood retail store” (pursuant to §4-1-35a)
 - This requested special use would allow for the construction and operation of “a small grocery/market for the sale of local foods and goods.” Per Zoning Ordinance Article 2, this special use would be limited to a total of 4,000 SF.
 - SUP #2015-11 for “conference center” (pursuant to §4-1-13a)
 - This requested special use would allow for the construction and operation of “a banquet hall to be used for weddings, meetings, etc and to provide overnight lodging accommodations in cottages.” Per the application materials, this special use would be comprised of an event facility as well as approximately 36 cottages which would accommodate approximately 60-80 guests.

- SUP #2015-12 for “activity center” (pursuant to §4-1-44a)
 - This special use is being requested to “build a small spa...for guest use and public use.”
 - SUP #2015-13 for “restaurant” (pursuant to §4-1-34a)
 - This requested special use would allow for the construction and operation of a restaurant, which is proposed for the upper tract of the subject property (parcel 36).
- Minor Site Plan
 - These drawings, prepared by Nelson Byrd Woltz Landscape Architects, portray the proposed configuration of the multiple special uses. The Minor Site Plan includes the following sheets:
 - L000 – Cover Sheet / Existing Conditions / Notes
 - L100 – Proposed Site Plan (1” = 200’ scale)
 - L101 – Area of Disturbance (1’ =200’ scale)
 - L200 – Enlarged Plan: Market Buildings (1” = 30’ scale)
 - L201 – Enlarged Plan: Event Building, Reception, and Teahouse (1” = 30’ scale)
 - L202 – Enlarged Plan: Facilities Management (1” = 30’ scale)
 - L203 – Enlarged Plan: Program Sites – Restaurant, Cottages, Spa (1” = 30’ scale)
- SUP Portfolio (supplemental packet)
 - This document provides extensive details using both narrative explanations and graphic exhibits. It contains the applicants’ statements about the proposed project’s concept, programmatic components, operations and projected employment, and details of vehicular access and circulation. The portfolio contains the following pages:
 - Project Narrative
 - Illustrative Plan
 - Site Program
 - 100-Year Floodplain Map
 - Circulation Diagram
 - Photographs of Existing Site Conditions

Subject Property Location, Characteristics, and Comprehensive Plan Designation:

The subject property is comprised of two vacant, formerly developed parcels located in the Nellysford area on the northwest side of Rockfish Valley Highway, further identified as Tax Map Parcels #21-A-35 and #21-A-36. These two parcels total 98-acres of Agricultural (A-1) zoned property, with an area of General Floodplain overlay district (FP) along Spruce Creek. The subject property is currently vacant, and was formerly the location of Waynesboro Nursery. Remnant ornamental trees and shrubs remain throughout the property(s). *Please see maps on pages 7-10.*

With regards to the “Future Land Use Plan” in the *Nelson County Comprehensive Plan*, Nellysford proper is identified as a “Mixed Use Village Development Model,” which “allows for a variety of uses,” and which, “emphasizes a walkable community with many amenities available,” and which “fulfill[s] the diverse needs and interests of nearby residents and visitors to the county.”

Additionally, the South of Nellysford area is designated a “Rural Residential District Model,” which “would allow low density residential and compatible non-residential uses in rural areas where agriculture is not the predominant use.”

Summary of Review Process:

- August 26th – official submission
- September 9th – Site Plan Review Committee meeting
- October 13th – project introduction to Board of Supervisors
- October 28th – Planning Commission public hearing
- November 12th – Board of Supervisors public hearing (applicants requested two-month postponement to January 12th)

Site Plan Review Committee Comments:

The Site Plan Review Committee reviewed the Minor Site Plan (dated August 28) for these SUP applications on September 9th, which produced the following review comments:

- VDOT: Mr. Jeff Kessler, Virginia Department of Transportation representative, initially provided review comments in writing on September 3rd. Mr. Kessler’s initial review comments included the following:
 - “In order to access the potential traffic impacts from this proposed development, we will need a Traffic Impact Statement (TIS) in accordance with 24VAC30-155-60.”

After attending the September 9th Site Plan Review Committee, Mr. Kessler then provided written review comments on September 10th. Mr. Kessler noted that the required Traffic Impact Statement can be partially addressed during the SUP review process, and then fully resolved during the Major Site Plan process (subsequent to any SUP approvals the County may grant). Mr. Kessler’s review comments from September 10th are as follows:

- “While a Traffic Impact Statement will be needed to assess the potential traffic impacts, entrance requirements, and roadway improvements to the state highway system by the proposed development, at a minimum, the following items are [to] be addressed in order for VDOT to provide comments to both the Developer and Nelson County. The remaining items of the Traffic Impact Statement may be delayed to the site plan process.”
 - “ITE Trip Generation and distribution for the proposed development based on the preliminary plan (to include banquet hall traffic).”
 - “Turn lane analysis for entrances onto Route 151 and the Route 151/627 intersection based on the highest peak hour traffic (may be weekend peaks).”
 - “Intersection (ISD) and Stopping Sight (SSD) distances at the proposed entrances on Route 627, and ISD-Right and SSD-NBL for the Horizon Village Road entrance.”
 - “Measured distance in feet between the Horizon Village Road entrance and the proposed development entrance to the north.”

Mr. Kessler and the applicants (through their consultant Mr. Scott Dunn, AICP, PTP, of Timmons Group) then exchanged correspondence during September and October. Most recently, Mr. Dunn provided Mr. Kessler with updated Traffic Impact Statement materials on Tuesday, January 5th; Mr. Kessler has not yet provided his review comments at the time of his report. A detailed update from VDOT should be available by (or before) the BOS review on 1/12.

- TJSWCD: Mrs. Alyson Sappington of the Thomas Jefferson Soil & Water Conservation District noted in writing on September 9th that a full Erosion & Sediment Control Plan will need to be included in the Major Site Plan submittal, review, and approval process (subsequent to any SUP approval by the BOS). Mrs. Sappington also noted that the proposed project would also need an approved Stormwater Management Plan and Virginia Stormwater Management Program permit.
- VDH: Mr. Tom Eick of the Nelson County Health Department did not attend the meeting and provided written comments as follows:
 - “Spruce Creek will need to have an engineered proposal for their sewage needs.”

Staff Evaluation and Recommendation(s):

Per Zoning Ordinance Article 12, Section 3-2, the following criteria must be evaluated when reviewing all requests for Special Use Permits:

- The use shall not tend to change the character and established pattern of development of the area or community in which it proposes to locate;*
- The use shall be in harmony with the uses permitted by right in the zoning district and shall not affect adversely the use of neighboring property;*
- The proposed use shall be adequately served by essential public or private services such as streets, drainage facilities, fire protection and public or private water and sewer facilities; and*
- The proposed use shall not result in the destruction, loss or damage of any feature determined to be of significant ecological, scenic or historic importance.*

The opinion of Staff is that the proposed project, as detailed in the application materials for SUP #2015-10, #2015-11, #2015-12, and #2015-13 and as depicted on the accompanying Minor Site Plan and in the Portfolio, seems to be satisfactory relative to all four evaluation criteria. Specifically, my evaluation of the proposed project relative to each criterion is as follows:

- The proposed project’s mixture of uses, as well as the carefully crafted site planning and design concepts, seem highly compatible with the character and established pattern of development in the subject property’s vicinity. The subject property is located in between Nellysford, Beech Grove, and Wintergreen – areas in which tourism and agritourism, transient lodging, events, and retail sales of local products are predominant land uses. The Spruce Creek Resort & Market is both compatible with, and complimentary to, the existing character and patterns of development in the Rockfish Valley and the Central District – including Bold Rock Hard Cider, which is located immediately across Rockfish Valley Highway.
- The proposed project does not seem to create any inherent conflicts with the surrounding A-1 district, which contains a variety of land uses including a cidery (Bold Rock) and a residential subdivision (Horizons Village). The immediate vicinity also includes a publicly-accessible trailhead (Spruce Creek Park and Rockfish Valley Foundation trails) and natural history center (Spruce Creek Gallery), although those are located on property zoned B-1 and M-1.

The applicant team has thoughtfully planned and designed a project layout which intentionally attempts to minimize any impacts to immediate neighbors. For example, the parking lot is

carefully sited to utilize existing overgrown nursery stock in order to provide significant screening; and the on-site vehicular traffic circulation would be restricted from a major portion of the proposed resort. Additionally, the project would include the restoration and reuse of an existing pond near Horizons Village Road, which the applicant has stated would then become available to Horizons Village as a dry hydrant for firefighting purposes.

- C. The applicant team has prepared very thoughtful plans for on-site vehicular and pedestrian circulation and stormwater management practices, and will benefit from the restored pond as a dry hydrant for fire protection.

The proposed project will need to be self-sufficient with regards to private septic systems and private water supply. If the SUP requests are approved, the Major Site Plan process must include careful site-specific resolution of issues such as waste management (as regulated by the Virginia Department of Health), public vehicular access, and emergency vehicle access and service vehicle access (as regulated by Virginia Dept. of Transportation, since the conceptual plan is to restrict vehicles from accessing a large portion of the site and to utilize Spruce Creek Road on a very limited basis for service vehicle access to the restaurant).

- D. The proposed project is composed in a very thoughtful configuration: extensive landscape analysis has led to a context-sensitive plan and design that will minimize site alterations and which will maximize the existing qualities and features of the site. If the subject property were to experience “destruction, loss, or damage of any feature determined to be of significant ecological, scenic or historic importance,” it would most likely be a function of the possible construction of the proposed Atlantic Coast Pipeline, which currently is routed directly through the upper tract (parcel 36).

Therefore, with consideration of all of the above factors, the Planning & Zoning Director recommends approval of Special Use Permits #2015-10, #2015-11, #2015-12, and #2015-13. Please also carefully consider the following comments:

- If the applicants obtain BOS approval for their four (4) Special Use Permit applications, they would then have to address numerous important project details through the submission, review, and approval of a Major Site Plan. These details include signage, lighting, landscaping, and other specifications and design details; as well as important regulatory details pertaining to VDOT, VDH, and VDEQ. The applicants are aware of these issues and details, and have conveyed their intentions for all aspects of the proposed project to be appropriate and compliant with all applicable requirements and regulations.

In conclusion, please contact me with any questions, concerns, or requests for assistance leading up to the January 12th Board of Supervisors public hearings for Special Use Permits #2015-10, #2015-11, #2015-12, and #2015-13. Thank you very much for your time and attention to these applications.

