

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

- I. Call to Order**
  - A. Moment of Silence
  - B. Pledge of Allegiance
  
- II. Resolution Recognizing the Service of the Honorable Kenneth W. Farrar (R2015-52)**
  
- III. Consent Agenda**
  - A. Resolution – **R2015-53** Minutes for Approval
  - B. Resolution – **R2015-54** FY16 Budget Amendment
  - C. Resolution – **R2015-55** Blue Ridge Tunnel, No Trespassing
  - D. Resolution – **R2015-56** Appointment of Agricultural and Forestal District Program Administrator
  - E. Resolution – **R2015-62** Consent for Offers in Compromise- Local Taxes
  
- IV. Public Comments and Presentations**
  - A. Public Comments
  - B. VDOT Report
    - 1. Discontinuance of a Portion of Route 641 Dutch Creek Lane (**R2015-57**)
  
- V. New Business/ Unfinished Business**
  - A. Courthouse Project Phase II, Authorization to Issue Invitation to Bid and Proceed with Application to Virginia Resources Authority for Project Funding (**R2015-58**)
  - B. Department of Conservation & Recreation Grant Application (**R2015-59**)
  - C. Gladstone Fire & Rescue Services Interest Free Loan Application (**R2015-60**)
  
- VI. Reports, Appointments, Directives, and Correspondence**
  - A. Reports
    - 1. County Administrator's Report
    - 2. Board Reports
  - B. Appointments
  - C. Correspondence
    - 1. R. Browne –Rockfish Collection Site
    - 2. R. Matuszak – Fence in Law
  - D. Directives
  
- VII. Adjourn and Reconvene for Evening Session**

## EVENING SESSION

7:00 P.M. – NELSON COUNTY COURTHOUSE

- I. Call to Order
- II. Public Comments
- III. Public Hearings and Presentations

A. **Public Hearing: Special Use Permit #2015-03 – “Dance Hall” / Jose & Elpidia Gaona** Consideration of a Special Use Permit application to operate a “dance hall” pursuant to §8-1-3a of the Zoning Ordinance. Specifically, the applicant wishes to operate a dance hall on Friday nights and Saturday nights, remaining in operation until 2:00AM the following morning(s). The requested dance hall would be co-located with “La Michoacana Authentic Mexican Taqueria & Restaurant” (which is a permissible by-right use, and which received County zoning approval via Minor Site Plan #2015-03 on May 27, 2015). The subject property is owned by Mr. Joe Lee McClellan and is located in Lovington at 37 Tanbark Place; it is further identified as Tax Map Parcels #58B-A-36 and #58B-A-37 which are zoned Business (B-1).

- IV. Other Business (As May Be Presented)
- V. Adjournment

**RESOLUTION R2015-52**  
**NELSON COUNTY BOARD OF SUPERVISORS**  
**RESOLUTION RECOGNIZING THE HONORABLE KENNETH W. FARRAR**  
**July 01, 1999 – July 31, 2015**

**WHEREAS**, on July 31, 2015, the Honorable Kenneth W. Farrar officially retires from service as Judge of the Juvenile and Domestic Relations District Court of the Twenty-fourth Judicial District of Virginia; and

**WHEREAS**, Judge Farrar is a life-long resident of Virginia, a graduate of Amherst County High School (1966), earned his Bachelor of Science degrees in Business Management and Business Finance from Virginia Polytechnic Institute and State University (1970) and received his Juris Doctorate Degree from the University of Baltimore School of Law (1974); and

**WHEREAS**, Judge Farrar practiced law for twenty-five years beginning his career in March, 1974 in Altavista, Virginia and opening a practice in Lovingston, Virginia in October, 1975; he is a member of the Virginia State Bar and of the Criminal Law, Domestic Relations and Judicial Sections of the Virginia Bar Association; is a member and past president of the Amherst/Nelson Bar Association; he served as chief judge of the Twenty-Fourth Judicial District from 2004 - 2006; he participated in the Juvenile Detention Alternatives Initiative in the Lynchburg Juvenile and Domestic Relations District Court; he implemented the Nelson Juvenile and Domestic Relations Best Practice Court in the area of foster care and adoption in 2010; he is a member of the National Council of Juvenile and Family Court Judges where he served on the Permanency Planning for Children and the Family Violence & Domestic Relations Committees; he serves on the Executive Committee of the Judicial Conference of Virginia for District Court Judges and on the Virginia Council of Juvenile and Domestic Relations District Court Judges Schools and Courts Committee; and

**WHEREAS**, Judge Farrar was appointed to the Juvenile and Domestic Relations District Court bench on July 01, 1999 and over the past sixteen years Judge Farrar has presided over numerous cases involving children and families where he has exhibited his knowledge, dedication and professionalism, all of which will be greatly missed; and

**WHEREAS**, Judge Farrar is an active and important part of his community and profession as a member of Mineral Springs Baptist Church in Gladstone, 4-H Club adult leader, Dixie Youth T-Ball Coach, Boy Scout Fundraising Drive co-sponsor for Nelson County and member/director of the Nelson County Chamber of Commerce; and

**WHEREAS**, it is fitting and proper that the Nelson County Board of Supervisors recognizes the Honorable Kenneth W. Farrar for his many years of service and commitment to the citizens of Nelson County and Virginia, and to congratulate him on his well-deserved retirement as Judge, with best wishes for many years of happiness and contentment,

**NOW, THEREFORE, BE IT RESOLVED BY THE NELSON COUNTY BOARD OF SUPERVISORS**, that The Board of Supervisors does hereby go on record as recognizing the Honorable Kenneth W. Farrar on his retirement from service from the Juvenile and Domestic Relations District Court of the Twenty-fourth Judicial District of Virginia.

Adopted: July 14, 2015

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

**RESOLUTION R2015-53  
NELSON COUNTY BOARD OF SUPERVISORS  
APPROVAL OF MEETING MINUTES  
(June 9, 2015)**

**RESOLVED**, by the Nelson County Board of Supervisors that the minutes of said Board meetings conducted on **June 9, 2015** be and hereby are approved and authorized for entry into the official record of the Board of Supervisors meetings.

Approved: July 14, 2015

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

June 9, 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  
Angela Johnson, Treasurer

Absent: None

**I. Call to Order**

Mr. Saunders called the meeting to order at 2:05 PM, with four (4) Supervisors present to establish a quorum and Mr. Bruguire joining the meeting at 2:07 PM.

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

**II. Consent Agenda**

Ms. Brennan noted a correction to the spelling of Sarah Ray's last name in the April Minutes on page six (6) and Ms. McGarry acknowledged the correction.

Mr. Hale then moved to approve the consent agenda including the minutes of the previous two meetings, the Commissioner of Revenue Refunds, and FY15 Budget Amendment. Ms. Brennan seconded the motion and there being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion and the following resolutions were adopted:

- A. Resolution – **R2015-43** Minutes for Approval

**RESOLUTION R2015-43  
NELSON COUNTY BOARD OF SUPERVISORS  
APPROVAL OF MEETING MINUTES  
(April 14, 2015 & May 12, 2015)**

June 9, 2015

**RESOLVED**, by the Nelson County Board of Supervisors that the minutes of said Board meetings conducted on **April 14, 2015 & May 12, 2015** be and hereby are approved and authorized for entry into the official record of the Board of Supervisors meetings.

B. Resolution – **R2015-44** COR Refunds

**RESOLUTION R2015-44  
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>
\$2,147.04	2012-2014 Disabled Veteran Exemption	Mr. Raymond M. Miller, Jr. 964 Horseshoe Rd. Arrington, VA 22922
\$10.80	PP Tax - Mobile Home	Mr. George E. Trogdon 138 Campbell Lane Afton, VA 22920
\$1,390.68	2015 RE Tax Disabled Veteran Exemption	Mr. Dennis G. Kincaid 3285 Embly's Gap Rd. Roseland, VA 22967
\$198.64	2012-2014 PP Tax Relief	M. Odell Covington 158 Mountain Star Dr. Shipman, VA 22971

C. Resolution – **R2015-45** FY15 Budget Amendment

**RESOLUTION R2015-45  
NELSON COUNTY BOARD OF SUPERVISORS  
AMENDMENT OF FISCAL YEAR 2014-2015 BUDGET  
NELSON COUNTY, VA  
June 9, 2015**

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

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I. Appropriation of Funds (General Fund)

<u>Amount</u>	<u>Revenue Account (-)</u>	<u>Expenditure Account (+)</u>
\$6,000.00	3-100-001899-0016	4-100-012130-5420
\$5,000.00	3-100-001899-0016	4-100-012130-5425
\$11,000.00		

II. Transfer of Funds (General Fund)

<u>Amount</u>	<u>Credit Account (-)</u>	<u>Debit Account (+)</u>
\$6,540.00	4-100-999000-9905	4-100-012040-3002
\$1,309.00	4-100-999000-9901	4-100-022010-1001
\$23,980.00	4-100-999000-9901	4-100-032060-1001
\$4,542.00	4-100-999000-9901	4-100-032060-2001
\$7,248.00	4-100-999000-9901	4-100-032060-5501
<u>\$5,000.00</u>	4-100-043040-5415	4-100-032020-5415
\$48,619.00		

D. Resolution – **R2015-46** FY15-16 Salary Adjustment Resolution

**RESOLUTION R2015-46**  
**NELSON COUNTY BOARD OF SUPERVISORS**  
**SALARY AND CLASSIFICATION SYSTEM**  
**FY16 SALARY ADJUSTMENT**

**BE IT RESOLVED** by the Nelson County Board of Supervisors that the local government’s “Salary and Classification System” is hereby amended to incorporate the following:

A three percent (3%) salary adjustment shall be hereby authorized for Nelson County personnel (full time and regular part-time) employed pursuant to the County’s salary classification and pay plan, effective on July 1, 2015. The three percent (3%) consists of a one half percent (0.5%) cost of living adjustment and an increase of one step (2.5%) within the designated grade for each position. Additionally, a three percent (3%) salary adjustment shall be authorized for all regular part-time employees and all full-time employees, inclusive of the elected/appointed official, employed in a Constitutional Office or Office of the Registrar. The three percent (3%) is inclusive of the 2% across-the-board salary adjustment effective September 1, 2015 for all constitutional officers and their Compensation Board funded permanent staff positions and shall be calculated based upon the salary in effect on June 30, 2014 (Compensation Board and local supplement). All other Compensation Board salary adjustments shall be calculated pursuant to the governance established for this purpose and approved by the Board of Supervisors on November 21, 2006.

Attachment: Fiscal Year 2015-2016 Salary Scale (Full Time & Part-Time)

### **III. Public Comments and Presentations**

#### **A. Public Comments**

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

#### **B. Presentation – NCHS Student GIS Presentation (J. Taggart)**

Ms. Brennan noted that she had attended a presentation by students at the High School taught by Ms. Lindsey Hill and Jack Taggart was present to do his presentation using GIS for the Board.

Mr. Taggart noted that the Geospatial class at the High School was a college credit course through James Madison University and Ms. Lindsey Hill was the professor of the course. He noted that the students learned a program called ArcMap and were then able to choose a project that would benefit the community using it.

Mr. Taggart then noted that he and fellow student, Bree Taylor, had used the program to find a solution for excessive Fire Department response times in the County. He added that they did this by developing maps using the ArcMap program that would tell them how long it would take firefighters to get to certain areas. He showed a map of fire districts and stations in the county that showed it divided into seven (7) districts covered by nine (9) fire stations. He added this was because there were two (2) stations located in the Wintergreen and Lovingson districts.

Mr. Taggart then noted that the ArcMap program took into account the speeds and surfaces of certain roads and created a way to get into each district. He noted that the areas of the map were color coded to show how many minutes the area was from a fire station. He added that the white areas were in excess of twenty (20) minutes of a fire station and that Montebello, Arrington, Lovingson, and Schuyler areas all had white areas.

Mr. Taggart then showed dots on the map representing addresses in the white areas and noted that Montebello had 161 addresses, with the majority being in the George Washington National Forest and that had gravel roads; Arrington had 131 addresses that were twenty minutes from a fire station, Lovingson had 26 Addresses that were over 20 minutes away, mostly due to gravel roads, Schuyler had 311 addresses in Faber and 291 were in the Schuyler area alone. He noted the significance of this as it was more than all of the other areas combined.

Mr. Taggart then showed a map that highlighted the Faber Fire Department area and noted that 1,244 addresses were there and only 60% of them could be reached from that Station within 20 minutes; noting that this Department could only cover 50% of its own area. Mr. Taggart then discussed another map of the density of these areas that showed pockets of heavy addresses; with the highest number being in the heart of Schuyler.

He noted that after seeing this, he and his partner tried to figure out how to help this area the most and came up with the solution of establishing a substation to supplement the Faber Fire station in the heart of Schuyler. He noted that with this additional station, only 13% of the addresses would be in excess of 20

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minutes from the Faber station and only 5% would be in excess of 20 minutes from any fire station. He then showed a map comparison of shaded areas with and without the new substation in Schuyler. He added that establishing this would help in terms of fire suppression, would bring down insurance rates, and improve citizens' peace of mind.

Mr. Taggart then concluded by showing a satellite image of the town of Schuyler and noted that their proposed site for a 1 truck substation was at the old Schuyler ball field that was no longer being used.

Mr. Hale noted that the report was eye opening and Mr. Bruguere asked if there was anyone down there to staff the proposed substation as that would be key.

In response to questions regarding ownership of the ball field, Mr. Carter noted it was owned by the Schuyler Museum even though as noted by Mr. Taggart, they were not shown as the owner in the GIS system. Mr. Taggart added it was still shown in GIS as an unimproved piece of land and that they would be presenting this to the Faber Fire Department at their next business meeting.

Ms. Brennan then noted the usefulness of GIS.

Ms. Linsey Hill in attendance noted that she taught the ArcMap program in the first half of the semester and the second half of the semester, the students worked on a project. She noted that most students that took the class were seniors and that Mr. Taggart was the only junior. She noted that next year, Mr. Taggart would be able to act as a teaching assistant for the class and the class was worth three (3) college credits.

### C. VDOT Report

Mr. Don Austin noted that the Secondary Six Year Plan had been approved the previous month and they had seen a small increase in allocations since then.

#### 1. Abandonment of a Portion of Route 641 Dutch Creek Lane (**R2015-47**)

Mr. Austin noted that portions of this route were to be abandoned and discontinued. He added that the Board of Supervisors approves the abandonments and the Commonwealth Transportation Board (CTB) approves the official discontinuance. Mr. Carter indicated that some clarification was needed on who was to send the certified letters to property owners for the discontinuance adding that the Code prescribes that it is done by the Board which refers to the CTB. Mr. Austin noted that this would be worked out with staff. He added that the citizen's concern with the abandonment had been taken care of before the meeting.

Ms. Brennan then moved to approve resolution **R2015-47** Abandonment of Portions of Routt 641, Dutch Creek Lane and Mr. Bruguere seconded the motion.

Mr. Harvey inquired about the discussion with the concerns that came up and Mr. Carter noted that an adjacent property owner was concerned they would be landlocked; he then spoke to Mr. McSwain before the meeting and said he was okay and he no longer had the concerns.

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

**RESOLUTION R2015-47**  
**NELSON COUNTY BOARD OF SUPERVISORS**  
**ABANDONMENT OF PORTIONS OF ROUTE 641**  
**DUTCH CREEK LANE**

**WHEREAS**, the Nelson County Board of Supervisors has received a request to abandon a portion of Secondary Route 641 (Dutch Creek Lane) from 1.03 Miles East of Route 29 to 3.57 Miles North of Route 640, a distance of 1.48 Miles, and

**WHEREAS**, the sketch dated June 4, 2015 and VDOT Form AM-4.3 attached and incorporated herein as part of this resolution, defines adjustments required in the Secondary System of State highways as a result of this proposed abandonment, and

**WHEREAS**, a public notice was posted, as prescribed under §33.2-909, Code of Virginia, announcing a public hearing to receive comments concerning abandoning the section of road described herein from the Secondary System of State Highways; and

**WHEREAS**, the Commissioner of the Virginia Department of Transportation was provided the prescribed notice of this Board's intent to abandon the subject section of road; and

**WHEREAS**, no public hearing was requested; and

**WHEREAS**, after considering all evidence available, the Nelson County Board of Supervisors is satisfied that no public necessity exists for the continuance of the section of Secondary Route 641 (Dutch Creek Lane) from 1.03 Miles East of Route 29 (Node C) to 3.57 Miles North of Route 640 (Node D), a distance of 1.48 Miles, and hereby deems that section of road is no longer necessary as a part of the Secondary System of State Highways;

**NOW THEREFORE, BE IT RESOLVED** by the Nelson County Board of Supervisors this 9<sup>th</sup> day of June, 2015, that this Board abandons the above-described section of road and removes it from the Secondary System of State Highways, pursuant to §33.2-909, Code of Virginia; and,

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

**IV. New Business/ Unfinished Business**

Mr. Carter noted that staff had prepared a resolution for all funds and the allocation of local funds for the school division. He noted that the funding increase needed by the schools was around \$381,000 and this

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was higher in the presented allocation by about \$60,000-80,000. He then asked if the Board wanted to leave this in and put it towards capital improvements.

Mr. Bruguere noted his agreement with putting the extra funds towards capital improvements, however Mr. Harvey and Ms. Brennan disagreed, noting they should get the whole amount. Mr. Carter confirmed that unless there were other questions, it was ready to proceed as is.

Mr. Saunders then stated that if the Schools said they could operate with \$381,000 in additional funds then that was what they should get and Mr. Bruguere reiterated his agreement.

Mr. Hale noted he was confused about the difference. Mr. Carter noted that there was \$87,674 more than the \$381,000 the schools said they needed included in the resolutions presented for adoption and appropriation of the budget and if the Board wanted to remove this, they would have to do so. Mr. Hale then noted he would leave it as presented.

A. Adoption of the FY15-16 Budget, All Funds (**R2015-48**)

Following discussion, Mr. Hale moved to approve resolution **R2015-48** Adoption of Budget Fiscal Year 2015-2016 (July 1, 2015-June 30, 2016) and Ms. Brennan seconded the motion and noted a correction to the spelling of Board.

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

**RESOLUTION 2015-48**  
**NELSON COUNTY BOARD OF SUPERVISORS**  
**ADOPTION OF BUDGET FISCAL YEAR 2015-2016**  
**(JULY 1, 2015-JUNE 30, 2016)**

**WHEREAS**, pursuant to the applicable provisions of Chapter 25, Budgets, Audits and Reports of Title 15.2 of the Code of Virginia, 1950, the Board of Supervisors of Nelson County, Virginia has prepared a budget for informative and fiscal planning purposes only and has also established tax rates, as applicable, for Fiscal Year 2015-2016 (July 1, 2015-June 30, 2016); and

**WHEREAS**, the completed Fiscal Year 2015-2016 Budget is an itemized and classified plan of all contemplated expenditures and all estimated revenues and borrowing; and

**WHEREAS**, the Board of Supervisors has published a synopsis of the budget, given notice of a public hearing in a newspaper having general circulation in Nelson County and, subsequent thereto, convened a public hearing on the Fiscal Year 2015-2016 Budget.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Supervisors of Nelson County, Virginia that the Fiscal Year 2015-2016 Budget be hereby adopted in the total amount (all funds, revenues and expenditures) of \$77,110,835. The individual fund totals are denoted as follows:

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<u>Fund</u>	<u>Budget</u>
General	\$ 36,499,052.00
VPA	\$ 1,949,454 .00
Debt Service	\$ 3,367,281.00
Capital	\$ 898,043.00
School	\$26,134,083.00
Textbook	\$ 461,422.00
Piney River (Operations)	\$ 218,229.00
Courthouse Project	\$ 7,283,271.00
Community Dev. Block Grant	\$ 300,000.00

1) The General Fund includes \$20,248,990 in local funding transferred to the Broadband Fund (\$150,000), the Reassessment Fund (\$100,000), the Community Development Block Grant Fund (\$100,000), the Debt Service Fund (\$3,367,281), the Piney River Water & Sewer Fund (\$40,000), the Courthouse Project Fund (\$1,426,225), and the School Fund (\$14,640,484 for general operations, \$235,000 allocated for school nursing, and \$190,000 allocated for school buses). Also included is \$1,949,454 in local, state, and federal funds transferred to the VPA Fund.

2) The School Fund includes a transfer of \$180,797 to the Textbook Fund.

**BE IT LASTLY RESOLVED**, that adoption of the Fiscal Year 2015-2016 Budget shall not be deemed to be an appropriation and no expenditures shall be made from said budget until duly appropriated by the Board of Supervisors of Nelson County, Virginia.

