

AGENDA
NELSON COUNTY BOARD OF SUPERVISORS
November 13, 2014
THE REGULAR MEETING CONVENES AT 2:00 P.M.
IN THE GENERAL DISTRICT COURTROOM
AT THE COURTHOUSE IN LOVINGSTON

- I. Call to Order**
 - A. Moment of Silence
 - B. Pledge of Allegiance

- II. Consent Agenda**
 - A. Resolution – **R2014-76** Minutes for Approval
 - B. Resolution – **R2014-77** COR Refunds
 - C. Resolution – **R2014-78** FY15 Budget Amendment
 - D. Resolution – **R2014-79** Approval of Job Description- Registrar
 - E. Resolution – **R2014-80** Authorization for Administrative Planning & Zoning Review and Approvals

- III. Public Comments and Presentations**
 - A. Public Comments
 - B. VDOT Report
 - C. Presentation – Architectural Partners, Courthouse Project Status (J. Vernon)

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

- V. Reports, Appointments, Directives, and Correspondence**
 - A. Reports
 - 1. County Administrator’s Report
 - 2. Board Reports
 - B. Appointments
 - C. Correspondence
 - 1. Rappahannock County BOS, re: Celebrate Shenandoah
 - 2. VDOT, Virginia Byway Designation - U.S. Route 60 “Midland Trail”
 - 3. Nelson County Emergency Services Council – Medical Oxygen Plan
 - D. Directives

- VI. 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 – DHCD Community Development Block Grant – Local Innovation Grant Project Consideration of proposed Local Innovation Grant Project to install a total of approximately 8.1 miles of fiber optic cable in conduit. Information will be provided on projected beneficiaries, including the number of low-and-moderate income residents to benefit from the proposed project. Citizens will also be given the opportunity to comment on Nelson County’s past use of CDBG funds. **(R2014-81)**

B. Public Hearing - Special Use Permit #2014-007 – St. Mary’s Catholic Church / Reverend Daniel Kelly Consideration of a Special Use Permit application seeking approval to add a new section to the historic Lovington Gap Cemetery pursuant to §4-1-11a of the Zoning Ordinance. The subject property is identified as Tax Map Parcel #58-A-31F, located in Lovington. This is a 16.5-acre parcel zoned Agricultural (A-1), and is owned by Bishop Francis X. Dilorenzo, Bishop of the Catholic Diocese, St. Mary’s Church.

- IV. Joint Meeting with the Nelson County School Board
- V. Other Business (As May Be Presented)
- VI. Adjournment

**RESOLUTION R2014-76
NELSON COUNTY BOARD OF SUPERVISORS
APPROVAL OF MEETING MINUTES
(October 14, 2014 & October 30, 2014)**

RESOLVED, by the Nelson County Board of Supervisors that the minutes of said Board's meetings conducted on **October 14, 2014 & October 30, 2014** be and hereby are approved and authorized for entry into the official record of the Board of Supervisors meetings.

Approved: November 13, 2014

Attest: _____, Clerk
Nelson County Board of Supervisors

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Virginia:

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

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

Absent: None

I. Call to Order

Ms. Brennan called the meeting to order at 2:10 PM, with all Supervisors present to establish a quorum.

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

II. Proclamation P2014-06 - October Proclaimed Domestic Violence Awareness Month

Ms. Brennan read the proclamation aloud and then noted that Nelson County did have a Domestic Violence Task Force in place. She added that she attended the first Festival of Hope in celebration of these volunteers. She noted that in addition to education, they were providing counseling services and would like to create a shelter in the county.

Mr. Hale then moved to approve Proclamation **P2014-06**, proclaiming October as Domestic Violence Awareness Month and Mr. Bruguire seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion and the following proclamation was adopted:

**PROCLAMATION P2014-06
NELSON COUNTY BOARD OF SUPERVISORS
PROCLAIMING OCTOBER AS DOMESTIC VIOLENCE AWARENES MONTH**

WHEREAS, violence against women, children, and men continues to become more prevalent as a social problem in our society; and

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WHEREAS, the problems of domestic violence are not confined to any group or groups of people but cross all economic, racial and societal barriers, and are supported by societal indifference; and

WHEREAS, the crime of domestic violence violates an individual's privacy, dignity, security, and humanity, due to systematic use of physical, emotional, sexual, psychological and economic control and/or abuse, with the impact of this crime being wide-ranging; and

WHEREAS, in our quest to impose sanctions on those who break the law by perpetrating violence, we must also meet the needs of victims of domestic violence who often suffer grave physical, psychological and financial losses; and

WHEREAS, it is victims of domestic violence themselves who have been in the forefront of efforts to bring peace and equality to the home; and

WHEREAS, no one person, organization, agency or community can eliminate domestic violence on their own—we must work together to educate our entire population about what can be done to prevent such violence, support victims/survivors and their families, and increase support for agencies providing services to those community members; and

WHEREAS, the Shelter for Help in Emergency has led the way in the Nelson County in addressing domestic violence by providing 24-hour hotline services to victims/survivors and their families, offering support and information, and empowering survivors to chart their own course for healing; and

WHEREAS, the Shelter for Help in Emergency commemorates its 35th year of providing unparalleled services to women, children and men who have been victimized by domestic violence;

NOW THEREFORE, BE IT RESOLVED, in recognition of the important work being done by the Shelter for Help in Emergency, the Nelson County Board of Supervisors, do hereby proclaim the month of October 2014 as DOMESTIC VIOLENCE AWARENESS MONTH, and urge all citizens to actively participate in the scheduled activities and programs sponsored by the Shelter for Help in Emergency, and to work toward the elimination of personal and institutional violence against women, children and men.

III. Consent Agenda

Ms. Brennan noted the consent agenda items for consideration and Mr. Carter advised that a revised budget amendment had been provided that accurately reflected the transfer amount for the re-chassis of the ambulance.

Mr. Hale added that he would like to note a correction to the September 9, 2014 minutes presented for approval. He asked that the minutes reflect that a new flagpole and flag were

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donated by the Woodmen of the World to the Faber Fire Department. The Board's consensus was to accept the revision and it was so noted by Ms. McGarry.

Mr. Hale then moved to approve the consent agenda including the aforementioned correction to the September 9, 2014 minutes 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 resolutions were adopted:

A. Resolution – **R2014-68** Minutes for Approval

RESOLUTION R2014-68
NELSON COUNTY BOARD OF SUPERVISORS
APPROVAL OF MEETING MINUTES
(September 9, 2014)

RESOLVED, by the Nelson County Board of Supervisors that the minutes of said Board's meeting conducted on **September 9, 2014** be and hereby are approved and authorized for entry into the official record of the Board of Supervisors meetings.

B. Resolution – **R2014-69** COR Refunds

RESOLUTION R2014-69
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>
\$25.76	2013 PP Tax	Peggy Weikle 17833 Thomas Nelson Hwy Faber, VA 22938
\$142.36	2012-2013 PP Tax & Vehicle License Fee	James R. Giles 1455 Horseshoe Rd. Arrington, VA 22922

C. Resolution – **R2014-70** FY15 Budget Amendment

RESOLUTION R2014-70
NELSON COUNTY BOARD OF SUPERVISORS
AMENDMENT OF FISCAL YEAR 2014-2015 BUDGET

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**NELSON COUNTY, VA
October 14, 2014**

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

I. Appropriation of Funds (General Fund)

<u>Amount</u>	<u>Revenue Account (-)</u>	<u>Expenditure Account (+)</u>
\$ 1,499.00	3-100-009999-0001	4-100-021040-3025
\$ 4,494.00	3-100-003303-0008	4-100-031020-3031
<u>\$ 12,395.00</u>	3-100-003303-0008	4-100-031020-3032
\$ 18,388.00		

II. Transfer of Funds (General Fund)

<u>Amount</u>	<u>Credit Account (-)</u>	<u>Debit Account (+)</u>
\$ 3,000.00	4-100-999000-9905	4-100-091050-7011
<u>\$112,453.00</u>	4-100-999000-9905	4-100-091050-7085
\$115,453.00		

D. Resolution – **R2014-71** Amendment of County Technology Use Policy

**RESOLUTION R2014-71
NELSON COUNTY BOARD OF SUPERVISORS
AMENDMENT OF THE NELSON COUNTY TECHNOLOGY USE POLICY**

WHEREAS, the Code of Virginia was amended to add § 15.2-1505.2. Personnel policies related to the use of public property. Every locality, with the exception of towns having a population of less than 3,500 that do not have a personnel policy, shall establish personnel policies covering the use of public property by officers and employees of the locality. Such policies shall address the use of telephones, computers, and related devices and peripheral equipment that are the property of the locality for (i) personal use, to the extent that such use interferes with the employees' productivity or work performance, or (ii) political activities. As used in this section, "political activities" shall have the same meaning as provided in § 15.2-1512.2.

WHEREAS, the Nelson County Technology Use Policy does not sufficiently address Virginia Code § 15.2-1505.2; and

WHEREAS, proposed amendments incorporate county provided cell phones and more specifically define "political activities" pursuant to the Code of Virginia § 15.2-1512.2.

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NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Nelson County, Virginia that the Nelson County Technology Use Policy be amended as attached. The full policy text is hereby incorporated by reference as a part of this resolution.

NELSON COUNTY TECHNOLOGY USE POLICY
AS REVISED October 14, 2014

Policy Statement

The County of Nelson expects all technology users to use County resources in a responsible and ethical manner as outlined in the policies herein. County technology refers to County owned computers, computer network, Internet, and telephone network which is inclusive of county provided cell phones. These policies apply to all employees who are granted access to the County's computers, computer network; including Internet and E-mail, the County's telephone network, and county provided cell phones. Access to these systems is provided at the County's discretion. The use of the County's technology systems by an employee or other user constitutes acceptance of and consent to the provisions of this policy. Any violations of these policies shall be reported to the County Administrator or designee and may be subject to disciplinary action up to and including dismissal.

Prohibited Technology Activities/Uses

- Accessing, downloading, printing, storing, sending or knowingly receiving information with sexually explicit content.
- Downloading or transmitting fraudulent, threatening, obscene, intimidating, defamatory, harassing, discriminatory, or otherwise unlawful messages or images;
- Installing or downloading computer software, programs, or executable files contrary to policy;
- Uploading or downloading copyrighted materials, or proprietary County information;
- Uploading or downloading access-restricted County information contrary to policy or in violation of County policy
- Sending E-mail using another's identity, an assumed name, or anonymously;
- Permitting a non-user to use for purposes of communicating the message of some third party individual or organization;
- Certain use of cell phones while driving as provided in section IV-A;
- Any other activities designated as prohibited by the County.

Limited Personal Use of Technology

Limited personal use of County technology is permitted provided that such use does not:

- Interfere with County of Nelson operations
- Generate incremental identifiable costs to the County,
- Negatively impact the user's job performance,
- Involve other employment, the operation of a personal business, or other similar commercial or business activities Involve creating, sending, knowingly receiving, storing or recording any sexually oriented or explicit, obscene, offensive, slanderous or ill-considered messages, documents or images.
- Solicit or promote religious causes

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- Solicit, promote or otherwise involve political activities as defined by the Code of Virginia § 15.2-1512.2.C.
- Violate the County codes of conduct, regulations, policies or laws

Computer/Network Use

Employees are given access to County computers/network/cell phone data plans to facilitate the efficient performance of County business.

Security

Employees are required to protect their individual identities on County computers with confidential passwords in order to maintain the integrity of the user's identity and the County's network. Users will be held responsible for all activities on their user IDs or, where applicable, that originates from their assigned computer. The County reserves the right to require disclosure of users' passwords when deemed necessary.

Users are expected to lock or sign-off of their assigned computers when away from their work stations for extended periods of time. Users should not post or leave their passwords in an easily accessible place. Users should only access those County programs for which they are authorized. Any unauthorized access is strictly prohibited and may be subject to disciplinary action.

Dial-up access to the County's computer network is strictly prohibited unless authorized by the County Administrator. Disclosure of network system information to unauthorized parties is strictly prohibited.

Downloading

Employees are expected to use virus checking software before downloading files or programs from the Internet, newsgroups, bulletin boards, other online services or opening files attached to e-mails from unknown sources. Viruses may cause damage to County computers or the County's network. If you suspect that a virus has been introduced into the County's network, notify the County Administrator or designee immediately.

Users shall refrain from downloading E-mail from online service providers other than nelsoncounty.org (e.g. AOL, CEVA, etc.) to County computers. Any mail processed through a service provider other than nelsoncounty.org shall be viewed using the provider's web interface (web-mail). Downloading of mail and/or attachments from other service providers to County computers, bypasses automatic antivirus scanning and quarantine services and places potentially harmful material directly on the user's machine.

Software

Users of County computers are expected to use only legal versions of copyrighted software in compliance with the vendor license requirements.

Only computer software programs and hardware (including accessories) supplied by the County are to be installed in County computers, unless otherwise authorized by the County Administrator or designee.

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This includes, but is not limited to, software used to access outside Internet Service Providers, (ISPs) such as AOL, without permission. Computer data files are not to be removed from County premises except as specifically authorized and computer software programs are not to be copied.

Computer and Cell Phone Purchases

Purchases of computers and cell phones for County use shall be coordinated with the County Administrator or designee. This is to ensure that the County utilizes any Government contract pricing that is available and that computer specifications and software packages are compatible with the County's computer network.

Technical Difficulties

Any computer malfunction must be reported to the County Administrator or designee immediately. Employees must not try to solve computer problems unless they are of a routine nature. If you suspect that a virus has been introduced into the County's network, notify the County Administrator or designee immediately.

Employee Rights

Employees should have no expectation of privacy in anything they create, store, send or receive using the County's computer equipment/network or cell phones and expressly waive any rights to privacy. The County has the right to monitor and log any and all aspects of its equipment and networks including, but not limited to, monitoring Internet sites visited by users, monitoring chat and newsgroups, file downloads, and all communications sent and received by users. Any and all programs and files stored on a County owned computer/cell phone is deemed property of the County.

Internet Use

Employees are given access to the Internet to facilitate the efficient performance of County business. The term "Internet" refers to the World Wide Web, list-servers, USENET news groups, Internet chat rooms, and other Internet resources and services.

Inappropriate Websites

Given the global nature of the Internet, users may encounter material that is inappropriate, offensive and in some cases illegal. Users are responsible for ensuring that any websites visited and any material reviewed or downloaded from the Internet is in accordance with this policy. Any inadvertent inappropriate site visits or encounters of inappropriate material by users, should be reported to their supervisor.

Employee Rights

Employees should have no expectation of privacy in anything they create, store, send or receive using the County's Internet access and expressly waive any rights to privacy. The County has the right to monitor and log any and all aspects of its computer system including, but not limited to, monitoring Internet sites visited by Users, monitoring chat and newsgroups, file downloads, and all communications sent and received by users across the World Wide Web. The County reserves the right to utilize software that makes it possible to

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identify and block access to Internet sites containing sexually explicit or other material deemed inappropriate in the workplace.

Restrictions on Internet Use

The County of Nelson reserves the right to restrict or deny the use of its computing and network systems to access Internet resources in response to alleged evidence of violations of County policies or codes, state or federal laws, or contractual obligations

Electronic Mail (E-mail) Use

Employees are given access to County E-mail to facilitate the efficient performance of County business. Limited personal use is permitted as provided above. However, users employing the County's E-mail system for personal use must present their communications in such a way as to be clear that the communication is personal and is not a communication of the County. Keep in mind that E-mail containing the County's domain address __@nelsoncounty.org may be perceived as reflecting on the character and professionalism of the County organization.

Expectations

All County employees that have been identified as a user on the County's computer network have been given an E-mail account. It is expected that all users will access their account at least daily to ensure receipt of E-mail messages that may be vital in the performance of their duties. Failure to do so is unacceptable and may be subject to disciplinary action should malfeasance of duty result.

Security

Employees are expected to protect their individual identities on the County E-mail system with confidential passwords, in order to maintain the integrity of the user's identity. Users will be held responsible for all E-mail activities on their user IDs or, where applicable, that originates from their assigned computer. The County reserves the right to require disclosure of E-mail passwords when deemed necessary. Users are expected to lock or sign-off of their assigned computers when away from their work stations for extended periods of time. Any misrepresentation or masking of one's identity on the County's E-mail system will be grounds for disciplinary action.

E-mail Attachments

Users must exercise caution when opening E-mail that contains file attachments. Never open any E-mails or attachments from unknown sources.

E-mail Etiquette

Identify yourself clearly and accurately in all electronic communications. Concealing or misrepresenting your name or affiliation to dissociate yourself from your communication is never appropriate. Respect and maintain the integrity of the original author. Alteration of the source of electronic mail, message, or posting is unethical and possibly illegal. Use care that your use of E-mail does not damage or place excessive load on E-mail or other County resources. Refrain from sending chain mail (which is illegal) and junk mail (mass mailing unrelated to County business and unlikely to be wanted by the majority of recipients). The

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use of broadcast mail (sending the same note to groups of employees) places stress on the E-mail system. It should be used selectively for compelling mission-related reasons only.

Users are encouraged to utilize the “Out of Office” reply function when out of the office for extended periods of time; that indicates who to contact if immediate assistance is needed and your expected return date. This will ensure that business needs will be met in your absence. Users should use the same care in drafting E-mail and other electronic documents as they would for other written communications. Electronic records may be subject to Freedom of Information Act (FOIA) and, therefore available for public distribution.

E-Mail Management/Retention

Use of E-mail archiving is strongly encouraged in order to maintain optimal functionality of the County’s E-mail server. E-Mail messages older than 1 year may be automatically purged from the system. Deletion schedules will be determined by the County Administrator or designee and communicated before automatic purging occurs.

Outside E-mail Accounts

Use of outside E-mail accounts such as AOL, Hotmail, and Ceva.net etc. for County business or personal use is strictly prohibited unless otherwise authorized by the County Administrator. The cost of any authorized outside E-mail accounts will be the responsibility of the authorized user. Any and all electronic messages created with outside E-mail accounts, sent and received by users of the system, through outside E-mail accounts and/ or stored within the hardware and software systems administered by the County, are the property of the County and are therefore not considered private.

Employee Rights

Employees should have no expectation of privacy in anything they create, store, send or receive using the County’s E-mail system and expressly waive any rights to privacy. The County has the right to monitor and log any and all aspects of its E-mail system including, but not limited to, all electronic messages created with, sent and received by users of the system and/ or stored within the hardware and software systems administered by the County. Users do not have a personal privacy right in using the E-mail system.

Monitoring of E-mail

The County reserves the right to monitor all aspects of the County’s E-mail system. It is a violation, however for any user to use the E-mail and computer systems for purposes of satisfying idle curiosity about the affairs of others, and/or with no substantial business purposes for obtaining access to the files or communications of others.

The contents of electronic mail properly obtained by monitoring, for legitimate business purposes, may be disclosed within the County organization without the permission of the user. However, any internal disclosure without the consent of the employee who sent the message should be limited to those who have need for access to the information.

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Upon leaving employment with the County for any reason, a user's mail file may be accessed for the purpose of saving those messages that pertain to County business. These files may be subject to transfer to another user if necessary.

Phone Network/System Use

Employees are given access to the County phone network and county provided cell phones to facilitate the efficient performance of County business.

Expectations

All County employees that have been identified as a user on the County's phone network have been given a station/User ID with a corresponding voice mail box. It is expected that all users will access their voice mailbox as needed and in a timely manner, to ensure receipt of voice mail messages that may be vital in the performance of their duties. Failure to do so is unacceptable and may be subject to disciplinary action should malfeasance of duty result.

All County employees whose job responsibilities include driving and who must use a cell phone for business use, are banned from text messaging while driving. All County employees who are operating a county vehicle requiring a commercial driver's license (CDL) are prohibited from using cell phones (personal or county provided) or text messaging while driving. Employees who are charged with traffic violations resulting from the use of their phone while driving will be solely responsible for all liabilities that result from such actions.

Phone System Etiquette

Users are encouraged to record or activate an "Out of Office" voice mail greeting when out of the office for extended periods of time; that indicates who to contact if immediate assistance is needed and your expected return date. This will ensure that business needs will be met in your absence.

Transferring Calls

Most users are grouped individually under a main department number. When transferring outside calls, transfer them to the group's main department number and not to an individual's extension. This will avoid inadvertently giving the public a person's direct line number, when it is not desirable and will provide for effective call handling according to each Department's needs.

Employee Rights

Employees should have no expectation of privacy in anything they create, store, send or receive using the County's phone system or county provided cell phones and expressly waive any rights to privacy. The County has the right to monitor and log any and all aspects of its phone system including, but not limited to, all messages created with, sent and received by users of the system and/ or stored within the hardware and software systems administered by the County. Users do not have a personal privacy right in using the County's phone system.

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All employer provided cell phones are provided for non-compensatory business reasons, and as such are excludable from an employee's income as a *de minimis* fringe benefit (Internal Revenue Service Publication 15-B).

Monitoring of Phone Network

The County reserves the right to monitor all aspects of the County's phone system inclusive of county provided cell phones. It is a violation, however for any user to use the phone system for purposes of satisfying idle curiosity about the affairs of others, and/or with no substantial business purposes for obtaining access to the communications of others. The contents of voice mail properly obtained by monitoring for legitimate business purposes may be disclosed within the County organization without the permission of the user. However, any internal disclosure without the consent of the employee should be limited to those who have need for access to the information.

Upon leaving employment with the County for any reason, a user's voice mail file may be accessed for the purpose of saving those messages that pertain to County business. These files may be subject to transfer to another user if necessary.

The County also reserves the right to utilize software that tracks call volume on the telephone network, including incoming and outgoing calls and specific call data.

Technical Difficulties

Any telephone malfunction must be reported to the County Administrator or designee immediately. Employees must not try to solve telephone problems unless they are of a routine nature.

NELSON COUNTY TECHNOLOGY USE POLICY ACCEPTANCE

I have been given a copy of the Nelson County Technology Use Policy and I understand that it is my responsibility to read and abide by this policy. If I have any questions about this policy, I understand that I should ask my supervisor or the County Administrator or designee for clarification.

If I do not sign this acceptance, my supervisor will be asked to initial this form indicating that a copy has been given to me and that this statement has been read to me. Failure to sign this acceptance, however does not exempt me from the policies outlined herein. I acknowledge that use of County technology constitutes acceptance of these policies.

EMPLOYEE'S NAME: _____

SIGNATURE: _____

DATE: _____

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E. Resolution – **R2014-72** Recognition of Virginia Artisan Week

**RESOLUTION R2014-72
NELSON COUNTY BOARD OF SUPERVISORS
RECOGNITION OF VIRGINIA ARTISAN WEEK
OCTOBER 3RD- OCTOBER 12TH 2014**

WHEREAS, the culture of the Virginia artisan inspires appreciative audiences for its unique work and distinctive way of life; and,

WHEREAS the production and use of handmade arts and artisan agricultural products invoke an intimate lifelong relationship of value and appreciation for the work of highly skilled individuals; and,

WHEREAS, Virginia’s artisans link past, present and future as they reconcile “meaning” with “making” through traditional practices and innovations; and,

WHEREAS the state of Virginia currently hosts 27 community-connected and developing artisan trails representing 40 counties and 11 cities across the Commonwealth that are strengthening our economy through a connective community Artisan Trail Network; and,

WHEREAS, the Virginia’s artisan industry, comprises an estimated 4,500 businesses, to include but not limited to individual studios, farms, aquaculture, art venues, market venues and supporting cultural sites in both the private and nonprofit sector ; and,

WHEREAS, artisans and agricultural artisans contribute significantly to strong local and creative economies; and,

WHEREAS, the creative economy is an effective avenue toward entrepreneurial opportunities and the diversification of local economies undergoing transition; and,

WHEREAS, artisan education research shows that the arts help to foster discipline, creativity, imagination, self-expression, and problem solving skills while also helping to develop a heightened appreciation of beauty and cross-cultural understanding; and,

WHEREAS, many artisan acquired skills are transferrable into Virginia’s manufacturing and trade-based workforce; and,

WHEREAS, artisans and agricultural artisans are integrated into every aspect of life in Virginia -- strengthening the economy, enriching civic life, driving tourism, and exerting a profound positive influence on the education of our children;

NOW THEREFORE BE IT RESOLVED that the Nelson County Board of Supervisors recognizes the week of October 3-12, 2014 as “Virginia Artisan Week”.