0 2,500 5,000 10,000 Feet

1:36,000

1 inch = 3,000 feet

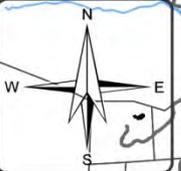
Wintergreen

Stoney Creek

Nellysford

Beech Grove

subject property(s)



- Buildings
- Business District B-1
- Business District B-2
- Conservation District C-1
- Industrial District M-2
- Limited Industrial District M-1
- Residential District R-1
- Residential District R-2
- Residential Planned Community RPC
- Service Enterprise District SE-1
- Rivers
- Perennial Streams
- Intermittent Streams
- Virginia Scenic Byways

0 2,500 5,000 10,000 Feet

1:36,000

1 inch = 3,000 feet

Wintergreen

**Stoney
Creek**

Nellysford

**subject
property(s)**

**Beech
Grove**

-  Buildings
-  Rivers
-  Perennial Streams
-  Intermittent Streams
-  Virginia Scenic Byways



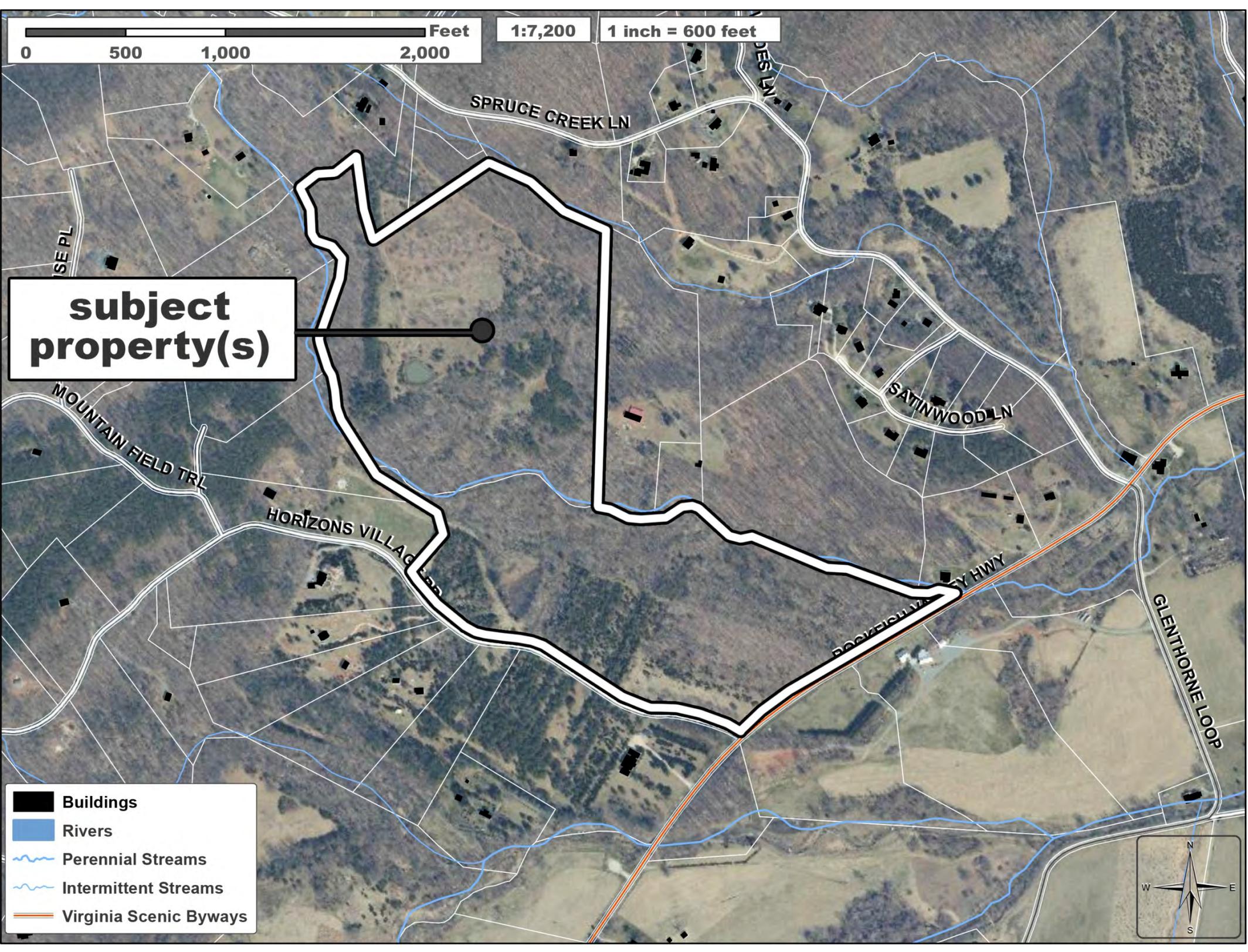
0 500 1,000 2,000 Feet

1:7,200

1 inch = 600 feet

**subject
property(s)**

- Buildings
- Rivers
- Perennial Streams
- Intermittent Streams
- Virginia Scenic Byways

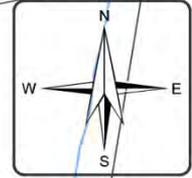
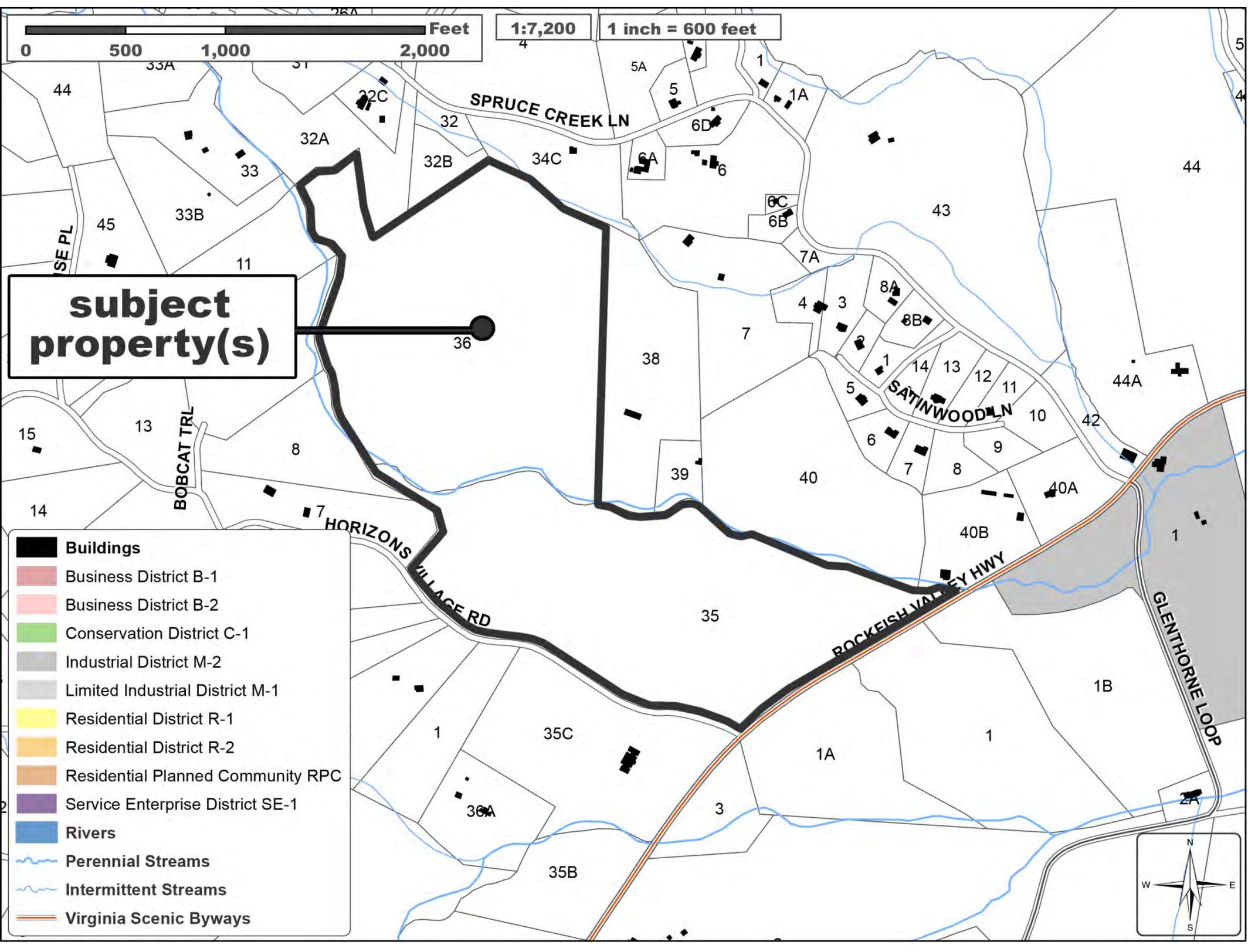




1:7,200 1 inch = 600 feet

**subject
property(s)**

-  Buildings
-  Business District B-1
-  Business District B-2
-  Conservation District C-1
-  Industrial District M-2
-  Limited Industrial District M-1
-  Residential District R-1
-  Residential District R-2
-  Residential Planned Community RPC
-  Service Enterprise District SE-1
-  Rivers
-  Perennial Streams
-  Intermittent Streams
-  Virginia Scenic Byways



**NOTICE OF PUBLIC HEARING
NELSON COUNTY BOARD OF SUPERVISORS
SPECIAL USE PERMITS #2015-10, #2015-11, #2015-12, and #2015-13
“SPRUCE CREEK RESORT & MARKET”**

In accordance with Volume 3A, Title 15.2, Counties, Cities and Towns, of the Code of Virginia, 1950, as amended, and pursuant to §15.2-2204, and §15.2-1427 the Nelson County Board of Supervisors will hold a public hearing at **7:00 p.m., Tuesday January 12, 2016** in the **General District Courtroom** on the third floor of the Nelson County Courthouse located at 84 Courthouse Square, Lovingston, Virginia. The purpose of said public hearing is to receive citizen input on Special Use Permits for the Spruce Creek Resort & Market. The subject property is identified as Tax Map Parcels #21-A-35; -36, is zoned Agricultural (A-1) and consists of 98.21 acres located on Rockfish Valley Highway.

The Special Use Permit applications #2015-10 to #2015-13 seek approval to build a small grocery/market for the sale of local foods and goods pursuant to Zoning Ordinance §4-1-35a (“retail store, neighborhood”); build a banquet hall to be used for weddings, meetings, etc....and provide lodging cottages & provisions for overnight stays pursuant to §4-1-13a (“conference center”); build a small spa with a few cabins for guest use and public use pursuant to §4-1-44a (“activity center”); and build a restaurant on property zoned A-1 pursuant to §4-1-34a (“restaurant”).

Copies of the applications are available for public inspection in the Department of Planning & Zoning, 80 Front Street, and in the Office of the County Administrator, 84 Courthouse Square, Lovingston, VA, 22949, M-F, 9 am to 5 pm. For more information call Planning & Zoning (434) 263-7090, or toll free at 888-662-9400, selections 4 and 1. The items contained in this legal notice will also be available for download on the County Calendar under the meeting event at <http://www.nelsoncounty-va.gov/events/category/county-calendar/>.