B. Appropriation of the FY15-16 Budget, All Funds (**R2015-49**)

Mr. Hale moved to approve resolution **R2015-49** Fiscal Year 2015-2016 Appropriation of Funds and Mr. Harvey seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion and the following resolution was adopted:

**RESOLUTION R2015-49**  
**NELSON COUNTY BOARD OF SUPERVISORS**  
**FISCAL YEAR 2015-2016 APPROPRIATION OF FUNDS**

**WHEREAS**, the applicable provisions of Chapter 25, Budgets, Audits and Reports of Title 15.2 of the Code of Virginia, 1950 require the appropriation of budgeted funds prior to the availability of funds to be paid out or become available to be paid out for any contemplated expenditure; and

**WHEREAS**, the Nelson County Board of Supervisors has heretofore approved the Fiscal Year 2015-2016 Budget (July 1, 2015 to June 30, 2016) for the local government of Nelson County and its component units; and

**WHEREAS**, the Board of Supervisors now proposes to appropriate the funds established in the Fiscal Year 2015-2016 Budget;

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**NOW, THEREFORE, BE IT RESOLVED** by the Nelson County Board of Supervisors that the Fiscal Year 2015-2016 Budget be hereby appropriated on an annual basis by fund category, as follows:

<b><u>Fund</u></b>	<b><u>Revenue(s) (All Sources)</u></b>	<b><u>Expenditure(s) (All Departments)</u></b>
General	\$ 36,499,052.00	\$ 36,499,052.00
VPA	\$ 1,949,454.00	\$ 1,949,454.00
Debt Service	\$ 3,367,281.00	\$ 3,367,281.00
Capital	\$ 898,043.00	\$ 898,043.00
School	\$ 26,134,083.00	\$ 26,134,083.00
Textbook	\$ 461,422.00	\$ 461,422.00
Piney River (Operations)	\$ 218,229.00	\$ 218,229.00
Courthouse Project	\$ 7,283,271.00	\$ 7,283,271.00
Community Dev. Block Grant	\$ 300,000.00	\$ 300,000.00
	<u>\$ 77,110,835.00</u>	<u>\$ 77,110,835.00</u>

**BE IT FURTHER RESOLVED** by the Board of Supervisors that:

1. The General Fund appropriation includes the transfer of \$1,949,454 (4-100-093100-9201) to the VPA Fund (3-150-004105-0001), \$3,367,281 (4-100-093100-9204) to the Debt Service Fund (3-108-004105-0100), \$15,065,484 (4-100-093100-9202/Nursing \$235,000, 4-100-093100-9203/Operations \$14,640,484, 4-100-093100-9205/Buses \$190,000) to the School Fund (3-205-004105-0001), \$150,000 (4-100-093100-9114) to the Broadband Fund (3-114-004105-0100), \$100,000 (4-100-093100-9101) to the Reassessment Fund (3-101-004105-0001), \$100,000 (4-100-093100-9503) to the Community Development Block Grant Fund (3-503-004105-0001), \$1,426,225 (4-100-93100-9209) to the Courthouse Project Fund (3-106-003201-0007) and \$40,000 (4-100-093100-9207) to the Piney River Water & Sewer Fund (3-501-004105-0001).

The amounts transferred from the General Fund to the VPA Fund, Debt Service Fund, School Fund, Community Development Block Grant Fund, Courthouse Project Fund and Piney River Water & Sewer Fund are also included in the total appropriation for each of these funds.

2. The Community Development Block Grant Fund appropriation includes the transfer of \$300,000 (4-503-94710-9114) to the Broadband Fund (3-114-004105-0503). Local match funding of \$100,000 will be transferred at the beginning of the fiscal year with the balance being transferred as grant funding is received.
3. The Textbook Fund appropriation includes the allocation of \$180,797 from the School Fund.
4. The appropriation of funds to the School Fund, Textbook Fund, and VPA Fund shall be in total and not categorically.
5. The appropriation and use of funds within the General, Debt Service, Capital, Piney River Water & Sewer, Community Development Block Grant and Courthouse Project Funds shall adhere to the

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amounts prescribed by the Board of Supervisors for each department therein unless otherwise authorized by the Board of Supervisors.

C. Request for Donation of Surplus Property to James River State Park (**R2015-50**)

Mr. Carter noted that Ms. Harper had conferred with the James River State Park representatives about surplus property the bus from the County to them. He added that the bus was being surplus property out because it needed new tires etc. Ms. Harper suggested that the Park write the Board a letter requesting the bus, staff had given the Board information on it, and the resolution had been prepared. He added that the State Code section allowing for the transfer had also been provided and that the Parks and Recreation Department only used the bus intermittently.

Ms. Brennan then moved to approve resolution **R2015-50** Authorization to Donate Surplus Property (Bus) to James River State Park and Mr. Bruguieri seconded the motion.

Mr. Carter then confirmed for Mr. Bruguieri that the State Park was responsible for picking up the bus.

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

**RESOLUTION R2015-50**  
**NELSON COUNTY BOARD OF SUPERVISORS**  
**AUTHORIZATION TO DONATE SURPLUS PROPERTY (BUS)**  
**TO JAMES RIVER STATE PARK**

**WHEREAS**, the Nelson County Parks and Recreation Department has a twenty-four passenger bus that is considered surplus property; and

**WHEREAS**, the James River State Park, being an entity of the Commonwealth of Virginia has requested the donation of said bus for their use; and

**WHEREAS**, the Code of Virginia 1950 as amended, § 15.2953 (C) provides that “Any locality may make gifts and donations of personal property and may deliver such gifts and donations to another governmental entity in or outside of the Commonwealth within the United States.”,

**NOW THEREFORE BE IT RESOLVED**, by the Nelson County Board of Supervisors that pursuant to the Code of Virginia 1950 as amended, § 15.2953 (C), the requested donation of the Parks and Recreation Department surplus property, known as the twenty-four passenger bus, to the James River State Park is hereby authorized.

D. Proposed Zoning Ordinance Amendment, Definitions: “Brewery” & “Farm Brewery, Limited” (**R2015-51**)

Mr. Padalino noted the current “Brewery” definition was “a facility for the production of beer” and that an existing business in the County called Barefoot Bucha produced a fermented tea and wished to

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expand within the County. He then noted that to remedy Barfoot Bucha's exclusion, staff proposed to amend the "Brewery" and "Farm Brewery, Limited" definitions as follows:

*Brewery:* A facility for the production of beer *or other fermented beverages*.

*Farm Brewery, Limited:* A brewery that manufactures no more than 15,000 barrels of ~~beer~~-*brewed beverages* per calendar year, provided that (i) the brewery is located on a farm owned or leased by such brewery or its owner and (ii) agricultural products, including barley, other grains, hops, or fruit, used by such brewery in the manufacture of its ~~beer~~-*brewed beverages* are grown on the farm. The on-premises sale, tasting, or consumption of ~~beer~~-*brewed beverages* during regular business hours within the normal course of business of such licensed brewery, the direct sale and shipment of ~~beer~~-*brewed beverages* and the sale and shipment of ~~beer~~-*brewed beverages* to licensed wholesalers and out-of-state purchasers in accordance with law, the storage and warehousing of ~~beer~~ *brewed beverages*, and the sale of ~~beer~~-*limited farm brewery*-related items that are incidental to the sale of ~~beer~~-*brewed beverages* are permitted.

Mr. Padalino then noted that owner of Barefoot Bucha, Kate Zuckerman was present to answer questions and that these amendments would require referral to the Planning Commission.

Ms. Brennan questioned how many other fermented beverages there were and Mr. Padalino noted he was unsure. He added that the current business was treated as a home occupation and their proposed expansion would be in an A-1 Agricultural District. He noted that the proposed definition change would allow for this business to operate in A-1 as a Limited Farm Brewery.

Mr. Hale then moved to approve resolution **R2015-51**, Referral of Amendments to Appendix A, Nelson County Zoning Ordinance – Definitions of "Brewery" and "Farm Brewery Limited" to the Nelson County Planning Commission and Ms. Brennan seconded the motion.

Mr. Bruguiere then inquired if within the parameters of the Farm Brewery Limited definition they would have a limit of 15,000 barrels and wouldn't a brewery have more than that. Mr. Padalino noted that the current ones in A-1 were not subject to the barrel limitation as they were grandfathered.

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

**RESOLUTION R2015-51**  
**NELSON COUNTY BOARD OF SUPERVISORS**  
**REFERRAL OF AMENDMENTS TO APPENDIX A, NELSON COUNTY**  
**ZONING ORDINANCE-DEFINITIONS OF "BREWERY" & "FARM BREWERY, LIMITED"**  
**TO THE NELSON COUNTY PLANNING COMMISSION**

**WHEREAS**, the Nelson County Board of Supervisors (the Board) has received and reviewed in public session conducted on June 9, 2015, a staff report on changes proposed to Appendix A-Zoning (Nelson County Zoning Ordinance) of the Code of the County of Nelson, Virginia; and,

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**WHEREAS**, the staff report proposed changes to the Zoning Ordinance in order to revise the definitions of “Brewery” and “Farm Brewery, Limited;

**NOW, THEREFORE, BE IT RESOLVED** by the Nelson County Board of Supervisors, pursuant to the applicable provisions of Title 15.2 Chapter 22, Planning, Subdivision of Land and Zoning of the Code of Virginia, 1950 with specific reference to §15.2-2285 of said Code, that the proposed amendments to the Code of Nelson County to revise the definitions of “Brewery” and “Farm Brewery, Limited” be referred to the Nelson County Planning Commission for review and development of a report on the Commission’s findings and recommendations to the Board, in accordance with §15.2-2285 of the Code of Virginia.

E. Appeal of Zoning Administrator Denial -Temporary Tower Permit Application  
#2015-01, Verizon Wireless

Mr. Padalino noted that Verizon Wireless wanted to install a permanent Class C tower at this site; however the permitting time did not allow for it to happen for LOCKN 2015. He noted that in lieu of that, they submitted a temporary tower permit application and the duration met the code limit; however they wanted a 120 ft. tower and the Ordinance limited the height to 100 ft. Mr. Padalino then advised that based on this, he had administratively denied the temporary tower permit and hence the submittal of the appeal to the Board. He noted that Ed Given and Del wood of LOCKN were present, as was Lori Schweller representing Verizon Wireless, to answer questions.

Mr. Carter noted that the narrow question at hand was whether or not the Board was willing to grant Verizon Wireless 20 ft. for 60 days. He added that they had now submitted the \$500 application fee and had paper copies of the site plan. Mr. Carter noted that staff had no objections to it and noted that the appeal had to come to the Board because staff was not authorized to approve the height difference administratively. Mr. Padalino agreed and noted that Verizon Wireless was not using all 120 ft. of the tower.

Mr. Saunders noted he had no objections and Mr. Hale noted that in approving this, the Board was saying that the Ordinance specified certain things and they could approve things outside of the scope of the ordinance. He then inquired if this would be overall and Mr. Carter noted it would be on a case by case basis.

Mr. Bruguiere then inquired as to when the tower would be going up and Mr. Padalino noted he was not sure. Mr. Harvey then noted that the application stated it would go up at least four (4) weeks in advance of the event.

Mr. Harvey then moved that the Board of Supervisors approve the appeal and application submitted by Verizon Wireless for an additional 20 ft. and Ms. Brennan seconded the motion.

Supervisors then asked if doing this would solve Verizon Wireless’s problem from the previous year and Mr. Wood of LOCKN noted he hoped so and that the risk of the same problem would be reduced.

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

Mr. Del Wood with LOCKN then noted that the other carriers had the same issue and this was likely to be looked at again because their service provision would also require 110 ft. or 120 ft. towers. Mr. Carter noted that would be acceptable if they were permanent towers.

Mr. Bruguere noted that there were permitted Verizon towers that had not been built in the West District.

Ms. Brennan inquired as to whether or not there would be other carriers at LOCKN and Mr. Wood noted that there would be. He added that this issue may resurface and T-Mobile was another player. He then suggested that the Ordinance be changed to avoid this. Mr. Carter noted that the County could take another look at this requirement and noted that staff were not experts on this when it was written.

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

### A. Reports

#### 1. County Administrator's Report

**1. Courthouse Project Phase II:** Design drawings are at 95% completion (approximate). Architectural Partners is endeavoring to complete final design requirements. County staff is assisting with project bid and contract documentation. Mid July, early August bid is anticipated.

**2. Broadband:** **A) Local Innovation Grant Project** - Completion of the required Environmental Review is in process. Thereafter, a contract with VA-DHCD will be completed and project construction can be initiated. CCTS is working on obtaining required VDOT right of way permits. A 12-16 week construction schedule is projected. **B) VA Technology Planning Initiative** – A letter of interest was submitted to VA-DHCD on 5-20 to establish the County's eligibility for \$75,000 in CDBG Planning Grant funding. DHCD advised by email on 5-5 that it will announce localities that have been determined eligible to submit full grant application with final funding decisions by the Department to be announced in late August/early December.

A) Mr. Carter noted that the Environmental Review was the time consuming part and he advised that the notices had been advertised etc. and that the County would get under contract once that was concluded in early July.

**3. BR Tunnel:** Phase 1 Substantial Completion Inspection was completed on May4th with minor punch list items to be addressed. Initial response from VDOT has been received advising that Phase 2 and Phase 3 grant funding can be consolidated into a revised Phase 2 to complete entire tunnel restoration and trail therein, resulting in Phase 3 encompassing western trail and parking area only (no Tunnel rehab). The consolidation of Phase 2 and 3 (with funding availability at \$1.24 million, approximate, will, however, require County to provide Phase 3 funding until project contract is completed with VDOT after which County disbursements can be reimbursed.

**4. Radio Project:** County staff continuing to work to address system coverage issues.

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Mr. Carter noted that there were still some areas where the County was not getting needed communication and this was being addressed. Mr. Harvey added that it needed to be completely fixed as it had been going on too long.

**5. Lovington Health Care Center:** Citizens committee has had first meeting. Two private companies are scheduled to tour the Center the week on 6-8. Region Ten has been requested to conduct negotiation meeting County and/or submit purchase proposal. And, Piedmont Housing Alliance staff also phoned on 6-8 expressing interest in touring the Center and a possible re-development partnership. Outcomes TBD.

Mr. Carter advised that the private company representatives did not show up the previous day and he was not sure if the other one came that day or not. He added that they were not there that morning when staff went down for the tour.

Mr. Harvey noted that if they could not get this worked out for healthcare, then the Board needed to revisit this building for office space to eliminate the rent that was being paid for other spaces.

Mr. Carter then advised that Region Ten would provide their proposal soon. Mr. Hale suggested pursuing a joint project with Piedmont Housing Alliance and Region Ten. Ms. Brennan noted that they were looking at budgetary matters.

**6. Solid Waste – A) Region 2000 Service Authority:** The Authority will conduct a strategic planning meeting on 6-17 in Rustburg to long range operational planning. A subject of potential conflict is the Authority's review of the annual distribution of Excess Revenues to Lynchburg and Campbell County, which County staff (Nelson) have questioned the validity of continuing such disbursements. **B) DEQ Inspection of Transfer Station:** DEQ staff inspected the Transfer Station on 5-19-15 and found no violations. **C) Tire Amnesty Program:** The County will provide for receipt without charge of up to 25 tires per household, not exceeding 22" in size, at the Transfer Station on 6-20 and 27. **D) New Roll Off Truck:** The new roll off truck is in Roanoke at Cavalier Equipment being equipped with hoist and tarp system(s). A deliver date is pending but anticipated at any time. **E) Gladstone Paving:** The scheduled paving date slipped (the contractor did not show due to inclement weather). Staff has requested another date for completion of this work.

A) Mr. Carter further noted that the Authority had purchased Campbell County and Lynchburg City assets completely and they were made whole. He added that their operations prior to joining the Authority did not throw off a lot of cash and excess revenues should be used to lower tipping fees for members. He noted that this amount was approximately \$1.3 million disbursed every year. He added that he had spoken to Appomattox about it and would do so again. He reiterated that the primary purpose in Nelson joining the Authority was to maintain a low tipping fee.

C) Mr. Hale noted he thought in the past, that each resident could take four (4) tires to the transfer station per year and Mr. Carter noted that may have been in an old ordinance and there was a fee for tires now. He added that the tires got recycled by a company in the Region 2000 area and the County had to pay for them to take them away.

**7. Capital/Maintenance Programs - A) County:** Roof replacements at the Montreal Village Park has been procured but not yet completed. A contract is pending issuance for replacement of the roofing

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systems at the new maintenance facility at Callohill Drive. **B) DSS:** Roof replacement and building repairs will be completed with work commencing in mid-July.

**8. Study Reports – A. Building Inspections (Fee and Enforcement):** Finance and HR and County Admin staff (lead work by L. Lovern) are nearing completion of a report on the questions of the appropriateness and effectiveness of the current fee structure for local building permits and the Department's ability to pursue enforcement for failure to obtain building permits. The primary focus of the study (which is complete) is the analysis of the current fee structure. The enforcement component is pending consultation with legal staff. A copy of the preliminary report without the enforcement content is included herewith. **In House vs Outsourcing of General Reassessment:** Finance and HR staff (lead work by S. Turner and D. McCann) has completed a comparative report on the question of the County's General Reassessment of Real Property being conducted with local staffing or by continuing to use private entities. The report is included herewith.

Both reports can be scheduled for formal Board review, as requested, at either the July or August regular sessions.

A) Mr. Carter noted that fees were charged on the estimated cost and this kept up with inflation. He noted that some overestimated and some underestimated these, however when staff compared the estimates to the assessed values; they compared favorably. He noted that he thought these should remain as is per the study findings. He then noted how much percentage-wise the fees covered the cost of the department.

Mr. Saunders noted that these rates had not been changed in twenty-nine (29) years. Mr. Carter noted that staff had looked at that and thought the reports would be submitted to the Board and the subject could be added to a future agenda per Mr. Saunders.

Mr. Bruguire noted that he did not like using square footage costs and Mr. Carter noted that keeping up with that was difficult.

Mr. Saunders noted that he thought a slight increase in fees would be good and would make the department more self-supporting.

Mr. Bruguire suggested that the Board get all of the costs associated with the Building Inspections Department and look at it at the next meeting. Mr. Harvey inquired as to whether or not the report included E&S fees as those could be significant. Mr. Carter noted that those fees were paid to the State and their primary task was to refer people to get stormwater permits.

Ms. Brennan inquired if there were a lot of people that did not get building permits and Mr. Carter noted this was hard to determine but was a small issue and that most people were honest.

Mr. Hale then inquired if one had to get a permit to do remodeling and staff noted that it depended upon whether it involved structural, mechanical or electrical work.

9. **Department Reports:** Included with the 6-9-15 BOS agenda.

2. Board Reports

Mr. Bruguere and Mr. Harvey had no reports.

Ms. Brennan reported the following:

1. Attended Lovingson Health Care Center Committee meeting and each member was assigned an area to investigate. She then asked Mr. Carter to follow up with interested parties and other opportunities were being looked at. She added that they had met once and would meet again in two (2) weeks.
2. Attended a CCJB meeting and reported that a new Planner had been hired and was on the ball. She noted that they were applying for a grant to look at offender reentry; how they could help those coming out of jail to reduce recidivism as most were rearrested within thirty (30) days. She added that they had a presentation by Martin Kumer from the Regional Jail and were moving forward on evidenced base analysis.
3. Attended an informational meeting at Wintergreen and five hundred (500) people attended. She noted that the meeting was to inform them of the potential for the ACP to impact them. She noted that a new company may not proceed with its development plans if the pipeline comes through. She added that another business was on the drawing board in the Valley near Spruce Creek that was a \$30 Million dollar project and the pipeline would come through it. He indicated that he would not do the project if this happened. She noted that there was a discussion of loss of property values and there was uncertainty about the ACP affecting sales per the realtors in attendance.

Mr. Hale reported that he had concluded his term as Chair of the TJPDC and there would be a new appointment next January. He added that things had improved with the new Director on board and the PDC was on sound footing now. He then reported that he was continuing to look for a consulting Forester for the Sturt property.

Mr. Saunders reported that he attended the Blue Ridge Trail inspection and noted that it was impressive. He added that one could walk down to the first bulkhead now.

Mr. Saunders then reported that there were Courthouse project meetings coming up and this was exciting work. He noted he was pleased with the Architect finding ways to cut costs.