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F. Resolution – **R2014-73** Change of November Regular Meeting Date

RESOLUTION R2014-73
NELSON COUNTY BOARD OF SUPERVISORS
RESCHEDULING OF NOVEMBER 2014 REGULAR MEETING

WHEREAS, the Nelson County Board of Supervisors hereby establishes that an alternate date for the Board’s regular monthly meeting on **November 11, 2014** is necessary due to the attendance of some members of said governing body at the annual conference of the Virginia Association of Counties through November 11, 2014;

NOW THEREFORE BE IT RESOLVED, by the Nelson County Board of Supervisors pursuant to §15.2-1416 (Regular meetings) of the Code of Virginia that the regular meeting of the Board on **Tuesday, November 11, 2014** be and hereby is rescheduled to **Thursday, November 13, 2014**.

IV. Public Comments and Presentations

A. Public Comments

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

B. Presentation – David Blount, 2015 TJPDC Legislative Program
(R2014-74)

Mr. Blount noted the following legislative priorities that were included in the program for approval:

- 1) State Mandates and Funding Obligations
- 2) Public Education Funding
- 3) Transportation Funding and Devolution
- 4) Water Quality
- 5) Land Use and Growth Management

He added that second section of the program contained policy positions in ten (10) other areas that related to these priorities and also contained specific requests that came in from localities.

Mr. Blount noted that he saw the top priority doing a couple of things. He noted that it offered an alternative to legislators to broaden the state’s revenue base and secondly, it provided a basis for some dialogue to look at the changing economy.

Mr. Blount then noted that the plan contained new statements related to the current budget situation, namely the reinstatement of a reduction in aid to localities for FY15 and FY16. He noted that there was a statement to reverse this position. He noted that the state has suggested that reductions were pretty heavy in the areas of CSA and Compensation Board.

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Mr. Blount then noted that the Transportation section again expressed opposition to devolution and the Water Quality section focused on environmental quality.

Mr. Blount then noted that he would be visiting all localities in October and getting their Board's approval and the Program would be distributed to local governments and legislators.

He then noted that the PDC would be holding the Legislative Forum on Wednesday October 29th at the Albemarle County Office Building South, which was located off of 5th Street. He noted that they needed a larger space to accommodate the invited School Board Members and Superintendents.

Mr. Bruguieri inquired if there was a way to not water this down but to have a contingency in place for when the state reduced funding. Mr. Blount noted that the program requests that the state not hurt localities with changing formulas and holding local governments harmless in K-12 education. He added that he recommended that they keep the language broader which provided for more flexibility in advocating for localities with the legislators. He added that they would have to find over \$250 Billion dollars in reductions this fiscal year so they would have to go after large pots of money. He added that localities would have the option as to how to take the cuts or write a check back.

Mr. Hale then inquired as to the history of counties not having equalized revenue abilities and what resolution to this had been proposed in the past. Mr. Blount noted that historically, the perception or reality of the time was that urban centers provided more intense services that cost more money. He noted that as counties grow, the need and demand for these services has increased and there has been no recognition of this by the State. He added that studies have been conducted and have recommended that there was no rational basis for this difference and that it should be equalized. Mr. Blount noted that legislation related to this was similar looking every year; however there has been no traction and it has gone nowhere. He added that this is typically viewed as a tax increase.

Mr. Blount and members discussed if this has been presented by legislators and Mr. Carter noted it has been on the table since 1989 with no success. Mr. Blount added that it has had different looks over the years with no difference in reception; however it was important to make the stand in order to have the discussion. He noted that the state cannot continue to have local tax dollars make up the shortfall in state funding for what they should be paying for.

Mr. Hale noted that it should be viewed as diversifying revenue not as a tax increase. Mr. Blount added that this amounted to meals, lodging, and admission taxes.

Mr. Bruguieri then moved to approve Resolution **R2014-74** Approval of 2015 Thomas Jefferson Planning District Legislative Program and Mr. Saunders seconded the motion.

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

October 14, 2014

**RESOLUTION R2014-74
NELSON COUNTY BOARD OF SUPERVISORS
APPROVAL OF 2015 THOMAS JEFFERSON PLANNING DISTRICT
LEGISLATIVE PROGRAM**

RESOLVED, by the Nelson County Board of Supervisors that the 2015 Thomas Jefferson Planning District Legislative Program be and hereby is approved by said governing body with the legislative program to serve as the basis of legislative positions and priorities of the member localities of the Thomas Jefferson Planning District Commission for the 2015 Session of the Virginia General Assembly, with amendments presented by Mr. Blount on October 14, 2014 as well as incorporation of the recommendations put forth by the Board as applicable.

The adopted Legislative plan is as follows:

**2015
Thomas Jefferson Planning District Legislative Program
Representing the Local Governments of:
Albemarle County City of Charlottesville Fluvanna County, Greene County
Louisa County, and Nelson County
October 2014
Allen Hale, Chairman Chip Boyles, Executive Director
David Blount, Legislative Liaison**

TOP PRIORITY and LEGISLATIVE REQUEST

EQUALIZED REVENUE AUTHORITY

The Planning District localities urge the governor and legislature to equalize the revenue-raising authority of counties with that of cities.

Background:

Over the years, national economic conditions, increased federal and state requirements, declining aid to localities and increased taxpayer resistance to local levies have challenged local government ability to generate revenues, appropriate funds and set priorities in an attempt to meet the service needs of local citizens. Despite political hurdles, many localities have increased existing taxes and fees, or adopted new ones. Local governments also have taken significant actions to control spending, to include deferring maintenance and capital outlays and reducing their workforces.

Rationale:

A number of State-level studies, dating back as far as the early 1980's, have noted that the differences between city and county taxing authority exist due to historical distinctions in the

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levels of services provided, and that they should be eliminated. This distinction has become less prevalent with increased urbanization and suburbanization, as a growing number of counties now provide levels of services similar to cities. In fact, the State requires cities and counties to deliver, to participate in the delivery of or to fund many services in the areas of education, the environment, human services, public safety, courts and judicial administration, and election administration, among others. Levels of funding, the degree of service responsibility and standards related to delivery of such services often are topics of debate between the State and localities.

Virginia's localities utilize a revenue base that relies largely on the real property tax, which of late, is providing a smaller percentage of local resources (due to slow growth or decline in assessments) and which in the future, likely will not grow commensurate with the needs of the locality. Also affecting the real property base is the extent of tax-exempt property (both government and non-government) within local boundaries.

This proposal essentially removes the caps that currently apply to county authority to levy the meals, lodging and amusement taxes, as well as the requirement that meals taxes in counties be subject to approval by referendum. It stands to help diversify and broaden the revenue base of counties by further reducing dependency on the real property taxes. We further believe that, at a minimum, equalizing revenue authority for counties should be on the table as Virginia examines modernizing its tax system to comport with the realities of a global, information-driven economy, which will rely less on federal and other government spending and more on new, private sector business models. State laws, local ordinances, tax structures, and licenses and regulations will have to be re-evaluated and likely re-shaped without sacrificing the overall quality of government services, including education, public health and public safety.

OTHER LEGISLATIVE PRIORITIES

STATE MANDATES and FUNDING OBLIGATIONS: The Planning District localities urge the governor and legislature to 1) not impose financial or administrative mandates on localities; 2) not shift costs for state programs to localities; and 3) not further restrict local revenue authority.

Locality budgets continue to be challenged by slowly-recovering local revenues, stagnant state funding and additional requirements. While state general fund appropriations have increased by \$2 billion since FY09, state assistance to local government priorities has been taking a backseat to fast growing state Medicaid and debt service expenditures. As the State faces another budget shortfall in the current biennium, we urge policymakers to preserve existing funding formulas rather than altering them in order to save the state money and/or shift costs to localities. The State should undo the across-the-board reductions in aid-to-localities that are helping to balance the state budget.

We oppose unfunded state and federal mandates and the cost shifting that occurs when the state fails to fund requirements or reduces or eliminates funding for state-supported programs. Doing so strains local ability to craft effective and efficient budgets to deliver services mandated by the state or demanded by residents. The State should examine how services are delivered and paid for in the future as a different economy takes hold in Virginia. Finally, the State should not alter or eliminate the BPOL and Machinery and Tools taxes, or divert Communications Sales and Use Tax Fund revenues intended for localities to other uses. Instead, as stated in our top legislative priority, the legislature should broaden the revenue sources available to localities.

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PUBLIC EDUCATION FUNDING: The Planning District localities urge the State to fully fund its share of the realistic costs of the Standards of Quality without making policy changes that reduce funding or shift funding responsibility to localities.

The state will spend about \$5.55 billion on public education in FY15, about 32% of its general fund budget. The level of state funding for FY15 represents a \$250 million increase from FY14, though state per pupil expenditures for FY15 of \$5,035 are still well below the FY09 high of \$5,274 per pupil. Meanwhile, local governments boost education funding by spending over \$3.5 billion more per year than required by the state.

Reductions in state public education dollars the last four to five years have been accomplished mainly through policy changes that are decreasing the state's funding obligations moving forward. The State also made policy changes to the Virginia Retirement System (mandatory teacher 5% for 5%) that increased local costs and did nothing to reduce a \$15 billion unfunded teacher pension liability. Education expenditures are expected to continue increasing, as the percentage of at-risk students continues to rise (they have risen from 26% in 2007 to over 33% in 2013) and VRS contribution rates for teachers, which jumped 24% this biennium, experience additional, albeit smaller, hikes in the coming years.

TRANSPORTATION FUNDING and DEVOLUTION: The Planning District localities urge the State to find additional revenues for secondary/urban construction and for unpaved roads. We oppose any legislation or regulations that would transfer responsibility to counties for construction, maintenance or operation of current or new secondary roads.

We urge the state to restore formula allocations for secondary/urban construction and for unpaved roads, and we support stable and increasing dollars for cities and towns to maintain their roads. Previous legislative changes (2012) authorize \$500 million off the top for Commonwealth Transportation Board priorities before funds are provided to the construction fund. Accordingly, construction funding for secondary and urban roads, suspended in 2010, has not been restored and will continue to be elusive given recent reductions in revenues. State revenues for the current Six-Year Improvement Program are expected to be down nearly \$500 million from the previous plan, which itself fell by more than \$900 million.

We believe that efficient and effective transportation infrastructure, including the secondary road system, is critical to a healthy economy, job creation, a cleaner environment and public safety. Accordingly, we oppose shifting the responsibility for secondary roads to local entities, which could result in vast differences among existing road systems in different localities, potentially placing the state at a competitive economic disadvantage with other states when considering business and job recruitment, and movement of goods.

WATER QUALITY: The Planning District localities support the goal of improved water quality, but as we face mounting costs for remedies, we believe major and reliable forms of financial and technical assistance from the federal and state governments is necessary if comprehensive improvement strategies for local and state waters emptying into the Chesapeake Bay are to be effective.

As local governments are greatly impacted by federal and state initiatives to reduce pollutants into state waters, it is imperative that aggressive state investment in meeting

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required milestones for reducing Chesapeake Bay pollution to acceptable levels occurs. This investment must take the form of authority, funding and other resources to assure success, and must ensure that cost/benefit analyses are conducted of solutions that generate the greatest pollution reductions per dollar spent. This includes costs associated with storm water management, for permitted dischargers to upgrade treatment plants and for any retrofitting of developed areas, and to aid farmers with best management practices.

We also believe that implementation of the Nutrient Trading Act to allow exchange of pollution allocations among various point and nonpoint sources should contain such exchanges within a particular watershed, so as to improve the health of local waters.

LAND USE and GROWTH MANAGEMENT: The Planning District localities encourage the state to provide local governments with additional tools to manage growth, without preempting or circumventing existing authorities.

In the past, the General Assembly has enacted both mandated and optional land use provisions. Some have been helpful, while others have prescribed one-size-fits-all rules that hamper different local approaches to land use planning. Accordingly, we support local authority to plan and regulate land use and oppose legislation that weakens these key local responsibilities.

Current land use authority often is inadequate to allow local governments to provide for balanced growth in ways that protect and improve quality of life. Therefore, we believe the General Assembly should grant localities additional tools necessary to meet important infrastructure needs. These include the following: 1) impact fee and proffer systems that are workable and meaningful for various parties, without weakening our current proffer authority; 2) impact fee authority for costs for facilities other than roads; 3) authority to enact adequate public facility ordinances for determining whether public facilities associated with new developments are adequate; and 4) state funding and incentives for localities, at their option, to acquire, preserve and maintain open space.

LEGISLATIVE POSITIONS and POLICY STATEMENTS

EDUCATION:

The Planning District's member localities believe that state funding for K-12 education in Virginia should be realistic and recognize actual needs, practices and costs; otherwise, more of the funding burden will fall on local taxpayers.

School Division Finances:

- The State should not eliminate or decrease funding for benefits for school employees.
- We support establishment of a mechanism for local appeal of the calculated Local Composite Index to the State.
- We believe that unfunded liability associated with the teacher retirement plan should be a shared responsibility of state and local government.

Literary Fund:

- The State should discontinue seizing dollars from the Literary Fund to help pay for teacher retirement.
- We urge state financial assistance with school construction and renovation needs, including funding for the Literary Loan and interest rate subsidy programs.

FINANCE:

The Planning District's member localities believe the State should refrain from establishing local tax policy at the state level and allow local governments to retain authority over decisions that determine the equity of local taxation policy.

Local revenues:

The State should not confiscate or redirect local general fund dollars to the state treasury, as was done in 2012 when it directed to the Literary Fund, a portion of fines and fees collected at the local level pursuant to the enforcement of local ordinances.

Fiscal Impacts:

We support reinstatement of the "first day" introduction requirement for bills with local fiscal impact.

TOT:

The State should ensure the appropriate collection of transient occupancy taxes from online transactions.

TRANSPORTATION:

The Planning District's member localities recognize that state leaders took a big step in 2013 toward addressing transportation infrastructure needs by approving a transportation funding package that is expected to generate nearly \$800 million per year by 2018, with funding targeted primarily for road maintenance, rail and transit. We urge the State to 1) remain focused on providing sufficient revenues to expand and maintain all

modes of our transportation infrastructure; 2) provide more dedicated revenues for transit and rail operations and capital in order to keep pace with growing public needs and expectations; and 3) provide additional authority to establish mechanisms for funding transit and non- transit projects in our region.

Transportation and Land Use Planning:

- We support ongoing state and local efforts to coordinate transportation and land use planning, and urge state and local officials to be mindful of various local and regional plans when conducting corridor or transportation planning within a locality or region.
- While we opposed closing of VDOT's Louisa residency facilities and support its reopening, we also support the option for the locality to purchase the property if available.

PUBLIC SAFETY:

The Planning District's member localities encourage state financial support, cooperation and assistance for law enforcement, emergency medical care, criminal justice activities and fire services responsibilities carried out locally.

Funding

- We urge the State to make Compensation Board funding a top priority, fully funding local positions that fall under its purview. It should not increase the local share of funding constitutional offices or divert funding away from them, but increase money needed for their operation.
- We support restoration of state funding responsibility for the Line of Duty Act.
- We urge continued state funding of the HB 599 law enforcement program (in accordance with *Code of Virginia* provisions).
- The State should increase funding to the Virginia Juvenile Community Crime Control Act program, which has cut in half the number of juvenile justice commitments over the past decade.
- We support funding for mental health and substance abuse services at juvenile detention centers.

Jails

- The State should continue to allow exemptions from the federal prisoner offset and restore the per diem payment to localities for housing state-responsible prisoners to \$14 per day.
- The State should not shift costs to localities by altering the definition of state-responsible prisoner.

Offender Programs and Services:

- We support continued state funding of the drug court program and the Offender Reentry and Transition Services (ORTS), Community Corrections and Pretrial Services Acts.
- We support continued state endorsement of the role and authority of pretrial services offices.
- We support authorization for the court to issue restricted driver's licenses to persons denied them because of having outstanding court costs or fees.

COMPREHENSIVE SERVICES ACT:

The Planning District localities urge the State to be partners in containing costs of the Comprehensive Services Act (CSA) and to better balance CSA responsibilities between state and local government. Since the inception of CSA in the early 1990's, there has been pressure to hold down costs, to cap state costs for serving mandated children, to increase local match levels and to make the program more uniform by attempting to control how localities run their programs.

CSA

Administration:

We request increased state dollars for local CSA administrative costs, as localities pay the overwhelming majority of costs to administer this shared program. State dollars for administration have not increased since the late 1990's, while at the same time, administrative costs have jumped due to additional data collection and reporting requirements.

Pool Expenditures:

- The State should provide full funding of the state pool for CSA, with allocations based on realistic anticipated levels of need.
- The State should establish a cap on local expenditures in order to combat higher local costs for serving mandated children, costs often driven by unanticipated placements in a locality.
- Categories of populations mandated for services should not be expanded unless the State pays all the costs.

Efficiency:

- The State should be proactive in making residential facilities and service providers available, especially in rural areas.
- In a further effort to help contain costs and provide some relief to local governments, we recommend that the State establish contracts with CSA providers to provide for a uniform contract management process in order to improve vendor accountability and to control costs.

ECONOMIC and WORKFORCE DEVELOPMENT:

The Planning District's member localities recognize economic development and workforce training as essential to the continued viability of the Commonwealth. We support policies and additional state funding that closely link the goals of economic and workforce development and the state's efforts to streamline and integrate workforce activities and revenue sources, and to align workforce supply with anticipated employer demands. We also support state efforts to clearly define responsibilities of state and local governments and emphasize regional cooperation in economic, workforce and tourism development.

Planning District Commissions:

- We support increased state funding for regional planning district commissions.
- We encourage opportunities for planning districts to collaborate with state officials and state agencies on regional program and projects, and support funds for the Regional Competitiveness Act to initiate and sustain such efforts.

Economic Development:

- We support increased state funding for the Industrial Site Development Fund, the Governor's Opportunity Fund and tourism initiatives that help promote economic development.
- We support legislation that dedicates income and sales tax revenues generated by corporations and limited liability companies within an economic development project to such locality in cases where the locality has expended local funds for such project and state grants funds or incentives were not involved.

Broadband:

We encourage continuing state incentives and support for expediting deployment and reducing the cost of broadband technology, particularly in underserved areas.

Agricultural Products and Enterprises:

We encourage state and local governments to work together and with other entities to identify, to provide incentives for and to promote local, regional and state agricultural products and rural enterprises, and to encourage opportunities for such products and enterprises through a balanced approach.

ENVIRONMENTAL QUALITY:

The Planning District's member localities believe that environmental quality should be funded and promoted through a comprehensive approach, and address air and water quality, solid waste management, land conservation, climate change and land use policies. We are committed to protection and enhancement of the environment and recognize the need to achieve a proper balance between environmental regulation and the socio-economic health of our communities within the constraints of available revenues. Such an approach requires regional cooperation due to the inter-jurisdictional nature of many environmental resources, and adequate state funding to support local and regional efforts.

Chesapeake Bay Preservation Act:

We oppose legislation mandating expansion of the Chesapeake Bay Preservation Act's coverage area. Instead, we urge the state to 1) provide legal, financial and technical support to localities that wish to comply with any of the Act's provisions, 2) allow localities to use other practices to improve water quality, and 3) provide funding for other strategies that address point and non-point source pollution.

Water Supply:

The State should be a partner and advocate for localities in water supply development and should work with and assist localities in addressing water supply issues, including investing in regional projects.

Alternate On-Site Sewage Systems:

We support legislative and regulatory action to 1) ensure operation and maintenance of alternative on-site sewage systems in ways that protect public health and the environment, and 2) increase options for localities to secure owner abatement or correction of system deficiencies.

Biosolids:

We support legislation enabling localities, as a part of their zoning ordinances, to designate and/or reasonably restrict the land application of biosolids to specific areas within the locality, based on criteria designed to further protect the public safety and welfare of citizens.

Program Administration:

The State should not impose a fee, tax or surcharge on water, sewer, solid waste or other local services to pay for state environmental programs.

HEALTH and HUMAN SERVICES:

The Planning District's member localities recognize that special attention must be given to developing circumstances under which people, especially the disabled, the poor, the young and the elderly, can achieve their full potential. Funding reductions to community agencies are especially troublesome, as their activities often end up preventing more costly services later. The delivery of health and human services must be a collaborative effort from federal, state and local agencies.

Funding:

- We oppose changes in state funding or policies that increase the local share of costs for human services. We also oppose any shifting of Medicaid matching requirements from the State to localities.
- The State should provide sufficient funding to allow Community Services Boards (CSBs) to meet the challenges of providing a community-based system of care, including maximizing the use of Medicaid funding. We believe children with mental health needs should be treated in the mental health system, where CSBs are the point of entry.
- We support increased investment in the MR waiver program for adults and young people and Medicaid reimbursement for children's dental services.
- We urge full state funding to offset any increased costs to local governments for additional responsibilities for processing applications for the FAMIS program.
- We support sufficient state funding assistance for older residents, to include companion and in-home services, home-delivered meals and transportation.

Social Services:

We support the provision of sufficient state funding to match federal dollars for the administration of mandated services within the Department of Social Services, and to meet the staffing standards for local departments to provide services as stipulated in state law. We believe the current funding and program responsibility for TANF employment services should remain within the social services realm.

Prevention:

We support continued operation and enhancement of early intervention and prevention programs, including school-based prevention programs. This would include the state's program for at-risk four-year-olds and the Child Health Partnership and Healthy Families programs, as well as Part C of the Individuals with Disabilities Education Act (infants and toddlers).

Childcare:

The legislature should provide full funding to assist low-income working and TANF (and former TANF) families with childcare costs. These dollars help working-class parents pay for supervised day care facilities and support efforts for families to become self-sufficient.

HOUSING:

The Planning District's member localities believe that every citizen should have an opportunity to afford decent, safe and sanitary housing. The State and localities should work to expand and preserve the supply and improve the quality of affordable housing for the elderly, disabled, and low- and moderate- income households. Regional planning and solutions should be implemented whenever possible.

Affordable Housing:

We support the following: 1) local flexibility in the operation of affordable housing programs and establishment of affordable dwelling unit ordinances; 2) creation of a state housing trust fund; 3) grants and loans to low- or moderate-income persons to aid in purchasing dwellings; and 4) the provision of other funding to encourage affordable housing initiatives.

Homelessness:

We support measures to prevent homelessness and to assist the chronic homeless.

Historic Structures:

We support incentives that encourage rehabilitation and preservation of historic structures.

Green Buildings:

We encourage and support the use of, and request state incentives for using, environmentally friendly (green) building materials and techniques.

GENERAL GOVERNMENT:

The Planning District's member localities believe that since so many governmental actions take place at the local level, a strong local government system is essential. Local governments must have the freedom and tools to carry out their responsibilities.

Local Government Operations:

- We oppose intrusive legislation involving purchasing procedures; local government authority to establish hours of work, salaries and working conditions for local employees; matters that can be adopted by resolution or ordinance; and procedures for adopting ordinances.

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- We support allowing localities to use alternatives to newspapers for publishing various legal advertisements and public notices.
- We oppose attempts to reduce sovereign immunity protections for localities.