BY AUTHORITY OF NELSON COUNTY BOARD OF SUPERVISORS



COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION

4219 CAMPBELL AVENUE
LYNCHBURG, VIRGINIA 24501
VDOT.Virginia.gov

CHARLES A. KILPATRICK, P.E.
COMMISSIONER

January 5, 2016

VIA EMAIL SENT January 5, 2016

Mr. Tim Padalino
Director of Planning & Zoning
PO Box 558
Lovingsston, VA 22949

RE: Spruce Creek Resort and Market Special Use Permit Application
Route 151 Wintergreen Area, Nelson County

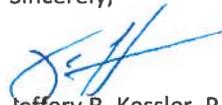
Dear Mr. Padalino; 

In response to VDOT's request for a Traffic Impact Statement for the reference commercial development, the firm of Timmons Group prepared the attached Preliminary Transportation Assessment Report dated December 28, 2015. This report took into consideration the potential transportation impacts from traffic generated by this mixed-use development based on preliminary land use activities and assumed square footages. Both the methodology and approach of this report is acceptable to VDOT, and its conclusions to be taken into consideration as the developer refines their project scope.

It is recognized that the final site plans for this development may vary from this preliminary projection. Therefore, the final transportation requirements will be based on the final site plans and the traffic it will generate.

Please notify me if you have any questions or if I may be of further assistance.

Sincerely,



Jeffery B. Kessler, P.E.
Area Land Use Engineer
(434) 856-8293

jefferyb.kessler@vdot.virginia.gov

Attachments

CC: Scott Dunn, Timmons Group
Richard Averitt
Dick Averitt

WE KEEP VIRGINIA MOVING

To: Jeff Kessler (VDOT)
From: Scott Dunn, AICP, PTP
Re: Spruce Creek Resort and Market – Preliminary Transportation Assessment
Date: December 28, 2015
Copy: Richard Averitt; Zuzana Ponca (NBWLA), Breck Gastinger (NBWLA), Thomas Ruff (TG)

Introduction

The Spruce Creek Resort and Market is a mixed-use project designed to highlight the extraordinary beauty and bounty of Virginia and anchor the southern end of the Rockfish Valley Brew Ridge/and Wine trail.

The proposed development consists of the following:

- A destination restaurant featuring local foods;
- A collection of cottages built to highlight various aspects of the natural environment;
- A wellness spa built of small spa cottages for massage and energy work;
- A meeting space designed for both corporate gatherings and small weddings; and
- A market environment that will offer production and/or retail locations for local producers of craft foods, beverages and objects.

All adjacent properties are zoned A-1 Agricultural District. Current neighbors to the south include residents of Horizons Village development. Along Spruce Creek Lane, to the north, parcels include single family residences. Across Rockfish Valley Highway, to the east of the property, is Bold Rock Hard Cider.

Access to the site will be provided via three (3) proposed access points:

- Main Entrance – the main entrance is proposed opposite of the Bold Rock Hard Cider entrance on Route 151, a two-lane undivided roadway with a posted speed limit of 55 mph. It is anticipated that a majority of the site traffic will use this for ingress/egress on a daily basis.
- Spruce Creek Lane – a minor service/secondary entrance is proposed on Spruce Creek lane, a two-lane undivided roadway with a posted speed limit of 35 mph, in the vicinity of Rockfish Heights Road.
- Horizon Village Road – several connections are shown on Horizon Village Road, along the southern edge of the property. It is anticipated that this access will be used primarily by facility staff and maintenance. In addition, off-peak traffic may be sporadically present given the adjacent parking area and proximity to the meeting space/banquet hall.

The preliminary conceptual site layout is shown on Figure 1.

Background Traffic

Background traffic volumes for the study area were estimated using the ADT (4,500), K Factor (0.096) and Directional Distribution (0.504) contained in the 2013 Virginia Department of Transportation (VDOT) Count Book. These estimates are summarized on Figure 2.

The 2013 background volumes were projected ahead to the anticipated opening year of 2017. The volumes were grown using a 1% annual growth rate, compounded annually. The projected 2017 background volumes are shown on Figure 2.

Trip Generation and Distribution

The trip weekday and Saturday peak hour generation estimates for the proposed development are summarized below in Table 1.

Table 1 - Trip Generation Summary

LAND USE	ITE CODE	AMOUNT	UNITS	WEEKDAY						SATURDAY				
				ADT	AM PEAK HOUR			PM PEAK HOUR			ADT	PEAK HOUR		
					IN	OUT	TOTAL	IN	OUT	TOTAL		IN	OUT	TOTAL
Health/Fitness Club	492	3,200	SF (GFA)	105	2	2	5	6	5	11	67	4	5	9
All Suites Hotel	311	28	Occupied Rooms	175	9	4	13	6	9	15	175	6	9	15
Specialty Retail Center	826	28,500	SF (GFA)	1,263	--	--	--	34	43	77	1,198	80	63	143
Quality Restaurant	931	60	Seats	172	--	--	2	10	5	16	169	12	8	20
Recreational Community Center	495	8,200	SF (GFA)	277	11	6	17	11	11	22	75	5	4	9
				1,992	22	12	37	68	74	142	1,684	107	89	196

The estimates above were calculated using available trip data from the Institute of Traffic Engineers (ITE) *Trip Generation Manual, 9th Edition*.

Please note that the daily (24-hour) traffic for the site is expected to be higher during the week; however, the Saturday peak hour traffic is expected to be higher than the typical weekday.

With respect to traffic distribution, background AM and PM peak volumes show a relatively equal split between northbound and southbound traffic along Route 151. Based on the peak hour volumes it is estimated that site-generated traffic will be distributed as follows:

- 55% will arrive from/depart to the north; and
- 45% will arrive from/depart to the south.

Site traffic was further distributed across the proposed access points based on the location of each access point relative to the proposed uses and anticipated operations as described by the owners/developers. For the purposes of this study the traffic was distributed at follows:

- 85% will enter via the proposed main entrance (opposite Bold Rock Hard Cider);
- 5% will enter via Spruce Creek Lane to the north; and
- 10% will enter via Horizon Village Road to the south.

The estimated site-generated traffic distributions along with site-generated traffic volumes are summarized graphically on Figure 3.

Total Traffic

Total projected traffic along Route 151 at the proposed entrance and two (2) existing adjacent intersections were calculated by combining the 2017 background volumes (see Figure 2) with the projected site-generated traffic volumes (see Figure 3). The total projected 2017 build out volumes are shown on Figure 3.

Please note that for the purposes of this work, it is assumed that the background PM peak traffic is representative of Saturday peak hour traffic.

Turn Lane Warrant Analyses

Turn lane warrant analyses were completed using 2017 total volumes (projected background + site traffic) shown on Figure 3. These analyses were completed using the Saturday peak hour volumes (which represents the worst case scenario) in conjunction with the appropriate nomographs from the VDOT *Road Design Manual*, Appendix F.

The turn lane nomographs for each of the three proposed access points – Spruce Creek Lane, the proposed main entrance, and Horizon Village Road – are shown on Figures 4 through 9.

Based on this analysis, the following is indicated:

- Neither left nor right turn auxiliary lanes are warranted at Spruce Creek Lane;
- Neither left nor right turn auxiliary lanes are warranted at Horizon Village Road; and
- A southbound right turn taper and a northbound left turn lane (200' long) are warranted at the proposed main entrance.

Intersection Sight Distance and Stopping Sight Distance

VDOT requested that intersection and stopping sight distance be checked relative to the Route 151/Horizon Village Road and the proposed service entrance/Spruce Creek Lane intersections.

Route 151/Horizon Village Road

Timmons Group obtained the as-built plans for Route 151 from VDOT. Based on the K values associated with the adjacent crest vertical curve, it was determined that 55 mph design speed (same as posted) was applicable at this location. Per the VDOT *Road Design Manual*, a 55 mph design speed requires 610' of intersection sight distance for cars entering Route 151 from Horizon Village Road and 495' of stopping sight distance for cars approaching the intersection from the south.

Based on field measurements, intersection sight distance right was determined to be 630' and stopping sight distance for northbound traffic was determined to be 500'. Preliminary indications are that both intersection and stopping sight distance at the Route 151/Horizon Village intersection are sufficient.

Service Entrance/Spruce Creek Lane

The VDOT *Road Design Manual* requires 390' of intersection sight distance for cars entering Spruce Creek from the service entrance and 250' of stopping sight distance for cars approaching the service entrance on Spruce Creek (based on the posted 35 mph speed limit).

It was determined that the preliminary location of the service road does not provide adequate intersection or stopping sight distance.

Additional field investigation determined that if the proposed service entrance were relocated to approximately 330' east of Rockfish Heights Road (from centerline), both sight and stopping distance minimums can be met.

A couple other items should be considered with respect to the proposed service entrance –

- There is a steep fill slope along the south side of Spruce Creek Lane;
- There is also a creek located along the south side of Spruce Creek Lane; and
- The installation of this entrance road may be costly given the constraints noted above.

Entrance Spacing

Route 151 is functionally classified as a minor arterial and has a posted speed limit of 55 mph.

Based on the provided layouts, the entrance/intersection spacing along the corridor is as follows:

- From Spruce Creek to proposed main entrance/Bold Rock – 1,650'
- Proposed main entrance to Horizon Village – 675'

Current VDOT Access Management Guidelines indicate that 555' must be provided between a full access entrance and an unsignalized intersection.

The intersection spacing shown on the conceptual plan is in compliance with current VDOT Access Management spacing guidelines.