1. Appointments

Ms. McGarry reviewed the following information regarding appointments and noted that Mr. Chapin Wilson had now indicated that he would like to be reappointed to the Ag Forestal District Advisory Committee. She then noted that Ms. Marcia McDuffie's was the only application received for any of the vacancies and she noted Ms. McDuffie's extensive qualifications provided for the Jefferson Madison Regional Library Board seat that had been vacated by Ms. Mary Coy.

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<u>(1) New Vacancies/Expiring Seats &amp; New Applicants :</u>					
<u>Board/Commission</u>	<u>Term Expiring</u>	<u>Term &amp; Limit Y/N</u>	<u>Incumbent</u>	<u>Re-appointment</u>	<u>Applicant (Order of Pref.)</u>
Local Board of Building Code Appeals	6/30/2016	4 Years/No Limit	Clarence Craig	N - Resigned	None
JAUNT Board	9/30/2015	3 Years/No Limit	Mercedes Sotura	N-Resigned	None
JMRL Board of Directors	6/30/2016	4 Years/ 2 Terms	Mary Coy	N-Resigned	Marcia McDuffie
Ag & Forestal Dist. Advisory	5/13/2015	4 Years/3 Terms			
		<i>Producers</i>	Lee Albright (T3)	Y-Verbal	None
			Andy Wright (T3)	Y	None
			Billy Newman (T1)	Y	None
			Susan McSwain (T3)	Y	None
		<i>Other Landowners</i>	Dr. Andre Derdeyn (T3)	Y	None
			Chapin Wilson (T1)	Y	None
			Bruce A. Vlk (T2)	No Response	None
NC Social Services Board	6/30/2015	4 Years/ 2 Terms	Joe Williamson - S (T1)	Y	None
N.C. Economic Dev. Authority	6/30/2015	4 Years/No Limit	Mark B. Robinette	Y	None
			John Bruguere	Y	None
N.C. Library Advisory Committee	6/30/2015	4 Years/No Limit	Jane Strauss - C	Y	None
Region Ten Community Services Board	6/30/2015	3 Years/3 Terms	Michael W. Kelley (T3)	NA	None
			Ineligible		

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<b>Board of Zoning Appeals</b>	<b>11/9/2018</b>	<b>5 Years/No Limit</b>	<b>John Bradshaw</b>	<b>Resigned-6/4/15</b>	<b>Has Not Yet Been Advertised</b>
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Mr. Hale then moved to appoint Ms. McDuffie and all of the incumbents including Chapin Wilson as provided on the revised list. Ms. Brennan seconded the motion and Mr. Bruguire then clarified each appointment as presented.

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

#### C. Correspondence

Mr. Carter referenced the summary of additional items that had been forwarded to the Board for potential discussion and the following items were discussed:

1. Wild Wolf Brewery – Request for County Sponsorship of a Community Economic Development Fund Grant Application to VA-DHCD: Attached herein above are a letter to Supervisor Brennan and a second letter attached thereto (Industry Commitment Letter) submitted by the owner of WWB, Mary Wolf, on 5-24 by email to Ms. Brennan, who subsequently forwarded this document to Supervisor Saunders (as BOS Chair). The intent of WWB’s letters is to seek the Board’s authorization for the County to submit a grant request to VA-DHCD for funding through the Department’s Community Economic Development Fund Grants Program to enable WWB to connect to the Aqua VA sewage treatment plant (STP) located in the Stoney Creek subdivision of Wintergreen. The connection to the STP is understood to enable WWB to address wastewater system compliance issues with VDH. The CEDs grant program is one that County staff do not have past experience with. It is an open submission program with applications or letters of proposal (followed by a full application if DHCD determines there is eligibility for grant funding) due by not later than 9-30-15. The information submitted by WWB stipulates a \$250,000 grant request, including commitment of the County to the 255 local match requirement (staff discussed the local grant match with WWB’s owner on 6-3 and suggested that WWB would likely be required to provide the local match if the Board consented to the County’s sponsorship of a grant proposal to DHCD – TBD by the Board). Staff has begun review of the grant program criteria and has a request into DHCD staff to confer with them on the program criteria to insure a proposal from the County on behalf of WWB meets the program criteria.

Mr. Saunders noted correspondence with Mary Wolf of Wild Wolf Brewery (WWB) and the discussion with staff on the issue.

Mr. Carter advised that he had consulted with WWB on the business’s difficulty with the demand on the current septic system and that they were working with Virginia Department of Health to find an appropriate solution to their problem. He added that WWB had requested that the County look into a grant application that could help them with this.

He then explained that the Department of Housing and Community Development (DHCD) had a program that the County could apply for and it was open submission. He noted that the program had a community economic development component and that they also had a program that was applied for in

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March, which was a smaller component of the overall program. He noted that if the Board was amenable, the County would have to submit a letter of interest, that Ms. Wolf had written, that would be uploaded to them and they would evaluate it and decide if the County could submit a complete application based upon their criteria. He noted that the County would have to do two public hearings and an Environmental Review as was done for the Broadband grant. He noted that the criteria for eligibility provided that WWB create or retain jobs and they would have to pay 1.5 times minimum wage to new employees, etc. He added that the potential for the County to assist them was there; however it entailed the application process, coordinating with DHCD and the administrative process. He noted that he had spoken with DHCD and they had not discouraged it. He noted that this would be a first for the County and the application would script it as assistance to the Route 151 corridor.

Mr. Bruguiere noted he thought this should be done for anyone along the path of the extension given the history of health problems from sewage in shallow wells. He noted this would then help more than one person and he thought it was a health issue that should be pursued for WWB and others.

Mr. Carter noted that there was a question of funding and a 25% local match involved. He added that WWB had requested that the Board consider that she borrow the local match and then it be refunded to her through tax abatements and he had suggested that this be provided by her, not the County. He noted that the cost of the project was also under review and that they had a cost estimate of \$250,000 from Aqua Virginia and that this was being looked at more closely. Mr. Carter reiterated that the County would be responsible for procurement and administrative things etc. and Ms. Wolf would be responsible for meeting the criteria of the grant outcomes.

In discussing the proposed system, Mr. Saunders noted that this would be a force main with grinder pumps and they would be required to have a pump station that others could hook into. He noted that the groundwater was an issue there because of an old riverbed and this would also help the residential area as well.

Mr. Carter then supposed that they could investigate putting waterlines in as well and there was also the question of whether or not they could add sewer lines to the ditch the County was doing the broadband fiber in. He noted this was being looked into.

Mr. Carter reiterated that the grant program had three criteria: Distressed, transitional (Nelson), and competitive. He noted that the business would have to adhere to criteria related to jobs created, investment, and employee benefits.

Mr. Harvey then noted his confusion and that assuming the Authority or County owned the new grant funded system and the new owners of the Valley system would have to make improvements; he questioned whether or not WWB would have worked with them on this.

Ms. Brennan asked whether or not they would be required to connect anyone that wanted to connect and Mr. Carter noted they would not because it would be a grant that would facilitate connection for the company. He added that the extension would go to WWB and Aqua Virginia could extend it further if they wanted. He noted that Aqua Virginia had a permit to operate and did analysis of how much they could discharge and once they were at 80% of their capacity, they had to give DEQ a plan to address this.

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Mr. Harvey noted that most companies would not run sewer without water because it was the only way they could control the customer to pay the bill. Mr. Hale then expressed concern regarding the hurdles to be overcome.

Mr. Carter noted that there were hurdles that would be incumbent upon the business and that these funds would be a grant. He noted that what VDH was requiring was beyond WWB's financial ability.

Mr. Carter advised that the grant application deadline was 9/30/15 so staff had time to study it. He added that the work to do for the Letter of Interest was not overwhelming; however it was what was done after that, that would be.

Mr. Harvey noted that if water and sewer were run, then that changed what could happen in that area of the county and it would become all business. Mr. Carter advised that the area was mixed use.

Mr. Bruguere suggested that they have Aqua Virginia submit a letter that stated that they had the capacity and how they would extend it. Mr. Carter noted he thought that they would have looked at that because they had provided WWB with the plans.

Mr. Harvey stated he thought it would adversely affect the residents in the area and cited Lake Monticello as an example. Mr. Carter noted that it was an opportunity to discuss.

Ms. Mary Wolf of WWB in attendance addressed the Board and noted that Aqua Virginia had evaluated their operation, had developed plans, and had submitted them to VDOT for review. She noted that the sale of the Valley system was not complete yet and the SCC was still looking at it; however she thought they would close this month.

She then noted that in terms of the grant local match; this was potentially a huge number if they went with the Aqua Virginia numbers and it could be less than that. She added that it could be \$20,000 or \$67,000 and she noted she was willing to pay that percentage. She added that she would like to pursue the grant or would like for the County to allow her to put a sewer line in with the fiber. She added that she did not have \$4,000,000 dollars do it. She noted that per the VDH, she had one year to get connected to sewer or put in 15,000 square feet of drain field which she did not have.

Mr. Carter further explained that with the grant, the County would be responsible to do procurement so the County would be vetting a design and incurring the costs to put the project out to bid. He added that the County would not know if the projected costs were realistic or not.

Mr. Saunders advised that if they put in a 2 inch force main they would have overhead costs; however they would not be \$100/ft. and he thought \$10-\$12 dollars per foot was a good estimate. He added that he had installed a gravity line for \$180,000 in Forest and he could not see that this project would be that expensive.

Mr. Hale noted he would be surprised if they could use the same trench with fiber optic cable. Mr. Carter noted that a force main was a 2 inch line in Piney River and there would have to be separation between water and sewer and the fiber line.

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Mr. Hale then suggested that they study the matter and Ms. Brennan noted she thought they should look into it for sure, and it would be a huge advantage to Aqua Virginia. She added they should move forward with looking at it even though it was a big project.

Mr. Carter then advised the Board that staff to date had focused on looking at the grant criteria and analyzing the likelihood of success. Mr. Hale then noted that his feeling was that WWB or Aqua Virginia should address all of the grant criteria and how that would be accomplished; noting it was not the job of the County to do this.

Mr. Carter noted that staff would preliminarily work with WWB on this, however, eventually, WWB would have to sign an agreement that would bind them to the criteria. He reiterated that a letter of interest would be submitted and then DHCD would look at its funding available and evaluate if the project met the criteria and if so, then they would tell the County what it would have to do to get under contract.

Ms. Brennan then asked if it would make a difference if water was a component of the project and Mr. Carter noted potentially it would but the primary objective was job creation or retention.

Ms. Wolf noted that WWB could not stay there without sewer because they could not accommodate the seats they had now. She added that they had forty-three (43) jobs and she did not want to leave Nelson. She added that WWB did not have the money or the land to expand the drain field even though the land did perk.

Mr. Carter then noted that the letter of interest to DHCD would be background on what would be accomplished and would meet their criteria as a first step. He added that DHCD could come back and say that the project was not worthy of proceeding.

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 and Ms. Brennan seconded the motion.

Mr. Hale noted he thought that the burden of preparing this should be borne by WWB or Aqua Virginia. Mr. Bruguere agreed and noted that they would submit what was needed to the County and if it were not enough then it would stop. Ms. Brennan agreed and noted that they would have to provide this to the County because staff did not have the information. Mr. Carter noted that staff would have to do some of the work and he thought it would be helpful for the County to help WWB. Mr. Bruguere reiterated that he thought this was the County's business due to the health implications.

There being no further discussion, Supervisors voted (3-2) by roll call vote to approve the motion with Mr. Hale and Mr. Harvey voting No.

*Introduced: Treasurer Email Regarding Staffing:*

Ms. Angela Johnson, Treasurer addressed the Board and noted that one of her four deputies found another job and her separation date would be June 18, 2015. She noted that she wanted to keep who was

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left and give them a reason to stay. She noted to that end, she was asking the Board to do away with her fourth position and allow her to use the savings from this to more highly compensate two of the lower paid Deputies. She related that their current salaries were below the National Poverty level for family of four and she asked the Board to think about this. She noted that she was entertaining the idea of increasing their annual pay by \$4,800 per employee which would still provide an overall savings of \$19,000 if this were allocated.

Mr. Carter noted that staff had done some analysis and could present it.

Mr. Hale noted he thought this was a great idea unless six (6) months from now, she asked for the position back. Ms. Johnson noted that with reduced staff, she could give them more compensation to keep them and they could handle the job. She noted that she had absolutely thought hard about it and noted that her staff was much more efficient, things were more automated now, and she felt strongly that they could handle it. She added that her staff was not afraid to do extra work and she did not want this to affect taxpayers.

Ms. McCann advised that the State Compensation money would not be lost and the position being vacated was a partially funded position. She noted that the Treasurer would move one of the other Deputies into the vacated Compensation Board spot and only one Deputy Position would be locally funded. She noted that currently two positions were locally funded and the third was not fully funded by the state. She added that there were similar positions in the Commissioner of Revenue's Office and she was asked to put forth an alternative proposal that kept the Treasurer's positions more in line with those; which was the staff's alternate proposal. She noted that this proposal allowed for an annual increase of \$3,000 per employee and they would get another 3% raise in July.

Mr. Carter noted the proposed salaries after a 26% increase. He added that their primary concern was fairness. He noted that the Commissioner's Office employee had been employed with the County longer and the County would still come out ahead if one position was not retained. Mr. Carter then noted that the Compensation Board salary scale had been provided by the Treasurer and the thought was to move them from DIs to DIIs. He noted he had advised the Treasurer to request whatever she wanted.

Ms. Brennan then asked if the bar would be raised for Commissioner of Revenue employees and Mr. Carter noted that this was not under discussion; however the concern was will there be a ripple effect to their office.

Ms. McCann noted that staff was asked to do a pay study and all positions would be evaluated; which would be an intermediate step in addressing this.

Mr. Carter reiterated that the Board's consideration was Ms. Johnson's proposal and the alternate.

Mr. Hale noted he would go along with the Treasurer's request; however it seemed that given the timeframe, the 3% should not be given on the new salary. Ms. McCann noted she was not sure it could work that way because for Compensation Board purposes, she would want to move them as soon as possible so that funding was not lost in the last part of June. She added that they could approve the annual increase of \$4,800 noting it would include the 3% raise.

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Ms. Johnson noted that if the Board did not agree to her proposal, she would have to decide who to move up.

Following discussion, Mr. Harvey moved to approve the Treasurer's request and Mr. Hale seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

2. Blue Mountain Barrel House – Request for Refund of NCSA Connection Fee: Attached herein above is a May 26<sup>th</sup> email message from the owner of BMBH to Supervisors Saunders and Harvey. The content of the message is to seek the County's assistance with reimbursing BMBH for the \$32,000 connection fee expense to the Nelson County Service Authority for installation of a new 2" water line to serve the business (the email also includes the possible use of a 3" line instead of a 2" line with the connection fee for the 3" service being \$64,000). Staff has previously responded to an inquiry from Mr. Harvey on this subject to provide background and to recommend that BMBH be required to provide financial information to the County to provide for verification that the business actually needs such financial assistance, if it were to be provided, from the County.

Mr. Carter noted that request from Blue Mountain Barrel House had come through the Board to staff. He reiterated that connection fees come back to the County to pay for the debt obligation related to the Lovington system and that this money was the County's not the Service Authority's. He then noted the previous tax abatement grant and refund of connection fees agreement expiring in 2015.

Mr. Harvey noted he had spoken to George Miller at NCSA and asked if they could upgrade from their existing 1 inch line to a 3 inch line and pay the difference. Mr. Carter noted that Jennifer of NCSA said that they could not do that, it would be a separate service and metered as such. He added that it would be an individual service that required an individual meter.

Mr. Hale noted that they would be adding onto the existing building, not building a new building. Mr. Bruguere added that it was an impediment to business to pay another connection fee and Mr. Hale confirmed that a new line would go in and a new meter. Mr. Harvey added that the cost associated with this size of line was \$32,000. Mr. Carter clarified that this was the connection fee and not the cost for the installation.

Mr. Bruguere noted that the Service Authority would make money off of the increased water usage. Mr. Carter then explained that connection fees were generally for one to buy their part of the system capacity and to expand in the future; however this was not happening because the connection fees were coming to the County.

Mr. Saunders asked if the Board was obligated to do this noting that the business was profitable and the Board had done this once already. He added that he thought they should show that they could not afford the connection fee before it was waived. Mr. Harvey disagreed and noted he did not think their financials should be considered since they were bringing in jobs by expanding. Mr. Hale added that they noted four new jobs due to the planned expansion.

June 9, 2015

It was then noted that the refund would have to go through the EDA.

Mr. Saunders noted that the Service Authority's fees were out of line with surrounding areas and the County would have more business if these were lower. Ms. Brennan noted she was in favor of granting the refund and Mr. Harvey noted the Service Authority was looking at the connection fees.

Mr. Hale noted that \$16,000 was the fee for a 1 inch line and suggested that the Board give them that and they split the difference.

Following discussion, the Board agreed by Consensus to defer action on the matter.

3. Gladstone Vol. Fire and Rescue Department – EMS Loan Fund Application: It is understood that GVFRD submitted an up to \$60-65,000 application so the NCESC for EMS Loan funding to enable the Department to pay for the balance (20%) of the fire vehicle the Department is purchasing and has advised that it will pick up on 6-15. The loan fund application was not processed to County staff and we are now endeavoring to obtain the ESC's confirmation, etc. of the loan to enable, per policy, the Board to also approve the loan so that it may be processed and available to GVFRD by 6-15 or at such time as the Department takes possession of the vehicle.

It was noted that the truck would not be ready until the middle of July now. Mr. Carter advised that the interest free loan application had been through the Emergency Services Council but had not been approved by the Board. He added that there was sufficient funds in the loan fund to do it.

Supervisors then agreed by Consensus to consider this matter in July and no action was taken.

4. VACO – The Executive Mansion: Request for County Tree Ornaments: Please see the herein attached memorandum from VACO disseminating a request to local governments to provide a "local-artisan made handcrafted ornament for The Executive Mansion's 2015 Holiday Tree, the theme of which is "Celebrating Virginia's Localities." Guidance or input from the Board on how to provide for this subject is requested. Alternatively, the Board can simply direct staff to address this subject and it will be done.

Staff noted that the ornament needed to be locally made and Supervisors agreed by Consensus for staff to take of its submittal.

5. Sheriff's Department – Request for Funding Assistance with K-9 Purchase: The Department is requesting a \$2,500 contribution from the County to provide funding towards the purchase and training of a new K-9, which the Department plans to utilize for drug offense enforcement (see attached letter).

Mr. Carter explained that the current drug dog was retiring when its handler, Bill McDonald retired. He noted that the Sheriff's Department was asking the Board for a \$2,500 donation to go towards a new canine.

June 9, 2015

Mr. Harvey then moved to approve \$2,500 for the canine and Mr. Hale seconded the motion. It was reiterated that the dog would be used for drug enforcement and there being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

#### D. Directives

Mr. Bruguiera, Mr. Harvey, and Mr. Saunders had no Directives.

#### Ms. Brennan:

Ms. Brennan asked if Ms. Kelley's County car could be painted and after discussion, there was consensus not to do this and Supervisors discussed buying a new one or paying her mileage to use her car. Mr. Carter noted that she did this sometimes and no action was taken.

Ms. Brennan then asked for staff to ask Dominion for the shape files for all proposed routes.

Ms. Brennan then asked if a private corporation could condemn public land and Mr. Carter noted that in the case of Dominion, they could use eminent domain.

Ms. Brennan then asked if the County's Noise Ordinance would cover noise made by construction from the pipeline and Mr. Carter advised that it was probably exempt but he would check. Mr. Harvey added that it was hard to violate the Noise Ordinance.

Ms. Brennan then noted that the County should become a zero landfill County; which had been brought up by Mr. Hale at some point. Mr. Carter noted that the County was one and Ms. Brennan indicated she would like to see this as a goal in the County's strategic plan.

#### Mr. Hale:

Mr. Hale noted that they had met with Woolpert on May 7<sup>th</sup> regarding the Blue Ridge Tunnel project and had asked to find out who the project Engineer was. He added he wanted to know this person's name and contact number and also that of the new Project Manager. He added that he also wanted a new estimate that incorporated the entire rehabilitation of the tunnel; noting that they had gotten only Jacobs Associate's portion of that.

Mr. Carter then advised that as an outcome of consolidating the phases, all of that would have to be done.

Mr. Hale asked staff to follow up on this and keep him copied on emails. He added he wanted to see things happen if the County continued to work with Woolpert; noting they needed to be more responsive.

Mr. Carter noted that this may take until they get through consolidation. He noted that VDOT had four or five questions that had not been answered and he noted he had reiterated to Woolpert the importance of responding to these.