Freedom of Information Act:

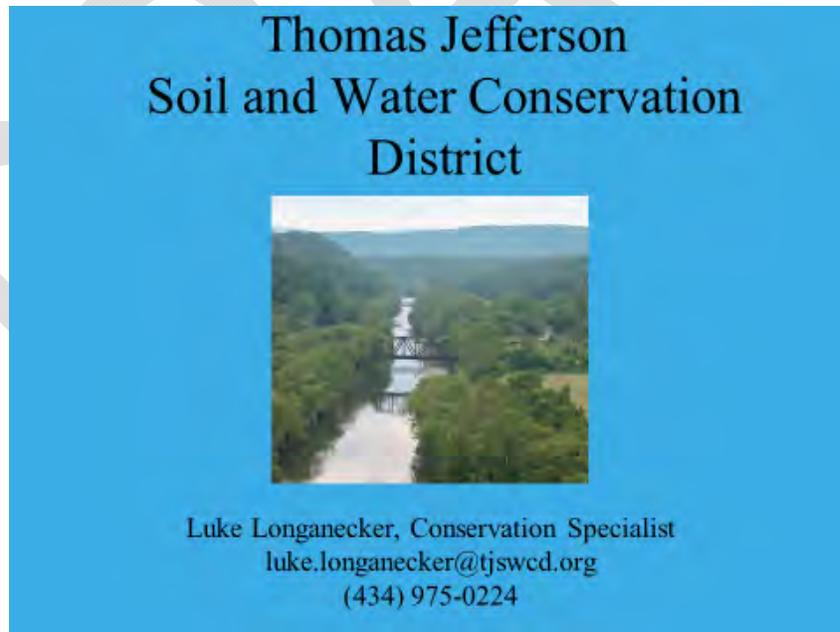
- We request that any changes to the Virginia Freedom of Information Act (FOIA) preserve 1) a local governing body's ability to meet in closed session, 2) the list of records currently exempt from disclosure under FOIA, and 3) provisions concerning creation of customized computer records.
- We support changes to allow local and regional public bodies to conduct electronic meetings as now permitted for state public bodies.

Quality of Life Issues:

- We oppose any changes to state law that further weaken a locality's ability to regulate noise or the discharge of firearms.
- We support expanding local authority to regulate smoking in public places.

C. Presentation – TJSWCD, Nelson County Projects Update (L. Longanecker)

Mr. Longanecker introduced himself as a Conservation Specialist in Nelson County for the Thomas Jefferson Soil and Water Conservation District. He then gave the following PowerPoint presentation:



Thomas Jefferson Soil & Water Conservation District (TJSWCD)



- Counties: Albemarle, Fluvanna, Louisa, Nelson
City: Charlottesville
- Board of Directors (10 elected, 2 appointed)
- Staff of 9 (1 based in Louisa)
- Funding Sources (state, localities, grants)

TJSWCD-Working in Nelson County

- Conservation Easement Program
- VCAP Program
- Erosion and Sediment Control Program
- Education and Outreach Program
- Upper Rockfish TMDL Program
 - Agricultural Programs
 - Residential Septic Programs
- Potential Tye River TMDL Program

Mr. Longanecker noted that right now, their main focus was on the Upper Rockfish TMDL Program and he noted there was potential for the same program on the Tye River.

Easements

How are TJSWCD Easements different than others?

- Water quality
- Small acreages acceptable
- The TJSWCD fills the void



Mr. Longanecker emphasized that their easement program covered smaller acreages whereas the DCR program focus was on larger tracts.

Virginia Conservation Assistance Program (VCAP)

- Conversion of turf grasses to native grasses and trees.



Two VCAP projects were noted at Rockfish Valley Community Center (RVCC) and Blue Ridge Medical Center (BRMC). Mr. Longanecker noted that the projects involved planting native species in these areas that have a longer root system for increased stability.

Erosion & Sediment Control

- Provide site plan review for: Nelson County



- Four certified Combined Administrators on staff

Mr. Longanecker reiterated that their office provides ongoing E&S plan reviews for the County.

Education

Rainbarrel and Raingarden Workshops



Envirothon



Mr. Longanecker noted that the TJSWCD provided local education and outreach, noting that they hosted a community day on rainwater harvesting using rain barrels and rain gardens. He also noted that they sponsored an Envirothon and would like to see some Nelson County participation in the future.

Upper Rockfish TMDL Program

- Listed as impaired 2004
- Received grant January 2014
- Agricultural Funding
 - \$93,000
- Septic Funding
 - \$92,000



Mr. Longanecker noted that the Upper Rockfish River had been designated as impaired from Woods Mill upstream to Brent's Mountain and from Reeds Gap to Afton Mountain. He noted that the E.coli present was attributed to direct access by cattle and failing septic systems. He noted that they had been provided grant funds for cost share assistance to remediate these issues in these areas.

Agricultural Programs

Improve & protect water quality, conserve soil, and promote wise use of all farm resources through voluntary programs



He then noted that they also provided voluntary Agriculture Programs and noted specifically stream exclusion projects. He noted that Nelson landowners were competing with landowners across the District for these funds.

Agricultural Programs

Incentive Funding: State, Local, Grants

- Cost Share Programs
- Tax Credit (Refundable)



Photo courtesy of NRCS

Livestock watering systems and stream fencing

From this ...



To this ...



&



Grazing Land Management

From this ...



To this ...



Appropriate stocking rates

20 acres can hold:

- 8 horses
- 10 cows
- 50 sheep or goats

Mr. Longanecker noted that with incentive funding, they offered money to pay for alternative water sources when livestock was fenced out of creeks and that they could work with farmers on rotational grazing systems.

Riparian Buffers

Natural Flood Control

Streambank Protection

Stream Temperature Moderation

Food Source & Habitat

Refuge & Recreation

Water's Last Defense Against Any
Pollutants Running Off The Land



He noted that TJSWCD would provide funding for the planting of tree buffers along streams.

Residential Septic Programs

- Septic pumpouts
- Septic Repairs
- Septic Replacements
- Alternative Waste Water Treatment Facilities



Mr. Longanecker noted that the Residential Septic Program was part of the Upper Rockfish TMDL program. He added this was a 50% cost share program and if there was a greater financial need, they could prorate the share up to 75%.

Tye River TMDL

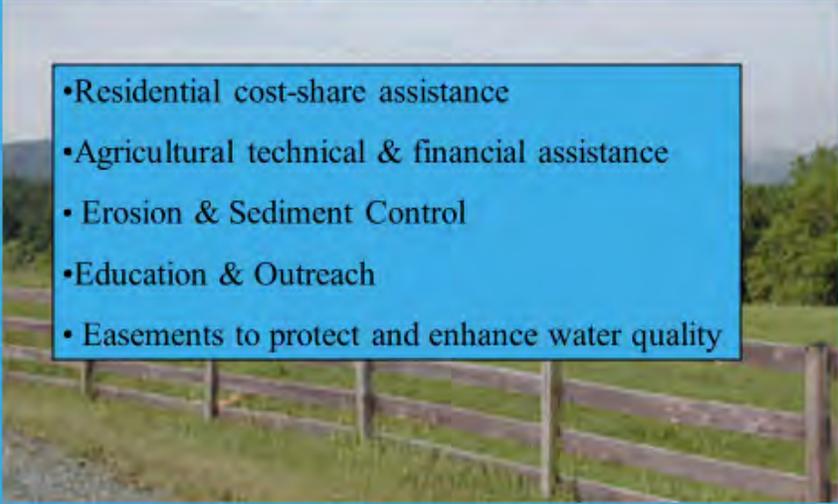
- Listed as impaired for e. coli in 2006
- Implementation plan developed 2014
- Currently in the process of submitting plan for funding



The map shows the Tye River watershed divided into several sub-watersheds, each color-coded: North Tye (purple), Middle Tye (green), South Tye (yellow), and Tye River (orange). It also shows various water quality monitoring points along the river and its tributaries. A legend in the top left corner identifies the symbols for 'Tye River Watershed', 'Sub-watershed', 'Water Quality Monitoring Point', and 'Road'. A scale bar and north arrow are located in the bottom right corner of the map.

Mr. Longanecker noted that a Tye River TMDL program was now in the works and they were working on an implementation plan with DEQ. He added that they would compete for the funding; however this was a large watershed and the program would hopefully happen in the next year.

In Summary.....



- Residential cost-share assistance
- Agricultural technical & financial assistance
- Erosion & Sediment Control
- Education & Outreach
- Easements to protect and enhance water quality



Following his presentation, Mr. Longanecker took questions from the Board.

Mr. Saunders inquired if the cost sharing was for any septic system in the County or just those in the Upper Rockfish area. Mr. Longanecker noted that it was just for those in that area for now, however he was hopeful that the same program would be offered in the Tye River area in the near future. He noted that in that case, that within the next year, they would be able to help most people in county with this program.

Mr. Bruguiere inquired as to whether or not the Health Department could help with this and Mr. Longanecker noted that they did not have the funds; however they did have a lot of referrals from them.

Ms. Brennan inquired if they would do follow up studies on these impaired waters and it was noted that these would be done by DEQ.

Mr. Carter then asked if the funding for these programs were recurring or one time and it was noted that they had a two-year period until December of next year to use the funds; however Mr. Longanecker noted he thought they could get another batch of funding if there was sufficient need.

Mr. Bruguiere noted that he thought the river was cleaning itself over time and Mr. Longanecker agreed that the E.coli was diluted to acceptable levels once it got down to the lower levels of the river.

D. VDOT Report

Mr. Don Austin was present and gave the following report:

October 14, 2014

1. Public hearings on the two turn lane projects were scheduled for that Thursday at 4-6pm at the Rockfish Fire Department.
2. The speed reduction request on 56 west for the Church was being finalized and the recommendation was to not reduce the speed limit in that area. Supervisors noted that they thought that property had been sold to another party and not to the Church that was inquiring about reducing the speed limit for an entrance.
3. The Route 655 speed study was being done.
4. Sight distance at the Route 56 west/ Route 29 South intersection at Colleen has been an issue and the median will be graded down looking back north to give more sight distance. He added that they would have to check utilities there as there may be water and sewer lines buried in the median.
5. Historical Markers – He noted that the state was about to come up with a new program and they were working out whether or not to replace or repair these. He noted that new ones were about \$1,600 and VDOT could fund them this time; however possibly not in the future.
6. The VDOT Boom Ax was in need of repair and this would get done in the next couple of weeks.

Mr. Bruguiere and Mr. Harvey had no VDOT issues to discuss.

Mr. Saunders noted that he had received a call from Reverend Rose in Wingina about lowering the speed limit from the Route 56 east Fire Dept. to Wingina.

Mr. Saunders asked if the trees could be cut down at the intersection of 56 E and Findlay Mountain Road. Mr. Austin noted he would check to see if they were in the VDOT right of way.

Mr. Hale commented that the new bridge at Stagebridge Rd. was very nice.

Ms. Brennan inquired as to whether or not VDOT owned all of the land at Nelson Wayside and Mr. Austin noted they did. She then inquired who the County would have to go through in order to install a boat ramp into the Rockfish River there. Mr. Austin noted that they would probably need to go through VDOT and probably the Department of Game and Inland Fisheries (DGIF). He added that they may have a program for this and the County should check on this.

E. Presentation – Architectural Partners, Courthouse Project Status (J. Vernon)

The following summary handout was provided to the Board:

October 14, 2014

NELSON COUNTY COURTHOUSE – PHASE 2

Interim Summary

Date: October 14, 2014

EXISTING BUILDINGS EVALUATION:

Structural

The existing pre-2011 buildings generally appear structurally sound and well maintained with little to no areas of damage to address. Columns added during the 1940 era expansion of the Circuit Courtroom are to be maintained. Some selective demolition will be required in order to evaluate the balcony structure and its capability to meet current code requirements for assembly use. There is some suspected damage to wood floor joists at the south end of the Historic Courtroom which can be easily addressed.

Building Systems

Building systems components (mechanical, plumbing, electrical) in the pre-2011 structures are in various conditions. Some components are antiquated, abandoned, or past their service life. Mechanical testing needs to be performed on the existing outside air make-up unit and the room temperature controls installed in 2011, to address existing issues with the current equipment and automated building control system. This existing control system will not be expanded or tied into any new or renovated areas of Phase 2 construction.

Exterior Finishes

All buildings within the courthouse complex have recently installed roofs, predominantly pre-finished standing seam metal along with some TPO (flat roof, single-ply membrane) roofing. Some peeling of the elastomeric coating on masonry walls was observed and may be cause for concern due to trapped moisture in the wall, but it is relatively minor. Windows generally are in serviceable condition. Wood finishes need typical scraping, priming, and repainting.

Interior Finishes

Circuit Courtroom: Most finishes from the 1810 construction appear to have been replaced during the 1940 expansion of the courtroom, with the possible exception of some areas near the balcony. The 1940 ceiling has been covered with adhered acoustic tile as well as a suspended acoustical panel ceiling which also hides 1940 era crown molding and picture molding. Plaster walls generally appear to be in good condition. Plaster discoloring and wainscoting panels show evidence of water damage on the west side of the room. Existing wood flooring is 5/4 tongue-and-groove unfinished pine sub-flooring under several layers of subsequent construction. 1940s era light fixtures have been recently discovered and may be suitable for refurbishing and reuse.

Other Spaces

The majority of other interior spaces in current use within the pre-2011 buildings have been recently carpeted and painted giving a consistent and attractive appearance to County Offices. The second floor of the 1940 Building remains vacant, unimproved, and

unoccupied except for the remote Probate Office. The new second floor conference room at the “Bridge” is not yet utilized.

Asbestos Survey

A Limited Asbestos Survey was prepared by Froehling and Robertson, Inc. of Roanoke in 2004 which identified asbestos containing materials within window caulking, floor tile, floor tile mastic, roof pitch, and insulation. Except for the thermal systems insulation, these materials were classified as Category 1 non-friable materials and must be removed prior to demolition/ renovation *only* if they are in poor condition or the activities during demolition/ renovation will cause the material to become friable (broken, sawed, ground, cut, burnt, etc.). The pipe insulation was found to contain 85% Chrysotile asbestos and must be removed by a licensed Asbestos Abatement Contractor prior to disturbing by renovation/ demolition. Further investigation is required to ascertain whether or not these identified materials were removed during previous construction.

SPACE NEEDS & PROGRAMMING:

Generally

Interviews have been conducted with Judicial and County Government personnel in order to ascertain needs for the Circuit Court, the Circuit Court Clerk, County Administration offices including Human & Financial Resources, offices of the Treasurer, offices of the Commissioner of Revenue, Information Systems spaces, and County School Board Offices. Needs identified in the 2005 Space Needs Study resulted in some improvements for the Treasurer’s front desk and for the expansion of School Board offices upstairs. Otherwise many, if not most, of the needs identified in the 2005 study for the offices listed above, remain to be addressed, as anticipated. All offices and departments report a need for improved and expanded work areas. The most critical needs are for security improvements in the Circuit Courtroom and improvements and expansion for the Clerk of Circuit Court.

Circuit Court

The Circuit Court is to continue its historic use of the existing Circuit Courtroom. Separation of public, judicial, and secure entry points to the courtroom is paramount as well as upgrades at the bench. *Achieving this separation will require relocation of the Judge’s chambers and Jury spaces.* A new secretarial/ receptionist space is to be provided for the Judge’s Chambers. Other 2005 identified needs for witness and conference rooms remain to be addressed as well. Connection to the existing secure tunnel will require a new secure elevator.

Circuit Court Clerk

The recent creation of an Evidence Storage room appears to be the only improvement made to the Circuit Court Clerk’s spaces since the 2005 study identified the need for expansion in all areas: Public Counter, Deputy Clerks’ work area, Recorder’s work area, Clerk’s Office, file spaces (case files and secure files), Records Room, etc. The Probate Office, currently located upstairs should be relocated within the Clerk’s area. New rooms are needed for Exhibit storage and Server. The Clerk’s area should connect to the Circuit

Courtroom judicial entry and to the Jury Deliberation area. Currently it is separated by a public hallway.

County Offices

All interviewed county offices report a need for minimal to moderate improvements and expansion. All expressed interest in shared areas for a Break Room, staff restrooms, conference spaces of various sizes, and secure, well-conditioned record storage.

School Administration Offices

School Administration offices have been recently relocated and expanded. The public hallway in the middle of their offices, along with the separation of administrative staff from the personnel they serve, are two current layout compromises. There is a need for a dedicated copy/ work room, out of the hallway.

Pittsylvania County Courthouse

Per Judge Gamble's recommendation, Architectural Partners staff visited the Pittsylvania County Courthouse in Chatham, Virginia.

The Pittsylvania County Courthouse was constructed in 1858. Its architectural style is more strictly neo-classical and much more ornate than the earlier staid and reserved design of Nelson County's courthouse. Still, many components are similar, most notably the jury's placement centered immediately in front of the bench and the predominant use of balustrade railings. The historic front doors of the Courthouse are still in use. A new vestibule has been added within the courtroom to provide a place for a security checkpoint when the courtroom is open to the public. The elaborate plaster ceiling has been entirely restored. New carpeting covers the entire floor. There is no balcony. The two exterior windows have been reglazed but have no energy panels. Spectator seating is provided using original pews.

HISTORIC COURTHOUSE AND COURTROOM RESTORATION:

Courthouse Exterior

The existing pre-finished standing-seam metal roofing is to remain. Louvers on the Cupola will be replaced with fiberglass composite shutters of the same design. All other woodwork is to be refurbished. The bell will be maintained for useable condition. Existing windows will be repaired, refinished and fixed in place. Elastomeric coating at the foundation will be replaced with a new breathable coating to allow rising damp (trapped moisture) to escape. New fiberglass composite shutters will be installed at all 1810 Courthouse windows.

Circuit Courtroom Interior

The existing suspended lay-in ceiling is to be removed. A new acoustical plaster ceiling will be installed at the original ceiling height and the existing crown and picture moldings repaired or modified as needed. Refurbished light fixtures will be used along with a new chandelier, new wall sconces if required, and new task lighting. Any existing finish wood flooring at the Balcony will be restored. New wood flooring will be installed at the

perimeter of the courtroom with new carpet elsewhere. Existing railings will remain, some with new solid modesty panels added.

Generally, the arrangement of the various stations (judge/ clerk/ witness/ attorney's tables, etc.) is to stay the same. New doorways will provide separated access points. The existing wooden fold-down chairs are to be entirely removed and then replaced in the spectator area with new wooden pews. The Judge and Clerk's stations are to be upgraded with new secure custom built desks with bullet resistant panels per current Virginia Courthouse Security Guidelines. A new paint scheme will be developed, and lettering on the entablature of the balcony restored.

An add-alternate cost is to be provided for an automatic fire suppression system, with recessed heads, within the historic courtroom. A new sound amplification system is to be installed, with controls at the Clerk's station.

DESIGN STRATEGY:

Generally

The separation of judge/jury, public, and defendant access points to the Circuit Courtroom initiated and determined the design direction. In order to maintain the historic exterior of the Courthouse, no additions are proposed on the west or south elevations. This means that the three separated points of access must be either on the north or east sides of the courtroom. Inmates/ Defendants will be brought from holding cells via the existing tunnel. Utilizing existing basement spaces for this secure access means that *the Information Systems Department will need to be relocated*. A new secure elevator will be needed to bring defendants up from the lower level to the courthouse level. The most logical place for this elevator is in the corner of the basement of the 1940s building, bringing it up into what is now Judge's Chambers. Consequently, *the Judge's Chambers must also be relocated*.

Relocating the Judge's Chambers also provides a way for Public access from the existing Hallway to be connected to the Courtroom, through new construction immediately east of the Courthouse. The former chambers area can also be used for Waiting Room/ Conference Rooms needed by the Court.

New spaces for the Judge's Chambers and Clerk of Circuit Court will be created from both existing spaces and new construction. With the goal to utilize existing spaces as much as possible and limit new construction from compromising the west lawn, *the expansion of the Clerk of Circuit Court requires using that area currently occupied by the Commissioner of Revenue*. This location within the building also provides a "front door" for the Clerk of Circuit Court closer to the actual building entry.

Because the Commissioner of Revenue requires a more public main floor location, her offices have been moved to the current location of County Administration Offices. *County Administration, including the offices of Human & Financial Resources, can in turn be relocated to new and presently vacated areas on the second floor of the 1940 Building along*

with Information Services. Other spaces on the Second floor are identified for shared Conference Rooms, Staff Restroom, and Break room.

Finally, the former Board of Supervisors Room is well suited for relocated cubicles for school administrative staff serving nearby offices. The proposed design eliminates the public hallway through the School Administration area and provides a newly created visitor reception space.

Areas for new construction

Potential areas for new construction were selected so as to not create visual competition for the original historic courthouse building and to not compromise the west lawn area with its mature trees.

New Building Systems

All new and renovated spaces are to be served by entirely new mechanical and electrical systems.

Existing mechanical units and controls serving the existing spaces are to be tested and modified as required to address existing deficiencies. The existing automated building system controls for HVAC will not be extended into the newly created or constructed spaces.

As a part of the project, the entire building complex will have single-point metering. Existing data communications systems and fire alarm and detection systems will be expanded. All IT/ data wiring and cabling is to be included in the scope of work under the General Contractor and not contracted separately.

Clean-agent fire suppression systems (non-damaging to documents) will be provided for the Clerk's Records area and Data/ Server Rooms. An add-alternate cost will be identified for fire suppression within the restored Circuit Courtroom.

Phasing

The goal to maintain the use and occupancy of the buildings throughout construction necessarily requires that the project be phased. The Circuit Court, Circuit Court Clerk, and Treasurer will expand in their existing locations. The Circuit Court will temporarily use other courtroom facilities in the building while the 1810 Building and Circuit Courtroom are being restored. All other county offices will move one time. Four phases are anticipated.

Cost estimates

Based on recent projects, Architectural Partners has used the following initial costs/ s.f. to analyze project costs for the various design alternatives. These costs do not include site work, furnishings, fixtures, equipment, or A&E fees.

New construction: \$200/ s.f. Renovation of existing spaces: \$120/ s.f. Historic Courtroom restoration: \$200/ s.f.

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Utilizing these generic square footage costs and adding contingencies for civil work, design, construction, phasing, and resolution of existing mechanical and electrical issues, it is anticipated that total project construction costs could reach \$6 million. Design Definition drawings and documents have been sent to Toscano Clements Taylor, a cost consulting firm in Washington DC, for their evaluation.

PROJECT SCHEDULE:

With approval of this interim report, Architectural Partners is scheduled to receive Project Cost Estimates the week of October 27th. Following the receipt of these estimates, revisions, if any, to the Design Definition package will be made. A final presentation of Design scope and projected costs will be made to the Board of Supervisors at their November 2014 meeting.

Mr. Vernon noted to the Board that working with the committee had been an enjoyable process. He then gave a PowerPoint presentation and explained that they had conducted interviews/meetings and used the 2005 space needs as the basis of these discussions. He noted that building investigations were conducted by their electrical, mechanical, and structural engineers. He noted that during these investigations, they found acoustic tiles and crown molding located in the ceiling of courtroom.

Mr. Vernon then noted that the Virginia Courthouse Facility Guidelines were used in evaluating and redesigning the Clerk's space and Court related functions. Things considered under these guidelines were as follows:

Courtroom: Spectator Seating for 100 (2,016 s.f.)

Bench, Clerk's Station, Witness Stand, Jury Box, Counsel Tables, Lectern, Display Area, Bailiff Station, Court Reporter Station, and Defendant's Station

Courtroom systems:

Lighting control, Public Address system and controls, Court Recording system, Flat screen monitors and controls for evidence display, Video conferencing, technology, Scanner/ printer/ fax/, Assistive Listening system, Projectile Resistant Bench material, Silent duress alarm system, and Task Lighting

Other Spaces:

(2) Conference Rooms (100 s.f. min.) - could double with Jury Deliberation or Witness Waiting , (2) Witness Waiting Rooms, Judge's Private Office (250 – 350 s.f.), Judge's Private Toilet and Robing Closet, Judge's Waiting/ Reception Area, Judicial Secretary area (150 -200 s.f.), Court Reporter's Office (120 -150 s.f.), Judicial Staff Toilet, Jury Deliberation Room (300-400 s.f.), associated toilets, Counter with sink, Also used for Jury Assembly?