Conclusions

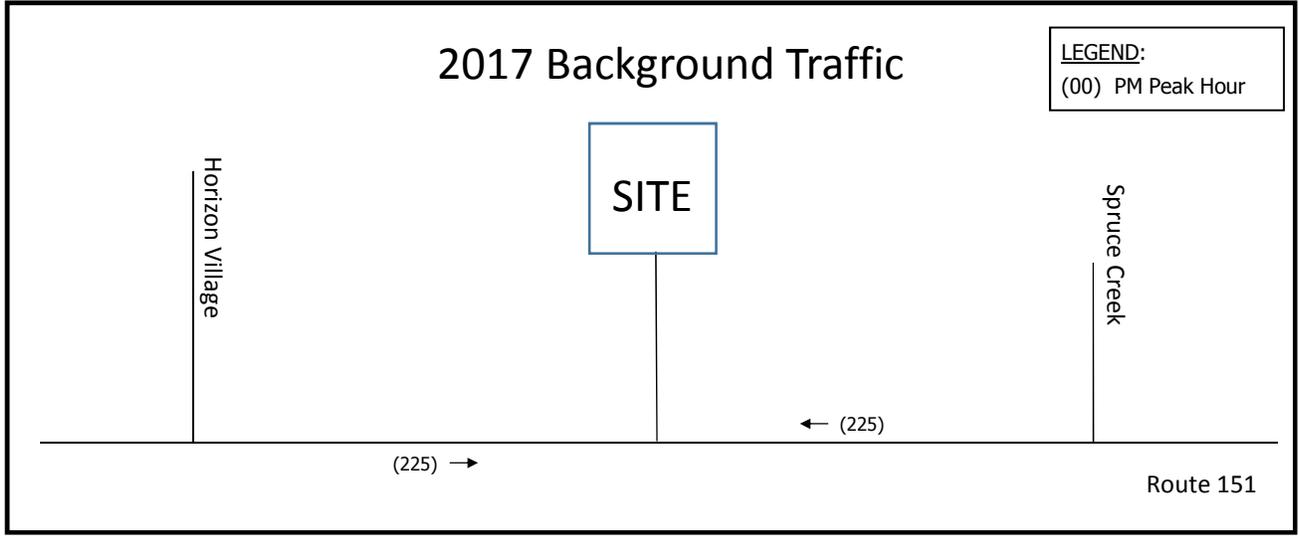
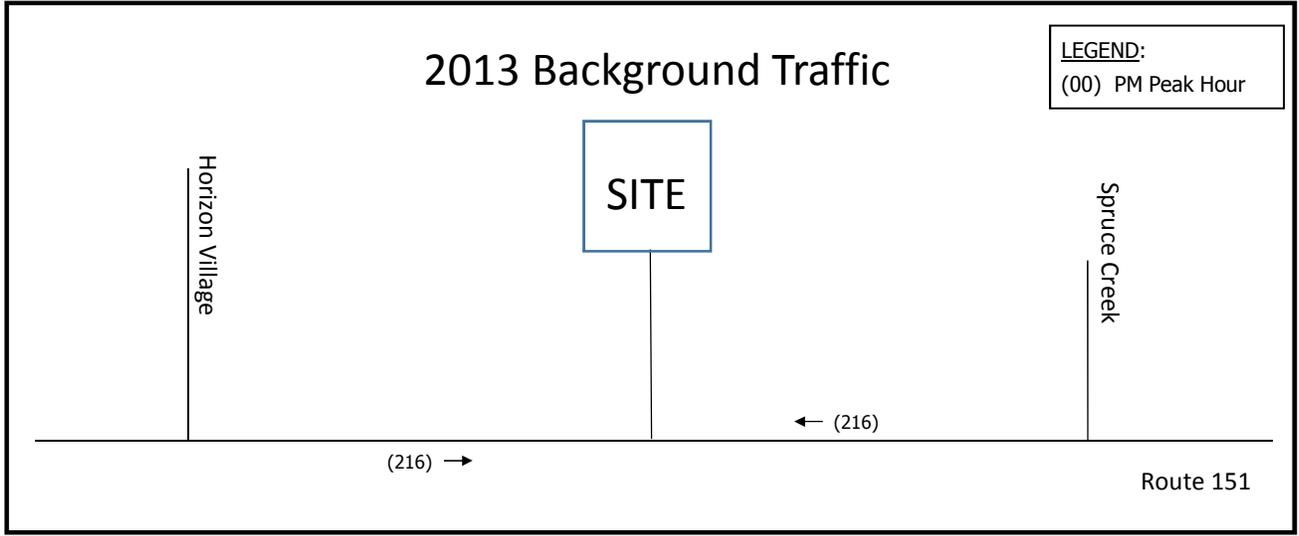
Based on the findings of the transportation assessment, the following is offered:

- The proposed development is anticipated to generate approximately 2,000 daily trips and 200 peak hour trips (107 entering, 89 exiting).
- Auxiliary turn lanes are not warranted on Route 151 at Spruce Creek Lane or Horizon Village Road.
- The site-generated traffic, in conjunction with the estimated background traffic volumes, warrant the installation of a southbound right turn taper and a 200' northbound left turn lane at the proposed main entrance. It is recommended that additional background traffic data be collected in the vicinity of the proposed entrance to verify the traffic estimates and confirm the need for auxiliary turn lanes. It should be noted that auxiliary lanes are not provided along the Route 151 corridor at other commercial entrances or intersections.
- Preliminary field measurements indicate that both existing intersection sight distance and stopping sight distance at the Route 151/Horizon Village Road intersection are acceptable, assuming a 55 mph design speed.
- Preliminary field measurements indicate that the proposed service entrance on Spruce Creek Lane does not have adequate intersection or stopping sight distance; both may be obtained if the entrance were located approximately 330' east of Rockfish Heights Road.
- The proposed entrances along Route 151 are spaced in accordance with current VDOT Access Management Guidelines.



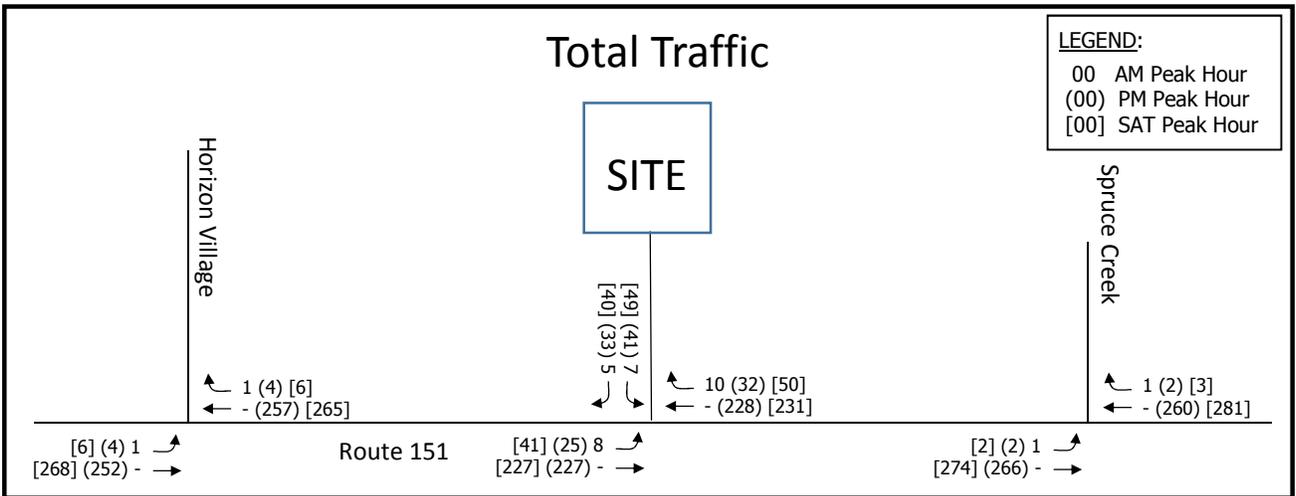
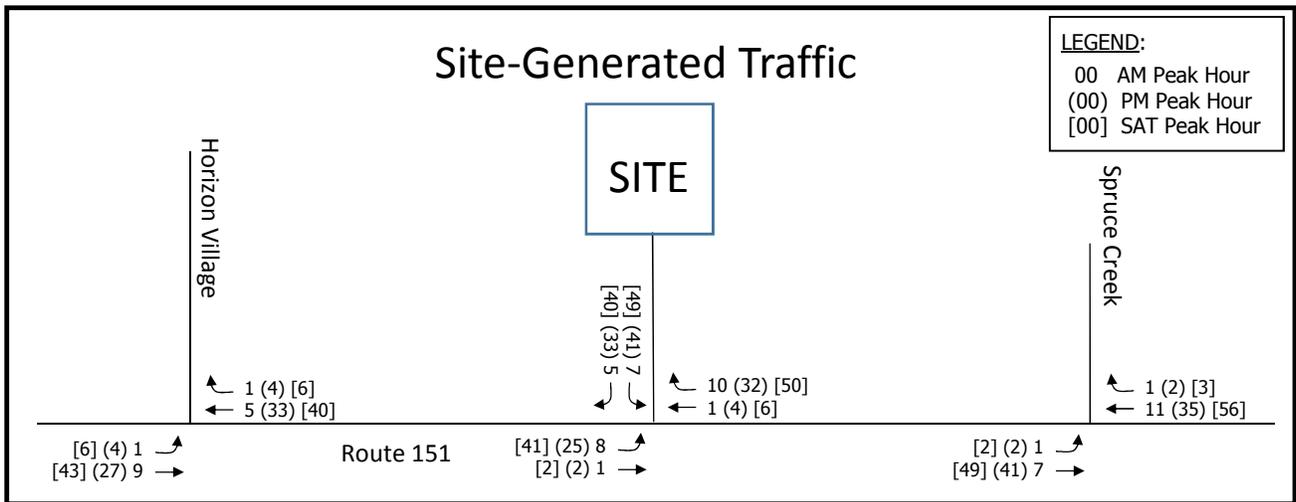
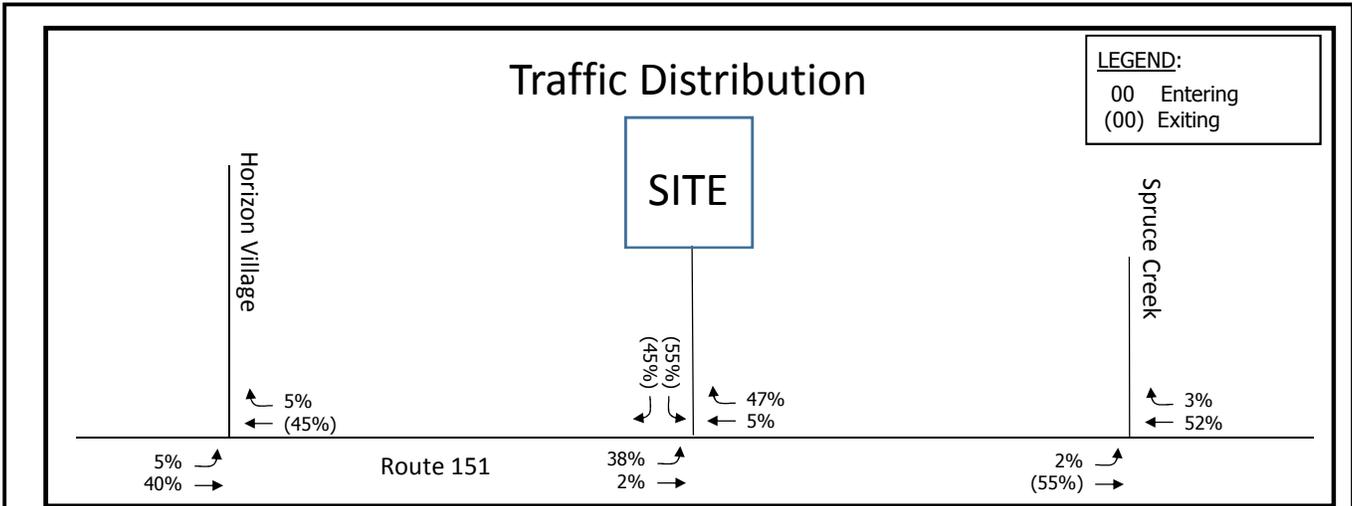
Spruce Creek Resort and Market
Preliminary Site Plan
Nelson County, VA