June 9, 2015

Mr. Hale then noted he thought the fence issue that came up was because the project did not have a designated engineer. He added it would now cost \$14,000 to fix the fence problem that precluded the County from using its part of the lot. He added that if Woolpert was on their toes, they would have addressed this and he noted that they had called Fielder's Choice first before calling the fence company. Mr. Carter advised that this would be priced locally. He added that the relocation of the fence was essential to having a lay down area for the other phases.

## **VI. Adjourn and Reconvene for Evening Session**

At 5:05 pm, Mr. Hale moved to adjourn and continue the meeting at 7:00 pm. There was no second and Supervisors voted unanimously by voice vote to approve the motion and the meeting adjourned.

### **EVENING SESSION**

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

##### **I. Call to Order**

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

##### **II. Public Comments**

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

##### **III. Public Hearings and Presentations**

###### **A. Rezoning #2015-01 Mountain Sports Retail Space / Mr. Joseph B. Kober WITHDRAWN BY APPLICANT ON JUNE 5, 2015**

Consideration of an application to rezone two parcels, consisting of 6.06 acres from Residential (R-1) to Business (B-1). The subject properties are identified as Tax Map Parcels #22-A-18 (owned by Claude Malcolm Dodd) and #22-A-19 (owned by Herbert F. Hughes), and are located at 2950 Rockfish Valley Highway in Nellysford. Specifically, the applicant wishes to rezone the properties to construct an 8,000 square foot “retail store” and accompanying parking lot on the subject properties.

###### **B. Special Use Permit #2015-02 Halls Family Auto Clinic” / Donald & Cindy Hall**

Consideration of a Special Use Permit application seeking approval to operate a “public garage” pursuant to §4-1-18a of the Zoning Ordinance. The subject property is identified as Tax Map Parcel #6-A-94B, and is located at 47 Mill Lane in Afton. This is a 1.02-acre parcel zoned Agricultural (A-1), and is owned by Gary Bryant.

Mr. Padalino’s staff report, reported the following:

The Department of Planning & Zoning received an application from Mrs. Cindy Hall on March 26th,

June 9, 2015

2015, seeking approval of Special Use Permit (SUP) #2015-02 to conduct a “public garage.” This application was made complete on May 1st upon the County’s receipt of a Minor Site Plan prepared by Mr. Steven L. Key, LS, and dated May 14, 2015.

“Public garage” is defined in Zoning Ordinance Article 2, “Definitions,” as, “A building or portion thereof, other than a private garage, designed or used for servicing, repairing, equipping, renting, selling, or storing motor-driven vehicles.”

Please note that this SUP application and accompanying Minor Site Plan are associated with an existing commercial facility located on the subject property in Afton. The owner of the subject property, Mr. Gary Bryant, currently has an approved, valid Special Use Permit (#97-2) which authorizes the existence and operation of a “public garage.” However, in approving SUP #97-2, the Board of Supervisors (BOS) attached a condition which restricted the operation of a public garage at that location to Mr. Gary Bryant, only. (Please see the enclosed BOS approval with conditions dated May 14, 1997.) Therefore, Mr. Donald and Mrs. Cindy Hall are requesting SUP approval to authorize Hall’s Family Auto Clinic, which is currently in operation.

Mr. Padalino then noted the location of the property and showed the subject property on the map. He reiterated that the applicants currently had an operating business at the property. He noted that the Minor Site Plan submitted was reviewed and there were no outstanding comments or questions. He then advised that the Planning Commission had held a public hearing and there were no comments and they recommend approval by the Board.

There being no questions or comments from the Board, Mr. Saunders opened the public hearing and there being no persons wishing to be recognized, the public hearing was closed.

Mr. Harvey then moved to approve Special Use Permit #2015-02 and Mr. Bruguire seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

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

There was no other business considered by the Board.

#### **V. Adjournment**

At 7:05 PM, Mr. Harvey moved to adjourn and Mr. Hale seconded the motion. There being no further discussion, Supervisors voted unanimously by voice vote to approve the motion and the meeting adjourned.

**RESOLUTION R2015-54  
NELSON COUNTY BOARD OF SUPERVISORS  
AMENDMENT OF FISCAL YEAR 2015-2016 BUDGET**

**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>
\$ 290,647.00	3-100-009999-0001	4-100-091050-9999
\$ 20,000.00	3-100-009999-0001	4-100-093100-9201
\$ 310,647.00		

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

<u>Amount</u>	<u>Credit Account (-)</u>	<u>Debit Account (+)</u>
\$ 26,460.00	4-100-999000-9905	4-100-091050-7106
\$ 5,000.00	4-100-999000-9905	4-100-091050-7011
\$ 31,460.00		

**III. Appropriation of Funds (VPA/Social Services Fund)**

<u>Amount</u>	<u>Revenue Account (-)</u>	<u>Expenditure Account (+)</u>
\$ 20,000.00	3-150-004105-0001	4-150-053110-8111

Adopted: July 14, 2015

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

## EXPLANATION OF BUDGET AMENDMENT

- I.** The **Appropriation of Funds (General Fund)** includes an appropriation request of **\$290,647** for remaining radio project costs. It was originally anticipated that all expenses for the project would be paid in FY15, but the requested amount will be paid in FY16. This appropriation request is offset with carryover funds previously allocated for the project. Also requested is an appropriation of **\$20,000** for Social Services roof replacement. This request provides for a Transfer from the General Fund to the VPA/Social Services Fund. The intent was to pay for this expense in FY15, but the contractor was later than anticipated completing the work. The VPA/Social Services Fund is estimated to return about \$70,000 in local funds at year end. The request is to apply \$20,000 of the returned funds to pay for the roof replacement.
- II.** The **Transfer of Funds** includes a request to transfer from Contingency **\$26,460** for the paving expense at the Gladstone Convenience Center. This expense was previously authorized by the Board. A transfer from Contingency is also requested for **\$5,000** to provide the local match to the Department of Historic Resources relative to the grant for the South Rockfish Valley Historic District nomination. This expense was previously authorized by the Board on 4/14/15. The balance in General Fund Contingency after this request is \$1,420,351 of which \$1,146,895 is recurring contingency.
- III.** The **Appropriation of Funds (VPA/Social Services Fund)** includes the request for appropriation of \$20,000 for roof replacement.

**RESOLUTION R2015-55**  
**NELSON COUNTY BOARD OF SUPERVISORS**  
**NO TRESSPASSING AT CLAUDIUS CROZET BLUE RIDGE TUNNEL, AFTON**

**RESOLVED**, by the Nelson County Board of Supervisors that until its completion and opening to the public, the Claudius Crozet Blue Ridge Tunnel in Afton shall be posted with No Trespassing signs and any persons caught trespassing on the subject posted property shall be prosecuted.

Approved: July 14, 2015

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

## Candy McGarry

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**From:** Emily Harper  
**Sent:** Thursday, June 18, 2015 2:11 PM  
**To:** Steve Carter; Candy McGarry  
**Subject:** FW: Tunnel question

See the suggestion below

Emily Harper  
Director  
Nelson County Parks & Recreation  
P.O. Box 442  
Lovingston, VA 22949  
434-263-7130  
[www.nelsoncounty-va.gov](http://www.nelsoncounty-va.gov)

---

**From:** Jim McClellan [mailto:Jim@vacoins.org]  
**Sent:** Monday, June 15, 2015 11:27 AM  
**To:** Emily Harper  
**Subject:** RE: Tunnel question

I would suggest the Board of Supervisors pass a resolution that they will prosecute anyone caught trespassing in the tunnel.

The sign should simply state "No Trespassing by Order of the Nelson County Board of Supervisors". This will clearly allow the county to prosecute. I think a clearly visible "No Trespassing" sign is all that is needed for us to successfully defend the county. A barrier gate would add even more protection as it become even clearer and the sign could be mounted to it. I think a barrier gate will stop most visitors from venturing into the tunnel whereas a sign might not.

I would put up a separate information sign, probably placed near the parking lot with the progress, phone number, etc. I think you want the No Trespassing sign to be clear and not get buried in other details.

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**From:** Emily Harper [mailto:eharper@nelsoncounty.org]  
**Sent:** Monday, June 15, 2015 10:51 AM  
**To:** Jim McClellan  
**Subject:** Tunnel question

Jim,  
Nelson County has completed Phase I of the Blue Ridge Tunnel. This includes a parking lot and the trail to the east portal of the Tunnel. We hope to begin Phase II in a few months. The Tunnel will not be open, including Phase I, until all Phases are completed. We are trying to word a No Trespassing sign, would you please review the following & tell me if it says enough or too much, different wording?

**NO TRESPASSING**

The Claudius Crozet Blue Ridge Tunnel is not open to the public.

Trespassers will be prosecuted.

Security includes camera surveillance. (maybe??)

For questions or comments please call XXXXX

We are going to put a "thermometer" on the sign showing the progress of construction. We expect another 1-2 years of construction at least.

What do you think?

Thanks

Emily Harper

Director

Nelson County Parks & Recreation

P.O. Box 442

Lovingsston, VA 22949

434-263-7130

[www.nelsoncounty-va.gov](http://www.nelsoncounty-va.gov)

**RESOLUTION R2015-56  
NELSON COUNTY BOARD OF SUPERVISORS  
AGRICULTURAL & FORESTAL DISTRICT PROGRAM ADMINISTRATOR**

**RESOLVED**, by the Nelson County Board of Supervisors that pursuant to Chapter 9, Planning and Zoning, Article V. Agricultural and Forestal Districts of the Code of Nelson County, the Director of Planning and Zoning is hereby appointed as Program Administrator of the Agricultural and Forestal Districts Program.

Approved: July 14, 2015

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

## **DIVISION 1. - GENERALLY**

### **Sec. 9-150. - Purpose and intent.**

- (a) The policy of the county is to conserve, protect, and encourage the development and improvement of its agricultural and forestal lands for the production of food and other agricultural or forestal products. It is also the policy of the county to conserve and protect agricultural and forestal lands as valued natural and ecological resources which provide essential open spaces for improvement of air quality, watershed protection, wildlife habitat, and aesthetic benefits for residents and visitors.
- (b) It is the purpose and intent of this chapter to provide a means for a mutual undertaking by landowners and the County to protect and enhance agricultural and forestal land as a viable segment of the economy, and as an important economic and environmental resource.
- (c) This ordinance enables the use of Agricultural and Forestal Districts as one of four tools itemized in the Nelson County Comprehensive Plan that should be utilized for land use planning.

**State law reference—** Va. Code § 15.2-4301

### **Sec. 9-151. - Definitions.**

As used in this article, unless the context requires a different meaning:

*Advisory committee* means the agricultural and forestal districts advisory committee.

*Agricultural products* means crops, livestock and livestock products, including but not limited to: field crops, fruits, vegetables, horticultural specialties, cattle, sheep, hogs, goats, horses, poultry, furbearing animals, milk, eggs and furs.

*Agricultural production* means the production for commercial purposes of crops, livestock and livestock products, and includes the processing or retail sales by the producer of crops, livestock or livestock products which are produced on the parcel or in the district.

*Agriculturally and forestally significant land* means land that has recently or historically produced agricultural and forestal products, is suitable for agricultural or forestal production or is considered appropriate to be retained for agricultural and forestal production as determined by such factors as soil quality, topography, climate, markets, farm structures, and other relevant factors.

*Application* means the set of items a landowner or landowners must submit to the board of supervisors when applying for the creation of a district or an addition to an existing district.

*District* means an agricultural, forestal, or agricultural and forestal district.

*Forestal production* means the production for commercial purposes of forestal products and includes the processing or retail sales, by the producer, of forestal products which are produced on the parcel or in the district. *Forestal products* include, but are not limited to, saw timber, pulpwood, posts, firewood, Christmas trees and other tree and wood products for sale or for farm use.

*Landowner or owner of land* means any person holding a fee simple interest in property but does not mean the holder of an easement.

*Program administrator* means the local governing body or local official appointed by the local governing body to administer the agricultural and forestal districts program.

**State law reference—** Va. Code §15.2-4302.

**Sec. 9-152. - Districts may be created, modified, renewed, continued and terminated.**

The board of supervisors may create, modify, renew, continue and terminate agricultural and forestal districts and authorize the withdrawal therefrom, as provided in Chapter 43 of Title 15.2 of the Code of Virginia. The board of supervisors may promulgate application forms and may charge a reasonable fee for each application submitted pursuant to this chapter.

**State law reference—** Va. Code § 15.2-4303.

**Sec. 9-153. - Application forms, maps, and required notice.**

The program administrator shall prescribe *application forms* for districts that include but need not be limited to the following information:

1. The general location of the district;
2. The total acreage in the district or acreage to be added to an existing district;
3. The name, address, and signature of each landowner applying for creation of a district or an addition to an existing district and the acreage each owner owns within the district or addition;
4. The conditions proposed by the applicant pursuant to Virginia Code § 15.2-4309;
5. The period before first review proposed by the applicant pursuant to Virginia Code § 15.2-4309; and
6. The date of application, date of final action by the local governing body and whether approved, modified or rejected.

**RESOLUTION R2015-62**  
**NELSON COUNTY BOARD OF SUPERVISORS**  
**CONSENT FOR OFFERS IN COMPROMISE – LOCAL TAXES**  
**OUTSTANDING SERVICE DISTRICT (STREET LIGHT) TAX OBLIGATIONS**

**WHEREAS**, the Nelson County Board of Supervisors (the Board) enacted on July 13, 1999 a local ordinance establishing “Service Districts” within the provisions of the Code of the County of Nelson, Virginia (the Code) to provide for the administration, including taxation, within three specified Service Districts of a street lighting program; and,

**WHEREAS**, by Ordinance O2008-02 approved on April 24, 2008, the Board repealed the Service District provisions established in the Code at Chapter 9.5; and,

**WHEREAS**, the repeal of the Service District program resulted in the placement of liens against those properties that had outstanding tax obligations pursuant to the Service District program; and,

**WHEREAS**, the Board wishes to provide its consent, pursuant to §58.1-3994 (Offers in compromise with respect to local taxes) of the Code of Virginia, 1950 to the Treasurer of Nelson County (the Treasurer) to provide for “compromise and settlement” of the outstanding Service District tax obligations in accordance with the provisions of §58.1-3994, as said Treasurer of the County may complete.

**NOW, THEREFORE, BE IT RESOLVED** by the Nelson County Board of Supervisors that said Board hereby provides its consent, pursuant to the provisions of §58.1-3994 of the Code of Virginia, 1950, to the Treasurer of Nelson County to enable the Treasurer to compromise and settle, as determined by said Treasurer, the outstanding tax obligations resulting from the now repealed Service District Ordinance and the Street Light program that was established and administered pursuant to said Service District Ordinance.

**BE IT FURTHER RESOLVED**, that the Board herewith provides authority to the County Administrator, as its designee pursuant to §58.1-3994, to consent on behalf of the Board, as may be necessary, to such compromise and settlement as is facilitated by the Treasurer.

**LASTELY, BE IT RESOLVED**, that the Board’s consent, as herewith provided pursuant to §58.1-3994 of the Code of Virginia 1950, is and shall be limited to the outstanding tax obligations owed to Nelson County that are a result of the repealed Service District Ordinance and Street Light program.

Approved: July 14, 2015

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

## Code of Virginia

[Table of Contents](#) » [Title 58.1. Taxation](#) » [Chapter 39. Enforcement, Collection, Refunds, Remedies and Review of Local Taxes](#) » [§ 58.1-3994. Offers in compromise with respect to local taxes](#)

Code of Virginia

Title 58.1. Taxation

Chapter 39. Enforcement, Collection, Refunds, Remedies and Review of Local Taxes

### § 58.1-3994. Offers in compromise with respect to local taxes.

A. Notwithstanding any other provision of law, the commissioner of the revenue or other official responsible for the assessment of any local tax appealed pursuant to § 58.1-3703.1 or § 58.1-3983.1 may, in his sole discretion, compromise and settle any disputed assessment of taxes prior to the time that such assessment is no longer subject to administrative or judicial review pursuant to applicable law if the commissioner or other official responsible for assessment determines that there is substantial doubt under applicable law, regulations, or guidelines as to the taxpayer's liability for such taxes.

B. Notwithstanding any other provision of law, the treasurer or other official responsible for the collection of any local tax imposed pursuant to this title may, with the consent of the governing body or its designee, compromise and settle the amount due and payable when the treasurer or other official determines that the collection of the entire amount due and owing is in substantial doubt and the best interests of the locality will be served by such compromise. Whenever a tax otherwise due and owing is compromised pursuant to the provisions of this subsection, the difference between the amount of tax then due and owing, and the amount of tax paid pursuant to such compromise, shall be treated for the purposes of § 58.1-3921 in the same fashion as a tax rendered legally uncollectible by reason of the application of the United States Bankruptcy Code.

C. Any offer in compromise submitted to an official responsible for the assessment or collection of local taxes shall be made in writing and shall be deemed accepted only when the taxpayer is notified in writing of the acceptance by the responsible official.

D. Whenever a compromise and settlement is made pursuant to the provisions of this section, the responsible official shall make a complete record of the case, including: (i) the tax assessed; (ii) audit findings, if any; (iii) the taxpayer's grounds for dispute or contest together with all evidences thereof; (iv) factors calling collectibility into substantial doubt; (v) any nonprivileged reports or recommendations made with respect to the liability of the taxpayer, the requirements of effective tax administration considered, and/or the collectibility of taxes due; and (vi) the amount assessed or accepted and the terms and conditions attendant to settlement or compromise, with respect to the liability in question.

E. The treasurer or other official charged with collection of taxes may deposit into the treasury of the county, city or town any and all payments submitted with offers in compromise, unless the taxpayer specifically, clearly and conspicuously directs otherwise in writing at the time the offer in compromise is submitted to the responsible official. For the purposes of this subsection, no restrictive endorsement or other notation upon a check or other payment instrument shall constitute clear and conspicuous notice of a direction not to deposit.

F. Upon acceptance of an offer in compromise by the responsible local official with respect to a tax liability, the matter thereafter may not be reopened except upon a showing of fraud, malfeasance or misrepresentation of a material fact.

2004, c. 526.

7/9/2015

**RESOLUTION R2015-57**  
**NELSON COUNTY BOARD OF SUPERVISORS**  
**DISCONTINUANCE OF PORTIONS OF ROUTE 641 DUTCH CREEK LANE**

**WHEREAS**, the Virginia Department of Transportation has provided this Board with a sketch dated June 22, 2015 and VDOT Form AM-4.3, which is hereby incorporated herein by reference, defines adjustments required in the secondary system of state highways as a result of the proposed discontinuances, and

**WHEREAS**, the portions of Route 641 (Dutch Creek Lane) to be discontinued are deemed to no longer serve public convenience warranting maintenance at public expense, and

**WHEREAS**, a public notice was posted and registered letters, as prescribed under §33.2-908, Code of Virginia, were sent to each landowner whose property abuts the section of highway to be discontinued, and

**WHEREAS**, the Commissioner of the Virginia Department of Transportation was provided the prescribed notice of this Board's request to discontinue the subject sections of road, and

**WHEREAS**, no public hearing was requested; and

**WHEREAS**, after considering all evidence available, the Nelson County Board of Supervisors is satisfied that the described sections of road to be discontinued no longer serves public convenience warranting maintenance at public expense and are no longer necessary as a part of the Secondary System of State Highways;

**NOW THEREFORE, BE IT RESOLVED** this Board concurs with the discontinuance as part of the Secondary System of State Highways, those portions of road identified by the sketch dated June 22, 2015 and Form AM-4.3 to be discontinued, and hereby requests the Virginia Department of Transportation to take the necessary action to discontinue those identified segments as part of the Secondary System of State Highways, pursuant to §33.2-908, Code of Virginia, and

**BE IT FURTHER RESOLVED** that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Adopted: \_\_\_\_\_, 2015

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

In the County of Nelson

By resolution of the governing body adopted July 14, 2015

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

A Copy Testee

Signed (County Official): \_\_\_\_\_

Report of Changes in the Secondary System of State Highways

Project/Subdivision Rte 641 Dutch Creek Lane - Discontinuance

Type Change to the Secondary System of State Highways: Discontinuance

The Virginia Department of Transportation is requested to discontinue the following portions of the Secondary System of State Highways:

Reason for Change: Non-Project

Pursuant to Code of Virginia Statute: §33.2-908

Street Name and/or Route Number

Dutch Creek Lane, State Route Number 641

Old Route Number: 0

- From: 3.57 Mi. North of Route 640 (Node D)
To: 2.72 Mi. North of Route 640 (Node E), a distance of: 0.85 miles.