Grand Jury Room (near Commonwealth's Attorney's Offices), Law Library, and Secure Holding Cells

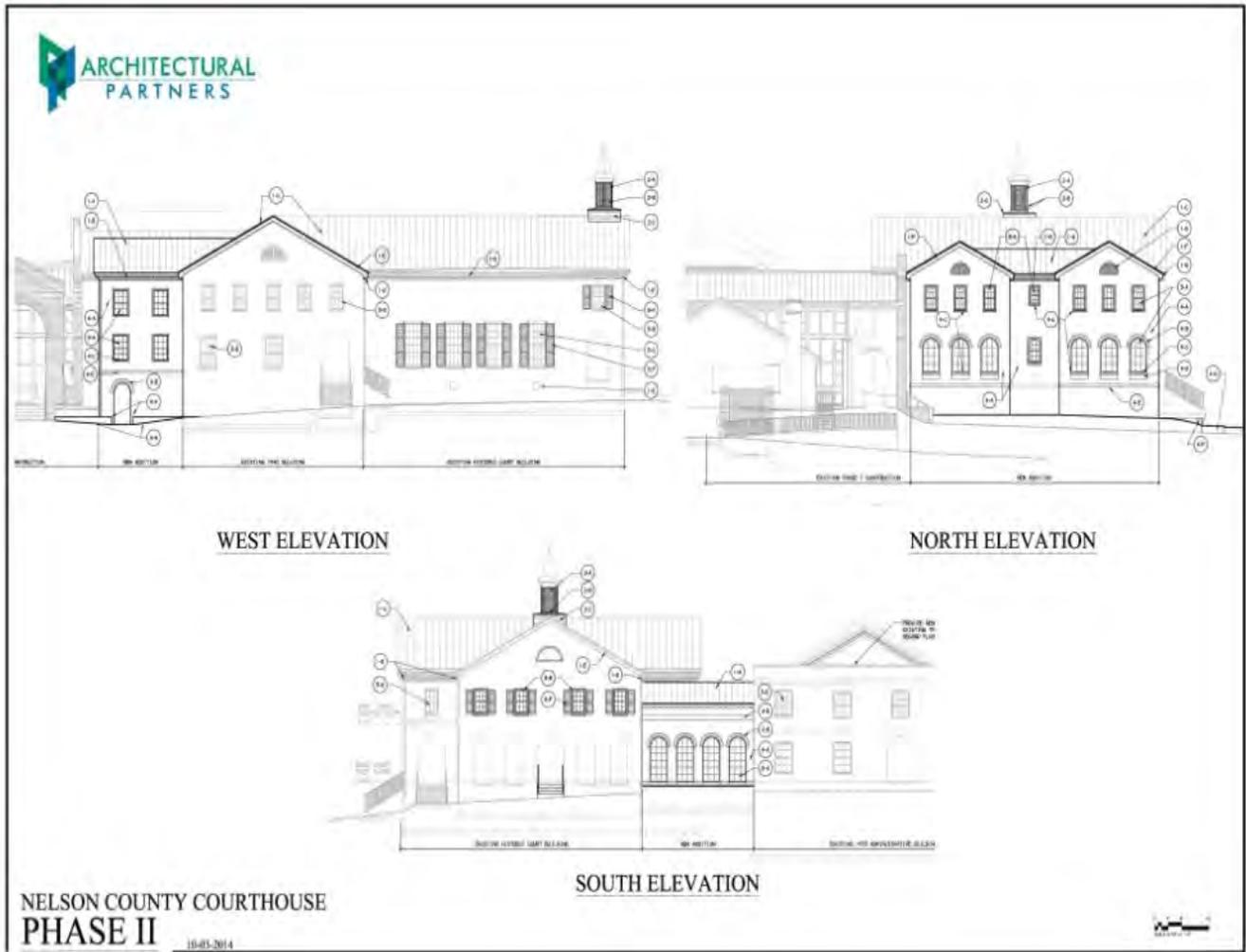
From other Jurisdictions:

Law Clerk Office, Public Vending area, and Jury Selection/ Conference Room

Mr. Vernon then briefly touched on the Concept Design and design definition as shown as follows:







In briefly reviewing the concept design drawings, Mr. Vernon noted that the upper right inset showed the new construction in red. He added that the new construction was proposed to be a two story addition that would be on the side of the building where the Clerk's Office was now. He added that the space between the entryway and this addition was the same as that on the other side of the entryway and the Jefferson Building. He added that this would allow for expansion of the Clerk's space and the second floor space above. He noted that the other small addition would be between the Circuit Courtroom and the 1970's addition which would create a new public hallway and entryway into the Courtroom. He added he would go into more detail further in the presentation.

Mr. Vernon then noted that the planned exterior restoration effort had been defined and he noted that the committee had discussed replacing the shutters on the historic courthouse façade only with a long life fiberglass shutter product; which would also be used on the cupola.

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Mr. Vernon then noted that they had developed an in-depth package to be sent to a Cost Estimator, Toscano, Clements, Taylor in Washington DC; who would take two weeks to develop the cost estimate for the project. He noted that they were considering the phasing of the project in their estimates.

Mr. Vernon then went on to reiterate that in coming up with the concept designs, their primary focus was on the Circuit Court and Clerk's Office; noting that their security issues and space needs were a priority. He then noted that they worked under the premises of: maximizing the utilization of existing spaces, limiting new construction, leaving the west lawn uncompromised, and not relocating remote offices at this time; which would not be a design directive or imperative.

Mr. Vernon then revisited the concept design by floor as follows:

Main Floor:

Mr. Vernon stressed that the separation of Judge and staff, general public, and inmates was a number one security priority and it drove the overall design. He described how they wanted to utilize the security tunnel that connected from the 2011 building into the 1970's building basement which would displace the IT department from their space. He showed where the tunnel would then lead to an elevator that would come up to the main floor in what was now the Judge's chambers, which would in turn displace this office. He added that the new Judge's chambers was proposed to go into the old Clerk's Office space. He explained that this would allow for a secure entry for the Judge from his office into the courtroom which would be separated from the entryways of the inmates and of the public; thus achieving the required separation according to the state guidelines. He then noted that the Clerk's Office space would shift over into the current Commissioner of Revenue's Office space and would utilize the main level of the new two story addition. He added that the addition also provided for a new entryway into the Clerk's space that was closest to the main entryway of the building and most convenient for the public accessing the records room and the Clerk's Office. Mr. Vernon then noted that the Commissioner of Revenue's office needed to be near the Treasurer's Office for ease of service delivery; which meant that County Administration would need to move in order for this to happen. He noted that the Treasurer's office would remain in the same location but would expand some into the current Finance and Human Resources Office; thus displacing them as well. Mr. Vernon noted that a new public hallway would use the same entrance from the main entryway and would continue down to the Treasurer's Office and new Commissioner of Revenue's Office location with the public entryway to the Courtroom being off of this corridor. He noted that a small addition on this side of the building would create a waiting area and public courtroom entryway between the 1970's building and the old Circuit Courtroom. He noted that the existing hallway that branched off towards the current Clerk's Office would be eliminated and would be part of the new Clerk's space. He added that new public bathrooms would be located down the hall closer to the Commissioner's Office and a staff break room and bathroom would be located near the main entryway. Mr. Vernon noted that the proposed configuration increased the Circuit Court space from 3,726 sq. ft. to 4,717 sq. ft. and the Clerk's Space from 2,055 Sq. ft. to 4,454 sq. ft. He added that the Treasurer's space slightly increased from 708 sq. ft. to 861 sq. ft. and the Commissioner of Revenue's Office increased from 694 sq. ft. to 833 sq.

Second Floor:

Mr. Vernon noted that the second floor plan still consisted of School Administration; however they had expressed some concern over the fact that they had a hallway that traversed the entire length of their offices before reaching a reception area. He noted that they were not insistent upon fixing this; however he had incorporated a main reception area for them on the second floor near the main entryway. He noted that off of this second floor entryway one would either go straight into School Administration reception or would go right into a new space containing the IT Department, County Administration, and Finance and Human Resources. He then noted that since four of the School Administration administrative assistant offices had been displaced in creating the new reception area, he relocated them in a shared area within the old Board of Supervisor's Room space. He noted that the current County data room would stay in place and would possibly expand into the mechanical room beside it that would be abandoned. He added that doors to these areas from the other side hallway would be created so that County IT staff would not disturb the School Administration staff relocated to this area while accessing the space. He noted that the old Superintendent's Office would remain a shared conference space and a new second floor staff break room/bathroom area would be added beside it. Mr. Vernon noted that the County Administration area (including Finance and Human Resources) would increase from 842 sq. ft. to 2,350 sq. ft. and IT would increase from 602 sq. ft. to 1,295 sq. ft. with School Administration space remaining approximately the same at 3,800 sq. ft.

Basement Floor:

Mr. Vernon then described how the basement area would be utilized for the secure prisoner access and for designated mechanical areas. He noted the various crawl spaces and existing slab on grade areas of the basement. He added that the corner where the old Sheriff's Office holding cells were located could be dried in and used for storage or other office space. It was noted that the Clerk had indicated that this area could be used for secure file storage for her office.

Elevations:

Mr. Vernon then reviewed the west, north, and south elevations. He noted that the west elevation showed the new fiberglass shutters being added back to the façade of the original courtroom area of the building.

The north elevation showed the new addition and Mr. Vernon pointed out the architectural themes that were carried forward into the new design from the existing. He noted the new construction would be a painted brick with a green standing seam metal roof that would match the existing building. He noted that the arched shapes would be carried over into the lower window design and the rake trim and cornice were designed to match the existing building.

Mr. Vernon then noted that the south elevation showed the new construction connecting the old court building with the 1970's addition providing for the public waiting area and entry into the courtroom. He noted that the committee overwhelmingly chose an arched window design in order to coordinate with the exiting arches of the circuit courtroom porch area. He added that this new addition would also have a painted brick veneer with matching standing seam metal roof and a brick soldier course. He noted that the historic courtroom façade windows would also receive new fiberglass shutters.

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Mr. Vernon then noted that there were some existing issues that would be addressed such as the HVAC systems. He noted that the new construction and renovation would have all new systems independent of the 2011 systems and he stressed that new electric metering was very important and that the new three phase power would be buried underground.

Mr. Vernon then noted that the goal was to have everyone stay in the building while all of this was done; which they had determined would require four (4) phases. He noted that the new construction would be done first; which would allow them to have everyone only move one time. He briefly described the phasing plan and noted that the Judge was amenable to holding court in the new building while renovation of the courtroom took place.

Mr. Vernon concluded by noting that the cost estimating was being done now and that they would have budget numbers by the week of October 27th. He noted that he would then reappear before the Board on November 13th. He then opened the floor to questions from the Board.

Mr. Hale and Mr. Saunders both noted their pleasure in working with both Mr. Vernon and Mr. Smith and noted that they were happy to be on schedule.

Ms. Brennan noted that she liked the design and hoped the County would be able to figure out a way to pay for it.

Mr. Carter echoed the previous sentiments and stated that the committee had made the right decision in working with Architectural Partners on the project.

In response to questions, Mr. Vernon noted that the Cost Estimator's fee was \$7,000 and was included as a part of their overall fee. Mr. Vernon noted he felt that it was money well spent as that was not their area of expertise and the Board and staff concurred.

Mr. Carter noted that staff had a preliminary cost and had developed a means of financing it to use as a guide.

Supervisors and staff discussed the use of retired debt funds and it was noted that the solid waste collection sites' debt service funds were not available until FY18. It was noted that final payment for these was in October of 2016, which was FY17 and was \$332,287.50 annually.

It was supposed that the Rockfish School debt should possibly be paid off in 2018. Ms. McCann then noted that the County may have interest only payments during the construction period and then regular payments thereafter. Mr. Carter added that once the debt was secured and costs incurred, as they advanced, the County would pay interest on that. He noted that Mr. Vernon had given a ballpark of around \$7 million. He noted that he had emailed Virginia Resources Authority (VRA) to see what rates could be expected but has not heard back. He noted that the County could apply in spring and have the closing in May or June. He noted that they would need to know numbers in March in order to apply for the pooled financing with VRA.

Mr. Carter noted that VRA would have a highly competitive rate and that if the County went with Rural Development there would be some restrictions and additional reviews by state agencies. He added that staff was looking at the path of least resistance.

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Ms. McCann then reported that the Rockfish school debt funds would not be available until FY20, with the last annual payment of \$263,000 in FY19. She noted that the VRS refinance funds of \$70,000 would be available in FY19. She added that the Rockfish school debt was refinanced in 2013 with the Courthouse debt and Mr. Carter added that the County could not independently refinance certain debt.

Mr. Harvey suggested that instead of using fund balance to cover some of the costs, the County could use these funds to pay off other debt and finance more of this project if the current financing rates were better.

V. New Business/ Unfinished Business

A. Schedule Joint Meeting with the Nelson County School Board

Mr. Harvey and Mr. Hale noted that out of the proposed dates, they were only available on November 13th. This was noted to be the Board's rescheduled regular meeting day and that one public hearing would be scheduled for the evening session. Supervisors then agreed by consensus to have a joint meeting with the School Board on the 13th in the General District Courtroom at 7:30pm.

B. Introduced: Blue Haven 151

Mr. Bruguere noted that he had gotten calls about the activities of Blue Haven 151 and the neighbors were upset about it. He added that he had spoken to Mr. Padalino who advised him that they did not have any permits as of yet. Mr. Carter noted that his office was well aware of the situation and that Mr. Padalino had been instructed to issue a notice of violation that Friday. He advised that there were anywhere from 10-30 airstreams on the property. He also noted that the owners had been apprised of what they needed to do and were told this eight months ago and had never done any of it. He added that their business had been taken down from the County website etc. now.

Mr. Carter noted that there was at least one violation that they could be sited for and he had directed Mr. Padalino to send them a letter giving them thirty (30) days to get in compliance. He noted that he became aware of the situation when one of the neighbors called the office. He then followed up and sent David Thompson over to look into it.

C. Introduced: Houses in Shipman to be Demolished

Mr. Carter then noted that he meant to include in his report that he would follow up on the status of the houses in Shipman that were to be demolished. He added that he had spoken to the property owner who had expressed concern regarding his ability to cover the cost of demolition.

VI. Reports, Appointments, Directives, and Correspondence

A. Reports

1. County Administrator's Report

1. Courthouse Project Phase II: Mr. Jim Vernon, RLA, of Architectural Partners is scheduled to present the project's current status to the Board on 10-14. Mr. Vernon will be forwarding Design Definition Drawings today (10-10) to Toscano Clements Taylor, a cost consulting firm in Washington DC for evaluation and provision on 10-27 of an initial project cost estimate. Staff will also present on 10-14, following Mr. Vernon's presentation, very preliminary debt service and financing projections for the project. The 10-14 agenda includes significant information on the work Architectural Partners has presently completed.

2. Lovington Health Care Center: The effort to identify an entity that would assume ownership and operation of the LHCC as a memory care/assisted living center is at somewhat of a standstill. However, Region Ten's administration has expressed a specific interest in assuming the operation of the Center as an assisted living facility, inclusive, as applicable, of providing residents with mental health, mental retardation and substance abuse services, which are Region Ten's core responsibilities. Region Ten staff will meet with Chairman Brennan and County staff on 10-22 to discuss specifics related to the agency's expressed interest in operating the facility. Otherwise, a realtor working for Real Estate 3 continues to work independently to identify a prospective purchaser of the LHCC but no tangible prospects have been presented to date to County staff.

3. BR Tunnel and BR Railway Trail Projects: **A) BRRT** – Final project retainage will be paid to Keith Barber Construction following the Board's 10-14 meeting, which effectively completes the project. There is a balance of project funding (presently estimated as approximately \$30,000 that VDOT has consented to re-allocate to the BR Tunnel Project. **B) BRT** – Construction of Phase 1 (eastern trail) is in its preliminary startup. Project completion is currently established as 2-6-15. Fielder's Choice Enterprises (the project's general contractor) has been very proactive in working to initiate the project. Two license agreements were executed with CSX, Inc. to enable the project to move forward, which required significant negotiation and cooperation from CSX, Buckingham Branch RR and County staffs to complete. The tasks necessary to move the project forward have been "very" in depth. Contract documents from VDOT for Phase 2 are pending receipt but anticipated at any time. Phase 2 entails removal of the 2 bulkheads within the Tunnel. A TAP grant application for Phase 3 will be submitted to VDOT in November. County staff will host approximately 60 VDOT engineers in late October to tour the Tunnel and VDOT Lynchburg District staff and the Lynchburg District CTB member (Ms. Shannon Valentine) will tour the Tunnel (western portal) on 11-15.

Mr. Carter advised that there was an outstanding claim to be resolved with a subcontractor that worked on the Blue Ridge Trail; however it was between the Contractor and them per the contract. He added that if the County did not close out the grant, then it could not have access to the balance of funds for the Tunnel project. He added that the Claimant could bring their request for payment to the Board or to the Court; however he was going to tell the Contractor he was obligated to resolve it. It was noted that the claim was for work that the subcontractor claimed he did that was not approved by change order by the County or the Contractor.

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Mr. Carter noted that on the Tunnel project, a change order for fencing was in process and that they were waiting for DEQ to approve the Storm water Management Plan.

Mr. Hale inquired as to why the Storm Water Plan was not put before them previously and Mr. Carter explained that it was submitted to DCR but was not followed up on before the program switched hands to DEQ. He noted that he knew a permit was not issued and supposed it was because there was no project going forward at that point.

Mr. Carter corrected his report noting that the Tunnel tour date was 11/5 not 11/15. He added that they were hoping that hosting the tours would help with obtaining future funding.

4. 2014 Lockn Festival: A post festival assessment briefing with state and local agencies/departments and Lockn staff was conducted on 10-9. Input from everyone was very positive. Lockn's Dave Frey noted that he and his staff were working on development of the 2015 festival, that they may seek to have a second show in mid-August (TBD) and that their plans were to be in Nelson County long term. Commissioner of Revenue Jean Payne's initial report on local revenues resulting from the festival is attached hereto.

Mr. Carter noted that abc representatives attended the assessment briefing and they had positive comments.

Ms. Brennan added that the promoters wanted to install permanent power, wells, and septic and were committed to being in the County long term. She added that they noted the biggest bust was the Verizon Cell services going down and them not coming out to fix it. They added that it also presented a problem for County dispatch. She then noted that the Virginia State Police and Sheriff's Office were all happy with how things went.

5. Broadband: County staff completed the submittal of a Local Innovation Grant "letter of intent" to VA-DHCD the week of 9-22. A decision from DHCD is pending but expected by not later than the week of 10-13. A positive response from DHCD will result in completion/submittal of a formal application to the Department for \$200,000 in grant funding that will be utilized to extend the fiber network in the Rt. 151 Corridor (north, south and, possibly west). The NCBA has its quarterly meeting on 10-14 at 1 p.m.

Mr. Carter related that discontinuing the subscriber discounts were presented during the Broadband Meeting and that it would have to be brought back for formal action.

6. Radio Project: Final approval of a frequency application filed with FCC on 8-29 is the sole basis of the project still being pending completion. Staff is hopeful that cut over to the new radio system projected can be completed this month (October) but this is still TBD.

7. Rockfish Valley Area Plan: An initial community meeting on the RVAP is tentatively scheduled for 10-28 at Rockfish River Elementary School.

8. Roseland/Ferguson's Store PER: Draper Aden Associates has advised that the PER will be submitted to the County on either 10-10 or early in the week of 10-13. Upon receipt

the PER will be transmitted to VA-DEQ and to NCSA for review. County staff will then confer with DEQ staff on the potential for a water line expansion project of the Piney River Water System to be developed in partnership with the Commonwealth.

9. Sturt Property Plan: In consultation with Supervisor Hale, County staff have advised the VT-Community Design Assistance Center that the County will not move forward this year (2014-15) with retaining CDAC to assist the County with a plan of outdoor recreation for the Sturt Property.

Mr. Hale noted that the Nature Conservancy was doing a study of flora and fauna on the property for \$8,000 provided for by the Sturt family. Supervisors and staff briefly discussed hunting on the property and Mr. Hale noted that the property had been posted.

10. Norwood-Wingina Rural Historic District: VA-DHR has advised (by letter dated 9-30) of the State Review Board's concurrence with DHR that he proposed district is "recommended for nomination to the national and state (historic) registries. The required nomination to facilitate these registrations is in process with planned review of the nomination by DHR's Board to be completed in March 2015.

Mr. Carter noted that from past experience, the District should be approved going forward.

11. Rockfish Valley Rural Historic District: Project contract with VA-DHR completed, inclusive of provision of local matching funds by Rockfish Valley Foundation. DHR staff will facilitate the work to determine eligibility for state and federal historic registries.

Mr. Carter noted that this had been put on hold due to state funding but was now back to being considered.

12. Region 2000 Services Authority: Planning for the future expansion of the Authority's Livestock Road Landfill facility is in process. The Authority will host two public informational meetings on 10-14 and 20 and plans to submit a Special Use Permit to the Campbell County BOS in December 2014 (see attachments).

Mr. Carter noted that revenues from operations would pay for the proposed expansions and permits etc. and that bridging the gap between the two existing cells would give added capacity. He added that there was at least 50 years of life there.

13. TJPDC: The District will host the next Mayors & Chairs meeting on 10-24 (12 – 1:30 p.m.) and the annual Legislative Forum on 10-29 at 6 p.m. Both meeting will be held at PDC's offices in Charlottesville.

Mr. Carter clarified that the Legislative Forum would be held in the Albemarle County Offices off of 5th street not in the PDC's Offices.

October 14, 2014

14. 2014 VACO Conference: The annual conference is scheduled for November 9-11. Lodging reservations are complete and conference registrations will be completed prior to the 11-1 due date.

15. Staff Reports: Provided in the 9-9 meeting Agenda.

Attachments:

Report from Commissioner of Revenue:

Steve,

We had a total of 59 Food vendors and 77 Craft Vendors at the Lockn' festival. That is a total of \$4080 in Business License. As of October 9, 2014 14 food vendors have sent in \$7179.30. They don't officially have to have the money in until October 20. Will let you know what we have after that.

Mr. Carter noted that Ms. Payne was monitoring tax payments and would follow up. He added that she had related ideas to him on how to improve on the process next year.

Ms. Brennan then inquired as to the receipt of State Sales tax from the previous year and Mr. Carter noted the thought we had received it; however he would check on this.

Mr. Carter related that Dave Frey of LOCKN had noted that the local food vendors sold 1/3 of the food at the festival and that the meals tax should be around \$28,000 when all was collected.

Region 2000 Solid Waste Authority Correspondence

September 19, 2014

Region 2000 Regional Landfill
361 Livestock Road
Rustburg, VA 24588
Phone: (434) 455-6086
Fax: (434) 847-1809

Dear Chairman Puckett and Campbell County Board of Supervisors:

The Region 2000 Services Authority appreciates the opportunity to meet with the Board of Supervisors at the October 7, 2014 meeting to share our conceptual plan to expand the Livestock Road landfill. As you may know the Services Authority reopened the Livestock Road landfill in July, 2012 and is now accepting approximately 215,000 tons of solid waste per year from local member jurisdictions Including Appomattox, Nelson and Campbell Counties and the City of Lynchburg. We look forward to operating in the current footprint

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of the landfill through approximately 2026 with the "lateral expansion" which is currently moving through the permitting process as shown in the attached Figure 1.

After 2026, we will need to either seek new permits to move into other adjacent space or re-locate the landfill operations. After several years of consideration. We have secured a contract to purchase the 347 acres of the Bennett property adjoining the landfill to the southeast as shown in attached Figure 2. Now that this transaction is moving to closure, we wanted to take a minute to share with you our concept for the use of this property.