Figure
1



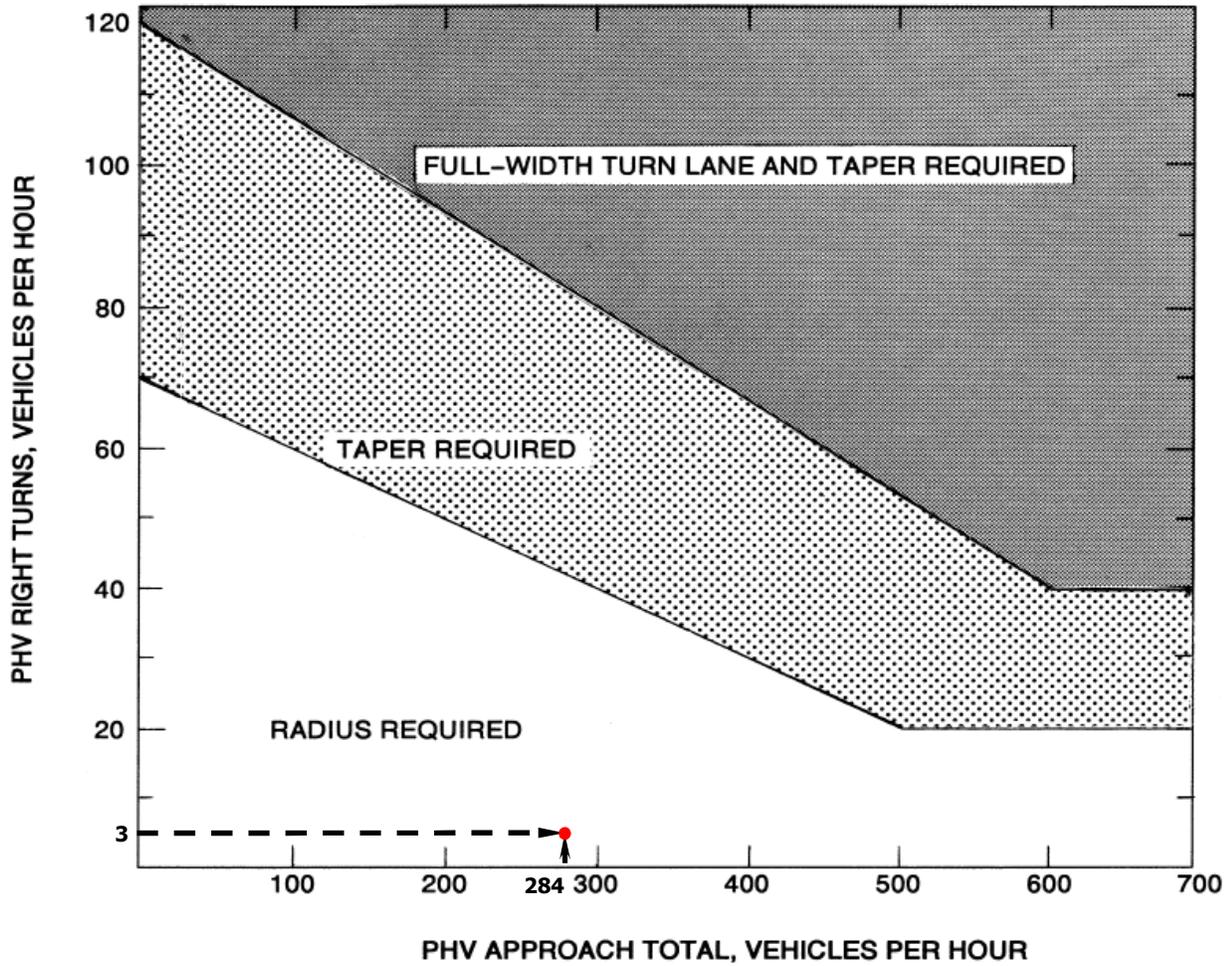
Spruce Creek Resort and Market
 Background Traffic
 Nelson County, VA

Figure
 2



 YOUR VISION ACHIEVED THROUGH OURS.	<h2 style="margin: 0;">Spruce Creek Resort and Market</h2> <h3 style="margin: 0;">Site-Generated/Total Traffic</h3> <h3 style="margin: 0;">Nelson County, VA</h3>	<h2 style="margin: 0;">Figure</h2> <h1 style="margin: 0;">3</h1>
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GUIDELINES FOR RIGHT TURN TREATMENT (2-LANE HIGHWAY)
 FIGURE 3-26 VDOT ROAD DESIGN MANUAL APPENDIX F



LEGEND
 - - - SAT Peak Hour

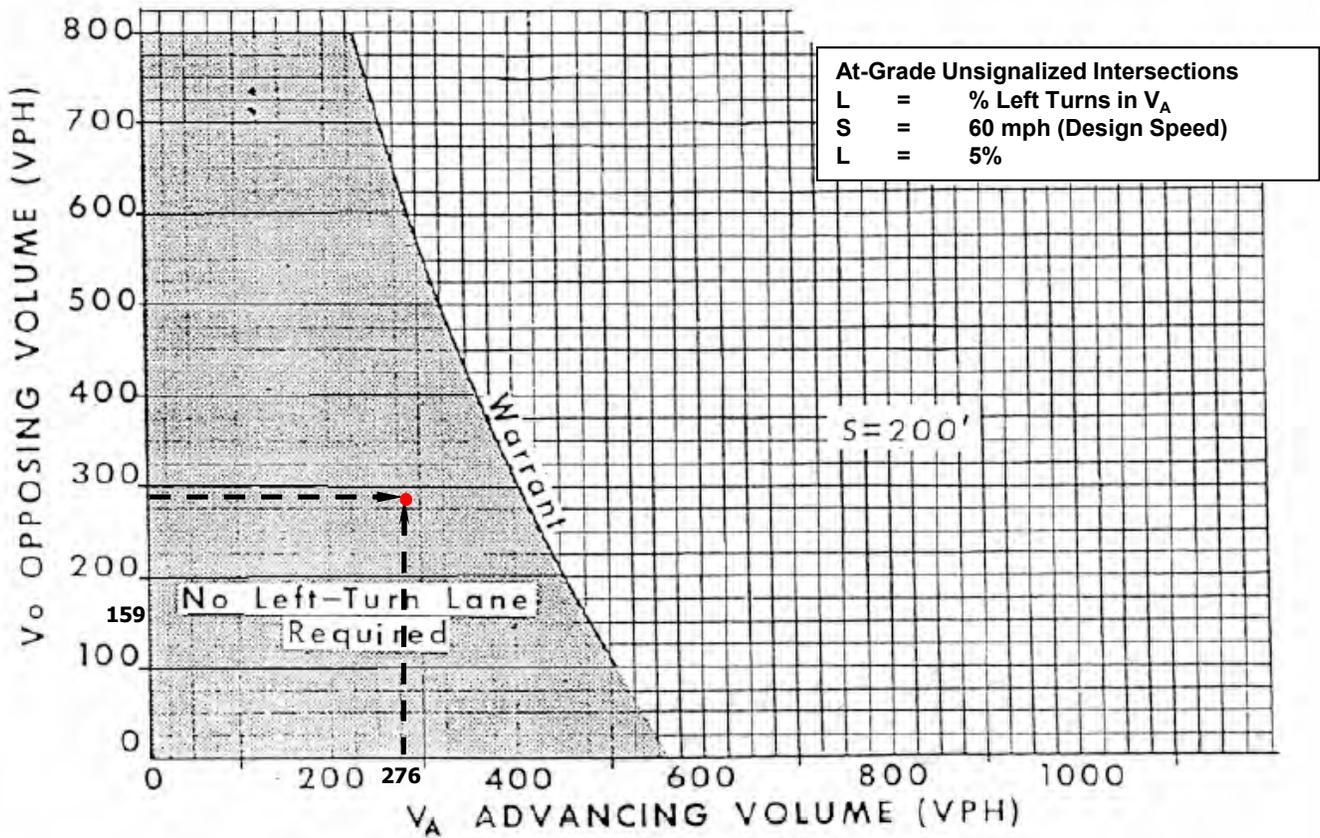
NO RIGHT TURN LANE REQUIRED



Spruce Creek Resort and Market
 Route 151/Route 627
 (SAT Peak Traffic)

Figure
 4

**WARRANT FOR LEFT-TURN STORAGE LANES
ON TWO-LANE HIGHWAYS (60 MPH)
FIGURE 3-17 VDOT ROAD DESIGN MANUAL APPENDIX F**



LEGEND
 - - - SAT Peak Hour

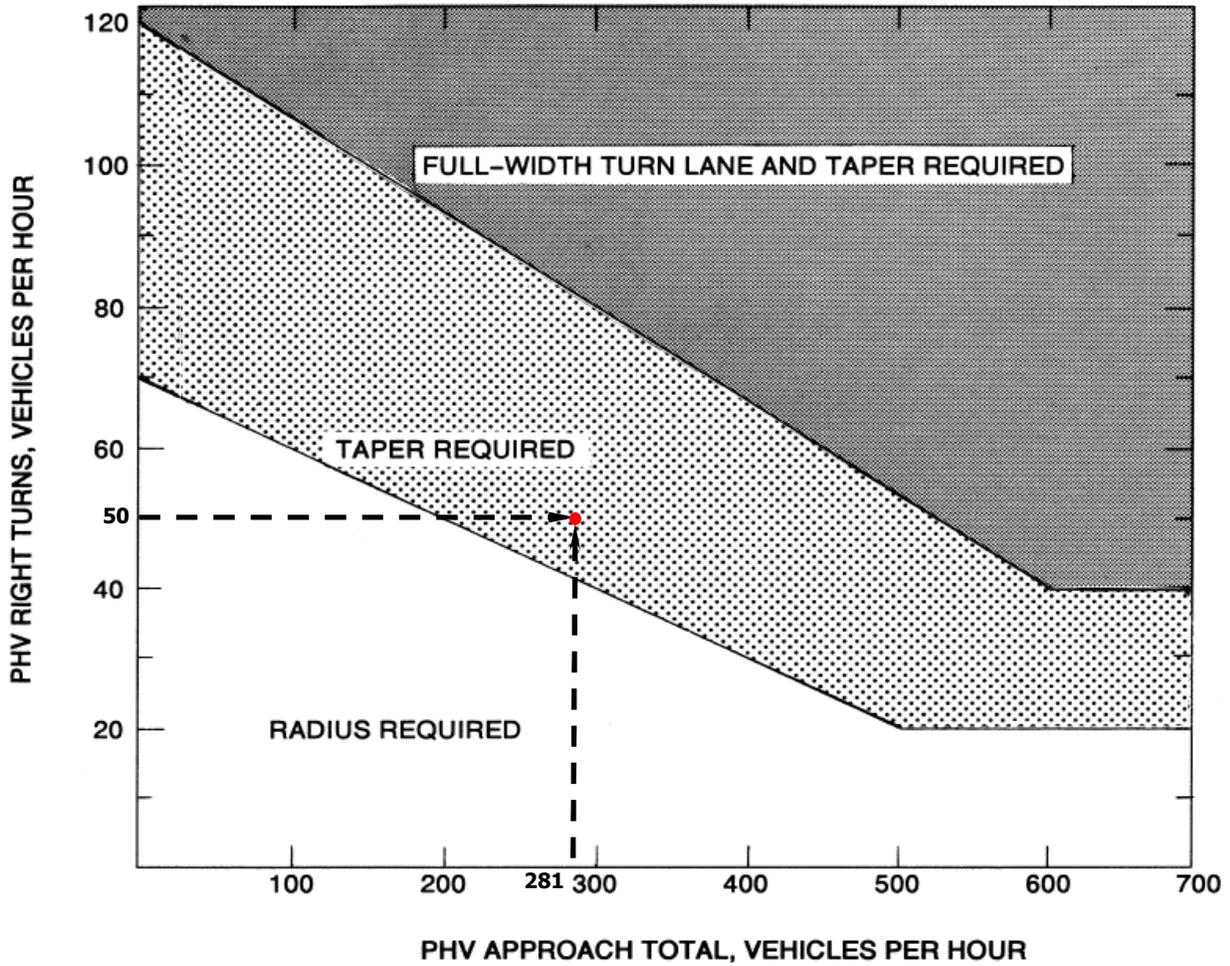
NO LEFT TURN LANE REQUIRED



Spruce Creek Resort and Market
 Route 151/Route 627
 (SAT Peak Traffic)