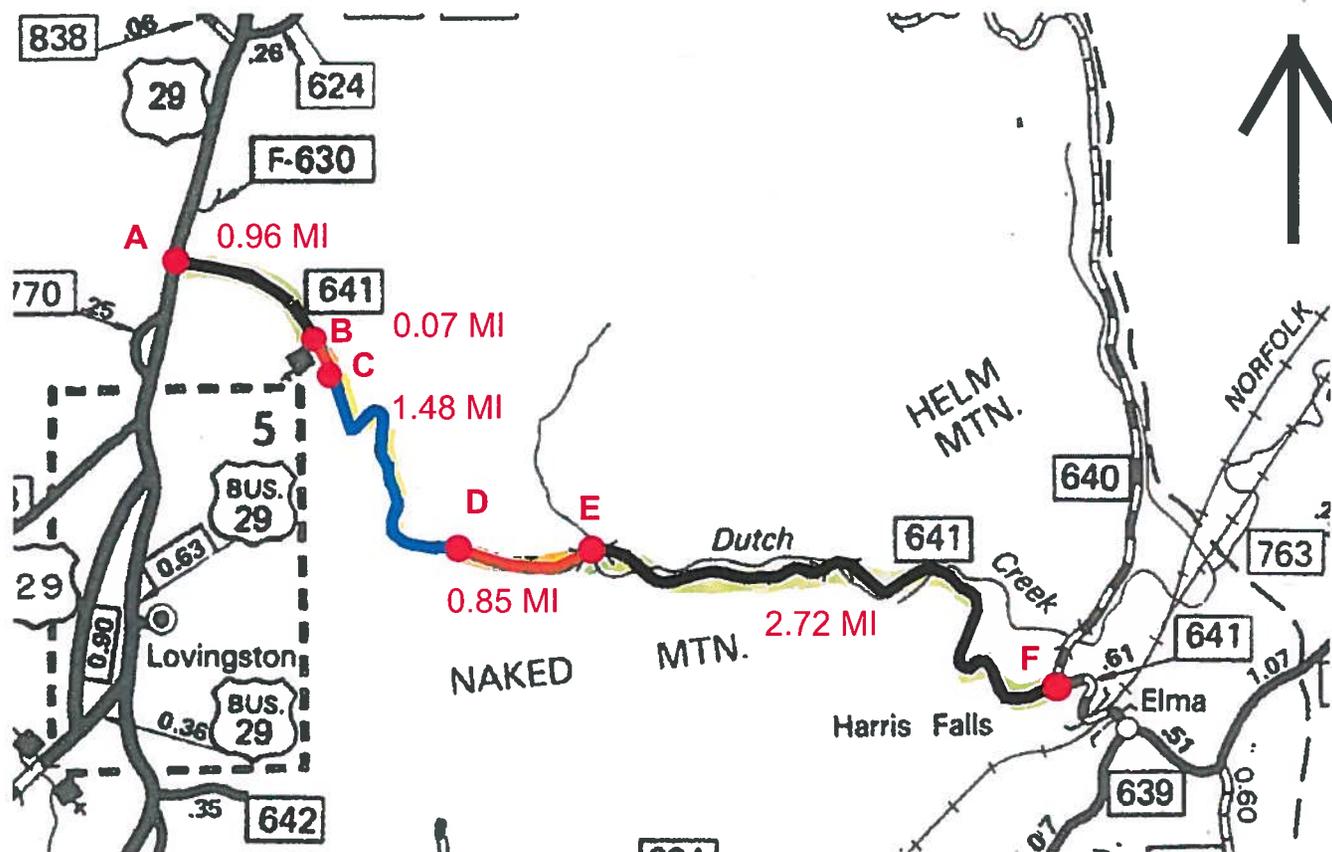
Street Name and/or Route Number

Dutch Creek Lane, State Route Number 641

Old Route Number: 0

- From: 0.96 Mi. East of Route 29 (Node B)
To: 1.03 Mi. East of Route 29 (Node C), a distance of: 0.07 miles.

**ROUTE 641 (DUTCH CREEK LANE) - NELSON COUNTY  
DISCONTINUANCE**



-  PREVIOUSLY ABANDONED SECTION OF ROAD
-  DISCONTINUANCE OF SECONDARY ROAD

**SKETCH DATED: JUNE 22, 2015**

## **Deletions of Public Facilities from the Secondary System of State Highways**

This document uses the terms road and street interchangeably, but these terms should be considered to include rail crossings, causeways, bridges, wharves, and landings as part of the secondary system of state highways (ref. [§33.2-324](#) of the Code of Virginia).

Roads, including these facilities, are removed from the “secondary system of state highways” by formal legal actions of:

- Discontinuance ([§33.2-908](#) of the Code of Virginia), an action limited to the CTB, and
- Abandonment ([§33.2-909](#) of the Code of Virginia), an action limited to the Board of Supervisors
- Abandonment ([§33.2-912](#) of the Code of Virginia), an action based on a project relocation and action by the Commissioner.

### **Secondary Discontinuance** (Sample Resolutions 13 & 14)

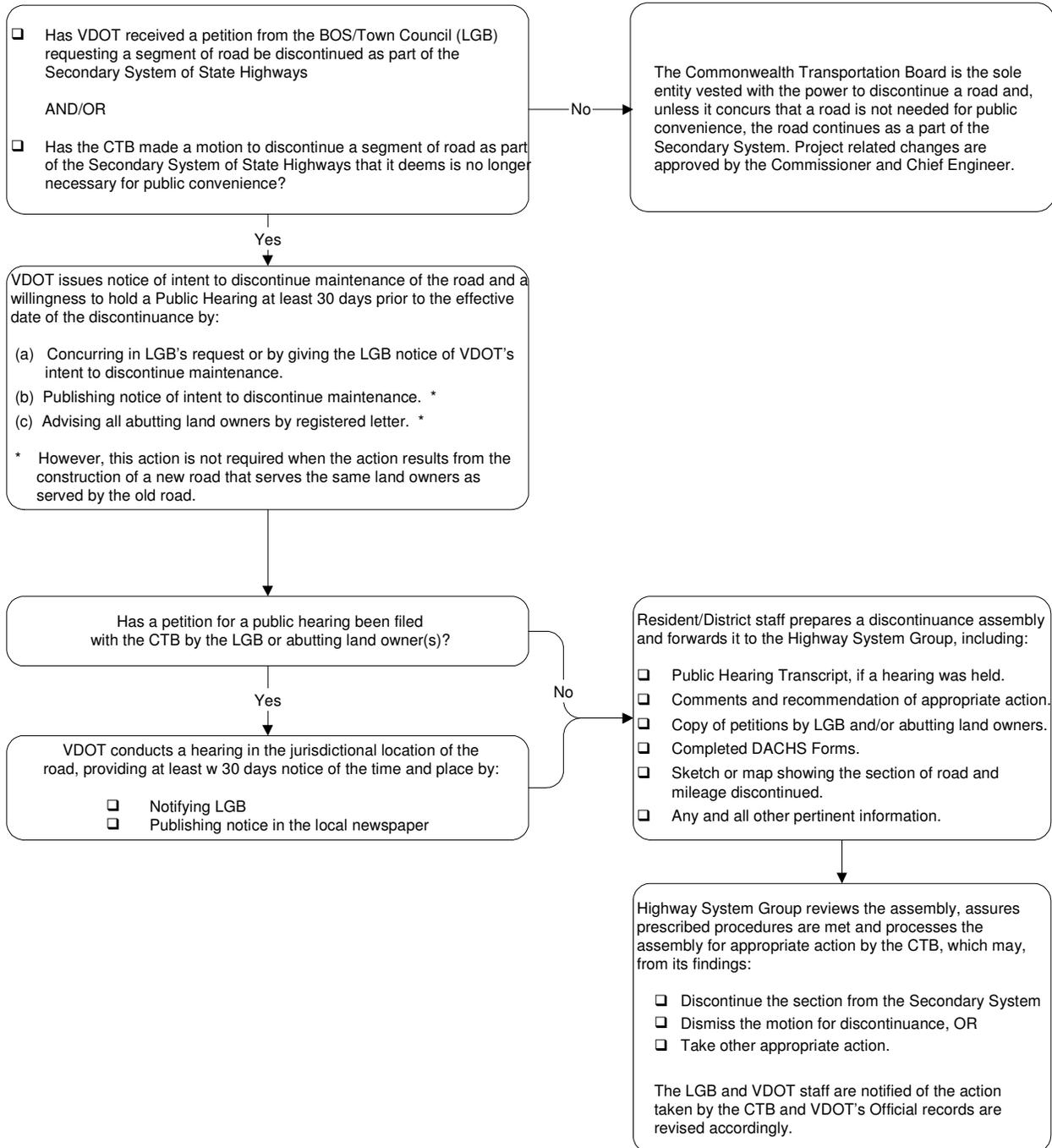
Discontinuance is an act reserved the Commonwealth Transportation Board or the Commissioner (if because of a project relocation), pursuant to [§33.2-908](#), Code of Virginia. It is the result of a determination that a facility no longer provides a sufficient public service to warrant maintenance at state expense. The facility remains a public facility and its operational jurisdiction is returned to local road officials, usually the local governing body of the locality. The powers and procedures for subsequent abandonment of a facility discontinued from the secondary system of state highways rests with the Board of Supervisors and the procedures for such actions are set out under [§33.2-915](#) through [§33.2-925](#) of the Code of Virginia.

Section 33.2-908 of the Code of Virginia, prescribes certain steps and required notices, outlined in the following “Discontinuance Procedures Flow Chart,” necessary to discontinue a road or other public facility that is not an approved project relocation. Any appeal of the findings of the CTB shall be to the circuit court of the county and conform to [§33.2-905](#) of the Code of Virginia.

Certain administrative actions and forms are required to process a discontinuance. These are listed in “Administrative Actions Matrix for Abandonment, Discontinuances and Project Adjustments” included in Table 4.

### Chart 3

## Discontinuance Procedures Flow Chart



**RESOLUTION R2015-58  
NELSON COUNTY BOARD OF SUPERVISORS  
AUTHORIZATION TO ISSUE INVITATION TO BID FOR COURTHOUSE  
PROJECT PHASE II AND TO APPLY TO  
VIRGINIA RESOURCES AUTHORITY FOR PROJECT FUNDING**

**RESOLVED**, by the Nelson County Board of Supervisors that authorization is hereby granted to the County Administrator to proceed with issuing an invitation to bid for the project known as the Courthouse Project, Phase II and;

**BE IT FURTHER RESOLVED**, that the County Administrator is hereby authorized to proceed with submitting a funding application to the Virginia Resources Authority for financing of an amount up to \$7,500,000 Dollars for completion of the Courthouse Project, Phase II.

Approved: July 14, 2015

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



## RECREATION PLANNING

### Virginia Recreational Trails Program (RTP)

RTP workshops will be held at Bear Creek Lake State Park on July 14 and 16 from 10 a.m. to noon. **RSVP no later than July 12** to [synthia.waymack@dcr.virginia.gov](mailto:synthia.waymack@dcr.virginia.gov). Space is limited and offered first-come, first served.

#### Overview

The Recreational Trails Program (RTP) is a matching reimbursement grant program for the building and rehabilitation of trails and trail related facilities. DCR partners with the Federal Highway Administration to run the program.

Funding may be awarded to city, county, town or other government entities or registered nonprofit groups partnering with a governmental body. The Recreational Trails Program and Virginia Recreational Trails Program Advisory Committee steer project selections after a competitive call for applications.

#### How to compete for a Recreational Trails Program Award

1. Read the **2015 Recreational Trails Program Application Manual** (PDF), which has a detailed program description covering eligibility, match requirements, and program rules and regulations.
2. Read **the application** (Word) before completing it. All question and attachments should be considered required. Failure to answer all questions or provide all attachments may disqualify an application.
3. Submit eight complete copies of the application along with one CD or thumb drive containing a complete copy of the application to DCR no later than 4 p.m. on Aug. 6, 2015. Applications should be sent to:

*Virginia Recreational Trails Program  
Department of Conservation and Recreation  
600 East Main Street  
Richmond, Virginia 23219*

Applicants are responsible for effecting delivery by the deadline. Late submissions will be rejected without consideration.

Questions? If you're unable to find the answer to your question in the **2015 RTP Application Manual** (PDF), email [synthia.waymack@dcr.virginia.gov](mailto:synthia.waymack@dcr.virginia.gov) or call 804-786-4379.



Department of Conservation and Recreation  
Recreation Planning  
600 E. Main St., 24<sup>th</sup> Floor  
Richmond, VA 23219  
(804) 786-5046  
[beth.reef@dcr.virginia.gov](mailto:beth.reef@dcr.virginia.gov)

Please send website comments to [vrb@dcr.virginia.gov](mailto:vrb@dcr.virginia.gov)  
Address general inquiries to [pcr@dcr.virginia.gov](mailto:pcr@dcr.virginia.gov)  
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**RESOLUTION R2015-59**  
**NELSON COUNTY BOARD OF SUPERVISORS**  
**AUTHORIZATION TO APPLY FOR DEPARTMENT OF CONSERVATION**  
**AND RECREATION RECREATIONAL TRAILS PROGRAM GRANT FUNDS**  
**FOR BLUE RIDGE TUNNEL PROJECT**

Recreational Trails Program Authorizing Resolution A resolution authorizing application(s) for federal funding assistance from the Recreational Trails Program (RTP) to the Virginia Department of Conservation & Recreation (DCR).

**WHEREAS**, under the provisions of RTPF, federal funding assistance is requested to aid in financing the cost of trail/trailhead/trailside construction and/or rehabilitation within Nelson County; and

**WHEREAS**, Nelson County considers it in the best public interest to complete the project described in the RTP application;

**NOW, THEREFORE, BE IT RESOLVED** that:

1. The County Administrator be authorized to make formal application to DCR for funding assistance;
2. Any fund assistance received be used for implementation and completion of trail and trailside construction of the Blue Ridge Claudius Crozet Tunnel within the specified time frame;
3. The Board of Supervisors hereby certifies that project funding is currently available and is committed for the completion of this project while seeking periodic reimbursement through the Recreational Trails Program;
4. We are aware that the RTP funding, if approved, will be paid on a reimbursement basis. This means we may only request payment after eligible and allowable costs have already been paid to our vendors and evidence of such has been provided to DCR.
5. We acknowledge that the assisted trail project will have an assigned life expectancy assigned to it and that the facility must be maintained to standards suitable for public use.

6. We acknowledge that we are responsible for compliance with the National Environmental Policy Act, Endangered Species Act, Historic Preservation Act, Executive Orders 11988 and 11990 (Floodplain Management and Wetlands Protection) and all other applicable state and federal laws;
7. We acknowledge that appropriate opportunity for public comment will be provided on this application and evidence of such is a required component for approval;
8. This resolution becomes part of a formal application to the Virginia Department of Conservation & Recreation.

Adopted: \_\_\_\_\_, 2015

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



**Gladstone Volunteer Fire and Rescue Service**

**PO Box 94  
Gladstone, VA 24553  
434-933-8665**

**GVF&RS  
Board of Directors**

February 7, 2014

John Dixon  
President

Vice President

Secretary

Leonard Estrada  
Treasurer

Rev. Herbert Jones  
Chaplain

Tom Fore  
Amherst County

Appomattox County

Robert Carter  
Buckingham County

Emily Harper  
Nelson County

Auxiliary Division

Jeff Taylor  
Fire Division

Mary Kathryn Allen  
Rescue Division

Lewis Glover  
Director

Nelson County Emergency Services Council  
P. O. Box 336  
Lovingson, VA 22949

Re: Loan Application, Fire Engine for  
Gladstone Volunteer Fire and Rescue Service  
February 7, 2014

Please accept the attached application for a loan for a new fire truck for the GVF&RS.

Questions may be directed to Jeff Taylor, Chief Fire Division or Leonard Estrada, Treasurer, GVF&RS.

Your approval is requested.

Sincerely,

Leonard P. Estrada  
Treasurer

## Nelson County Emergency Services Council

Loan Application, Fire Truck for  
Gladstone Volunteer Fire and Rescue Service  
February 7, 2014

Agency Name: Gladstone Volunteer Fire and Rescue Service

Agency Address: P. O. Box 94, 8786 Richmond Hwy, Gladstone, VA 24553

Contact Person(s): Jeff Taylor                      Leonard Estrada

Title: Chief, Fire Division                      Treasurer

Phone: 434-933-4412                      434-933-4386

Item Requested: Replacement Fire Engine

Loan Amount: Up to \$60,000.00 (To be determined after the third quote is received.)

Anticipated Term: 8 Years

Down Payment Amount: None

Replacement Item: Yes        No

If Yes, describe the condition of the item being replaced.

1996 E-One Engine has been in-service 18 years. The average annual cost of maintenance for the past 5 years is \$750. Two of the last three years the maintenance costs have exceeded \$1,300. We expect that costs to maintain this vehicle in a safe condition will continue to rise.

If additional Item how many do you already own?

One, 1996 E-One Engine

What will you do with the old item?

Move the 1996 E-One Engine to be the second-due engine for structure fires and be the first-due on motor vehicle accidents and Mutual Aid.

Describe Briefly the scope of your project:

Upon receipt of all bids, the engine will be selected, the necessary grant and loan processes will be completed, the engine will be ordered. We plan to place the engine in service as soon as it arrives and is insured and licensed for operation.

Do you intend to make this resource available County-wide?      Yes          No

What is the Approximate Net Worth of your Agency?  
Real Estate Equity + Vehicle Equity + Cash + Investments.      \$ 383,535.31

What is the total debt amount of your organization?      \$ 65,770.03  
(Net Worth and Debt are as of 1/1/2014.)

How will you support your payment?      Community donations.

**Please Attach a Copy of Your Operating and Capital Budget.**  
Balance Sheet as of 1/1/2014 and Income and Expense for 2013 are attached.

-----  
-----  
Approved:                      Yes          No   

Date Approved:                      \_\_\_\_\_

By Print:                                      \_\_\_\_\_

By Sign:                                      \_\_\_\_\_

**2014 - GVF&RS**  
**Balance Sheet**  
 As of January 1, 2014

	Jan 1, 14
<b>ASSETS</b>	
<b>Current Assets</b>	
<b>Checking/Savings</b>	
11000 · Current Assets	
11100 · BB&T Banking	
11120 · BB&T Operations 8087	8,613.61
12000 · BB&T Investment 7802	56,676.04
12005 · BB&T Business CD 5428	69,762.66
<b>Total 11100 · BB&amp;T Banking</b>	135,052.31
<b>Total 11000 · Current Assets</b>	135,052.31
<b>Total Checking/Savings</b>	135,052.31
<b>Total Current Assets</b>	135,052.31
<b>Fixed Assets</b>	
15000* · Fixed Assets	
15100 · Buildings	126,975.00
15200 · Improvements	725.00
15400 · Land	48,900.00
15600 · Vehicles	
15620 · Tanker 42 - 06 Seag	7,616.00
15622 · Tanker 45 - 96 Intl	41,071.00
15637 · Squad 43 - 87 Chev	12,321.00
15680 · Rescue 151 - 99 Ford	1,875.00
15690 · Rescue 156 - 04 Ford	9,000.00
<b>Total 15600 · Vehicles</b>	71,883.00
<b>Total 15000* · Fixed Assets</b>	248,483.00
<b>Total Fixed Assets</b>	248,483.00
<b>TOTAL ASSETS</b>	<b>383,535.31</b>
<b>LIABILITIES &amp; EQUITY</b>	
<b>Liabilities</b>	
<b>Current Liabilities</b>	
<b>Credit Cards</b>	
20100 · BB&T Visa Credit Card	6.99
<b>Total Credit Cards</b>	6.99
<b>Total Current Liabilities</b>	6.99
<b>Long Term Liabilities</b>	
27200 · Other Liabilities	
27220 · Loan - Tanker #42	8,889.04
27230 · Loan - Tanker 45 & Squad 43	56,874.00
<b>Total 27200 · Other Liabilities</b>	65,763.04
<b>Total Long Term Liabilities</b>	65,763.04
<b>Total Liabilities</b>	65,770.03
<b>Equity</b>	
32000 · Unrestricted Net Assets	317,772.27
Net Income	-6.99
<b>Total Equity</b>	317,765.28
<b>TOTAL LIABILITIES &amp; EQUITY</b>	<b>383,535.31</b>

**2013**  
**Gladstone Volunteer Fire and Rescue Service**



**Income**

Fund Raising Donations			
	Community	\$8,542.00	
	Corporate/Church	\$5,840.00	
	Memorials/Other	\$553.53	
	Community Events	\$1,402.10	
		\$16,337.63	14.6%
Government			
	Amherst County	\$6,126.25	5.5%
	Appomattox County	\$6,000.00	5.3%
	Buckingham County	\$0.00	
	Nelson County	\$54,070.09	48.2%
		\$66,196.34	59.0%
Other Income			
	Interest	\$441.02	
	Grants	\$19,323.64	
	Rentals	\$8,185.00	
	Misc.	\$1,775.00	
		\$29,724.66	26.5%
	<b>Total Income</b>	<b>\$112,258.63</b>	<b>100.0%</b>

**Expenses**

People	Training, Uniforms Protective Clothing	\$11,811.63	10.2%
Operations	Fire & Rescue Equipment Tools and Maintenance	\$38,112.82	33.1%
Fuel	Propane, Diesel and Gasoline	\$8,388.94	7.3%
Facilities	Buildings and Grounds Maintenance and Supplies	\$6,015.41	5.2%
Administration	Insurance, Telephone and Office Supplies	\$17,660.41	15.3%
Utilities	Electric Service	\$3,921.94	3.4%
Community	Christmas, Halloween Easter, Comm Breakfast	\$1,636.10	1.4%
Fund Raising		\$1,848.81	1.6%
Loan Payments	Tanker and Squad Truck	\$25,903.78	22.5%
	<b>Total Expenses</b>	<b>\$115,299.84</b>	<b>100.0%</b>

**Net Income less Expenses** -\$3,041.21

## ***VC EMS Loan Fund Information***

- EMS Loan Fund Balance as of June 9, 2015:
  - \$246,847.55
  
- Most Recent Loan to Gladstone Volunteer Fire and Rescue Service (Formerly Gladstone Rescue Squad):
  - October 2012 in the amount of: \$65,000
  - Outstanding Loan Balance as of July 8<sup>th</sup>: \$44,685.48

**RESOLUTION R2015-60**  
**NELSON COUNTY BOARD OF SUPERVISORS**  
**APPROVAL OF INTEREST FREE LOAN FOR**  
**GLADSTONE VOLUNTEE FIRE AND RESCUE SERVICE**

**NOW THEREFORE BE IT RESOLVED**, the Nelson County Board of Supervisors hereby approves the interest free loan request of \$55,518.00 made by Gladstone Volunteer Fire and Rescue Service and approved by the Nelson County Emergency Services Council.