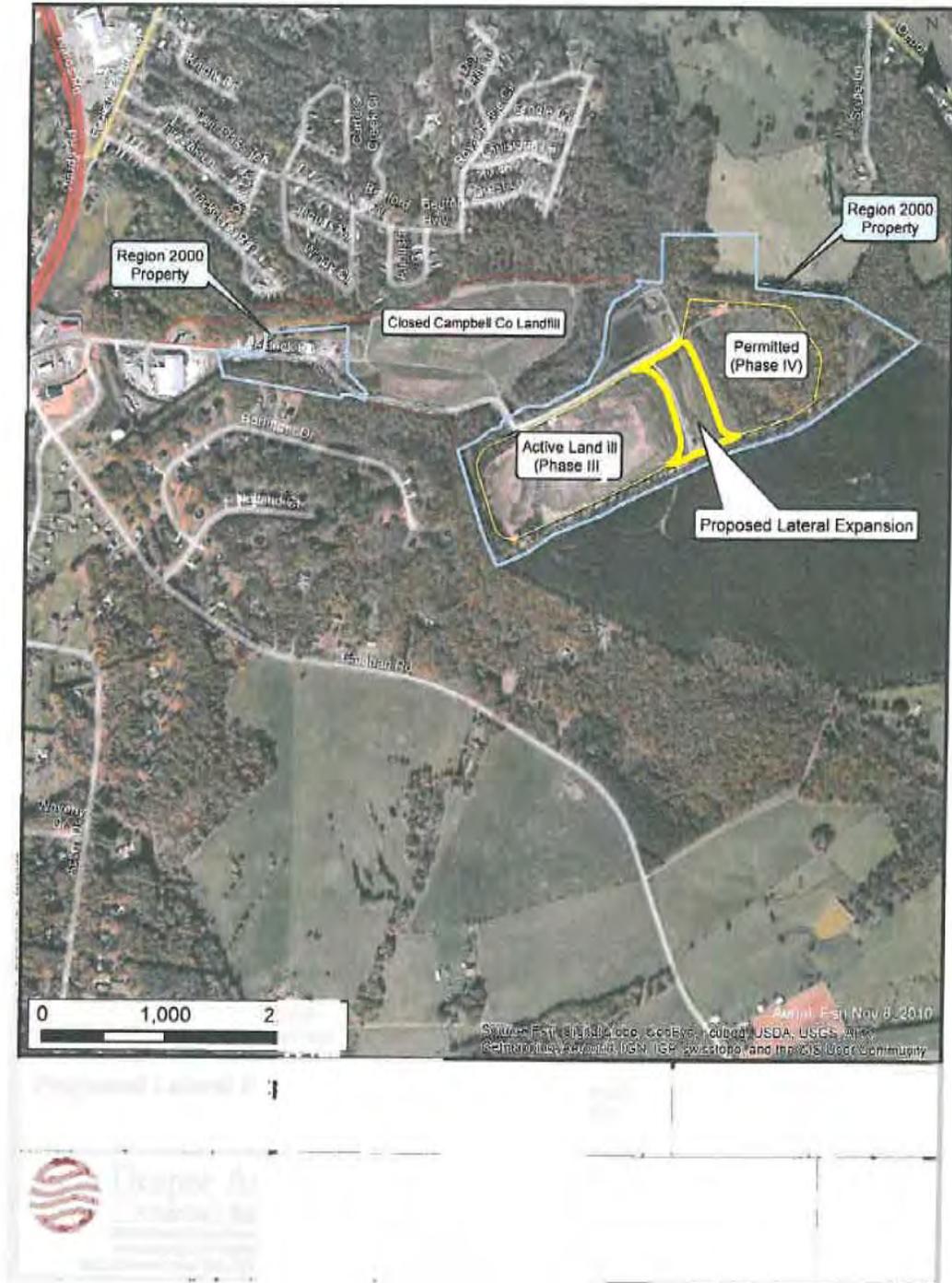
First we will use the unspecified soils from the property as a source for operational cover and the specified soils for future landfill liner and final cap construction. The cost of hauling these soils from the adjacent property vs. from an offsite borrow source will save the Authority almost as much as the purchase price of the land itself.

Second, we propose to divide the land into two parcels, a 206+/- parcel adjacent the landfill and a 141 +/-acre parcel adjacent Route 24. The property is currently zoned Agricultural. We propose to seek rezoning to Industrial and apply for a special use permit on the 206+/- acre parcel adjacent to the landfill for use as future permitted solid waste disposal space as shown in the attached Figure 3. We don't have any plans for the remaining parcel which fronts Route 24 and we may put it back on the market for sale.

This 206+/- acre parcel adjacent the current landfill will allow the Services Authority to continue to dispose of solid waste for our member jurisdictions in an environmentally safe and sanitary method for over fifty years. It allows us to maximize the use of the existing infrastructure (scale house, roads, maintenance shop, administrative building and utilities) for years to come.

We plan to have two community meetings on October 14th and 20th at Heritage Baptist Church beginning at 7:00 p.m. to receive comments that may be incorporated into a special use permit and rezoning application to be submitted to the County's Planning Commission for consideration, probably in December. Our engineers, Draper Aden Associates, will present a Power Point overview of our conceptual plans when we join you on October 7. Gary Christie and I will be on hand to hear any thoughts or suggestions you may have at this point.

Director, Region 2000 Services Authority
Cc: Campbell



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2. Board Reports

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

Ms. Brennan reported the following:

- Attended JABA retreat and looked at the future. She noted they would continue their entrepreneurial activities to provide funding. She noted they discussed caregiver

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support and she noted that the County was aging and would have more elderly than all the other localities in the area.

- Attended retirement event for Tanith Knight, Nelson Memorial Librarian and presented her with the Boards's resolution of recognition.
- Attend ribbon cutting at RVCC for garden area.
- Attended Dominion Transmission Inc., public information meeting on the pipeline.
- Attended GIS Board meeting and noted that they would concentrate on EMS in the county. She noted that Senator Watkins in attendance, discussed a big effort to take a hard look at what rising shorelines were doing in Virginia. She noted in particular, properties were being affected in the Virginia Beach area and would also affect the Navy and shipping area.
- Attended Scenic VA event in Richmond and was a wonderful event sponsored by Dominion Power. She noted that the County received a nice plaque.

B. Appointments

Ms. McGarry noted that there were no appointments for the Board's consideration and that there remained a vacancy of the East District seat on the Library Advisory Committee. She noted that the incumbent was Nancy Kritzer.

C. Correspondence

Ms. Brennan noted receiving a print out of what revenues were received for Railroads and utility lines etc.; however she could not tell much from that. Mr. Hale noted that Dominion was to give the County an estimate of the amount of taxes to be paid to the SCC on the pipeline; however they may not be able to do this until the actual length was finalized.

D. Directives

Mr. Harvey had no directives.

Mr. Saunders noted that he would like to see about getting a DMV back in the County. Staff noted that Mr. Joe Lee McClellan had contacted the County about this and staff sent him the appropriate DMV contact information. Mr. Carter also noted he would follow up with DMV on this.

Mr. Bruguiere reiterated that he would like staff to follow up on the Blue Haven 151 campground in Bryant.

Mr. Hale noted that an independent film maker wanted to film the beginning of Phase I construction and he asked staff to let him know when this would be starting.

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Ms. Brennan asked Mr. Saunders to attend the upcoming Mayors and Chairs meeting on the 24th in her place and he noted he could attend.

Ms. Brennan then inquired as to whether or not the Festy had the same regulations as the LOCKN Festival and Mr. Carter noted that they did. She added that she would like to see the revenue figures for the Festy from Jean Payne and would like to know if lodging taxes were paid for camping. Mr. Carter advised that he would check with Ms. Payne on this.

VII. Adjourn and Reconvene for Evening Session

At 5:20 PM, Mr. Harvey moved to adjourn and reconvene at 7:00 PM and Mr. Hale seconded the motion. There being no further discussion, Supervisors voted unanimously by voice vote to approve the motion and the meeting adjourned.

EVENING SESSION

7:00 P.M. – NELSON COUNTY COURTHOUSE

I. Call to Order

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

II. Public Comments

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

III. Proclamation P2014-07 - October Proclaimed Disability Employment Awareness Month

Ms. Brennan read the proclamation aloud and Mr. Bruguere moved to approve proclamation **P2014-07** proclamation of October as Disability Employment Awareness Month. Mr. Hale 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 proclamation was adopted:

**PROCLAMATION P2014-07
NELSON COUNTY BOARD OF SUPERVISORS
PROCLAMATION OF OCTOBER AS
DISABILITY EMPLOYMENT AWARENESS
MONTH**

WHEREAS, every year since 1945 the President of the United States has proclaimed a National Observance in October to promote the employment of individuals with disabilities; and

October 14, 2014

WHEREAS, this tradition continues in October 2014 with “Expect. Employ. Empower.” as the theme for this year’s National Disability Employment Awareness Month; and

WHEREAS, nearly one in five Americans have some type of disability, making people with disabilities the nation’s largest minority; and

WHEREAS, our community needs to harness the potential of all of its citizens so that our economy can continue to grow and our labor force can meet the challenges on the horizon; and

WHEREAS, work is fundamental to identity, providing the opportunity to lead a more independent, self-directed life for all people; and

WHEREAS, we recognize that disability is a natural part of the human experience and affirm that disability in no way should limit a person’s ability to make choices, pursue meaningful careers, or participate fully in all aspects of life; and

WHEREAS, all of us have benefited from the achievements and contributions of people with disabilities; and

WHEREAS, attitudinal barriers can hinder people with disabilities from realizing their full potential; and

WHEREAS, education and public awareness are the most powerful tools for increasing sensitivity and achieving full integration and inclusion of people with disabilities into all aspects of life; and

WHEREAS, Workplaces welcoming of the talents of all people, including people with disabilities, are a critical part of our efforts to build an inclusive community and strong economy;

NOW, THEREFORE, the Board of Supervisors hereby proclaims October 2014 as Disability Employment Awareness Month in the COUNTY OF NELSON, and conveys the message that people with disabilities are equal to the task throughout the year.

IV. Public Hearings and Presentations

A. Public Hearing - Special Use Permit #2014-006 – “Batesville Gym” Activity Center/Mr. Edward A. Martin: Consideration of a Special Use Permit application seeking approval to operate an “Activity Center” pursuant to §4-1-44a of the Zoning Ordinance. Specifically, the applicants wish to operate a gym for health, recreational, and therapeutic purposes on the subject property, identified as Tax Map Parcel #7-A-53A, located at 9656 Batesville Road in Afton. This is a 2.1-acre parcel zoned Agricultural (A-1), and is owned by the applicant.

Mr. Padalino presented the application and noted that The Department of Planning & Zoning received an application on July 31st from Mr. Edward A. Martin, seeking approval for Special Use Permit (SUP) #2014-006, to utilize his Agricultural District (A-1) property

October 14, 2014

on Batesville Road for an “Activity Center” land use. He noted that the property was located on the north side of Batesville Road (Rte. 636), between Avon Road and Cardinal Point Winery. The 2.1-acre property is zoned Agricultural (A-1).

He added that the SUP application sought approval to begin using an existing garage for an activity center, which the applicant has suggested would benefit the local community members by creating a nearby destination to practice health, recreational, and fitness activities, and to build community. He noted that the applicant had provided additional information on the application stating that their interest in operating an Activity Center is because, “we basically would enjoy helping the community as we grow to their health and weight controls; and maybe in the future to help out schools to come down and learn different training for their recreational needs; along with it being a great activity center.”

Mr. Padalino then noted the aerial map of the property and site plan with provisional parking spaces including handicapped parking.

He then noted that the Planning Commission held its public hearing and voted 4-0 to recommend approval. He added that VDOT had noted that the applicant would need to apply for a Land Use Permit for a low volume commercial entrance and he added that the Health Department had no issues and they would need to meet Building Code requirements for occupancy.

In response to questions, it was noted that the large tires in the pictures were used for fitness exercise.

The applicant then addressed the Board and noted that he had applied for the Special Use Permit and had met every requirement and now asked the Board for their approval.

Ms. Brennan then opened the public hearing and there being no persons wishing to be recognized by the Board, the public hearing was closed.

Mr. Harvey then moved to approve Special Use Permit #2014-006, Batesville Gym Activity Center and Mr. Hale seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion and SUP #2014-006.

B. Public Hearing - Consideration of Proposed Amendments to Code of Nelson County Appendix A, Zoning Ordinance: Article 2 Definitions, Article 4 Agricultural District A-, Article 8 Business B-1, Article 8-B Service Enterprise SE-1, Article 9 Industrial M-2, and Article 18 Limited Industrial M-1 to include items regarding agricultural operations, breweries, distilleries, and restaurants. (O2014-06)

Mr. Padalino noted that the presented proposed Ordinance Amendments were in response to changes to the Code of Virginia and the local economy.

Mr. Padalino then noted the following timeline relative to the consideration of the proposed amendments:

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- May 13th, 2014, the original proposed amendments were introduced to the Board of Supervisors and the Board then referred those proposed amendments to the Planning Commission for review.
- June 25th, 2014, the Planning Commission conducted a public hearing on these proposed amendments.
- July 23rd, 2014, the Planning Commission again reviewed the referred amendments and continued the discussion.
- August 6th, 2014, the Planning Commission conducted a work session to further review the referred amendments with Mr. Payne in attendance.
- August 27th, 2014, the Planning Commission reviewed the draft recommendations as contained in a staff report dated August 20, 2014 and after a final review, the Commission voted 4-0 (with Commissioner Russell absent) to forward those final recommendations to the Board of Supervisors.
- September 9, 2014, the Board of Supervisors authorized their public hearing on the proposed amendments to be held on October 14, 2014.

Mr. Padalino then noted in Article 2, the definition of “Agricultural” was deleted and replaced with the state code definition of “Agricultural Operations” as follows:

Agricultural: (deleted)

Agricultural operations: any operation devoted to the bona fide production of crops, or animals, or fowl including the production of fruits and vegetables of all kinds; meat, dairy, and poultry products; nuts, tobacco, nursery, and floral products; and the production and harvest of products from silvicultural activity. The preparation, processing, or sale of food products in compliance with subdivisions A 3, 4, and 5 of Virginia Code §3.2-5130 or related state laws and regulations are accessory uses to an agricultural operation, unless otherwise specifically provided for in this ordinance. When used in this ordinance, the words *agricultural* or *agriculture* shall be construed to encompass the foregoing definition.

He noted that the following definitions were added to Article 2 due to changes made by the State:

Agricultural Processing Facility: the preparation, processing, or sale of food products, or accumulation for shipment or sale of crops and animals, in connection with an agricultural operation when more than 20% of such crops or animals are not produced on an agricultural operation on the same or contiguous parcel(s) owned or controlled by the operator of the facility.

Agricultural Processing Facility, Major: an agricultural processing facility that, by virtue of its size, shipping requirements, noise, or other characteristics, will have a substantial impact on the health, safety, or general welfare of the public or adjoining landowners. A major agricultural processing facility is one that either (i) has more than 10,000 square feet of

enclosed space devoted to agricultural processing operations or (ii) entails the preparation, processing, or sale of food products, or accumulation for shipment or sale of crops and animals, in connection with an agricultural operation when more than 50% of such crops or animals are not produced on an agricultural operation on the same or contiguous parcel(s) owned or controlled by the operator of the facility.

Distillery: a facility for the production of distilled spirits.

Brewery: a facility for the production of beer. See also “Farm Brewery, Limited” and “Micro-brewery.”

Micro-brewery: a brewery which is housed within and operated in conjunction with a restaurant, and which manufactures no more than 15,000 barrels of beer per calendar year. A micro-brewery is an accessory use to a Restaurant.

Restaurant. (remains unchanged)

Farm Brewery, Limited: A brewery that manufactures no more than 15,000 barrels of beer 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 are grown on the farm. The on-premises sale, tasting, or consumption of beer during regular business hours within the normal course of business of such licensed brewery, the direct sale and shipment of beer and the sale and shipment of beer to licensed wholesalers and out-of-state purchasers in accordance with law, the storage and warehousing of beer, and the sale of beer-related items that are incidental to the sale of beer are permitted.

Mr. Padalino then noted what uses would be allowed by District as follows:

Article 4. “Agricultural District (A-1)”

Section §4-1, Uses – Permitted by-right:

4-1-28 – Agricultural Processing Facility, provided that (i) all components of the facility shall be located 250 feet or more from any boundary line or street, or located 125 feet or more from any boundary line or street if screened by fencing and/or vegetation, and (ii) no noise, unshielded lights, odors, dust, or other nuisance may be perceptible beyond the property upon which the facility is located.

4-1-29 – Farm Brewery, Limited

Section §4-1a, Uses – Permitted by Special Use Permit only:

4-1-7a – Agricultural Processing Facility, Major

4-1-45a – Distillery

Article 8. “Business District (B-1)”

Section §8-1a, Uses – Permitted by Special Use Permit only:

8-1-11a – Distillery

8-1-12a – Brewery

Article 8B. “Service Enterprise District (SE-1)”

Section §8B-1, Uses – Permitted by-right:

8B-1-24 – Farm Brewery, Limited

Section §8B-1a, Uses – Permitted by Special Use Permit only:

8B-1-12a – Distillery

8B-1-13a – Brewery

Article 9. “Industrial District (M-2)”

Section §9-1, Uses – Permitted by-right:

9-1-6 – Manufacture, compounding, processing, packaging or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, perfumed toilet soap, toiletries, and food products other than a food or meat packing or processing plant

9-1-30 – Distillery

9-1-31 – Brewery

Article 18. “Limited Industrial District (M-1)”

Section §18-1, Uses – Permitted by-right:

18-1-6 – Distillery

18-1-7 – Brewery

Mr. Padalino noted that in the A-1 district, Agricultural Operations would be a by right use and an Agricultural Processing Facility would be a by right use with a few setback conditions and 20-50% of products coming from off site. He added that a Major Agricultural Operation had greater than 50% of products coming from off sight.

Mr. Harvey then inquired as to the setback in SE-1 and it was noted to be 75 feet from the front for a commercial building, and 25 feet for the side and rear.

Mr. Padalino noted that Article 4-1-28 allowed for setbacks of 250 ft. and 125 ft. if screened by fencing and or vegetation. He added that these setbacks were not part of other Agricultural Processing and were meant for a smaller operation.

Mr. Payne noted that these did not apply to a farm, and only applied to a processing facility where packing for distribution occurred. He added that it did not touch plowing, spraying, mowing etc. and did not apply to someone selling more than 80% from his own farm. He added that these changes captured what was bigger than the average farm retail or wholesale operation that was not buying more than 20% from somewhere else. He noted that bigger more intense operations could not come into the A-1 district.

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Mr. Saunders noted that for a farm brewery limited, one could produce no more than 15,000 barrels per year; however the definition could be met by putting one hop in a cup and growing it. Mr. Padalino noted that the definition was taken straight from State Code but this was left open. Mr. Payne noted that the challenge was how much was enough and trying to follow different State Code provisions. He added that the State used the term bonafide and they struggled with how to define this so it was not used.

Mr. Padalino added that at the Planning Commission level, they discussed the term bonafide production and contrasted this with a novelty display. He added that this would have to be handled on a case by case basis.

Mr. Hale then inquired as to whether or not they knew how many barrels Blue Mountain Brewery or Devil's Backbone produced and Mr. Padalino noted he did not.

Mr. Hale then suggested that they should find out and Mr. Carter noted that these operations would be grandfathered in. Mr. Padalino noted that some effort had been made to reach out to a local business on this; however this threshold was taken from the state code and he was not sure how they arrived at that limit.

Mr. Payne then explained that a microbrewery was an accessory to a restaurant and the larger operations should be in the appropriate district. Mr. Bruguere then confirmed that this would not affect the operations that were established already.

There being no more questions from the Board, Ms. Brennan opened the public hearing and there being no persons wishing to be recognized, the public hearing was closed.

Mr. Bruguere noted that he did not think any of these amendments would hinder anyone from coming in and rather it would make the Zoning Ordinance better.

Mr. Bruguere then moved to adopt Ordinance **O2014-06** and Mr. Hale seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion and the following Ordinance was adopted:

ORDINANCE O2014-06
NELSON COUNTY BOARD OF SUPERVISORS
AN ORDINANCE TO AMEND AND REENACT
APPENDIX A, ZONING ORDINANCE, ARTICLE 2 DEFINITIONS, ARTICLE 4
AGRICULTURAL DISTRICT A-1, ARTICLE 8 BUSINESS B-1, ARTICLE 8-B
SERVICE ENTERPRISE SE-1, ARTICLE 9 INDUSTRIAL M-2, AND ARTICLE 18
LIMITED INDUSTRIAL M-1 OF THE CODE OF THE COUNTY OF NELSON,
1989,
GENERALLY RELATING TO AGRICULTURAL OPERATIONS

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

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF NELSON: that Pursuant to §15.2-1427 and §2.2-2204 of the Code of

October 14, 2014

Virginia 1950 as amended, the Nelson County Board of Supervisors does hereby amend and reenact the Code of Nelson County, Virginia, Appendix A – Zoning as follows:

Article 2. Definitions:

Delete:

Agricultural: The tilling of the soil, the raising of crops, horticulture, and forestry, including the keeping of animals and fowl, and including any agricultural industry or business, such as fruit packing plants, dairies, or similar use associated with an active farming operation, unless otherwise specifically provided for in this ordinance.

Add:

Agricultural operations: any operation devoted to the bona fide production of crops, or animals, or fowl including the production of fruits and vegetables of all kinds; meat, dairy, and poultry products; nuts, tobacco, nursery, and floral products; and the production and harvest of products from silvicultural activity. The preparation, processing, or sale of food products in compliance with subdivisions A 3, 4, and 5 of Virginia Code §3.2-5130 or related state laws and regulations are accessory uses to an agricultural operation, unless otherwise specifically provided for in this ordinance. When used in this ordinance, the words agricultural or agriculture shall be construed to encompass the foregoing definition.

Agricultural Processing Facility: the preparation, processing, or sale of food products, or accumulation for shipment or sale of crops and animals, in connection with an agricultural operation when more than 20% of such crops or animals are not produced on an agricultural operation on the same or contiguous parcel(s) owned or controlled by the operator of the facility.

Agricultural Processing Facility, Major: an agricultural processing facility that, by virtue of its size, shipping requirements, noise, or other characteristics, will have a substantial impact on the health, safety, or general welfare of the public or adjoining landowners. A major agricultural processing facility is one that either (i) has more than 10,000 square feet of enclosed space devoted to agricultural processing operations or (ii) entails the preparation, processing, or sale of food products, or accumulation for shipment or sale of crops and animals, in connection with an agricultural operation when more than 50% of such crops or animals are not produced on an agricultural operation on the same or contiguous parcel(s) owned or controlled by the operator of the facility.

Brewery: a facility for the production of beer. See also “Farm Brewery, Limited” and “Micro-brewery.”

Distillery: a facility for the production of distilled spirits.

Farm Brewery, Limited: A brewery that manufactures no more than 15,000 barrels of beer 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 are grown on the farm. The on-premises sale, tasting, or consumption of beer during regular business hours within the normal course of business of such licensed brewery, the direct sale and shipment of beer and the sale and shipment of beer to licensed wholesalers and out-of-state purchasers in accordance with law, the storage and warehousing of beer, and the sale of beer-related items that are incidental to the sale of beer are permitted.

Micro-brewery: a brewery which is housed within and operated in conjunction with a restaurant, and which manufactures no more than 15,000 barrels of beer per calendar year. A micro-brewery is an accessory use to a Restaurant.

Restaurant. (remains unchanged)

Article 4, Agricultural District A-1, Section §4-1, Uses – Permitted by-right:

4-1-28 Agricultural Processing Facility, provided that (i) all components of the facility shall be located 250 feet or more from any boundary line or street, or located 125 feet or more from any boundary line or street if screened by fencing and/or vegetation, and (ii) no noise, unshielded lights, odors, dust, or other nuisance may be perceptible beyond the property upon which the facility is located.