Figure
 5

GUIDELINES FOR RIGHT TURN TREATMENT (2-LANE HIGHWAY)
 FIGURE 3-26 VDOT ROAD DESIGN MANUAL APPENDIX F



LEGEND
 - - - SAT Peak Hour

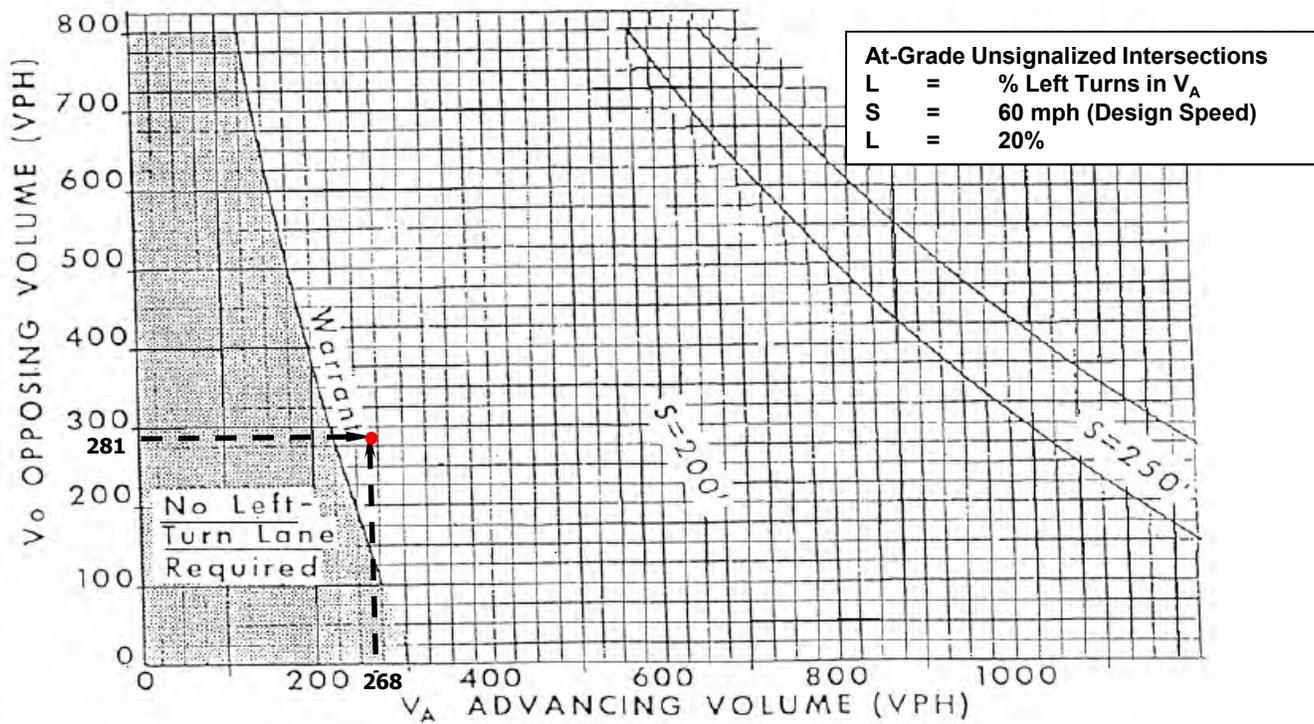
RIGHT TURN TAPER REQUIRED



Spruce Creek Resort and Market
 Route 151/Main Entrance
 (SAT Peak Traffic)

Figure
 6

**WARRANT FOR LEFT-TURN STORAGE LANES
ON TWO-LANE HIGHWAYS (60 MPH)
FIGURE 3-20 VDOT ROAD DESIGN MANUAL APPENDIX F**



LEGEND
 - - - SAT Peak Hour

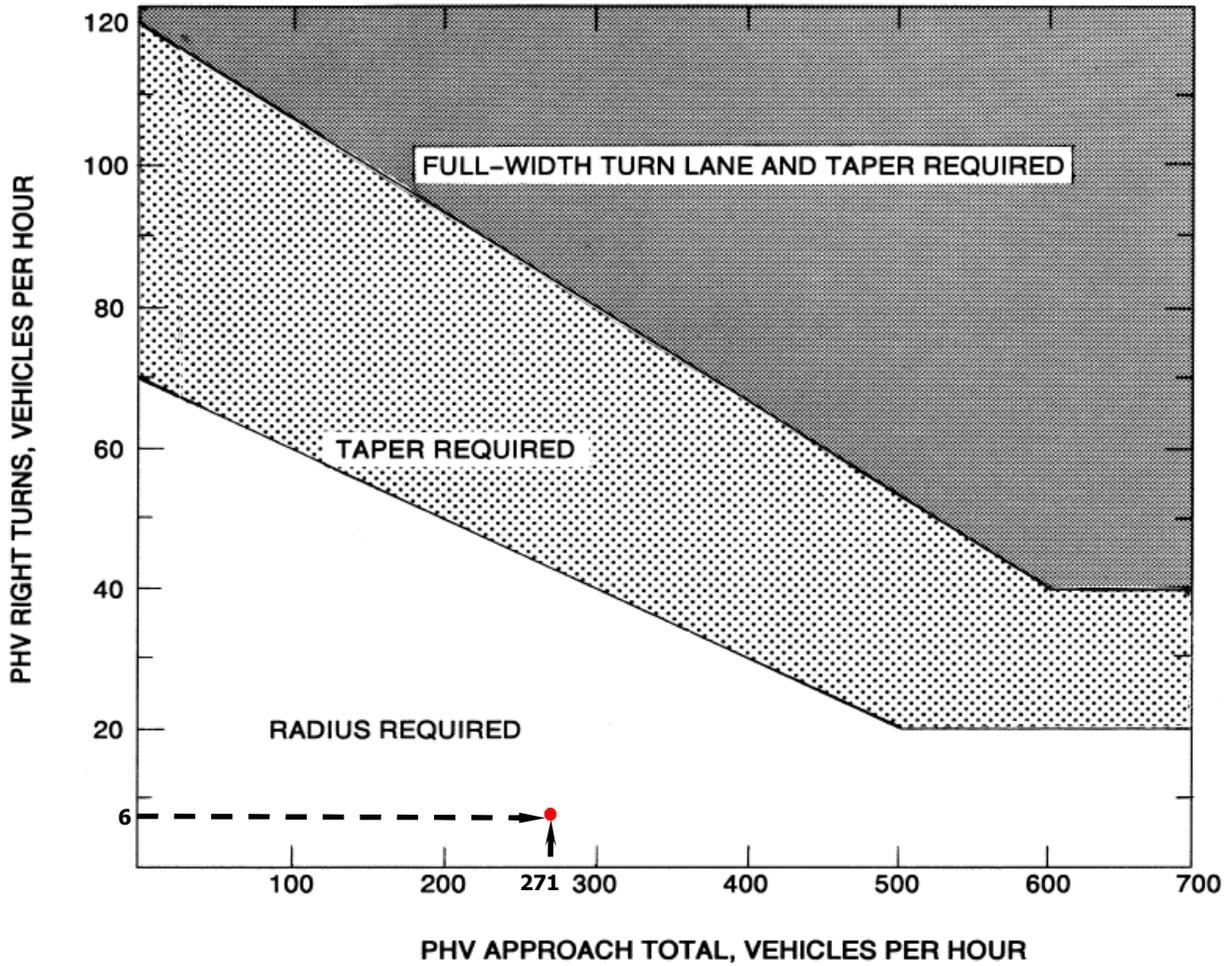
200 FT LEFT TURN LANE REQUIRED



Spruce Creek Resort and Market
 Route 151/Main Entrance
 (SAT Peak Traffic)

Figure
 7

GUIDELINES FOR RIGHT TURN TREATMENT (2-LANE HIGHWAY)
 FIGURE 3-26 VDOT ROAD DESIGN MANUAL APPENDIX F



LEGEND
 - - - SAT Peak Hour

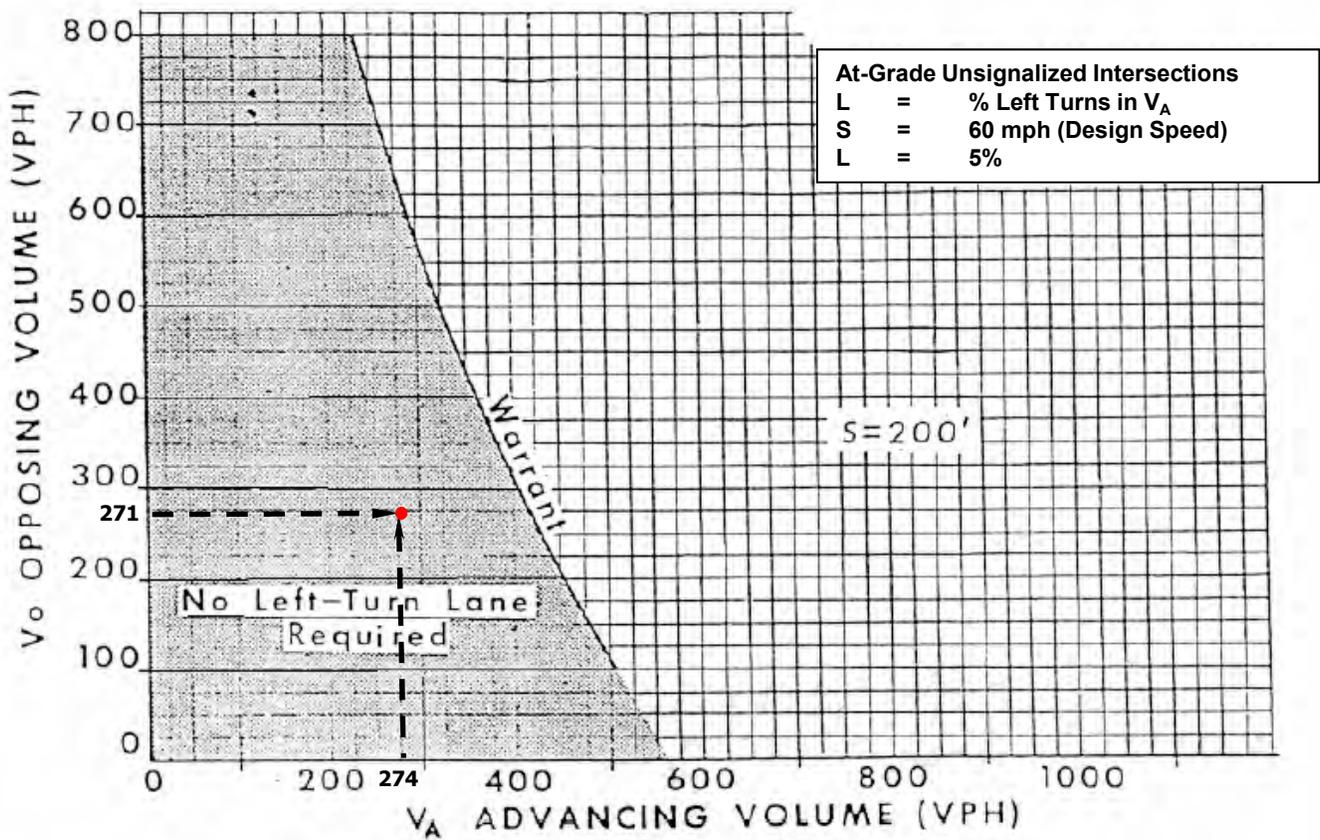
NO RIGHT TURN LANE REQUIRED



Spruce Creek Resort and Market
 Route 151/Horizon Village
 (SAT Peak Traffic)