**BE IT FURTHER RESOLVED** that upon the completion of all required loan documentation, approved funds shall be disbursed from the EMS Loan Fund by the Treasurer's Office no later than July 20, 2015.

Adopted: July \_\_\_\_\_, 2015

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

10 July, 2015

To: Board of Supervisors  
From: S. Carter, County Administrator  
Re: County Administrator's Report (July 14, 2015 Meeting)

**1. Courthouse Project Phase II:** The 7-14 Board agenda includes a presentation on the project's status from Architectural Partners and an authorizing resolution for the project to be publicly bid and for staff to secure bond funding for the project from VRA.

**2. Broadband:** **A) Local Innovation Grant Project:** Receipt of the project contract document from VA-DHCD is in process and, thereafter, the project will proceed to construction. **B) VA Technology Planning Initiative** –The County was not selected to submit a final funding application (a debriefing with VA-DHCD can be conducted). As an alternative, County staff have requested the Department's input on use of the VTPI submittal for the agency's annual planning grant program (maximum of \$30,000 can be awarded). **C) Broadband Strategic Plan:** Staff will begin development of this project in the month of July.

**3. BR Tunnel:** A regional meeting, including participation was held on 7-8 at the Rockfish Valley Vol. Fire & Rescue Department. The purpose of the meeting was to discuss the means to provide for overall completion of the project. The meeting's outcomes will provide for consolidation of Phase 2 and Phase 3 grant funding to provide for restoration of the Tunnel, leaving Phase 3 (western trail and parking lot) as the last element for Project Completion.

**4. Lovingson Health Care Center:** The Citizen's Committee is continuing to meet. Region Ten has submitted a purchase proposal and Piedmont Housing Alliance will be scheduled to tour the Center the week of 7-13 or 7-20. One of two private companies that have recently toured the Center has withdrawn from any interest in the project. Medical Facilities of America will close its operation of the Center in the ensuing several months.

**5. Radio Project:** County staff met with Motorola and Clear Communication on 6-24 to discuss next steps in addressing concerns/issues with coverage areas, radio and pager use. A follow up meeting will be conducted in late July to receive Motorola's recommendations, which may result in a Phase 2 Project.

**6. CDBG Grant Application for Sewer Line Extension:** An application to VA-DHCD has not, to date, been completed. A meeting with the Department has been requested to discuss the project and grant specific criteria to enable a stronger application to be submitted.

**7. Solid Waste – A) Tire Amnesty Program:** The County collected 17 tons of tires from the two weekend amnesty days (6-20 and 27). **B) New Roll Off Truck:** The new roll off truck is received and in service. **C) Paving Gladstone Collection Site:** Complete.

**8. Capital/Maintenance Programs - A) County:** Roof replacements at the Montreal Village Park are completed. Roof replacement and related repairs of the new Maintenance Building will begin on 7-13 (\$33,000). Bid quotes have been solicited for initial building repairs to the Nelson Memorial Library. **B) DSS:** Roof replacement and building repairs are in process.

**9. Department Reports:** Included with the 7-14-15 BOS agenda.



NELSON COUNTY BOARDS AND COMMISSIONS APPLICATION FORM

Subject: Appointments - Statement of Interest Form

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

Please complete and mail this form to:

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

or fax to (434) 263-7004

---

Date June 30, 2015

Mr. \_\_\_\_\_ Mrs. X \_\_\_\_\_ Ms. \_\_\_\_\_

Name: Shelby R. Bruguiera

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

1. Board of Zoning Appeals
2. Local Board of Building Code Appeals
3. \_\_\_\_\_

Home Address:

---

1339 Stoney Creek West, Nellysford, Va 22958

Occupation: REALTOR Employed by: self

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

Fax No.: \_\_\_\_\_ E-Mail Address: ShelbyBruguiera@gmail.com

Do you live in Nelson County? Yes X No \_\_\_\_\_

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

If yes, list the Board(s):

---

---

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

I have been a licensed REALTOR since 2006, and am quite familiar with ordinance and zoning regulations.

of Nelson County.

As a successful business owner, parent, spouse and lifelong resident of Nelson County, I am devoted to helping

Nelson achieve balanced success between government, residential life, farming and business development.

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

As a real estate professional and owner of properties in three districts, I am well versed in zoning regulations

I believe my experience and unique perspective can well serve the County and her residents.

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

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

#### ATTENDANCE REQUIREMENTS

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

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

Yes X No \_\_\_

NELSON COUNTY BOARDS AND COMMISSIONS APPLICATION FORM

Subject: Appointments - Statement of Interest Form

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

Please complete and mail this form to:

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

or fax to (434) 263-7004

Date 6/23/15

Mr.  Mrs.  Ms.

Name: Barbara Funke

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

1. Nelson County Economic Development
2. Local Board of Building Code Appeals
3. \_\_\_\_\_

Home Address:

4300 Rockfish Valley Hwy, Nellysford, VA 22958

Occupation: Director Employed by: Rodes Farm

Home Phone No.: 434-465-3543 Business Phone No.: \_\_\_\_\_

Fax No.: \_\_\_\_\_ E-Mail Address: Rodesfarmevents@gmail.com

Do you live in Nelson County? Yes  No

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

If yes, list the Board(s):

---

---

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

I have 30 years sales + marketing experience ranging from small business to Fortune 500 companies. I am a problem solver, work well with others and have a strong desire to help better the quality of life and financial well-being of Nelson County

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

Nelson county is a unique county & growing. I am interested in the long term plans and would like to help create jobs, enhance business, and community development while maintaining our cultural diversity and green environmental efforts. I know I can make a difference in accordance with guidelines set by the Board of Supervisors.

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

I also have 10+ years in design build & development. I can read blueprints, go out for bids, prepare proposals, work with county departments and problem solve effectively to produce results and consensus. I can communicate and work effectively with government officials, investors, developers, business leaders and staff members.

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

#### ATTENDANCE REQUIREMENTS

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

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

Yes  No

NELSON COUNTY BOARDS AND COMMISSIONS APPLICATION FORM

Subject: Appointments - Statement of Interest Form

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

Please complete and mail this form to:

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

or fax to (434) 263-7004

Date June 25, 2015

Mr.  Mrs.  Ms.

Name: Carole C. Saunders

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

1. Board of Zoning Appeals
2. \_\_\_\_\_
3. \_\_\_\_\_

Home Address: 1610 Wilson Hill Rd.

Arrington, VA 22922

Occupation: Realtor Employed by: Montague, Miller & Co.

Home Phone No.: 434-263-4976 Business Phone No.: 434-981-3089

Fax No.: 434-263-8632 E-Mail Address: Carolevar@aol.com

Do you live in Nelson County? Yes  No

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

If yes, list the Board(s):

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

I have been a full-time Realtor since 1988 (27 years) selling Land, Residences, and Farms in Nelson and surrounding Counties. I am very familiar with the entire aspects relating to our Zoning regulations, subdivision ordinances, surveying, pricing in land and residential properties and also Commercial here in Nelson.

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

I graduated from N. C. H.S. and Dismore Business College, Staunton. I have been a partner with my husband in his Construction Co., partnership in ownership of a grocery store, oil company and farm over the years here in the County. I also have worked in Banking.

Please use this space for any additional information you would like to provide. I have always thoroughly researched a problem or a concern in dealing with real estate and after gathering all pertinent facts, make a sound decision. I have always prided myself that I strive to be fair to everyone and impartial when making decisions.

A resume or separate sheet with additional information may be included. I am a Trustee at Nelson United Meth. Church & serve on the Finance Com.

#### ATTENDANCE REQUIREMENTS

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

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

Yes  No

## Candy McGarry

---

**From:** Bruce <bvlk77@yahoo.com>  
**Sent:** Wednesday, June 10, 2015 4:29 PM  
**To:** Connie Brennan  
**Cc:** Candy McGarry  
**Subject:** Re: date for next meeting

Hi Connie,  
I just spoke with Anne in the office.

Bruce

On Jun 10, 2015, at 1:45 PM, "Connie Brennan" <[connie@cstone.net](mailto:connie@cstone.net)> wrote:

Great! Would you let Candy know if you are willing to continue to serve on the AFD Advisory Committee?

---

**From:** Bruce [<mailto:bvlk77@yahoo.com>]  
**Sent:** Wednesday, June 10, 2015 12:15 PM  
**To:** Susan McSwain; Bill Halverson; 'Andre Derdeyn'; Andy Wright; Billy Newman; Chapin Wilson; Connie Brennan; Jean Payne  
**Cc:** Tim Padalino  
**Subject:** Re: date for next meeting

I plan to attend.

Bruce Vlk

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**From:** Susan McSwain <[losthorseshoe3@gmail.com](mailto:losthorseshoe3@gmail.com)>  
**To:** Bill Halverson <[wchal771@cox.net](mailto:wchal771@cox.net)>; 'Andre Derdeyn' <[aderdeyn@gmail.com](mailto:aderdeyn@gmail.com)>; Andy Wright <[dutchcreekfarm@aol.com](mailto:dutchcreekfarm@aol.com)>; Billy Newman <[enviroforllc@netscape.net](mailto:enviroforllc@netscape.net)>; Bruce Vlk <[bvlk77@yahoo.com](mailto:bvlk77@yahoo.com)>; Chapin Wilson <[natureisland@earthlink.net](mailto:natureisland@earthlink.net)>; Connie Brennan <[connie@cstone.net](mailto:connie@cstone.net)>; Jean Payne <[jpayne@nelsoncounty.org](mailto:jpayne@nelsoncounty.org)>; Susan McSwain <[losthorseshoe3@gmail.com](mailto:losthorseshoe3@gmail.com)>  
**Cc:** Tim Padalino <[tpadalino@nelsoncounty.org](mailto:tpadalino@nelsoncounty.org)>  
**Sent:** Monday, June 8, 2015 6:44 PM  
**Subject:** date for next meeting

Hello Everyone!

It appears that the date when the most people can make a meeting of the AFD Advisory Committee is June 29, a Monday, at 4 p.m.

We will meet in the old BOS room in the Court House, just as before.

Applications will be emailed to you later this week so that you can review them ahead of time.

Great to see so much interest in AFDs!

## Candy McGarry

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**From:** Paulette & Lee Albright <britemtn2013@gmail.com>  
**Sent:** Wednesday, June 24, 2015 12:45 PM  
**To:** Candy McGarry  
**Subject:** AFD advisory board

Candy,

I wish to clarify my “acceptance” to be on the AFD Board for another term. I am willing to serve only if you are not able to find another interested party. It is my understanding that there are other applicants and so I prefer not to be reappointed. My wife left a phone message to that effect while you were out of the office last week. I apologize if my intent was not clear, but I do feel that the Board would benefit from a new participant.

Please, note my correct email address: [britemtn2013@gmail.com](mailto:britemtn2013@gmail.com)

Lee Albright



If yes, list the Board(s):

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

Extensive organizational experience serving on the Board of Directors of Shannon Farm Association (17 yrs) and Rural Nelson (10 yrs) Spearheaded the recent creation of the Greenfield Ag/Forestal District including taking primary responsibility for recruiting landowner participants.

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

I am passionate about land preservation and see great value in helping Nelson County maintain its rural character, as well as educating landowners in sustainable stewardship of our agricultural and forestal assets.

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

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

#### ATTENDANCE REQUIREMENTS

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

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

Yes  No

June 08, 2015

Board of Supervisors  
Nelson County Administrator  
P.O. Box 336  
Lovingston, Virginia 22949  
ATTN: Allen Hale

Robert J Matuszak  
4787 Laurel Road  
Shipman, VA 22971  
(434)906-8571

Mr. Hale

I am writing this letter due to recent events that have occurred at my home here in Nelson County. Recently, the grounds of my home including the yard and flower beds were being destroyed by animals which belong to my next door neighbor. I have spent a lot of hours and money to create a beautifully landscaped yard. I contacted my neighbor in June of 2014 and expressed my concerns. They understood that the damage was being caused by their animals because it was in their nature. They indicated to me that it would take some time, but assured me that they would gather up their animals and put them back in their cages. I was patient and waited until June 2015 when I noticed the animals were still causing damage to my yard and flower beds. I called Animal Control to find out available options. No enforcement options were available to both Animal Control or Local Law enforcement because of the lack of the "Fence in Law" in Nelson County. I was advised to contact my neighbor again. I made contact with my neighbor for the second time. When they returned my call, they were very vocal and not very understanding. The damage to my yard and flower beds continue on a daily basis. All that hard work and money spent to create a beautiful yard going right down the tubes. Now that my neighbor could care less to resolve the matter amicably, it would appear as though I have two options. File a civil motion with the courts which would cost more money and time. Appeal to your understanding of my current situation and the damage being caused to my personal property and ask that you vote a "Fence in Law" to be placed on the books of Nelson County. This would allow both Animal Control and Local Law enforcement to enforce the damage which is now occurring on my property and probably others in the local community. Its time to move away from the rural status and adopt other laws which exist in surrounding counties. I would appreciate a response and any necessary help to pass any and all applicable laws necessary to prevent further destruction of my personal property.

RECEIVED

JUN 10 2015

COUNTY ADMINISTRATORS  
OFFICE

**Candy McGarry**

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**From:** Steve Carter  
**Sent:** Thursday, June 25, 2015 1:52 PM  
**To:** Robert Browne  
**Cc:** Candy McGarry  
**Subject:** RE: Good County Efforts

Mr. Browne,

Thank you very much for your input, which is very much appreciated.

We will put your message on the Board's 7-14 meeting agenda (under Correspondence) in accordance with your request.

Best regards,

Steve

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

**From:** Robert Browne [mailto:rlb22201@gmail.com]  
**Sent:** Thursday, June 25, 2015 11:24 AM  
**To:** Steve Carter  
**Subject:** Good County Efforts

Good morning Mr. Carter.

I'm writing this message to compliment the Board of Supervisors and our County employees on the very well maintained trash collection center at Rockfish Center.

I've seen some collection centers in other counties and they are often a mess. The efforts here are noticed and appreciated.

Please place this message on the Supervisors' next agenda as an information item.

Thanks.

Robert Browne  
Nellysford, Virginia  
[rlb22201@gmail.com](mailto:rlb22201@gmail.com)

July 14, 2015 BOS PUNCH LIST

VID

<u>Directives</u>	<u>Member</u>	<u>Status</u>	<u>Progress/Comments</u>
<b><u>Directives from November 13, 2014</u></b>			
<i>Continue to CC Mr. Hale on E-mails with Woolpert</i>	A. Hale	Ongoing	
<i>Check Into Getting a Boat Ramp at Nelson Wayside</i>	C. Brennan	In Process	Emily Harper Working On With Rob Campbell
<b><u>Directives from January 13, 2015</u></b>			
<i>Proceed With Historic Marker Replacement at Nelson Wayside and Colleen</i>	Consensus	In Process	Markers Ordered-At VDOT in 8-9 wks (3/25/15)
<i>Follow Up on Collection Options For The EMS Revenue Recovery Program</i>	C. Brennan	In Process -90%	Staff Reviewing Summary Report
<b><u>Directives from June 9, 2015</u></b>			
<i>Ask Dominion to Send Shape Files for ACP Routes</i>	C.Brennan	Complete	
<i>Check Noise Ordinance to See if ACP Construction Would be Exempt</i>	C.Brennan	Complete	Construction Exempt 7am to 9pm
<i>Get New BRT Project Engineer and PM Contact Informatin</i>	A. Hale	Complete	
<i>Get New BRT Phase II Estimate Inclusive of All of the Tunnel Work</i>	A. Hale	Complete	



DEPARTMENT OF  
PLANNING & ZONING

PLANNING COMMISSION  
BOARD OF ZONING APPEALS

To: Chair and Members, Nelson County Board of Supervisors  
 From: Tim Padalino | Director | Department of Planning & Zoning  
 Date: July 10, 2015  
 Subject: Public Hearing for SUP #2015-03 (“Dance Hall”) – Mr. Jose & Mrs. Elpidia Gaona

**Application Summary**

<u>Site Address / Location:</u>	37 Tanbark Plaza / Lovingson / East District
<u>Tax Parcel(s):</u>	#58-A-36 and #58-A-37 ... (see maps on pages 4-6)
<u>Parcel Size:</u>	1.26 acres (total)
<u>Zoning:</u>	Business (B-1)
<u>Applicant:</u>	Mr. Jose Gaona and Mrs. Elpidia Gaona
<u>Request:</u>	Approval of Special Use Permit #2015-03 / application made pursuant to §8-1-3A in connection with recently-approved Minor Site Plan #2015-03
<u>Planning Commission:</u>	Recommendation for <u>approval</u> of SUP #2015-03 (with recommended conditions; see page 3)
<ul style="list-style-type: none"> <li>• <i>Completed Application Received On:</i> April 24<sup>th</sup>, 2015</li> <li>• Mr. Edgar Gaona, representative for (and son of) the applicants, has noted that the SUP application is seeking County approval to operate a “dance hall” on Friday nights and Saturday nights, remaining in operation until 2:00AM the following morning(s).</li> <li>• The requested dance hall would be co-located with “La Michoacana Authentic Mexican Taqueria &amp; Restaurant” (which is a permissible by-right use, and which received County zoning approval via Minor Site Plan #2015-03 on May 27<sup>th</sup>, 2015)</li> <li>• The application includes documented permission from the property owners: Mr. Joe Lee McLellan signed the affidavit on the application.</li> </ul>	

**Subject Property Location, Characteristics, and Other Information:**

The subject property is located at the intersection of Main Street and Thomas Nelson Highway. The subject property(s) also fronts along a small private road (Tanbark Plaza). The subject property(s), comprising a total of 1.26-acres, are located in the Business (B-1) zoning district. The existing building was formerly a grocery store and is currently vacant. *Please see maps on pages 4-6.*

### **Site Plan Review Committee Meeting and Comments:**

Please note that the Planning Commission approved Minor Site Plan #2015-03 for the proposed redevelopment of the existing vacant structure, for use as a restaurant. Minor Site Plan #2015-03 was also re-submitted with this Special Use Permit application, in order to satisfy the application requirement contained in §12-3-4-c-1. Since this proposed dance hall would be located within the same structure depicted on the approved Major Site Plan #2015-03, and since the dance hall would simply utilize the space currently designated as a “private dining area,” the approved site plan was determined to be acceptable for this application and did not go through the Site Plan Review Committee process a second time.