4-1-29 Farm Brewery, Limited

Article 4, Agricultural District A-1, Section §4-1a, Uses – Permitted by Special Use Permit only:

4-1-7a Agricultural Processing Facility, Major
4-1-45a Distillery

Article 8, Business District B-1, Section §8-1a, Uses – Permitted by Special Use Permit only:

8-1-11a Distillery
8-1-12a Brewery

Article 8B, Service Enterprise District SE-1, Section §8B-1, Uses – Permitted by-right:

8B-1-24 Farm Brewery, Limited

Article 8B, Service Enterprise District SE-1, Section §8B-1a, Uses – Permitted by Special Use Permit only:

8B-1-12a Distillery
8B-1-13a Brewery

Article 9, Industrial District M-2, Section §9-1, Uses – Permitted by-right:

9-1-6 Manufacture, compounding, processing, packaging or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, perfumed toilet soap, toiletries, and food products other than a food or meat packing or processing plant

9-1-30 Distillery

9-1-31 Brewery

Article 18, Limited Industrial M-1, Section §18-1, Uses – Permitted by-right:

18-1-6 Distillery

18-1-7 Brewery

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

V. Other Business (As May Be Presented)

Introduced: SUP for expansion of Catholic Church Cemetery

Mr. Hale inquired if the public hearing on the Catholic Church cemetery Special Use Permit would be complicated. Mr. Padalino noted that he did not think so as they had everything they needed and it should not be overly complicated. It was noted that the Board's public hearing had not yet been advertised due to the impending change in the Board's regular meeting date.

Introduced: Tent Camping and Lodging Taxes

Ms. Brennan inquired of Mr. Padalino whether or not tent camping required the charging of a lodging tax. Mr. Saunders responded that he thought he had read that if one pays to stay in a tent, then it qualified as lodging. Mr. Padalino indicated he was not sure; however it made sense that it did and Mr. Carter noted he would check on this.

Introduced: Disabilities Employment Month Proclamation

Mr. Jason Hatfield, the County's representative on the Disabilities Services Board noted that he had attended the meeting in order to hear the Board adopt the proposed proclamation regarding Disabilities Employment Month. Ms. Brennan then advised him that the proclamation had been read aloud and adopted at 7:00 PM. She then presented him with an original signed copy of the proclamation. Mr. Hatfield apologized for his tardiness and noted he had gone to the old meeting room.

He then noted to the Board that there was 70% unemployment in those with disabilities and the overall unemployment rate was 5.7%. He added that the Disabilities Services Board

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wanted to thank the Board of Supervisors for informing the public of people with disabilities in the workforce.

Mr. Harvey then asked Mr. Hatfield his thoughts on the handicapped accessibility of the new courts building and Mr. Hatfield noted it was great.

Mr. Hatfield then noted that he was working on a TV show for public access TV in Charlottesville called Handi-Chat. He noted his vision was to enlighten and inform the public on available resources etc. He noted that he needed help funding this endeavor and further explained he wanted to do on-site filming of different places to show what they looked like and then do in depth interviews with the owners or managers of the place.

Ms. Brennan then inquired if his effort was sponsored by any organization and he noted it was not. Mr. Carter then suggested that he check into the Nelson County Community Development Fund and Ms. Brennan added that they had a website and were on Facebook. She noted that they had an organization that raised money so it could be given to Nelson County projects and organizations.

Mr. Hatfield then noted that things needed to improve for those with disabilities and it had to start somewhere. He then asked the Board to focus on this to help it gain momentum.

Ms. Brennan agreed and noted Mr. Saunders's service on the Piedmont Workforce Network Board and the County one-stop location. She then suggested that the Disabilities Services Board make a presentation to the Board of Supervisors and she noted that they should submit a letter to the Board requesting this.

The Board then noted their appreciation of Mr. Hatfield's work and service to the County.

VI. Adjournment

At 8:45 PM, Mr. Hale moved to adjourn and Mr. Harvey seconded the motion. There being no further discussion, Supervisors voted unanimously by voice vote to approve the motion and the meeting adjourned.

October 30, 2014

VIRGINIA:

AT A SPECIAL (CALLED) MEETING of the Nelson County Board of Supervisors at 4:30 p.m. in the second floor conference room (former Board Meeting Room) of the Nelson County Courthouse in Lovingston, Virginia.

PRESENT: Constance Brennan, Central District Supervisor – Chair
Larry D. Saunders, South District Supervisor – Vice-Chair
Thomas D. Harvey, North District Supervisor
Allen M. Hale, East District Supervisor
Stephen A. Carter, County Administrator

ABSENT: Thomas H. Bruguere, West District Supervisor
Candice W. McGarry, Administrative Assistant/Deputy Clerk

I. CALL TO ORDER

Ms. Brennan called the meeting to order at 4:30 p.m. noting a quorum of the members of the Board of Supervisors was present for the meeting to be conducted.

II. RESOLUTION – R2014-75 VIRIGNIA DEPARTMENT OF TRANSPORTATION FY2016 TRANSPORTATION ALTERNATIVES PROGRAM APPLICATION ENDORSEMENT AND SPONSORSHIP FOR BLUE RIDGE TUNNEL PROJECT

Mr. Carter advised the Board that the resolution provided, as noted, for the submission of a Transportation Alternatives Program grant application to the Virginia Department of Transportation for Phase3 funding of Nelson County’s Blue Ridge Tunnel Project.

Thereafter, Mr. Hale moved, seconded by Mr. Saunders, that the Board of Supervisors approve the resolution (R2014-75). Roll call was unanimous in support (4-0) of the motion and approval of the resolution, as follows:

**RESOLUTION R2014-75
NELSON COUNTY BOARD OF SUPERVISORS
VIRGINIA DEPARTMENT OF TRANSPORTATION
FY2016 TRANSPORTATION ALTERNATIVES PROGRAM
APPLICATION ENDORSEMENT AND SPONSORSHIP
FOR BLUE RIDGE TUNNEL PROJECT**

WHEREAS, Nelson County continues to lead the ten-year-long, ongoing regional effort to advance its Blue Ridge Tunnel restoration project from a “shovel ready” plan to a fully built success story, and,

WHEREAS, being an existing project sponsor of a Transportation Enhancement Project, Nelson County is eligible to apply for Transportation Alternatives Program grant funds under the newly enacted MAP-21 Federal Transportation Bill (the former Transportation Enhancement Grant program), and

WHEREAS, Nelson County staff are developing a proposal in response to the Transportation Alternatives Program grant opportunity announcement by the Virginia Department of Transportation, and

WHEREAS, Nelson County recognizes that this is a very valuable project for Nelson County, for the Central Virginia region, and for the entire Commonwealth of Virginia, and,

WHEREAS, the County believes it's an important project for numerous community priorities, including:

- Increasing the local and regional community quality of life, adding to the area's public recreation amenities, and promoting active and healthy communities;
- Strengthening rural economic development and strengthening the local and regional recreation tourism, ecotourism, agritourism, and heritage tourism industries;
- Advancing community goals related to historic preservation and cultural landscape protection; and
- Implementing long-range alternative transportation planning goals.

NOW, THEREFORE BE IT RESOLVED that the Nelson County Board of Supervisors hereby endorses the submittal of a Transportation Alternatives Program grant application for Phase III construction of the Blue Ridge Tunnel Project and additionally resolves to continue its sponsorship of the proposed project.

III. OTHER

The Board of Supervisors did not consider any other business, noting that all members must be present to do so during a special (called) meeting.

IV. ADJOURNMENT

On motion of Mr. Harvey, seconded by Mr. Saunders, the Board voted unanimously to adjourn the meeting at 4:40 p.m.

RESOLUTION R2014-77
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>
\$146.57	2014 PP Tax & Vehicle License Fee	Charlene V. Campbell P.O. Box 75 Piney River, VA 22964
\$79.86	2014 PP Tax	Sherry M. Harrison 475 Toytown Rd Amherst, VA 24521
\$137.83	RE Tax	Larry Toms & Vickie Batten 3211 Village Drive Waynesboro, VA 22980
\$1,567.68	2014 PP Tax & Vehicle License Fee	Foster Fuels, Inc. P.O. Box 190 Brookneal, VA 24528
\$207.92	2013/2014 PP Tax & Vehicle License Fee and Penalty & Interest	Linda C. Hochheim and Lawrence Hochheim 1123 Rolling Hill Road Pamplin, VA 23958

Approved: November 13, 2014

Attest: _____, Clerk
Nelson County Board of Supervisors

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

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

October 8, 2014

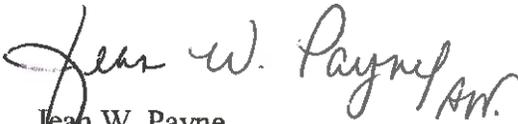
Mrs. Constance Brennan, Chairperson
Nelson County Board of Supervisors
P. O. Box 336
Lovington, VA 22949

Re: Campbell, Charlene Viar
P. O. Box 75 Piney River, VA 22964
2005 Toyota Tacoma #0577

This letter shall serve as written request that a 2014 personal property tax and vehicle license fee refund of \$146.57 be issued to the above referenced taxpayer. This vehicle is registered and garaged in Amherst County.

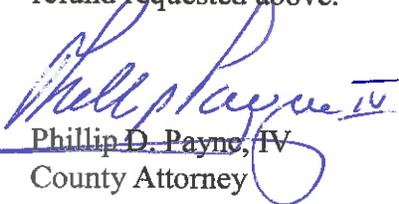
Supporting data is available in this office for you review.

Respectfully requested,



Jean W. Payne
Commissioner of Revenue

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



Phillip D. Payne IV
County Attorney

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

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

October 14, 2014

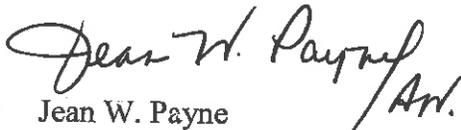
Mrs. Constance Brennan, Chairperson
Nelson County Board of Supervisors
P. O. Box 336
Lovington, VA 22949

Re: Harrison Sherry Manon
475 Toytown Road Amherst, VA 24521
1999 Honda #6690, 1995 Honda #9116, 2012 Carry On Trailer #1416

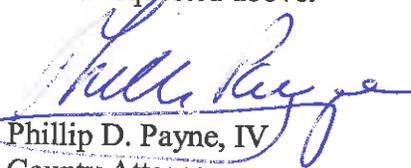
This letter shall serve as written request that a 2014 personal property tax refund of \$79.86 be issued to the above referenced taxpayer. These vehicles were in Amherst County, a non-prorating locality, on January 1, 2014.

Supporting data is available in this office for you review.

Respectfully requested,


Jean W. Payne
Commissioner of Revenue

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


Phillip D. Payne, IV
County Attorney

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

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

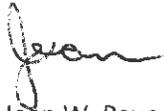
October 16, 2014

Ms. Connie Brennan, Chairman
Nelson County Board of Supervisors
P O Box 336
Lovington, Va. 22949

Dear Connie,

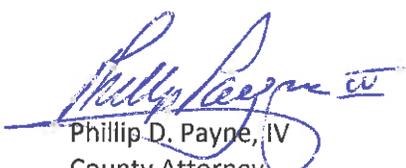
This letter shall serve as a written request that a refund of \$137.83 be issued to Mr. Larry Toms & Ms. Vickie Batten, 3211 Village Drive, Waynesboro, Va. 22980. This is due to our taxing them with the wrong acreage.

Sincerely,



Jean W. Payne
Commissioner of the Revenue

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



Phillip D. Payne, IV
County Attorney

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

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

October 30, 2014

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

Re: Foster Fuels, Inc.
P O Box 190 Brookneal, VA 24528
2011 International 4400 #2546, 2010 Toyota Tundra #3475 and
2007 Ford DRW Super Duty #5449

This letter shall serve as written request that a 2014 personal property tax and vehicle license fee refund of \$1,567.68 be issued to the above referenced taxpayer. These vehicles were in Campbell County, a non-prorating locality, on January 1, 2014.

Supporting data is available in this office for you review.

Respectfully requested,


Jean W. Payne
Commissioner of Revenue

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


Phillip D. Payne, IV
County Attorney

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

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

November 3, 2014

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

Re: Hochheim, Linda Carol
Hochheim, Lawrence
1123 Rolling Hill Road Pamplin, VA 23958
2009 GMC Arcadia #7175

This letter shall serve as written request that a 2013/2014 personal property tax, penalty/interest and vehicle license fee refund of **207.92** be issued to the above referenced taxpayer. This vehicle is and has been garaged in Charlotte County since their move here from Tennessee

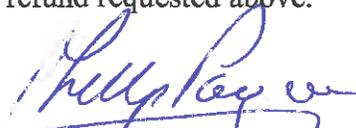
Supporting data is available in this office for you review.

Respectfully requested,



Jean W. Payne
Commissioner of Revenue

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



Phillip D. Payne, IV
County Attorney

**RESOLUTION R2014-78
NELSON COUNTY BOARD OF SUPERVISORS
AMENDMENT OF FISCAL YEAR 2014-2015 BUDGET
NELSON COUNTY, VA
November 13, 2014**

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

I. Appropriation of Funds (General Fund)

<u>Amount</u>	<u>Revenue Account (-)</u>	<u>Expenditure Account (+)</u>
\$ 5,000.00	3-100-002404-0001	4-100-031020-5419
\$ 44,021.00	3-100-009999-0001	4-100-031020-5420
\$ 49,021.00		

Adopted: November 13, 2014

Attest: _____, Clerk
Nelson County Board of Supervisors

EXPLANATION OF BUDGET AMENDMENT

- I. The **General Fund Appropriation** reflects an appropriation request by the Sheriff's Department for asset forfeiture funds in the amount of **\$5,000**. The department plans to purchase 3 bullet proof vests, a 4-wheeler, and partially fund a computer software program to aid investigations. This request is backed by asset forfeiture funds received in the current year. These funds must be spent in accordance with the Virginia Forfeited Asset Sharing Program guidelines. An appropriation is also requested in the amount of **\$44,021** for the remaining balance of Treasury Forfeiture Funds received in FY14 that remain unexpended. These funds will be expended by the Sheriff's Department in accordance with the Department of the Treasury Guide to Equitable Sharing.

**RESOLUTION R2014-79
NELSON COUNTY BOARD OF SUPERVISORS
APPROVAL OF JOB DESCRIPTION
REGISTRAR**

WHEREAS, the position of Registrar is considered a County position; and

WHEREAS, the County endeavors to maintain job descriptions for all County positions,

NOW THEREFORE, BE IT RESOLVED, that the Nelson County Board of Supervisors hereby approves the job description for the position of Registrar as attached and hereby made a part of this resolution.

Adopted: November 13, 2014

Attest: _____ Clerk,
Nelson County Board of Supervisors

NELSON COUNTY JOB DESCRIPTION

Job Title **Registrar**

Grade **N/A**

Supervisor's Title **Electoral Board**

FLSA Status **Exempt**

Department **Registrar/Board of Elections**

Date _____

Purpose of the Job: To serve as Registrar responsible for all voter registration services and those election services as delegated by the local Electoral Board in conformity with the federal and state constitutions, state and local election laws, and the policies and regulations established by the General Assembly, State Board of Elections and local government.

Essential Responsibilities. The major responsibilities that must be performed in order to accomplish the purpose of the job and that account for the majority (75% to 95%) of the employee's time.

Percentage of Time. The percentage of the employee's time that is typically devoted to meeting the responsibility over the course of a typical week, month or year.

Importance. Following each essential responsibility, indicate its importance to the overall purpose of the job using the following scale:

Important 1 — 2 — 3 — 4 — 5 Very Important

	Essential Responsibility	% of Time	Importance Rating
1	Plans, develops, directs, monitors and evaluates the voter registration program. Provides all registration transaction services and maintains the official county registration records required by and in compliance with the Constitution and the Code of Virginia.	20%	5
2	Manages preparations for elections, including materials, pollbooks, machines, ballots, voting places and election officials. Records election results and distributes to State Board of Elections, candidates, officials and the media.	20%	5
3	Conducts absentee voting in accordance with all federal and state regulations.	10%	5
4	Manages filing of candidates' and officials' election forms, contributions and expenditure reports, and economic statements.	10%	4
5	Serves as communication liaison to the US Department of Justice, US Department of Defense, and State Board of Elections as may be required.	10%	4
6	Performs other duties as may be delegated by the local Electoral Board.	5%	3
7	Provides information to Board of Supervisors as required for election redistricting or changes in precincts/polling places. Notifies voters and appropriate state and federal authorities of changes.	5%	4
8	Serves as department head in local government, supervising and training employees and election officials, attending required meetings and training, answering inquiries, and providing reports as required.	10%	4
9	Manages department budget and implements department policy and procedures.	10%	4

NELSON COUNTY JOB DESCRIPTION

Formal Supervisory Responsibility. Employees in the following positions report directly to the Registrar.

Job Title of Direct Reports	Number of FTE Employees In The Job
Substitute/Assistant Registrar Part-time	0.6

Routine Decision-Making. The following reflect examples of specific decisions routinely made in this job

Examples Of Specific Decisions Routinely Made
Decides allocation of budget resources and expenditures.
Makes procurement decisions including vendor selection.
Decides department work schedule including coordination of election official training.
Interprets election regulations for deciding when to mail or publish official notifications.

Formal Policy-Setting Responsibilities.

- No formal responsibility. The policies associated with the job's purpose and essential responsibilities are set by others.
- Formally responsible for providing input into policies associated with the job's purpose and essential responsibilities.
- Formally responsible for making recommendations regarding policies associated with the job's purpose and essential responsibilities.
- Formally responsible for setting policy associated with the job's purpose and essential responsibilities.

NELSON COUNTY JOB DESCRIPTION

Required Knowledge.

Knowledge Or Information Required For Completely Satisfactory Performance
Knowledge of federal, state, and local election laws and regulations.
General knowledge of personnel management
General knowledge of basic budget principles
General knowledge of County geography, road systems and landmarks
Working knowledge of basic office procedures and computer applications (Microsoft Word and Excel).

Required Skills or Abilities.

Skills And Abilities Required For Completely Satisfactory Performance
Management skills including the ability to plan and manage election preparations.
Ability to communicate tactfully and effectively in oral and written form both with the public and federal and state agencies.
Ability to multi-task and meet strict deadlines.
Ability to read and accurately interpret complex codes and regulations.

Formal Education. Formal education is usually associated (though not required) with completely satisfactory performance in this job.

- | | |
|--|--|
| <input type="checkbox"/> Less than a high school education | <input type="checkbox"/> Four-year college education |
| <input type="checkbox"/> High school education | <input type="checkbox"/> Graduate level education |
| <input type="checkbox"/> Technical or vocational school education | <input type="checkbox"/> Professional school (e.g., law, medicine, etc.) |
| <input checked="" type="checkbox"/> Junior college/two-year college training | <input type="checkbox"/> Other (Please specify): |

Working Conditions.

The conditions under which this job is usually performed do not subject the employee to a greater risk of physical discomfort or harm than a general office environment.

EEOC Classifications. The EEOC classification for this job is as noted below.

NELSON COUNTY JOB DESCRIPTION

- Officials and managers.** Occupations requiring administrative and managerial personnel who set broad policies, exercise overall responsibility for execution of these policies, and direct individual departments or special phases of a firm's operations. Includes: officials, executives, middle management, plant managers, department managers, and superintendents, salaried supervisors who are members of management, purchasing agents and buyers, railroad conductors and yard masters, ship captains, mates and other officers, farm operators and managers, and kindred workers.
- Professionals.** Occupations requiring either college graduation or experience of such kind and amount as to provide a comparable background. Includes: accountants and auditors, airplane pilots and navigators, architects, artists, chemists, designers, dietitians, editors, engineers, lawyers, librarians, mathematicians, natural scientists, registered professional nurses, personnel and labor relations specialists, physical scientists, physicians, social scientists, teachers, surveyors and kindred workers.
- Technicians.** Occupations requiring a combination of basic scientific knowledge and manual skill which can be obtained through 2 years of post high school education, such as is offered in many technical institutes and junior colleges, or through equivalent on-the-job training. Includes: computer programmers, drafters, engineering aides, junior engineers, mathematical aides, licensed, practical or vocational nurses, photographers, radio operators, scientific assistants, technical illustrators, technicians (medical, dental, electronic, physical science) and kindred workers.
- Sales.** Occupations engaging wholly or primarily in direct selling. Includes: advertising agents and brokers, stock and bond salesworkers, demonstrators, salesworkers and sales clerks, grocery clerks, and cashiers/checkers, and kindred workers.
- Office and Clerical.** Includes all clerical-type work regardless of level of difficulty, where the activities are predominantly non-manual through some manual work not directly involved with altering or transporting the products is included. Includes: bookkeepers, collectors (bills and accounts), messengers and office helpers, office machine operators (including computer), shipping and receiving clerks, stenographers, typists and secretaries, telegraph and telephone operators, legal assistants, and kindred workers.
- Craft Workers (skilled).** Manual workers of relatively high skill level having a thorough and comprehensive knowledge of the processes involved in their work. Exercise considerable independent judgment and usually receive an extensive period of training. Includes: the building trades, hourly paid supervisors and lead operators who are not members of management, mechanics and repairers, skilled machining occupations, compositors and typesetters, electricians, engravers, painters (construction and maintenance), motion picture projectionists, pattern and model makers, stationary engineers, tailors and tailoresses, arts occupations, handpainters, coaters, bakers, decorating occupations and kindred workers.

NELSON COUNTY JOB DESCRIPTION

Operatives (semiskilled). Workers who operate machine or processing equipment or perform other factory-type duties of intermediate skill level which can be mastered in a few weeks and require only limited training. Includes: apprentices (auto mechanics, plumbers, bricklayers, carpenters, electricians, machinists, mechanics, building trades, metalworking trades, printing trades, etc.), operatives, attendants (auto service and parking), blasters, chauffeurs, delivery workers, sewers and stitchers, dryers, furnace workers, heaters, laundry and dry cleaning operatives, milliners, mine operatives and laborers, motor operators, oilers and greasers (except auto), painters (manufactured articles), photographic process workers, truck and tractor drivers, knitting, looping, taping and weaving machine operators, welders and flame cutters, electrical and electronic equipment assemblers, butchers and meat cutters, inspectors, testers and graders, handpackers and packagers, and kindred workers.

Laborers (unskilled). Workers in manual occupations which generally require no special training who perform elementary duties that may be learned in a few days and require the application of little or no independent judgment. Includes: garage laborers, car washers and greasers, groundskeepers and gardeners, farm workers, stevedores, wood choppers, laborers performing lifting, digging, mixing, loading and pulling operations, and kindred workers.

Service Workers. Workers in both protective and non protective service occupations. Includes: attendants (hospital and other institutions, professional and personal service, including nurses aides and orderlies), barbers, charworkers and cleaners, cooks, counter and fountain workers, elevator operators, firefighters and fire protection, guards, door-keepers, stewards, janitors, police officers and detectives, porters, waiters and waitresses, amusement and recreation facilities attendants, guides, users, public transportation attendants, and kindred workers.

**RESOLUTION R2014-80
NELSON COUNTY BOARD OF SUPERVISORS
AUTHORIZATION FOR PLANNING & ZONING ADMINISTRATIVE
REVIEWS AND APPROVALS**

WHEREAS, Part-time planner, Mr. Grant Massie was previously employed for many years as the Amherst County Director of Planning and Zoning; and

WHEREAS, Mr. Massie has the qualifications and experience to perform plat review and approvals, as well as other routine administrative tasks; and

WHEREAS, having two employees authorized to perform routine administrative tasks such as conducting plat reviews and approvals and administrative zoning permit approvals, improves the efficiency of service delivery of the office of Planning and Zoning and therefore is in the best interest of the citizens of Nelson County;

NOW THEREFORE BE IT RESOLVED, by the Nelson County Board of Supervisors that Mr. Grant Massie, in his capacity as Part-time Planner, is hereby authorized to perform plat reviews and approvals as well as administrative zoning permit approvals on behalf of the Nelson County Planning and Zoning Department.