Figure
 8

**WARRANT FOR LEFT-TURN STORAGE LANES
ON TWO-LANE HIGHWAYS (60 MPH)
FIGURE 3-17 VDOT ROAD DESIGN MANUAL APPENDIX F**



LEGEND
 - - - SAT Peak Hour

NO LEFT TURN LANE REQUIRED



Spruce Creek Resort and Market
 Route 151/Horizon Village
 (SAT Peak Traffic)

Figure
 9

Spruce Creek Resort & Market

Partial Use Permit Application
Supplemental Documents

28. August 2015

The Spruce Creek Resort and Market is a mixed-use project designed to highlight the extraordinary beauty and bounty of Virginia and anchor the southern end of the Rockfish Valley Brew Ridge/and Wine trail. Spruce Creek Resort is a boutique resort that will help cement the Rockfish Valley, as the mid-Atlantic's Napa Valley experience.

The development consists of the following:

- A destination restaurant featuring local foods,
- a collection of cottages built to highlight various aspects of the natural environment,
- a wellness spa built of small spa cottages for massage and energy work,
- a meeting space designed for both corporate gatherings and small weddings, and
- A market environment that will offer production and/or retail locations for local producers of craft foods, beverages and objects.

We expect the standard hours of operation to vary somewhat by specific use and vendor but the basic outline will be approximately 10am to between 6-8pm for the market and public services. The resort accommodations, event facility, and resort support services will start as early as 6am and end as late as 12am.

We propose lodging accommodations for between 60 and 80 total individuals with an expected occupancy of approximately 75%. We will employ at least 100 individuals across the spectrum of offerings and this number could swell significantly during peak periods and based on the makeup of vendors and production demands in the marketplace.

The owner hereby applies for preliminary approval in accordance with Zoning Ordinance Section 12-3, toward a comprehensive vision for the property. We seek to create an establishment that promotes the recent and future developments of this part of Nelson County as a cultural draw for the enjoyment of natural and recreational attractions and regionally produced farm products, artisanal food, wine, craft beer and spirits. The property would provide small cottage accommodations, a restaurant, spa facilities, a banquet hall, a market complex, and facilities service and management buildings.

Per Nelson County Zoning Ordinance, the property is located in Agricultural District A-1. Special Use Permits for this endeavor include:

1. 4-1-13-A Conference Center (banquet hall, reception and cottages)
2. 4-1-34-A Restaurant
3. 4-1-44-A Activity Center (small spa complex)
4. 4-1-16-A Farm Winery Permanent Retail Establishment
5. 4-1-35A Retail Store, neighborhood

All adjacent properties are zoned A-1 Agricultural District. Current neighbors to the south include residents of Horizons Village development. Along Spruce Creek Lane to the north, parcels include single family residences. Across Rockfish Valley Highway to the east of the property is Bold Rock Cider brewery.

It is our intention to create an entrance road to the site from State Route 151. A proposed turn lane would be located across from the Bold Rock Cider entrance. This would be a two lane road giving visitors access to the Market, the Banquet Hall and the Reception building. Parking is available at both the Market and Banquet Hall, with one way access out to Horizon Village Road, or an option to exit along the aforementioned 2 way road back out to 151. The reception building serves as a vehicular threshold, at which point a valet service would retrieve the vehicle of a restaurant patron or overnight guest and shuttle guests along one lane width internal roads, likely using a golf cart. Guest vehicles would be parked within the Facilities Management area.

Located at the north boundary of the property is an existing road bed, leading to Spruce Creek Lane. The plat shows a possible easement, also connecting the property to Spruce Creek Lane. Either of these could potentially provide 2 way vehicular access to 627. This 2 way vehicular road would only be used for occasional service purposes. All public access would be processed via State Route 151. Guests staying in the cottages would be encouraged to use proposed foot trails, or golf cart for major circulation. Please see circulation diagram included in our supplementary packet.

The property was formerly used as a nursery, and vestigial specimen trees and plants will be incorporated into the new design.

In addition, we intend to restore two ponds located on the property, and offer them to the community as a resource for fire protection. It is our intention to process storm water via natural means, using permeable paving and rain gardens adjacent to parking areas and low lying areas adjacent to development. We are adopting a 50' setback off of the existing creek, and reinforcing the riparian buffer with native planting. We intend to remove and manage invasive species and create new habitat for native species. We will add new native planting as a buffer along Horizon Village Road, and to augment any existing and proposed wooded areas.



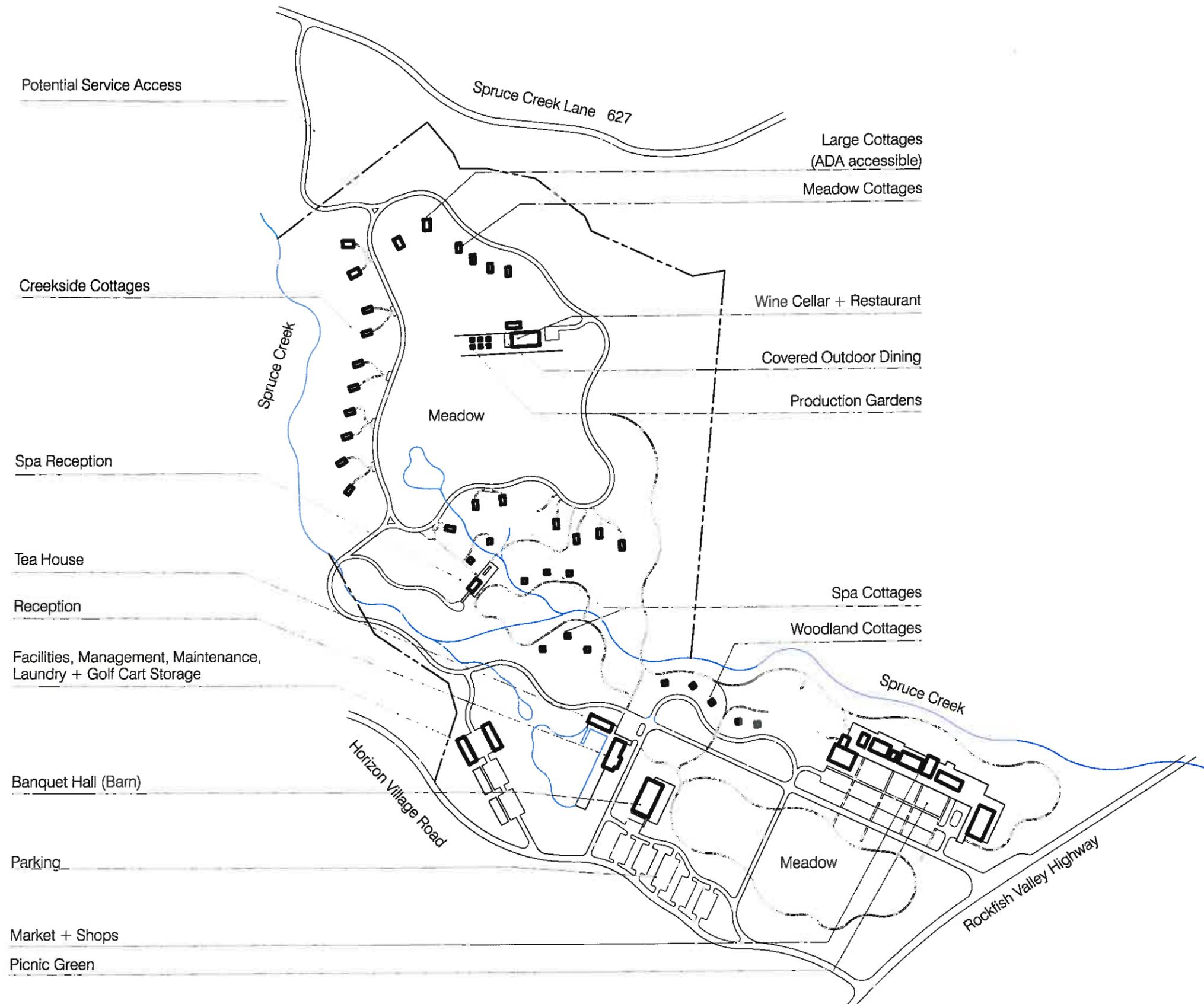
August 28, 2015

1" = 400'



Illustrative Plan
Spruce Creek Resort & Market
Nelson County, VA

**NELSON
BYRD
WOLTZ**
LANDSCAPE
ARCHITECTS



Site Program

Spruce Creek Resort & Market
Nelson County, VA



August 28, 2015

1" = 400'