However, a summary of the original review comments from the May 13<sup>th</sup> Site Plan Review Committee meeting are included for your reference, in Appendix A. Full-size copies of the (approved) Minor Site Plan are available for review in the Planning & Zoning office.

### **Remarks from Staff:**

The following are the review comments and recommendations of the Planning & Zoning Director, as presented to the Planning Commission at their public hearing for this application.

Per Zoning Ordinance Article 12, Section 3-2, the following criteria must be evaluated when reviewing a request for a Special Use Permit:

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

The opinion of Staff is that the proposed “Dance Hall” use, as proposed in the application materials for SUP #2015-03 and as depicted on Minor Site Plan #2015-03, seems to be satisfactory relative to evaluation criteria C and D. However, the proposed use appears to be questionable with respect to evaluation criteria A (“shall not change the community character”) and evaluation criteria B (“shall be in harmony with by-right uses and shall not affect adversely the use of neighboring property”).

Specifically, the applicant has requested County approval to operate the proposed “dance hall” on Friday nights and Saturday nights, remaining in operation until 2:00AM the following morning(s). This particular proposed “dance hall” use, combined with the proposed pattern of operations, could:

- Potentially alter the character of the village of Lovington; and/or
- Potentially be unharmonious with proximal by-right uses (including the multi-family dwelling units in the Residential (R-2) zoning district); and/or
- Potentially affect adversely the use of neighboring properties, including residential district properties.

Because downtown Lovington – which is officially designated as a Historic District – is relatively quiet in the evenings and at night, and because the village of Lovington is substantially residential in nature, the County must give careful attention to operational issues (and potential public nuisances) related to project details such as the noise from amplified music, increased vehicular traffic, and increased social / recreational activities during late night hours (and/or early morning hours) within the village of Lovington.

With respect to those concerns associated with the evaluation criteria, and with respect to the details of the “dance hall” proposal as provided by the applicant, Staff cannot recommend a straight approval of SUP #2015-03. Instead, staff recommends approval for the “dance hall” special use with some combination of the following conditions, subject to the Board of Supervisors’ review and determination:

- Approval is conditional upon the applicant documenting a strategy for ensuring that the Nelson County Noise Control Ordinance is complied with, that the Nelson County Sheriff’s Office reviews and endorses said strategy, and that such strategy for compliance is implemented and maintained;
- Approval is conditional upon Dance Hall operations being permitted no later than 11:00PM on any night of operation;
- Approval is conditional for 18 months from the issuance of a Certificate of Occupancy, at which time the SUP will be reviewed at public hearing in order for the Board of Supervisors to determine if the SUP will continue or be revoked (pursuant to §12-3-8).

### **Planning Commission Review and Public Hearing:**

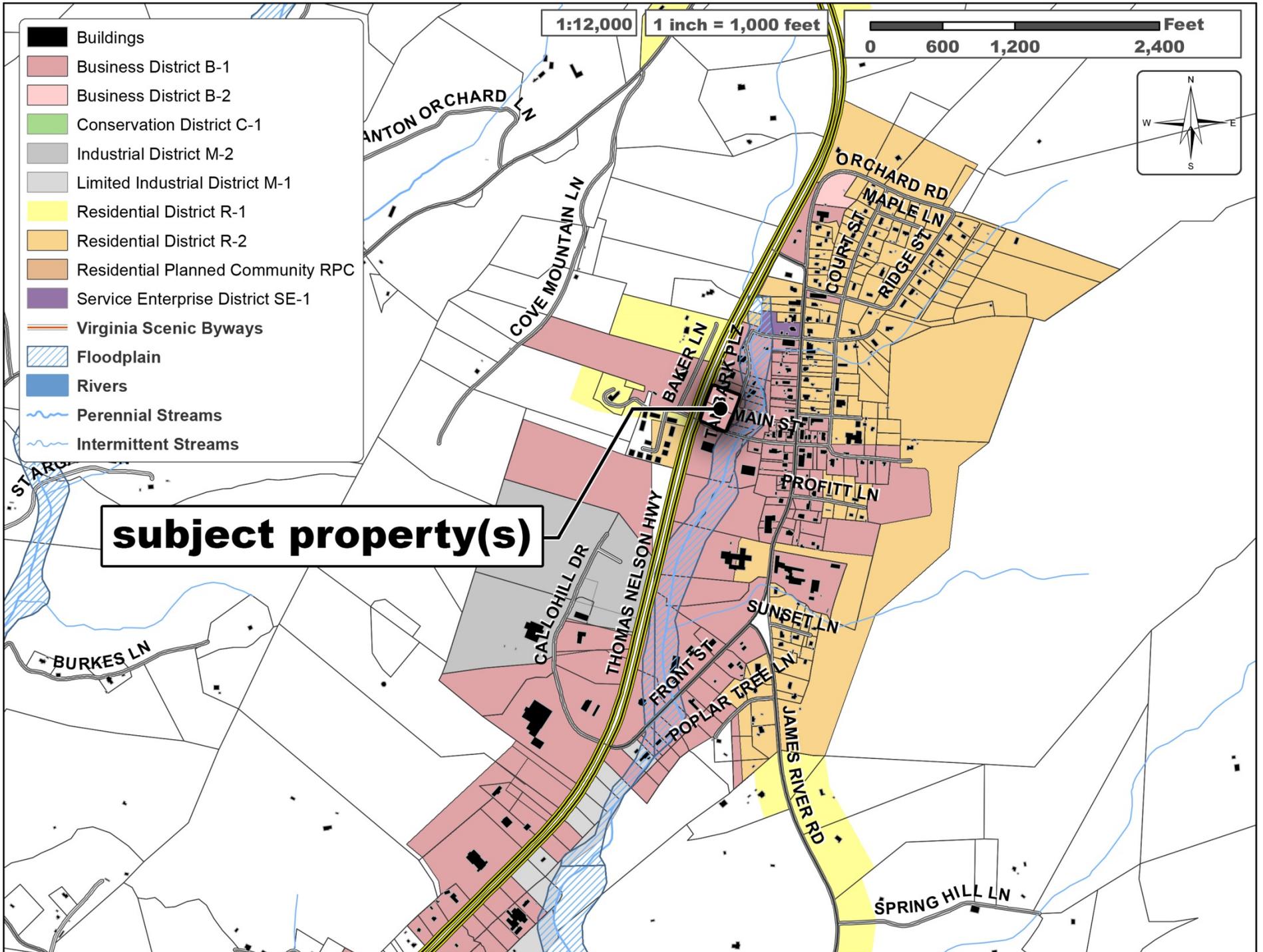
On June 24<sup>th</sup>, the Planning Commission conducted a review and public hearing for this SUP application. Members of the public spoke in favor of the application, while also acknowledging and discussing the potential concerns associated with a dance hall. Please reference the meeting minutes for detailed information regarding public comments made at the public hearing.

After closing the public hearing, the Planning Commission spent time deliberating whether or not to recommend conditions, such as limiting the dance hall to only one night per weekend instead of two, or limiting the hours of operation to 11:00 PM or 12:00 midnight (instead of 2:00 AM as proposed). After not reaching any consensus on those issues of discussion, the PC passed the following motion:

**Commissioner Goad moves that the Planning Commission recommend approval to Special Use application #2015-03 “Dance Hall” by Mr. Jose and Mrs. Elpidia Gaona, and impose the conditions that were included in the application, along with the condition that the Special Use Permit be specific to the Gaona’s lease at the business. Commissioner Harman provided a second; the vote 3-0 with Mr. Saunders abstaining.**

Please note: The language in the motion about “conditions that were included in the application” refers to the operational details provided in Note 8 on the Minor Site Plan, which state that the dance hall would be in operation on Friday and Saturday nights, remaining in operation until 2:00 AM the following mornings.

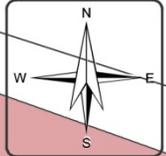
In conclusion, please contact me with any questions, concerns, or requests for assistance leading up to the July 14<sup>th</sup> Board of Supervisors public hearing for Special Use Permit #2015-03 for “Dance Hall.” Thank you very much for your time and attention to this application.



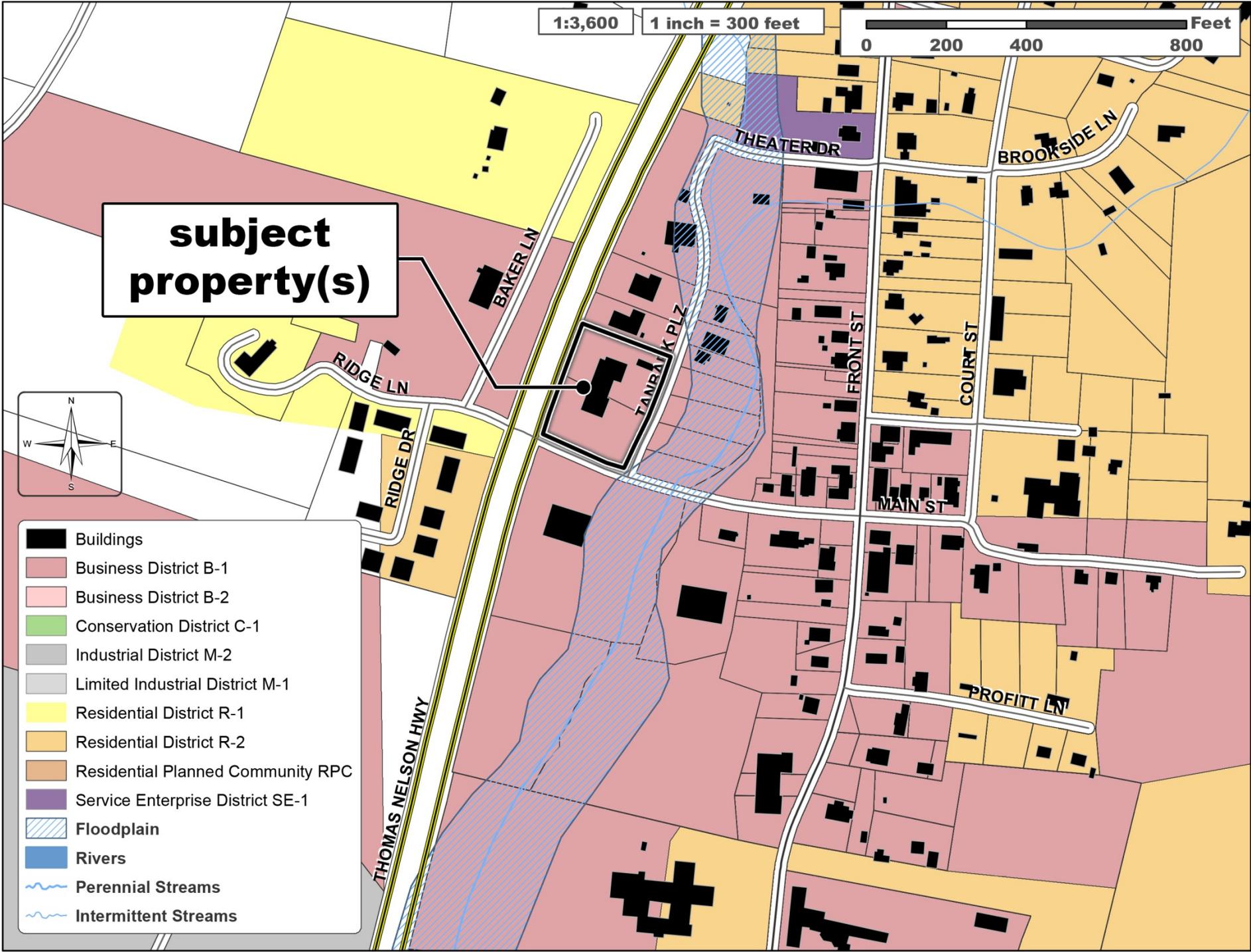
1:3,600 1 inch = 300 feet



**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
-  Floodplain
-  Rivers
-  Perennial Streams
-  Intermittent Streams





## Appendix A:

### Summary of review comments from the May 13<sup>th</sup> Site Plan Review Committee meeting

- **Director of Planning & Zoning:**

- The Minor Site Plan is being reviewed for a proposed restaurant, which is a permissible by-right use. However, an approved site plan is required for a by-right land use in the Business District per §8-5 and §13-1-1.
- The proposed renovation and reuse would include 3,150 SF of restaurant area; 1,080 SF of food prep area; and 2,260 SF of private dining area as an accessory to the restaurant use.
  - **Note:** The 2,260 SF private dining area would eventually be utilized as a dance hall, pending County review of Special Use Permit #2015-03.
- 48 parking spaces, including dedicated handicap parking spaces, would be available. There are no minimum parking requirements per §12-7-3.
- There is “minimal land disturbance” proposed for the installation of a dumpster and solid fence beside the existing greenhouse. *Please see Notes 9, 10, and 11 on the site plan.*
- Details for exterior lighting and signage include the following:
  - The existing sign structure in the western corner of the property will be reused for a new “La Michoacana” sign.
  - The existing “SUPERMARKET” sign on the end of the building (facing Main Street) will be removed and eventually replaced by lettering for “La Michoacana.”
  - An additional 24 SF sign is proposed over the entrance to the restaurant near the northern end of the building.
  - The existing light poles will be reused and outfitted with LED light fixtures. One existing pole will be moved slightly to avoid conflict with an existing canopy tree; it will also be outfitted with an LED light fixture.
  - Two new light poles with LED lighting fixtures are proposed in the parking lot along the frontage of Main Street.
  - Several LED light fixtures are proposed for the existing building, some of which would replace existing lights that are inefficient and which currently cast glare out from the building.

- **VDOT:** Mr. Jeff Kessler had extremely brief review comments, and did not have any requirements or requests regarding the proposed use.

- **TJSWCD:** Mrs. Alyson Sappington of the Thomas Jefferson Soil & Water Conservation District did not attend the meeting and did not provide review comments, as no new development or surface disturbance was being proposed at the time of her original review.

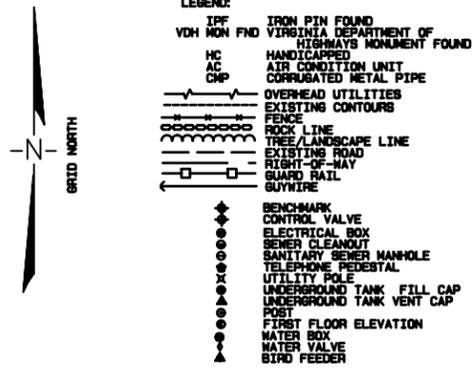
- **Update:** The installation of a dumpster and solid fence beside the existing greenhouse would require “minimal land disturbance.” *Please see Note 11 on the site plan.*

- **VDH:** Mr. Tom Eick of the Nelson County Health Department noted that a food license permit would need to be obtained, and the pertinent applications were provided to Mr. Edgar Gaona during the meeting. Mr. Eick noted that VDH has no required minimum number of commodes, but hand sink requirements will need to be met.

- **Nelson County Service Authority:** Mr. George Miller noted the following:

- The existing 4” gravity sewer line would be adequate.

- The existing 1” water meter for this business would probably not be a problem, either – but it ultimately depends on the floor plan and building uses, regarding the “fixture count” of total number of sinks, commodes, etc.
  - A cross-connection and back-flow prevention device would need to be installed on the water line.
  - A grease arrester (trap) would need to be installed on the sewer line. He recommended the installation of a 40-gallon grease trap under the sink, but noted that an underground tank might potentially be required depending on the performance of the smaller grease trap under the sink(s).
- Nelson County Building Code Official: Mr. David Thompson provided written review comments:
    - “Asbestos certification for any permit application is required from the owner of the building for any renovations.”
    - “A permit application is required for a change of use group (M) to a use group (A-2) with plans drawn by a registered design professional licensed by the Commonwealth of Virginia. The application must be submitted to the Building Inspections Department for the required permits prior to any alterations / renovations / changes, etc. for the A-2 use group.”
    - “Final inspections and a certificate of occupancy for a restaurant / dance hall must be obtained from the Nelson County Inspections Department for the existing building prior to opening or operations for private or public use of the occupancy classification.”
  - Planning Commission Representative: Commissioner Russell inquired about the location of the dumpster and the method by which it would be screened. The approved site plan includes a dumpster located beside the existing greenhouse, which would be fully screened by a solid fence. The installation of the dumpster pad and fence would require “minimal land disturbance.” *Please see Note 11 on the site plan.*



THE DEVELOPMENT, AS IT APPEARS ON THIS SITE PLAN, IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNER.

FOR JOE LEE MCCLELLEN, INC. DATE \_\_\_\_\_

TITLE \_\_\_\_\_

COMMONWEALTH AT LARGE TO WIT: STATE OF VIRGINIA

COUNTY/CITY OF: \_\_\_\_\_ A NOTARY PUBLIC IN AND FOR THE STATE AFORESAID, DO HEREBY CERTIFY THAT THE PERSON WHOSE NAME IS SIGNED HEREON HAS ACKNOWLEDGED THE SAME BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_ MY COMMISSION EXPIRES: \_\_\_\_\_ NOTARY.

NOTARY REGISTRATION NUMBER \_\_\_\_\_

SOURCE OF TITLE, TAX MAP #58-A-36:  
SEE INSTRUMENT #060000132 OF THE CIRCUIT COURT CLERKS OFFICE OF NELSON COUNTY, VIRGINIA.  
PLAT OF REFERENCE:  
SEE INSTRUMENT #080002552

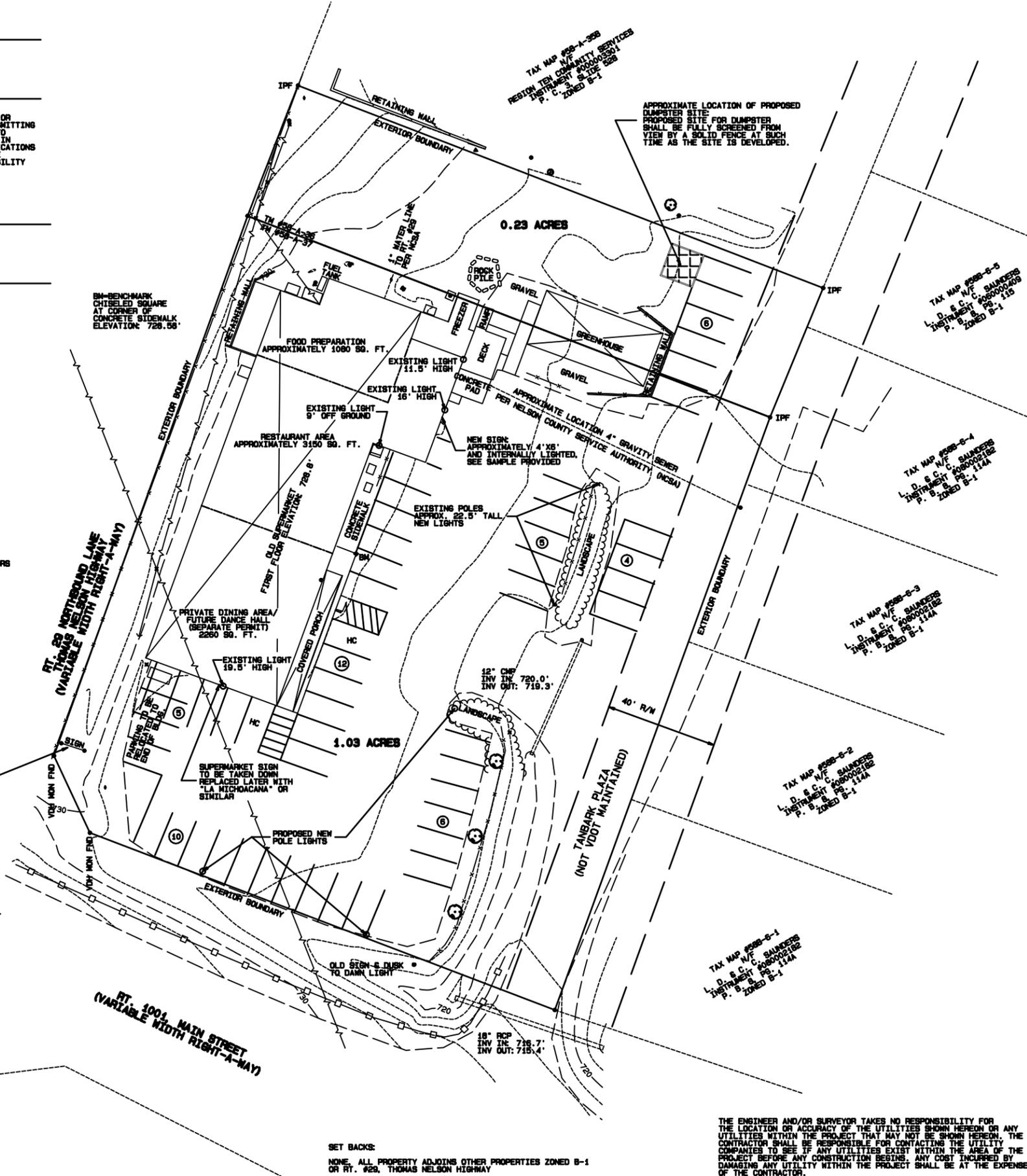
SOURCE OF TITLE, TAX MAP #58-A-37:  
SEE INSTRUMENT #050001996 OF THE CIRCUIT COURT CLERKS OFFICE OF NELSON COUNTY, VIRGINIA.  
PLAT OF REFERENCE:  
PMS #1522