Approved: November 13, 2014

Attest: _____, Clerk
Nelson County Board of Supervisors

**TCT COST CONSULTANTS
1090 VERMONT AVE NW, SUITE 230
WASHINGTON, DC 20005
TEL : (202) 315 8944**



**NELSON COUNTY COURTHOUSE
PHASE II ALTERATIONS AND ADDITIONS
LOVINGSTON, VIRGINIA**

ARCHITECTURAL PARTNERS

SCHEMATIC DESIGN ESTIMATE

October 27th, 2014

PREPARED BY MARTIN MILLER, NICK MAIORANA, ALI MOZAFFARI

**NELSON COUNTY COURTHOUSE
PROJECT QUALIFICATIONS**

October 27th, 2014

PHASE : SCHEMATIC DESIGN ESTIMATE

BUILDING TYPE :
 RESIDENTIAL RETAIL EDUCATIONAL CONVENTION CENTERS COURTHOUSE

PROJECT TYPE :
 NEW CONSTRUCTION ADDITION RENOVATION

PROJECT :	NELSON COUNTY COURTHOUSE
EMPLOYER :	PHASE II ALTERATIONS AND ADDITIONS
LOCATION :	LOVINGSTON, VIRGINIA
A / E :	ARCHITECTURAL PARTNERS
CM :	
PROJECT # :	

BASIS

Design Contingency - **10%**
 Bonds and Insurance - **2%**
 General Conditions - **10%**
 CM Fee - **5%**
 Escalation - **Excluded**

DATA

Based on Architectural Partners Architects Progress Drawing Set dated October 10, 2014, Project discription Narrative dated October 10, 2014, Electrical Assessment dated September 22, 2014, Mechanical Assessment dated September 22, 2014 and Structural Assessment dated September 22, 2014.

EXCLUSIONS

A-E Fees.
 Phasing.
 Overtime.
 Dewatering with regards to earthwork related work
 Rock excavation
 Sheeting and shoring
 Underpinning
 Furniture and loose equipment
 Library shelving
 Window treatments
 Temorary Swing space for Circuit Court Room during renovation

QUALIFICATIONS

We assumed that the Basement has a floor to floor height of 10'-6", 1st Floor - floor to floor height of 10'-0" and 2nd Floor - floor to floor height of 8'-0"
 Assumed 16 column foundations, each size 4'x 4'x 1' deep
 Assumed strip footings to basement perimeter wall size 2' wide x 1' deep
 Structural steel framing assumed @ 12lbs/sf aveage

TCT COST CONSULTANTS

NELSON COUNTY COURTHOUSE

PROJECT SUMMARY

October 27th, 2014

PHASE : SCHEMATIC DESIGN ESTIMATE			
BUILDING TYPE :			
<input type="checkbox"/> RESIDENTIAL <input type="checkbox"/> RETAIL <input type="checkbox"/> EDUCATIONAL <input type="checkbox"/> CONVENTION CENTERS <input checked="" type="checkbox"/> COURTHOUSE			
PROJECT TYPE :			
<input type="checkbox"/> NEW CONSTRUCTION <input checked="" type="checkbox"/> ADDITION <input checked="" type="checkbox"/> RENOVATION			
PROJECT :	NELSON COUNTY COURTHOUSE		
EMPLOYER :	PHASE II ALTERATIONS AND ADDITIONS		
LOCATION :	LOVINGSTON, VIRGINIA		
A / E :	ARCHITECTURAL PARTNERS		
CM :			
PROJECT # :			
DIVISION	DESCRIPTION	AMOUNT	COMMENTS
1	GENERAL REQUIREMENTS	\$ 5,000	
2	EXISTING CONDITIONS	\$ 148,764	
3	CONCRETE	\$ 83,130	
4	MASONRY	\$ 146,350	
5	METALS	\$ 170,603	
6	WOOD, PLASTICS & COMPOSITES	\$ 117,930	
7	THERMAL AND MOISTURE PROTECTION	\$ 173,721	
8	OPENINGS	\$ 138,000	
9	FINISHES	\$ 427,315	
10	SPECIALTIES	\$ 37,670	
11	EQUIPMENT	\$ 5,000	
12	FURNISHINGS	\$ 371,625	
14	ELEVATORS	\$ 75,000	
21	FIRE SUPPRESSION	\$ -	
22	PLUMBING	\$ 1,090,640	
23&25	HVAC	\$ 1,667,340	
26-28	ELECTRICAL	\$ 1,446,470	
31	EARTHWORK	\$ 48,045	
32	EXTERIOR IMPROVEMENTS	\$ 89,500	
33	SITE UTILITIES	\$ 540,000	
	DIRECT COST	\$ 6,782,103	
	GENERAL CONDITIONS	10% \$ 678,210	
		\$ 7,460,313	
	CM FEE	5% \$ 373,016	
		\$ 7,833,329	
	DESIGN CONTINGENCY	10% \$ 783,333	
		\$ 8,616,662	
	BONDS & INSURANCE	2% \$ 172,333	
		\$ 8,788,995	
	ESCALATION	EXCLUDED	
	ESTIMATED CONSTRUCTION COST AT AWARD	\$ 8,788,995	
	CHANGE ORDER CONTINGENCY	EXCLUDED	
		\$ 8,788,995	
	DESIGN FEES	EXCLUDED	
	TOTAL CONSTRUCTION COST	\$ 8,788,995	
	ALTERNATES (Including Mark-Ups)		
1	Fire sprinkler system, including fire pump	\$252,839	

NELSON COUNTY COURTHOUSE

ESTIMATE

October 27th, 2014

PHASE : SCHEMATIC DESIGN ESTIMATE					
BUILDING TYPE :					
<input type="checkbox"/> RESIDENTIAL <input type="checkbox"/> EDUCATIONAL <input type="checkbox"/> CONVENTION CENTERS <input checked="" type="checkbox"/> COURTHOUSE					
PROJECT TYPE :					
<input type="checkbox"/> NEW <input checked="" type="checkbox"/> ADDITION <input checked="" type="checkbox"/> RENOVATION					
PROJECT : NELSON COUNTY COURTHOUSE					
EMPLOYER : PHASE II ALTERATIONS AND ADDITIONS					
LOCATION : LOVINGSTON, VIRGINIA					
A / E : ARCHITECTURAL PARTNERS					
CM :					
PROJECT # : GSF 28,260					
DIVISION	DESCRIPTION	UNIT	TOTAL		
4	DIVISION 4 - MASONRY				
		QUANTITY	UNIT	UNIT PRICE	AMOUNT
1	Brick veneer / Note 4-A (incl. install of steel lintel at openings)	3,429	SF	\$ 20.00	\$ 68,580
2	Brick arch; typical at all new arched openings / Note 4-B	11	EA	\$ 800.00	\$ 8,800
3	Brick sill; typical at all new new windows / Note 4-C	18	EA	\$ 500.00	\$ 9,000
4	Brick projecting band / Note 4-E	137	LF	\$ 20.00	\$ 2,740
5	Replace masonry bearing wall with steel column and clinch beam- Note 2C	45	LF	\$ 25.00	\$ 1,125
6	Reinforced 8" CMU interior walls @ elevator	3,507	SF	\$ 15.00	\$ 52,605
7	Tooth existing brick veneer to receive new brick veneer of new addition	200	SF	\$ 17.50	\$ 3,500
TOTAL FOR	DIVISION 4 - MASONRY				\$ 146,350
5	DIVISION 5 - METALS				
		QUANTITY	UNIT	UNIT PRICE	AMOUNT
1	Structural steel framing to new addition ground to 1st levels and to 1st and 2nd floor areas.	14	TON	\$ 5,400.00	\$ 74,909
2	Composite metal deck for supporting concrete elevated slab on 1st FL and 2nd FL @ addition building	1,950	SF	\$ 6.00	\$ 11,700
3	Backing system to brick veneer @ new addition, including insulation, air barriers, dampproofing, etc. complete	3,429	SF	\$ 16.00	\$ 54,864
4	Allowance for modifications/reinforcement to existing structure for new roof access	1	LS	\$ 15,000.00	\$ 15,000
5	Miscellaneous metals allowance	28,260	GSF	\$ 0.50	\$ 14,130
TOTAL FOR	DIVISION 5 - METALS				\$ 170,603
6	DIVISION 6 - WOOD, PLASTICS & COMPOSITES				
		QUANTITY	UNIT	UNIT PRICE	AMOUNT
1	Rough carpentry allowance	28,260	GSF	\$ 1.75	\$ 49,455
2	Roof trusses/plywood/felt paper	2,680	SF	\$ 15.00	\$ 40,200
3	Facia board/soffit	125	LF	\$ 30.00	\$ 3,750
4	New wood cornice to match adjacent existing design @ addition roof / Note 1-B	125	LF	\$ 65.00	\$ 8,125
5	New rake board to match existing / Note 1-F	125	LF	\$ 65.00	\$ 8,125
6	Replace damaged / deteriorated wood rake boards and cornice w/ new wood components, matching existing design @ existing roof / Note 1-E	1	ALLW	\$ 5,000.00	\$ 5,000
7	PVC louver with brick sill @ new addition	2	EA	\$ 250.00	\$ 500
8	Replace deteriorated ends and sister joists at sout wall court room (Note 5A)	37	LF	\$ 75.00	\$ 2,775
TOTAL FOR	DIVISION 6 - WOOD, PLASTICS & COMPOSITES				\$ 117,930

NELSON COUNTY COURTHOUSE

ESTIMATE

October 27th, 2014

PHASE : SCHEMATIC DESIGN ESTIMATE					
BUILDING TYPE :					
<input type="checkbox"/> RESIDENTIAL <input type="checkbox"/> EDUCATIONAL <input type="checkbox"/> CONVENTION CENTERS <input checked="" type="checkbox"/> COURTHOUSE					
PROJECT TYPE :					
<input type="checkbox"/> NEW <input checked="" type="checkbox"/> ADDITION <input checked="" type="checkbox"/> RENOVATION					
PROJECT : NELSON COUNTY COURTHOUSE					
EMPLOYER : PHASE II ALTERATIONS AND ADDITIONS					
LOCATION : LOVINGSTON, VIRGINIA					
A / E : ARCHITECTURAL PARTNERS					
CM :					
PROJECT # : GSF 28,260					
DIVISION	DESCRIPTION	UNIT	TOTAL		
7	DIVISION 7 - THERMAL AND MOISTURE PROTECTION				
		QUANTITY	UNIT	UNIT PRICE	AMOUNT
1	Patch/repair existing TPO & apply new TPO membrane	4,020	SF	\$ 10.00	\$ 40,200
2	Allowance for new roof hatch at corridor by new elevator	1	EA	\$ 5,000.00	\$ 5,000
3	New flashing and sealant at Cupla base roof tile-in (Note 2-C)	1	LS	\$ 3,500.00	\$ 3,500
4	New pre-finished standing seam metal roof to match existing @ addition roof	3,400	SF	\$ 18.00	\$ 61,200
5	Patch pre-finished standing seam metal roof to match existing @ addition roof	1	LS	\$ 15,000.00	\$ 15,000
6	Install new pipe transition from existing gutters to all existing downspouts / Note 1-D	12	EA	\$ 175.00	\$ 2,100
7	New gutters at addition, prefinished to match existing	125	LF	\$ 25.00	\$ 3,125
9	New downspouts at addition, prefinished to match existing	120	LF	\$ 10.00	\$ 1,200
9	Waterproofing system to new/existing basement	1	ALLW	\$ 4,000.00	\$ 4,000
10	Insulation, dampproofing, air barrier, etc. to brick veneer façade				Included in Div. 5
11	Blow in insulation at attic spaces of 1810 and 1940 buildings to current code	7,226	SF	\$ 1.80	\$ 13,007
12	Blow in insulation at attic spaces @ new addition	2,330	SF	\$ 1.80	\$ 4,194
13	Allowance for joint sealants, fireproofing, etc.	28,260	GSF	\$ 0.75	\$ 21,195
TOTAL FOR DIVISION 7 - THERMAL AND MOISTURE PROTECTION					\$ 173,721
8	DIVISION 8 - OPENINGS				
		QUANTITY	UNIT	UNIT PRICE	AMOUNT
Exterior glazing systems @ new addition					
1	New double insulated aluminum clad wood window with low E-glazing and simulated divided lites ; Type 3-A ; Arched window	12	EA	\$ 875.00	\$ 10,500
2	New double insulated aluminum clad wood window with low E-glazing and simulated divided lites ; 3.8' x 5.5' ; Type 3-A	28	EA	\$ 1,500.00	\$ 42,000
New windows to existing building					
1	New double insulated wood window with low E-Glazing and authentic divided lites matching casings and profiles of large courtroom windows; 3' x 5'; Type 3-B	6	EA	\$ 1,200.00	\$ 7,200
Existing windows to be fixed					
1	Existing window to be repaired and refinished per national park service standards; fix in place ; 4' x 8' ; Type 3-C	8	EA	\$ 3,000.00	\$ 24,000
2	Existing window to be refinished and fixed in place with interior sealant ; provide new energy panel-typical at all 1940 buiding windows ; 3.8' x 6' ; Type 3-D	8	EA	\$ 800.00	\$ 6,400
3	Existing window to be stripped, primed and painted, then fixed in place with interior sealant ; provide new energy panel ; cover existing metal jamb liner with new wood trim-typical at all 1988 buiding windows ; 3.8' x 4.6' ; Type 3-E	28	EA	\$ 800.00	\$ 22,400
4					
5	New pre-finished, custom fiberglass composite shutters with stainless steel hardware including hinges and S-holdbacks ; 4' x 8' ; Type 3-F	16	EA	\$ 1,000.00	\$ 16,000
6	New pre-finished fiberglass composite louver. Match with existing @ Cupola roof (Note 2-A)	6	EA	\$ 1,000.00	\$ 6,000
7	Prepare, prime and paint all existing wood and cement board components of Cupola and base (Note 2-B)	1	LS	\$ 3,500.00	\$ 3,500
TOTAL FOR DIVISION 8 - OPENINGS					\$ 138,000

NELSON COUNTY COURTHOUSE

ESTIMATE

October 27th, 2014

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<input type="checkbox"/> RESIDENTIAL <input type="checkbox"/> EDUCATIONAL <input type="checkbox"/> CONVENTION CENTERS <input checked="" type="checkbox"/> COURTHOUSE					
PROJECT TYPE :					
<input type="checkbox"/> NEW <input checked="" type="checkbox"/> ADDITION <input checked="" type="checkbox"/> RENOVATION					
PROJECT : NELSON COUNTY COURTHOUSE					
EMPLOYER : PHASE II ALTERATIONS AND ADDITIONS					
LOCATION : LOVINGSTON, VIRGINIA					
A / E : ARCHITECTURAL PARTNERS					
CM :					
PROJECT # : GSF 28,260					
DIVISION	DESCRIPTION	UNIT	TOTAL		
DIVISION 9 - FINISHES					
9		QUANTITY	UNIT	UNIT PRICE	AMOUNT
	Gypsumboard				
1	New interior wall , metal stud GWB system	902	LF	\$ 45.00	\$ 40,590
2	New interior wall, metal stud GWB system , fire rated type @records room	49	LF	\$ 50.00	\$ 2,450
3	Repair plaster walls and ceiling under balcony as required	320	SF	\$ 8.00	\$ 2,560
	Wall finishes				
1	Allowance for replacing damaged or deteriorated wainscot panel @ court room	650	SF	\$ 45.00	\$ 29,250
	Paints				
1	Paint brick veneer / Note 4-A	3,429	SF	\$ 2.50	\$ 8,573
2	Allowance for repainting all existing walls, trim, railings, columns and wainscoting @ court room	1,724	GSF	\$ 5.00	\$ 8,620
3	Paint to gypsum board walls at new and renovated areas	88,400	SF	\$ 1.00	\$ 88,400
4	Sealed concrete floors at MEP rooms @ basement	1,525	SF	\$ 1.75	\$ 2,669
	Floor finishes				
1	Hardwood flooring @ court restoration	653	SF	\$ 20.00	\$ 13,060
2	Restore and refinish wood flooring @ balcony of court room	320	SF	\$ 10.00	\$ 3,200
3	Ceramic tiles @ kitchen	1,037	SF	\$ 9.00	\$ 9,333
4	Resilient tile @ corridors	3,393	SF	\$ 5.00	\$ 16,965
5	Restore and refinish wood flooring @ court room	313	SF	\$ 10.00	\$ 3,130
6	Carpet Floor	1,656	SY	\$ 45.00	\$ 74,500
	Base finish				
1	Rubber base	4,420	LF	\$ 3.00	\$ 13,260
	Ceiling finishes				
1	ACT ceiling to offices and corridors	18,372	SF	\$ 5.00	\$ 91,860
2	GWB ceiling	1,937	SF	\$ 8.00	\$ 15,496
	Misc. finishes @ Court Room				
1	Allowance for prep. and refinish existing crown molding and picture molding at level of existing ceiling. Remove existing picture molding below existing hung ceiling	170	LF	\$ 20.00	\$ 3,400
TOTAL FOR DIVISION 9 - FINISHES					\$ 427,315
DIVISION 10 - SPECIALTIES					
10		QUANTITY	UNIT	UNIT PRICE	AMOUNT
1	Mop Holder stainless steel 16ga	2	EA	\$ 175.00	\$ 350
2	Mirrors	10	EA	\$ 300.00	\$ 3,000
3	Grab bars	36	EA	\$ 70.00	\$ 2,520
4	Toilet tissue dispenser	20	EA	\$ 150.00	\$ 3,000
5	Paper towel dispenser / disposal	20	EA	\$ 400.00	\$ 8,000
6	Soap dispenser	20	EA	\$ 80.00	\$ 1,600
7	Toilet Partitions - standard	4	EA	\$ 1,200.00	\$ 4,800
8	Toilet Partitions - handicap	4	EA	\$ 1,600.00	\$ 6,400
9	Restore original lettering at balcony entablature " VITUS- KEEP GODS COMMANDS - VERITAS "	1	LS	\$ 5,000.00	\$ 5,000
10	Interior signage	1	LS	\$ 3,000.00	\$ 3,000
TOTAL FOR DIVISION 10 - SPECIALTIES					\$ 37,670

NELSON COUNTY COURTHOUSE

ESTIMATE

October 27th, 2014

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PROJECT TYPE :					
<input type="checkbox"/> NEW <input checked="" type="checkbox"/> ADDITION <input checked="" type="checkbox"/> RENOVATION					
PROJECT :	NELSON COUNTY COURTHOUSE				
EMPLOYER :	PHASE II ALTERATIONS AND ADDITIONS				
LOCATION :	LOVINGSTON, VIRGINIA				
A / E :	ARCHITECTURAL PARTNERS				
CM :					
PROJECT # :	GSF 28,260				
DIVISION	DESCRIPTION	UNIT		TOTAL	
11	DIVISION 11 - EQUIPMENT				
		QUANTITY	UNIT	UNIT PRICE	AMOUNT
1	Dry erase marker boards, etc.	1	LS	\$ 5,000.00	\$ 5,000
TOTAL FOR	DIVISION 11 - EQUIPMENT				\$ 5,000
12	DIVISION 12 - FURNISHINGS				
		QUANTITY	UNIT	UNIT PRICE	AMOUNT
1	New casework/ cabinet - Note 2-E	210	LF	\$ 350.00	\$ 73,500
2	New section of balustrade to match existing	40	LF	\$ 250.00	\$ 10,000
3	New wooden pews to replace existing fixed seating (Note 4-E) @ court room	125	LF	\$ 225.00	\$ 28,125
4	Addition of flat cap to jury railing to match same at existing witness stand	1	LS	\$ 10,000.00	\$ 10,000
5	Allowance for new custom casework for judge bench station w/ built-in projectile resistant material, per virginia courthouse facility guidelines @ court room	1	LS	\$ 250,000.00	\$ 250,000
TOTAL FOR	DIVISION 12 - FURNISHINGS				\$ 371,625
14	DIVISION 14 - CONVEYING EQUIPMENT				
		QUANTITY	UNIT	UNIT PRICE	AMOUNT
1	Elevator; 2 stops Hydraulic 4000#	1	EA	\$ 75,000.00	\$ 75,000
TOTAL FOR	DIVISION 14 - CONVEYING EQUIPMENT				\$ 75,000
21	DIVISION 21 - FIRE SUPPRESSION				
		QUANTITY	UNIT	UNIT PRICE	AMOUNT
1	See alternate	NONE			
TOTAL FOR	DIVISION 21 - FIRE SUPPRESSION				\$ -

NELSON COUNTY COURTHOUSE

ESTIMATE

October 27th, 2014

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PROJECT TYPE :					
<input type="checkbox"/> NEW <input checked="" type="checkbox"/> ADDITION <input checked="" type="checkbox"/> RENOVATION					
PROJECT :	NELSON COUNTY COURTHOUSE				
EMPLOYER :	PHASE II ALTERATIONS AND ADDITIONS				
LOCATION :	LOVINGSTON, VIRGINIA				
A / E :	ARCHITECTURAL PARTNERS				
CM :					
PROJECT # :	GSF 28,260				
DIVISION	DESCRIPTION	UNIT	TOTAL		
22	DIVISION 22 - PLUMBING				
		QUANTITY	UNIT	UNIT PRICE	AMOUNT
	Plumbing Demolition				
1	Cut/make safe and remove fixtures and associated piping to the extent possible	28,260	GSF	\$ 3.00	\$ 84,780
	New Plumbing Fixtures				
1	New electric water coolers	4	EA	\$ 2,000.00	\$ 8,000
2	Lavatories (Staff): Wall hung: vitreous china for handicapped	12	EA	\$ 2,100.00	\$ 25,200
3	Lavatories (Staff): Countertop: vitreous china	8	EA	\$ 600.00	\$ 4,800
4	Water Closets (Staff): Wall hung, vitreous china, flushometer, handicapp	20	EA	\$ 1,500.00	\$ 30,000
5	Service Sinks: Floor mounted with mop holder, stainless steel, 16 gauge	2	EA	\$ 1,200.00	\$ 2,400
6	Stainless Steel kitchen sink for Break rooms	3	EA	\$ 800.00	\$ 2,400
	Plumbing Equipment				
1	New electric water heater	1	LS	\$ 10,000.00	\$ 10,000
2	Tank-less instantaneous electric water heaters for remote areas	1	LS	\$ 5,000.00	\$ 5,000
3	Water recirculation pump	1	LS	\$ 6,000.00	\$ 6,000
4	Wall hydrants	1	LS	\$ 3,000.00	\$ 3,000
	Water Distribution				
1	Backflow preventor in mechanical room	1	EA	\$ 8,000.00	\$ 8,000
2	Water pressure booster pump system (with 3 pumps)	1	LS	\$ 25,000.00	\$ 25,000
3	New distribution Piping	28,260	GSF	\$ 5.00	\$ 141,300
	Sanitary Distribution				
1	New Piping distribution	28,260	GSF	\$ 13.00	\$ 367,380
2	Underslab and above slab piping (cast iron)				<i>Included above</i>
	Storm Distribution				
1	New Piping distribution	28,260	GSF	\$ 13.00	\$ 367,380
2	Underslab and above slab piping (cast iron)				<i>Included above</i>
3	Connection to roof drains/(emergency over flow on 1975 addition)				<i>Included above</i>
TOTAL FOR DIVISION 22 - PLUMBING					\$ 1,090,640
23	DIVISION 23 - HVAC				
		QUANTITY	UNIT	UNIT PRICE	AMOUNT
1	HVAC Four pipe hot water heating and chilled water cooling	28,260	GSF	\$ 55.00	\$ 1,554,300
2	Integrated automation / Building Control system	28,260	GSF	\$ 4.00	\$ 113,040
TOTAL FOR DIVISION 23 - HVAC					\$ 1,667,340