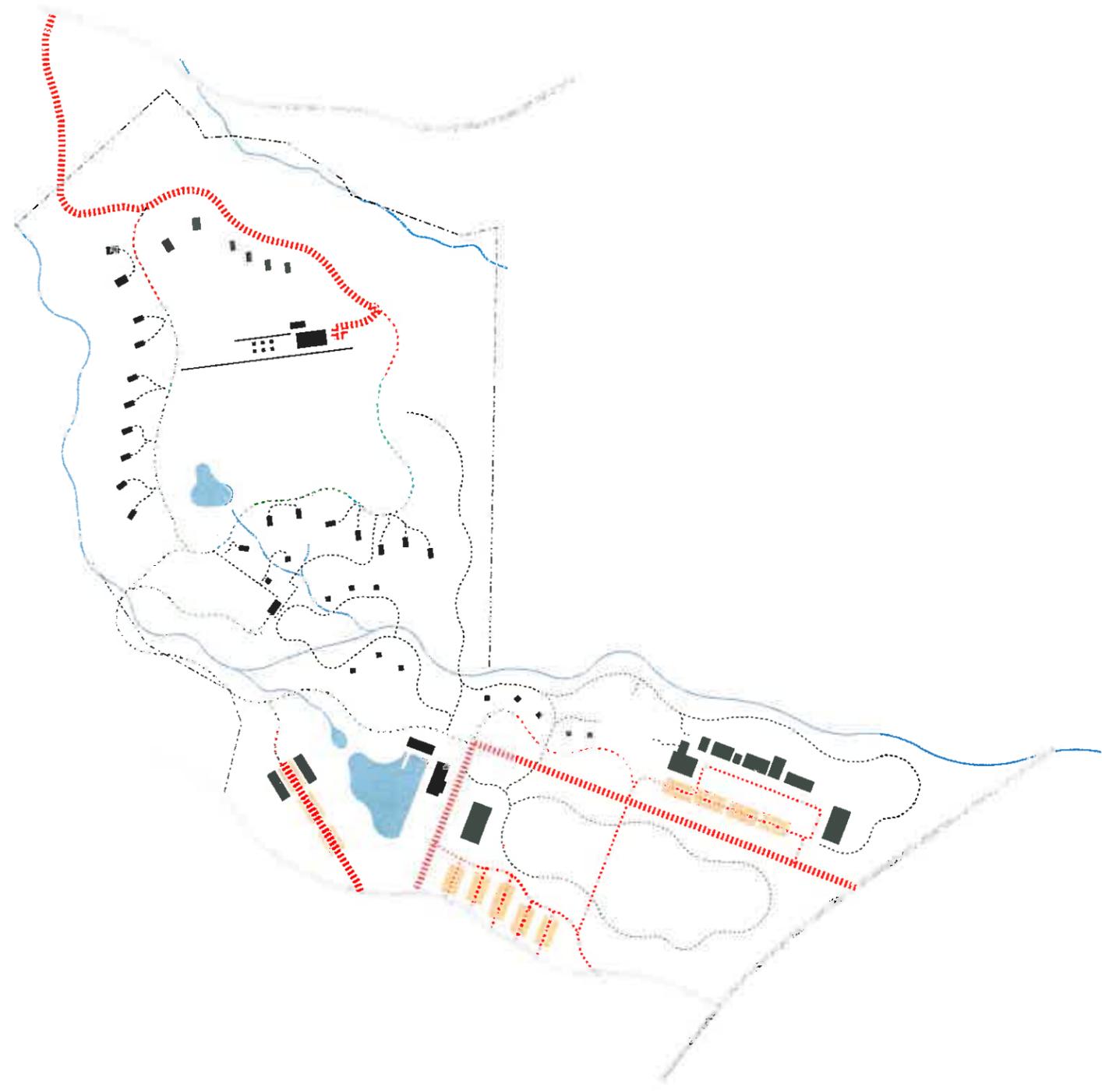
- Property Line
- Proposed Roads or Paths
- Existing Roads
- Creeks and Swales
- Ponds
- Structures
- 100 Year Flood Plain Nelson County GIS 2010



August 28, 2015

100 Year Flood Plain
 Spruce Creek Resort & Market
 Nelson County, VA

-  Property Line
-  Foot Path
-  1 Way Vehicular Road
-  2 Way Vehicular Road
-  Internal 1 Lane Road
-  Potential 2 Way Vehicular Road
-  Existing Road
-  Streams
-  Ponds
-  Structures
-  Parking



August 28, 2015

Circulation Diagram
 Spruce Creek Resort & Market
 Nelson County, VA





August 28, 2015

Existing Site Conditions
Spruce Creek Resort & Market
Nelson County, VA

**NELSON
BYRD
WOLTZ**
LANDSCAPE
ARCHITECTS

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):

- Rezonning from, Special Use Permit, Site Plan - Preliminary, Site Plan - Final, Amend text of Zoning Ordinance, Subdivision - Regular Preliminary, Subdivision - Regular Final, Site Plan - Minor, Site Plan - Major, Other

Pursuant to Article 4, Section 1-35A of the Nelson County Zoning Ordinance. Pursuant to Section, Subsection of the Nelson County Subdivision Ordinance.

Reason(s) for request: Would like to build a small Grocery/Market for the sale of local foods and goods.

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: Richard Averitt IV Address: 88 Grace Glen Nellysford, VA 22958 Tel. No.: 361-0127 Cell No. 424-262-3418 E-mail addr. Richard@raveritt.com Relationship (if applicable):

Applicant Property Owner Name: Richard G. Averitt III "Dick" Address: 35 Grace Glen Nellysford VA 22958 Tel. No.: 361-1084 Cell No. 727-698-6856 E-mail addr. Dick@averittconsulting.com Relationship (if applicable): partner

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.: N/A

Official tax map number: 21-A Parcel 35/parcel 36

b. Acreage of property: 98.21

c. Present use: none

d. Present zoning classification: A1

e. Zoning classification of surrounding properties:

(Continued on reverse.)

4. Names of Adjacent Property Owners: Randy Reed, Aubrey McClain,
William and Jennifer Seale, Carylon Fischer, Rebecca Meeks,
Daniel and Cynthia Corbin.

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

Signature: _____
Signature: _____
Signature: _____
Signature: _____

6. Additional information: See supplemental Narrative Packet

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.

200.00 Sup
100.00 574 Plan

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

Completed application and fee (\$ 1,100.00) received on 8-26-15
Hearing Notice published on _____
Planning Commission action: Date of Hearing: _____
Recommendation: _____

Board of Supervisor action: Date of Hearing: _____
Date of Decision: _____
Action: _____

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):

- | | |
|---|--|
| <input type="checkbox"/> Rezoning from _____ to _____ | <input type="checkbox"/> Subdivision – Regular Preliminary |
| <input checked="" type="checkbox"/> Special Use Permit | <input type="checkbox"/> Subdivision – Regular Final |
| <input type="checkbox"/> Site Plan – Preliminary (Optional) | <input type="checkbox"/> Site Plan - Minor |
| <input type="checkbox"/> Site Plan – Final | <input type="checkbox"/> Site Plan - Major |
| <input type="checkbox"/> Amend text of Zoning Ordinance | <input type="checkbox"/> Other - _____ |

Pursuant to Article 4, Section 1-13A of the Nelson County Zoning Ordinance.
Pursuant to Section _____, Subsection _____ of the Nelson County Subdivision Ordinance.

Reason(s) for request: We would like to build a Banquet Hall to be used for weddings, meetings etc... and provide lodging ~~apart~~ provisions for overnight stays.

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: Richard G. Averitt IV
Address: 88 Grace Glen Nellysford VA 22958
Tel. No.: 361-8427 Cell No. 434-262-3418 E-mail addr. Richard@raveritt.com
Relationship (if applicable): _____

Applicant Property Owner Name: Richard G. Averitt III "Dick"
Address: 35 Grace Glen Nellysford VA 22958
Tel. No.: 361-1084 Cell No. 727-698-6856 E-mail addr. dick@averittconsulting.com
Relationship (if applicable): partner

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.: N/A

Official tax map number: 21-A Parcel 35 / Parcel 36

b. Acreage of property: 98.21 total

c. Present use: none

d. Present zoning classification: A1

e. Zoning classification of surrounding properties: _____

(Continued on reverse.)

4. Names of Adjacent Property Owners: Randy Reed, Aubrey McClain,
William and Jennifer Seale, Carolyn Fischer, Rebecca Muhs,
Daniel and Cynthia Corbin.

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

Signature: _____
Signature: _____
Signature: _____
Signature: _____

6. Additional information: See the supplemental Narrative Packet

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.

\$200.00 - sup
\$100.00 minor site plan
\$100.00 one time fee

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

Completed application and fee (\$ 1,100.00) received on 8-26-15
Hearing Notice published on _____
Planning Commission action: Date of Hearing: _____
Recommendation: _____
Board of Supervisor action: Date of Hearing: _____
Date of Decision: _____
Action: _____

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):

- Rezonning 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 4, Section 1-44A of the Nelson County Zoning Ordinance. Pursuant to Section, Subsection of the Nelson County Subdivision Ordinance.

Reason(s) for request: Would like to build a small spa with a few cabins for guest use and public use.

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: Richard G. Averitt IV
Address: 88 Grace Glen Nellysford VA 22958
Tel. No.: 361-0127 Cell No. 434-222-3418 E-mail addr. Richard@raveritt.com
Relationship (if applicable):

Property Owner Name: Richard G. Averitt III "Dick"
Address: 35 Grace Glen Nellysford VA 22958
Tel. No.: 361-1084 Cell No. E-mail addr. dick@averittconsulting.com
Relationship (if applicable): partner

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.: N/A

Official tax map number: Tax Map 21-A Parcel 35 / Parcel 36

b. Acreage of property: 98.21 total

c. Present use: nothing

d. Present zoning classification: A1

e. Zoning classification of surrounding properties:

4. Names of Adjacent Property Owners: Randy Reed, Aubrey McClain,
William and Jennifer Seale, Carolyn Fisher, Rebecca Meeks,
Daniel and Cynthia Corbin.

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

Signature: _____
Signature: _____
Signature: _____
Signature: _____

6. Additional information: See supplemental narrative packet.

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\$200.00-SUP
\$100.00 - Minor
Site Plan (one-time fee)

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

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Recommendation: _____

Board of Supervisor action: Date of Hearing: _____
Date of Decision: _____
Action: _____

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):

- Re zoning from, Special Use Permit, Site Plan, Amend text of Zoning Ordinance, Subdivision, Site Plan - Minor, Site Plan - Major, Other

Pursuant to Article 4, Section 1-34A of the Nelson County Zoning Ordinance. Pursuant to Section, Subsection of the Nelson County Subdivision Ordinance.

Reason(s) for request: Would like to build a restaurant on an A-1 zoning property.

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: Richard G. Averitt IV Address: 88 Grace Glen Nellysford VA 22958 Tel. No.: 361-6127 Cell No. 434-262-3418 E-mail addr. Richard@raveritt.com Relationship (if applicable):

Applicant Property Owner Name: Richard G. Averitt III "Dick" Address: 35 Grace Glen Nellysford, VA 22958 Tel. No.: 361-1084 Cell No. E-mail addr. dick@averittconsulting.com Relationship (if applicable): partner

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:

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Official tax map number: Tax Map 21-A Parcel 35 / Parcel 36

b. Acreage of property: 98.21 total

c. Present use: nothing

d. Present zoning classification: A1

e. Zoning classification of surrounding properties:

(Continued on reverse.)

4. Names of Adjacent Property Owners: Randy Reed, Aubrey McClain, William and Jennifer Seale, Carolyn Fischer, Rebecca Meeks, Daniel and Cynthia Corbin

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\$ 200.00 - SUP
\$ 100.00 - Minor Site Plan (one time fee)

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

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Recommendation: _____

Board of Supervisor action: Date of Hearing: _____
Date of Decision: _____
Action: _____