APPROVAL:  
FOR NELSON COUNTY DATE \_\_\_\_\_  
RECOMMENDED APPROVAL:  
FOR VIRGINIA DEPARTMENT OF TRANSPORTATION DATE \_\_\_\_\_  
VDOT'S REVIEW IS NOT INTENDED TO BE EITHER COMPLETE OR COMPREHENSIVE AS IT IS THE RESPONSIBILITY OF THE SUBMITTING ENGINEER/SURVEYOR TO ENSURE THE COMPLETENESS AND ACCURACY OF THEIR PLANS IN ACCORDANCE WITH GOVERNING LAWS, REGULATIONS, SPECIFICATIONS AND STANDARDS. PLAN ERRORS AND/OR OMISSIONS THAT ARE DISCOVERED DURING CONSTRUCTION REMAINS THE RESPONSIBILITY OF THE SUBMITTING ENGINEER/SURVEYOR.  
RECOMMENDED APPROVAL:  
NELSON COUNTY SERVICE AUTHORITY DATE \_\_\_\_\_  
RECOMMENDED APPROVAL:  
NELSON COUNTY HEALTH DEPARTMENT DATE \_\_\_\_\_

NOTES:  
1. THIS DRAWING HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT THEREFORE, NECESSARILY, INDICATE ALL ENCUMBRANCES ON THE PROPERTY.  
2. THIS DRAWING HAS BEEN PREPARED FROM AN ACTUAL FIELD SURVEY MADE AS PER DATE OF THIS DRAWING, MONUMENTATION AS INDICATED.  
3. THIS DRAWING WAS PREPARED AT THE REQUEST OF EDGAR SAGNA, 3008 MONAHAN TRAIL ROAD, NORTH GARDEN, VA 22959.  
4. PROPERTY SHOWN IS TAX MAP #58-A-36 AND TAX MAP #58-A-37 AND IS ZONED BUSINESS DISTRICT, B-1. THE PROPERTY IS CURRENTLY IN THE NAME OF JOE LEE MCCLELLEN, INC., 400 FRONT STREET, LOVINGSTON, VA. 22949.  
5. THE PARCELS SHOWN ARE SERVED BY THE EXISTING UTILITIES ON THE PROPERTY.  
6. THE PURPOSE OF THIS DRAWING IS TO SHOW DETAILS ABOUT THE PROPOSED RESTAURANT AND POTENTIAL FUTURE DANCE HALL TO UTILIZE THE EXISTING SITE AND BUILDING.  
7. THE AREA SHOWN FALLS IN FLOOD ZONE "X" AND DOES NOT FALL WITHIN FLOOD HAZARD ZONE "A" FOR A 100 YEAR FLOOD AS DETERMINED BY THE U. S. DEPARTMENT OF HOMELAND SECURITY, FEDERAL EMERGENCY MANAGEMENT AGENCY, AND AS SHOWN ON THEIR MAP DATED JUNE 18, 2010, MAP NUMBER #51125C02655.  
8. HOURS OF OPERATION: RESTAURANT - 11 AM TO 10 PM MONDAY THRU SATURDAY, FUTURE DANCE HALL (SEPARATE PERMIT), ONLY OPEN ON FRIDAY AND SATURDAY WITH EXTENDED HOURS TO 2 AM.  
9. FIVE ADDITIONAL POLE LIGHTS ARE TO BE INSTALLED AS A PART OF THIS PROJECT. 2 ON THE SOUTH END OF THE PARKING LOT, 1 IN THE ISLAND ON THE SOUTH SIDE OF THE SOUTHERN ENTRANCE AND 2 ON EXISTING POLES BETWEEN THE SOUTH ENTRANCE AND THE NORTH ENTRANCE ON THE EDGE OF THE PARKING LOT. THESE ADDITIONAL LIGHTS SHALL BE ON A TIME CLOCK WITH DARKNESS SENSORS SET UP TO GO OFF 1 HOUR AFTER CLOSING.  
10. THERE ARE 4 EXISTING LIGHTS SHINING INTO THE PARKING LOT FROM THE BUILDING THAT WILL BE CHANGED OUT FOR MORE EFFICIENT LIGHTING OF THE PARKING AREA. ALSO, THERE ARE LIGHTS UNDER THE COVERED PORCH AREA DIRECTED DOWNWARD. ALL THE EXTERIOR BUILDING LIGHTS SHALL BE ON A TIME CLOCK WITH DARKNESS SENSORS SET UP TO GO OFF 1 HOUR AFTER CLOSING.  
11. THERE IS MINIMAL LAND DISTURBANCE AS A PART OF THIS SITE DEVELOPMENT. THE ONLY LAND DISTURBANCE IS FOR THE DUMPSTER SITE NEAR THE NORTHEAST CORNER OF THE PROPERTY.  
12. ALL OLD SIGNAGE ON SITE SHALL BE TAKEN DOWN. 3 ADVERTISEMENT SIGNS ARE PROPOSED FOR THE RESTAURANT. THE FIRST SIGN SHALL BE INTERNALLY LIGHTED AND MOUNTED ON THE EXISTING POLE STRUCTURE, REPLACING THE "HOMETOWN GROCERY" SIGN ALONG THE RT. #29 R/W. THE SECOND SIGN WILL POTENTIALLY BE ON THE SOUTH END OF THE BUILDING AND REPLACE THE "SUPERMARKET" SIGN WITH THE NAME OF THE RESTAURANT. THE THIRD SIGN WILL BE LOCATED ON THE EAST SIDE OF THE BUILDING, ABOVE THE CONCRETE PAD, IN THE "A" OF THE ROAD LINE. THIS SIGN SHALL BE APPROXIMATELY 4' X 8' IN SIZE AND BE INTERNALLY LIGHTED.  
DANCING:  
SEE DEFINITION OF RESTAURANT IN NELSON COUNTY ZONING ORDINANCE:  
"DANCING BY PATRONS SHALL BE CONSIDERED AS ENTERTAINMENT ACCESSORY TO A RESTAURANT, PROVIDED THE SPACE MADE AVAILABLE FOR SUCH DANCING SHALL NOT BE MORE THAN ONE-EIGHTH OF THAT PART OF THE FLOOR AREA AVAILABLE FOR DINING".  
DINING FLOOR AREA:  
3150 SQ. FT. + 2260 SQ. FT. = 5410 SQ. FT.  
5410 SQ. FT. x 1/8 = 676 SQ. FT. DANCE AREA AVAILABLE WITH RESTAURANT

PARKING REQUIREMENTS:  
RESTAURANT:  
1 SPACE FOR EACH 100 SQ. FT. OF PUBLIC FLOOR AREA  
DANCE HALL:  
1 SPACE FOR EACH 200 SQ. FT. OF PUBLIC FLOOR AREA  
PARKING SPACES REQUIRED:  
THIS AREA IS EXEMPT FROM THE MINIMUM OFF-STREET PARKING REQUIREMENTS UNDER ARTICLE 12-7-3 OF THE NELSON COUNTY ZONING ORDINANCE.  
PARKING SPACES PROVIDED: 48 SPACES, HANDICAPPED SPACES AS SHOWN FROM PREVIOUS BUSINESS



SET BACKS:  
NONE. ALL PROPERTY ADJOINS OTHER PROPERTIES ZONED B-1 OR RT. #29, THOMAS NELSON HIGHWAY

THE ENGINEER AND/OR SURVEYOR TAKES NO RESPONSIBILITY FOR THE LOCATION OR ACCURACY OF THE UTILITIES SHOWN HEREON OR ANY UTILITIES WITHIN THE PROJECT THAT MAY NOT BE SHOWN HEREON. THE CONTRACTOR SHALL BE RESPONSIBLE FOR CONTACTING THE UTILITY COMPANIES TO SEE IF ANY UTILITIES EXIST WITHIN THE AREA OF THE PROJECT BEFORE ANY CONSTRUCTION BEGINS. ANY COST INCURRED BY DAMAGING ANY UTILITY WITHIN THE PROJECT SHALL BE AT THE EXPENSE OF THE CONTRACTOR.

SITE PLAN FOR  
**LA MICHOACANA**  
AUTHENTIC MEXICAN TAQUERIA & RESTAURANT  
**JOE LEE MCCLELLEN, INC.**  
LOVINGSTON DISTRICT, COUNTY OF NELSON, VIRGINIA

PRELIMINARY

REVISIONS:  
REVISED 5/14/15 FOR COMMENTS FROM NELSON COUNTY PLANNING MEETING

FILE #2675-0
CON. #215025
PRO. #215025
CRD. #215025
DATE MARCH 31, 2015
SCALE: 1" = 20'

**SAUNDERS' SURVEYS, INC.**  
329 CRABTREE FALLS HIGHWAY  
ROSELAND, VIRGINIA 22967  
434-277-8574  
www.saunderssurveys.com



# PERMIT APPLICATION:

## Nelson County Department of Planning & Zoning

TO THE ZONING ADMINISTRATOR: Special Use Permit # 2015-03  
application type application number

**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"/> Conditional Rezoning from _____ to _____ |
| <input type="checkbox"/> Subdivision – Preliminary    | <input type="checkbox"/> Site Plan – Preliminary (optional)       |
| <input type="checkbox"/> Subdivision – Final          | <input type="checkbox"/> Site Plan – Final                        |
| <input type="checkbox"/> Major Site Plan              | <input checked="" type="checkbox"/> Special Use Permit            |
| <input type="checkbox"/> Minor Site Plan              | <input type="checkbox"/> Other: _____                             |

- Pursuant to Article 8, Section 1-3-2 of the Nelson County Zoning Ordinance.  
 Pursuant to Section \_\_\_\_\_, Subsection \_\_\_\_\_ of the Nelson County Subdivision Ordinance.

Reason(s) for request: Plan to open a Restaurant with  
dance Hall

*(Please use reverse or attach additional sheet if more space is needed.)*

**2. Applicant(s) and Property Owner(s):**

*(Please provide names of applicants and property owners and indicate applicable title; if applicant is not the property owner, please show relationship, i.e. lessee, contract purchaser, etc.)*

Applicant  Property Owner Name: Jose + Elpidia Gaona  
Mailing Address: 3808 Monacan trail Rd North Garden VA 22959  
Telephone # (434) 825-0104 E-mail Address: ajgona89@ymail.com  
Relationship (if applicable): \_\_\_\_\_

Applicant  Property Owner Name: Joe Lee McEllon  
Mailing Address: 380 Front St, PO Box 395 Lovingson  
Telephone # (434) 263-4411 E-mail Address: Joe.lee.m@att.net  
Relationship (if applicable): None

*(Please attach additional sheet if more space is needed for applicant(s) / property owner(s) info.)*

**3. Location and Characteristics of Subject Property:**

a. Address of property (specific location, route numbers, street names, voting district, etc.):

37 Tanbark Plaza, Lovingson VA. 22949

b. Official tax map number: 58B-A-36 ; 58B-A-37

c. Acreage of property: \_\_\_\_\_

d. Present use: \_\_\_\_\_

e. Present zoning classification: Business (B-1)

f. Zoning classification of surrounding properties: Business (B-1)

4. Names of Adjacent Property Owners: Region ten, family dollar

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

Signature: [Handwritten Signature] Printed Name: Jose Ganna / Elpidia Ganna

Signature: [Handwritten Signature] Printed Name: Joe Lee McClinton

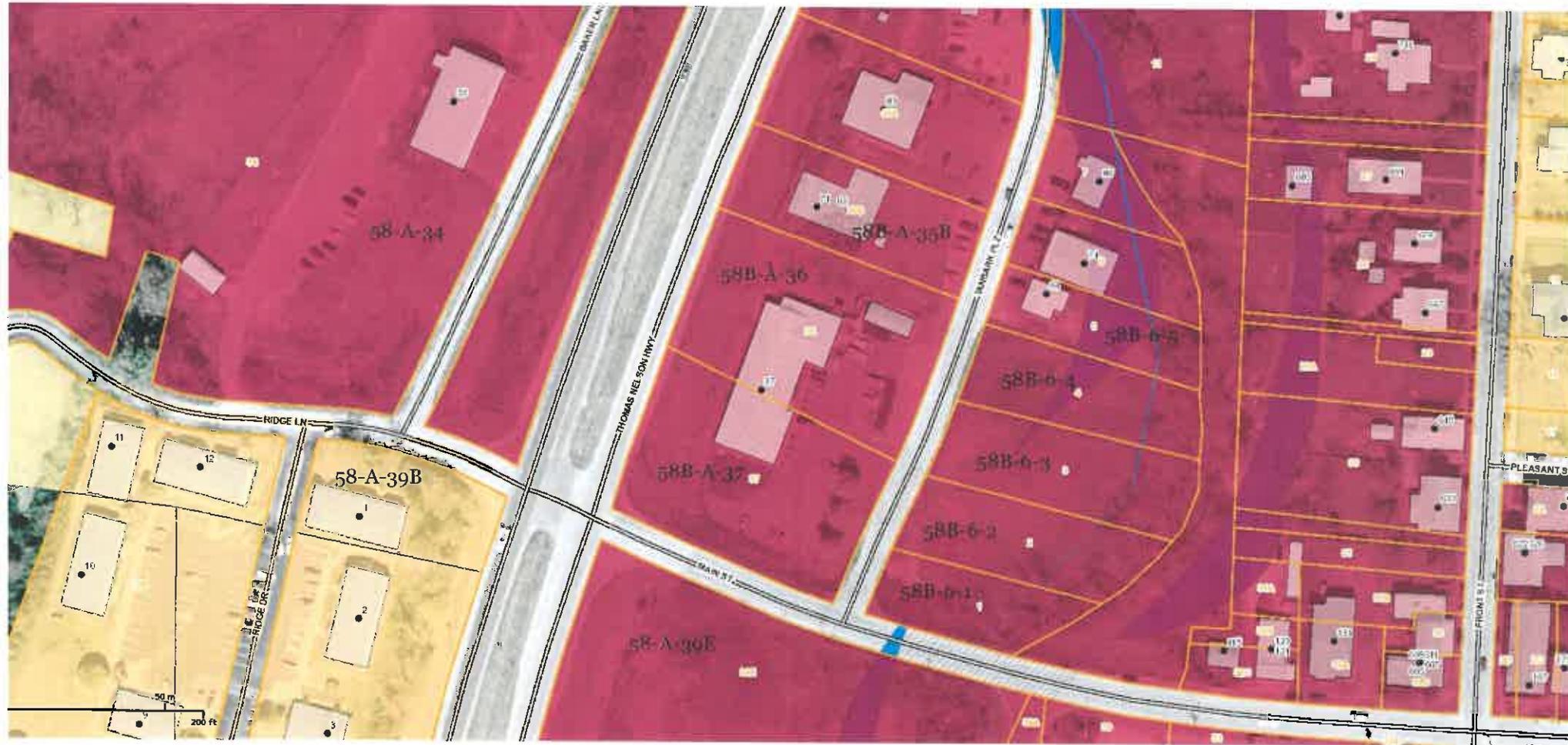
(Please attach additional sheet if more space is needed for applicant(s) / property owner(s) signatures.)

6. Additional information: (Please attach separate sheet for additional details, explanations, etc.)

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 (determined by the actual cost of the ad). This fee will not apply in cases of Planning Commission or Board of Supervisors deferment.

..... TO BE COMPLETED BY PLANNING & ZONING STAFF .....

- o Completed application and fee (\$ 200.00 ) received on 4-24-2015
- o Hearing Notice published on May 14<sup>th</sup> + 21<sup>st</sup>, 2015
- o Planning Commission action: Date of Meeting / Hearing: May 27<sup>th</sup>, 2015
- Recommendation: \_\_\_\_\_
- o Board of Supervisors action: Date of Hearing: \_\_\_\_\_ Date of Decision: \_\_\_\_\_
- Action: \_\_\_\_\_



**Parcel ID**

**\*\*58B-A-37; 58B-A-36**

**ADJACENT PROPERTY OWNERS:**

58B-A-35B

58B-6-5

58B-6-4; 58B-6-3; 58B-6-2; 58B-6-1

58-A-39E

58-A-34

58-A-39B

**\*\*Confirmed with Jean Payne - Parcel ID is #58-A-37; #58-A-36\*\***

**Parcel Address**

71 TANBARK DRIVE

64 TANBARK DRIVE

THOMAS NELSON

53 BAKER LANE

9 RIDGE DRIVE

**Owner Name**

**MCCLELLAN, JOE LEE**

REGION TEN COMMUNITY SERVICES

SAUNDERS LARRY D & CAROLE C

SAUNDERS LARRY D & CAROLE C

PC PARWAY INVEST HOLDINGS LLC

NELSON CO VOLUNTEER FIREMAN ASSOC

LOVINGSTON RIDGE VA LLC



FILE COPY

DEPARTMENT OF  
PLANNING & ZONING

PLANNING COMMISSION  
BOARD OF ZONING APPEALS

June 11, 2015

Dear Property Owner:

The following petition has been made to the Planning Commission (PC) regarding a tract of land adjacent to or near property you own in Nelson County:

**Special Use Permit #2015-03 – “Dance Hall” / Jose & Elpidia Gaona**

*Consideration of a Special Use Permit application seeking approval to operate a “dance hall” pursuant to §8-1-3a of the Zoning Ordinance. Specifically, the applicant wishes to operate a dance hall on Friday nights and Saturday nights, remaining in operation until 2:00AM the following morning(s). The requested dance hall would be co-located with “La Michoacana Authentic Mexican Taqueria & Restaurant” (which is a permissible by-right use, and which received County zoning approval via Planning Commission approval of Minor Site Plan #2015-03 on May 27, 2015). The subject property is owned by Mr. Joe Lee McClellan and is located in Lovingson at 37 Tanbark Place; it is further identified as Tax Map Parcels #58B-A-36 and #58B-A-37 which are zoned Business (B-1).*

This application will be considered at a public hearing conducted by the PC on Wednesday, June 24, 2015 at 7:00 P.M. in the General District Courtroom on the third floor of the County Courthouse, Lovingson. After the PC conducts a public hearing, they will vote to refer the application, with recommendations, to the BOS.

As required by law, this notice is being sent to inform adjoining property owners of this request. If you wish to learn more about this request and/or to comment on it, you may contact and/or visit the Department of Planning & Zoning, and/or attend the meeting(s). Please contact staff with any questions and/or requests for assistance.

Sincerely,

Timothy M. Padalino  
Nelson County Planning & Zoning Director

TMP/svh

Copy to: Jose & Elpidia Gaona  
Joe Lee McClellan

**LEGAL NOTICE**  
**NELSON COUNTY BOARD OF SUPERVISORS**  
**PUBLIC HEARING – SUP #2015-03**

In accordance with Volume 3A, Title 15.2, Counties, Cities and Towns, of the Code of Virginia, 1950, as amended, the Nelson County Board of Supervisors hereby gives notice that a Public Hearing will start at **7:00 p.m., Tuesday, July 14<sup>th</sup>** in the **General District Courtroom** on the third floor of the Nelson County Courthouse located at 84 Courthouse Square, Lovingston, for the following:

**Public Hearing**

**Special Use Permit #2015-03 – “Dance Hall” / Jose & Elpidia Gaona**

Consideration of a Special Use Permit application seeking approval to operate a “dance hall” pursuant to §8-1-3a of the Zoning Ordinance. Specifically, the applicant wishes to operate a dance hall on Friday nights and Saturday nights, remaining in operation until 2:00AM the following morning(s). The requested dance hall would be co-located with “La Michoacana Authentic Mexican Taqueria & Restaurant” (which is a permissible by-right use, and which received County zoning approval via Minor Site Plan #2015-03 on May 27, 2015). The subject property is owned by Mr. Joe Lee McClellan and is located in Lovingston at 37 Tanbark Place; it is further identified as Tax Map Parcels #58B-A-36 and #58B-A-37 which are zoned Business (B-1).

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