NELSON COUNTY COURTHOUSE

ESTIMATE

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PROJECT TYPE :					
<input type="checkbox"/> NEW <input checked="" type="checkbox"/> ADDITION <input checked="" type="checkbox"/> RENOVATION					
PROJECT : NELSON COUNTY COURTHOUSE					
EMPLOYER : PHASE II ALTERATIONS AND ADDITIONS					
LOCATION : LOVINGSTON, VIRGINIA					
A / E : ARCHITECTURAL PARTNERS					
CM :					
PROJECT # : GSF 28,260					
DIVISION	DESCRIPTION	UNIT			TOTAL
26	DIVISION 26-28 - ELECTRICAL				
		QUANTITY	UNIT	UNIT PRICE	AMOUNT
1	Electrical distribution/panels/switchgear	28,260	GSF	\$ 27.00	\$ 763,020
2	Light Fixtures	28,260	GSF	\$ 7.00	\$ 197,820
3	Restore 1940's era light fixture, prepare for new use, and reinstall @ court room	1	LS	\$ 15,000.00	\$ 15,000
4	Integrated Telecommunications, Public Address, Clock and Radio	28,260	GSF	\$ 3.00	\$ 84,780
5	IT / Data system	28,260	GSF	\$ 4.00	\$ 113,040
6	Access Control, X-Ray system and CCTV	28,260	GSF	\$ 3.00	\$ 84,780
7	Fire alarm	28,260	GSF	\$ 4.00	\$ 113,040
8	Intrusion Detection system	28,260	GSF	\$ 1.50	\$ 42,390
9	Allowance for upgrading circuit court room; including new decorative and task lighting, new sound amplification system (General note 7)	1,630	SF	\$ 20.00	\$ 32,600
TOTAL FOR DIVISION 26-28 - ELECTRICAL					\$ 1,446,470
31	DIVISION 31 - EARTHWORK				
		QUANTITY	UNIT	UNIT PRICE	AMOUNT
1	Excavate and haul for new Ground Floor level (assume 15' deep excavation)	220	CY	\$ 50.00	\$ 11,000
1	Excavate and haul for new Ground Floor level (assume 4' deep excavation)	200	CY	\$ 50.00	\$ 10,000
2	Export spoils off site	420	CY	\$ 25.00	\$ 10,500
2	Rough grading	3,000	SF	\$ 1.25	\$ 3,750
3	Fine grading	3,000	SF	\$ 0.50	\$ 1,500
4	Allowance for topsoil imported for landscaping	37	CY	\$ 35.00	\$ 1,295
5	Underpinning				None Required
6	Sheeting and shoring				None Required
7	Dewatering				None Required
8	Erosion and sediment control measures	1	LS	\$ 10,000.00	\$ 10,000
TOTAL FOR DIVISION 31 - EARTHWORK					\$ 48,045
32	DIVISION 32 - EXTERIOR IMPROVEMENTS				
		QUANTITY	UNIT	UNIT PRICE	AMOUNT
1	New brick pavers at sloped ramps to match existing pavers	320	SF	\$ 25.00	\$ 8,000
2	Brick retaining wall at new ramp to the basement @ addition	60	LF	\$ 375.00	\$ 22,500
3	Concrete walks repair/modifications (allowance)	1	ALLW	\$ 5,000.00	\$ 5,000
4	Allowance for new landscaping	3,000	SF	\$ 15.00	\$ 45,000
5	Allowance for removal of existing to accommodate additions	3,000	SF	\$ 3.00	\$ 9,000
TOTAL FOR DIVISION 32 - EXTERIOR IMPROVEMENTS					\$ 89,500

NELSON COUNTY COURTHOUSE

ESTIMATE

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PROJECT TYPE :			
<input type="checkbox"/> NEW <input checked="" type="checkbox"/> ADDITION <input checked="" type="checkbox"/> RENOVATION			
PROJECT :	NELSON COUNTY COURTHOUSE		
EMPLOYER :	PHASE II ALTERATIONS AND ADDITIONS		
LOCATION :	LOVINGSTON, VIRGINIA		
A / E :	ARCHITECTURAL PARTNERS		
CM :			
PROJECT # :	<i>GSF 28,260</i>		
DIVISION	DESCRIPTION	UNIT	TOTAL
33	DIVISION 33 - SITE UTILITIES		
		QUANTITY	UNIT
		UNIT PRICE	AMOUNT
1	Domestic water New Service into building	1	LS
		\$ 25,000.00	\$ 25,000
2	Allowance for sewer modifications	1	LS
		\$ 25,000.00	\$ 25,000
3	Allowance for storm water modifications	1	LS
		\$ 25,000.00	\$ 25,000
4	Allowance for electrical Modifications	1	LS
		\$ 75,000.00	\$ 75,000
5	Telecommunication / Data Modifications	1	LS
		\$ 50,000.00	\$ 50,000
6	New electrical duct work from existing service yard to the building 1975	300	LF
		\$ 550.00	\$ 165,000
7	Replace site improvements affected by electrical duct placement	1	LS
		\$ 175,000.00	\$ 175,000
8	Natural gas (utilize existing with no modifications or upgrades)		Existing
			<i>Existing</i>
TOTAL FOR	DIVISION 33 - SITE UTILITIES		\$ 540,000



NELSON COUNTY COURTHOUSE PHASE 2 – COST ESTIMATE REVISIONS

Last revised: **November 5, 2014**

ITEMS to CONSIDER DELETING FROM THE PROJECT SCOPE

DIVISION 1- GENERAL CONDITIONS

DIVISION 2 – EXISTING CONDITIONS

Allowance for Asbestos Abatement (<i>reduced allowance</i>)	\$?????
Remove existing ceiling for roof access (<i>delete new access</i>)	\$	520
Remove existing fixed seating (<i>could be done by county</i>)	\$	5,250

DIVISION 7 – THERMAL AND MOISTURE PROTECTION

Allowance for new roof hatch at corridor (<i>delete allowance</i>)	\$	5,000
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DIVISION 8 – OPENINGS

Historic Courthouse windows repaired per NPS standards (<i>reduce to \$1,000 ea</i>)	\$	16,000
Existing windows at 1940 Building to remain as they are	\$	6,400
Existing windows at 1968 and 1975 Building to remain as they are	\$	22,400

DIVISION 9 – FINISHES

Allowance for replacing wainscot panels (<i>reduced allowance to \$10,000</i>)	\$	19,250
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DIVISION 11 – EQUIPMENT

Dry Erase marker boards (<i>delete</i>)	\$	5,000
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DIVISION 12 – FURNISHINGS

Addition of flat cap at jury rail (<i>reduce cost to \$5,000</i>)	\$	5,000
Allowance for Judge and Clerk's custom casework (<i>reduce allowance to \$150,000</i>)	\$	100,000

DIVISION 26 – 28 ELECTRICAL

X-Ray System and CCTV (<i>delete from project</i>)	\$ 70,650
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DIVISION 32 – EXTERIOR IMPROVEMENTS

Allowance for new landscaping (<i>reduce allowance to \$30,000</i>)	\$ 15,000
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- *Delete brick pavers?*

DIVISION 33 – SITE UTILITIES

New Electrical Ductwork (<i>delete from project</i>)	\$ 165,000
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Replace site improvements (<i>delete from project</i>)	\$ 175,000
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Delete demolition, new walls, and new finishes at basement spaces	\$ 46,800
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If all revisions above accepted:

Total of list above:	\$ 657,270
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Direct Cost (\$6,782,103 - \$657,270)	\$ 6,124,833
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General Conditions (10%)	\$ 612,483
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[*delete CM fee*]

Design Contingency (10%)	\$ 612,483
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\$ 7,349,799

Bonds & Insurance (2%)	\$ 146,996
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Revised Estimated Construction Cost at Award:	\$ 7,495,795
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Financing Scenarios-Courthouse Renovations Phase 2
November 7, 2014

TCT Cost Estimate + 9% Estimated A&E Expense (\$9,580,005)

15 Year term @ 4.5% interest

Interest Rate	4.50%
Term (mos.)	180
Principal	\$7,225,005.00
Payment(mo)	\$55,270.80
pmt x 12	\$663,249.64
Available in FY18	\$332,287.50
Additional annual requirement	\$330,962.14
Assumes \$2 million paid from fund balance. and \$530,000 from Courthouse Project fund. Assumes \$175,000 cost of issuance	

20 year term @ 4.5% interest

Interest Rate	4.50%
Term (mos.)	240
Principal	\$7,225,005.00
Payment(mo)	\$45,708.95
pmt x 12	\$548,507.39
Available in FY18	\$332,287.50
Additional annual requirement	\$216,219.89
Assumes \$2 million paid from fund balance. and \$530,000 from Courthouse Project fund. Assumes \$175,000 cost of issuance	

Interest Rate	4.50%
Term (mos.)	180
Principal	\$6,225,005.00
Payment(mo)	\$47,620.87
pmt x 12	\$571,450.45
Available in FY18	\$332,287.50
Additional annual requirement	\$239,162.95
Assumes \$3 million paid from fund balance. and \$530,000 from Courthouse Project fund. Assumes \$175,000 cost of issuance.	

Interest Rate	4.50%
Term (mos.)	240
Principal	\$6,225,005.00
Payment(mo)	\$39,382.46
pmt x 12	\$472,589.46
Available in FY18	\$332,287.50
Additional annual requirement	\$140,301.96
Assumes \$3 million paid from fund balance. and \$530,000 from Courthouse Project fund. Assumes \$175,000 cost of issuance.	

Cost based on 11/5/2014 Reduced Scope + 9% Estimated A&E Expense (\$8,171,507)

15 Year term @ 4.5% interest

Interest Rate	4.50%
Term (mos.)	180
Principal	\$5,816,507.00
Payment(mo)	\$44,495.89
pmt x 12	\$533,950.66
Available in FY18	\$332,287.50
Additional annual requirement	\$201,663.16
Assumes \$2 million paid from fund balance. and \$530,000 from Courthouse Project fund. Assumes \$175,000 cost of issuance	

20 year term @ 4.5% interest

Interest Rate	4.50%
Term (mos.)	240
Principal	\$5,816,507.00
Payment(mo)	\$36,798.10
pmt x 12	\$441,577.14
Available in FY18	\$332,287.50
Additional annual requirement	\$109,289.64
Assumes \$2 million paid from fund balance. and \$530,000 from Courthouse Project fund. Assumes \$175,000 cost of issuance	

Interest Rate	4.50%
Term (mos.)	180
Principal	\$4,816,507.00
Payment(mo)	\$36,845.96
pmt x 12	\$442,151.46
Available in FY18	\$332,287.50
Additional annual requirement	\$109,863.96
Assumes \$3 million paid from fund balance. and \$530,000 from Courthouse Project fund. Assumes \$175,000 cost of issuance.	

Interest Rate	4.50%
Term (mos.)	240
Principal	\$4,816,507.00
Payment(mo)	\$30,471.60
pmt x 12	\$365,659.22
Available in FY18	\$332,287.50
Additional annual requirement	\$33,371.72
Assumes \$3 million paid from fund balance. and \$530,000 from Courthouse Project fund. Assumes \$175,000 cost of issuance.	

Cost based on 11/5/2014 Reduced Scope + 9% A&E Expense + 10% Construction Contingency (\$8,921,187)

15 Year term @ 4.5% interest

Interest Rate	4.50%
Term (mos.)	180
Principal	\$6,566,187.00
Payment(mo)	\$50,230.89
pmt x 12	\$602,770.68
Available in FY18	\$332,287.50
Additional annual requirement	\$270,483.18
Assumes \$2 million paid from fund balance. and \$530,000 from Courthouse Project fund. Assumes \$175,000 cost of issuance	

20 year term @ 4.5% interest

Interest Rate	4.50%
Term (mos.)	240
Principal	\$6,566,187.00
Payment(mo)	\$41,540.94
pmt x 12	\$498,491.29
Available in FY18	\$332,287.50
Additional annual requirement	\$166,203.79
Assumes \$2 million paid from fund balance. and \$530,000 from Courthouse Project fund. Assumes \$175,000 cost of issuance	

Interest Rate	4.50%
Term (mos.)	180
Principal	\$5,566,187.00
Payment(mo)	\$42,580.96
pmt x 12	\$510,971.48
Available in FY18	\$332,287.50
Additional annual requirement	\$178,683.98
Assumes \$3 million paid from fund balance. and \$530,000 from Courthouse Project fund. Assumes \$175,000 cost of issuance.	

Interest Rate	4.50%
Term (mos.)	240
Principal	\$5,566,187.00
Payment(mo)	\$35,214.45
pmt x 12	\$422,573.37
Available in FY18	\$332,287.50
Additional annual requirement	\$90,285.87
Assumes \$3 million paid from fund balance. and \$530,000 from Courthouse Project fund. Assumes \$175,000 cost of issuance.	

Maximum Financed Cost to Equalize Debt Service Funds Available in FY18 (\$332,287.50)

Breakeven over 15 year term	
Interest Rate	4.50%
Term (mos.)	180
Principal	<u>\$3,620,000.00</u>
Payment(mo)	\$27,692.76
pmt x 12	\$332,313.08

Breakeven over 20 year term	
Interest Rate	4.50%
Term (mos.)	240
Principal	<u>\$4,375,000.00</u>
Payment(mo)	\$27,678.41
pmt x 12	\$332,140.92

Note:

Cash outlay from fund balance can provide for additional project costs but still maintain debt service equal to current debt service funding that becomes available in FY18.

BOARD OF ZONING APPEALS

Board Appoints & Recommends Certification by the Circuit Court

<u>Name & Address</u>	<u>Term Expiration Date</u>
Goffrey E. Miles 146 Miles Lane Faber, VA 22938 (434) 263-5339	November 11, 2016
John J. Bradshaw 412 Hickory Creek Rd. Walnut Valley Farm Faber, VA 22938 (434) 263-4381	November 9, 2018
Gifford Childs 5596 Taylor Creek Rd. Afton, VA 22920 (434) 361-9147	November 11, 2017
Linda C. Russell (Active PC Member) 1236 Stoney Creek W. Nellysford, VA 22958 (434)361-2137	November 11, 2014
Kim T. Cash P.O. Box 14 Montebello, VA 24464 (540) 377-6409	November 10, 2015
Ronald L. Moyer (Appointed 4/1/05 Alternate) P.O. Box 94 Shipman, VA 22971 (434) 263-5947 (h) (434) 263-5031 (w)	March 30, 2010

BOARD OF ZONING APPEALS

Board Recommends Appointment to the Circuit Court.

Established: by Article 14 of the Nelson County Code,

Composition: 5 members recommended by the BOS and appointed by the Nelson Circuit Court, 1 of which is an active Planning Commission member.

Term of Office: 5 years; No Term Limits

Summary of Duties:

To hear and decide applications for Special Use Permits where authorized by Ordinance including deciding interpretation of the district map where there is uncertainty as to location or boundary. To authorize upon appeal in specific cases such variance from the terms of the ordinance as will not be contrary to public interest.

Meetings:

Meetings are held at the call of the Chairman or at such times as a quorum of the board may determine. Members serve on a volunteer basis without pay other than for travel expenses.

§ 15.2-2308. Boards of zoning appeals to be created; membership, organization, etc.

A. Every locality that has enacted or enacts a zoning ordinance pursuant to this chapter or prior enabling laws, shall establish a board of zoning appeals that shall consist of either five or seven residents of the locality, appointed by the circuit court for the locality. Boards of zoning appeals for a locality within the fifteenth or nineteenth judicial circuit may be appointed by the chief judge or his designated judge or judges in their respective circuit, upon concurrence of such locality. Their terms of office shall be for five years each except that original appointments shall be made for such terms that the term of one member shall expire each year. The secretary of the board shall notify the court at least thirty days in advance of the expiration of any term of office, and shall also notify the court promptly if any vacancy occurs. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members may be reappointed to succeed themselves. Members of the board shall hold no other public office in the locality except that one may be a member of the local planning commission. A member whose term expires shall continue to serve until his successor is appointed and qualifies. The circuit court for the City of Chesapeake and the Circuit Court for the City of Hampton shall appoint at least one but not more than three alternates to the board of zoning appeals. At the request of the local governing body, the circuit court for any other locality may appoint not more than three alternates to the board of zoning appeals. The qualifications, terms and compensation of alternate members shall be the same as those of regular members. A regular member when he knows he will be absent from or will have to abstain from any application at a meeting shall notify the chairman twenty-four hours prior to the meeting of such fact. The chairman shall select an alternate to serve in the absent or abstaining member's place and the records of the board shall so note. Such alternate member may vote on any application in which a regular member abstains.

B. Localities may, by ordinances enacted in each jurisdiction, create a joint board of zoning appeals that shall consist of two members appointed from among the residents of each participating jurisdiction by the circuit court for each county or city, plus one member from the area at large to be appointed by the circuit court or jointly by such courts if more than one, having jurisdiction in the area. The term of office of each member shall be five years except that of the two members first appointed from each jurisdiction, the term of one shall be for two years and of the other, four years. Vacancies shall be filled for the unexpired terms. In other respects, joint boards of zoning appeals shall be governed by all other provisions of this article.

C. With the exception of its secretary and the alternates, the board shall elect from its own membership its officers who shall serve annual terms as such and may succeed themselves. The board may elect as its secretary either one of its members or a qualified individual who is not a member of the board, excluding the alternate members. A secretary who is not a member of the board shall not be entitled to vote on matters before the board. For the conduct of any hearing, a quorum shall be not less than a majority of all the members of the board. Except for matters governed by § [15.2-2312](#), no action of the board shall be valid unless authorized by a majority vote of those present and voting. The board may make, alter and rescind rules and forms for its procedures, consistent with ordinances of the locality and general laws of the Commonwealth. The board shall keep a full public record of its proceedings and shall submit a report of its activities to the governing body or bodies at least once each year.

D. Within the limits of funds appropriated by the governing body, the board may employ or contract for secretaries, clerks, legal counsel, consultants, and other technical and clerical services. Members of the board may receive such compensation as may be authorized by the respective governing bodies. Any board member or alternate may be removed for malfeasance, misfeasance or nonfeasance in office, or for other just cause, by the court that appointed him, after a hearing held after at least fifteen days' notice.

E. Notwithstanding any contrary provisions of this section, in the City of Virginia Beach, members of the board shall be appointed by the governing body. The governing body of such city shall also appoint at least one but not more than three alternates to the board.

(Code 1950, §§ 15-825, 15-850, 15-968.8; 1950, pp. 176, 489; 1952, c. 688; 1962, c. 407, § 15.1-494; 1975, c. 641; 1976, c. 642; 1977, c. 172; 1982, c. 3; 1989, c. 27; 1992, c. 47; 1997, cc. [570](#), [587](#); 1998, cc. [346](#), [520](#), [528](#); 1999, c. [838](#); 2002, cc. [205](#), [545](#); 2007, c. [813](#); 2009, c. [734](#); 2010, c. [705](#).)

ARTICLE 14. - BOARD OF ZONING APPEALS

14-1

Board of Zoning Appeals, membership and organization.

14-1-1

A board consisting of five (5) members and one alternate shall be appointed by the Nelson County Circuit Court. Members of the board of zoning appeals may receive such compensation as may be authorized by the governing body. Appointments for vacancies occurring otherwise than by expiration of term shall in all cases be for the unexpired term.

14-1-2

The term of office shall be for five (5) years, except that of the first five (5) members appointed, one shall serve for five (5) years, one for four (4) years, one for three (3) years, one for two (2) years, and one for one (1) year. One (1) of the five (5) appointed members shall be an active member of the planning commission.

14-1-3

Members may be removed for cause by the appointing authority upon written charges and after a public hearing.

14-1-4

Any member of the board shall be disqualified to act upon a matter before the board with respect to property in which the member has an interest.

14-1-5

The board shall choose annually its own chairman and vice-chairman who shall act in the absence of the chairman.

(Ord. No. O2009-11, § 1, 9-8-09)

14-2

Powers and duties of Board of Zoning Appeals.

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

14-2-1

To hear and decide applications for Special Use Permits where authorized in this ordinance.

14-2-1a

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

14-2-2

To hear and decide appeals from any order, requirement, decision, or determination made by an administrative officer in the administration or enforcement of this article or of any ordinance adopted pursuant thereto.

14-2-3

To hear and decide applications for interpretation of the district map where there is any uncertainty as to the location of a district boundary. After notice to the owners of the properties affected by any such question, and after public hearing with notice as required by Section 15.2-2204 of the Code of Virginia, 1950, as amended, the board may interpret the map in such way as to carry out the intent and purpose of the ordinance for the particular district in question.

14-2-4

To authorize upon appeal in specific cases such variance from the terms of the ordinance as will not be

contrary to the public interest, when, owing to special conditions a literal enforcement of the provisions will result in unnecessary hardship; provided that the spirit of the ordinance shall be observed and substantial justice done, as follows:

When a property owner can show that his property was acquired in good faith and where by reason of the exceptional narrowness, shallowness, size, or shape of a specific piece of property at the time of the effective date of the ordinance, or where by reason of exceptional topographic conditions or other extraordinary situation or condition of such piece of property, or of the use or development of property immediately adjacent thereto, the strict application of the terms of the ordinance would effectively prohibit or unreasonably restrict the use of the property or where the board is satisfied, upon the evidence heard by it, that the granting of such variance will alleviate a clearly demonstrable hardship, as distinguished from a special privilege or convenience sought by the applicant, provided that all variances shall be in harmony with the intended spirit and purpose of the ordinance.

No such variance shall be authorized by the board unless it finds:

- (a) That the strict application of the ordinance would produce undue hardship;
- (b) That such hardship is not shared generally by other properties in the same zoning district and the same vicinity;
- (c) That the authorization of such variance will not be of substantial detriment to adjacent property and that the character of the district will not be changed by the granting of the variance;
- (d) That no rise will be created in the water level during flood conditions in a floodway, as defined in Article 10, as a result of issuing a variance.

No such variance shall be authorized except after notice and hearing as required by the Code of Virginia, 1950, as amended.

No variance shall be authorized unless the board finds that the condition or situation of the property concerned or the intended use of the property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance.

In authorizing a variance the board may impose such conditions regarding the location, character, and other features of the proposed structure for use as it may deem necessary in the public interest, and may require a guarantee or bond to insure that the conditions imposed are being and will continue to be complied with. Notwithstanding any other provision of law, the property upon which a property owner has been granted a variance shall be treated as conforming for all purposes under this ordinance; however, the use or the structure permitted by the variance may not be expanded. (The Code of Virginia, [1950], as amended.)

(Ord. No. O2007-003, 5-21-07; Ord. No. O2009-09, § 1, 9-8-09; Ord. No. O2010-06, § 1, 7-13-10)

14-3

Rules and regulations.

14-3-1

The Board of Zoning Appeals shall adopt such rules and regulations as it may consider necessary.

14-3-2

The meeting of the board shall be held at the call of its chairman or at such times as a quorum of the board may determine.

14-3-3

The chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses.

14-3-4

The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact. It shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record. The board shall submit an annual report of its activities to the governing body.

14-3-5

All meetings of the board shall be open to the public.

14-3-6

A quorum shall be at least three (3) members.

14-3-7

A favorable vote of three (3) members of the board shall be necessary to reverse any order, requirement, decision, or determination of any administrative official or to decide in favor of the applicant on any matter upon which the board is required to pass.

14-4

Appeal to the Board of Zoning Appeals.

An appeal to the board may be taken by any person aggrieved or by any officer, department, board, or bureau of the county or municipality affected by any decision of the Zoning Administrator. Such appeal shall be taken within thirty (30) days after the decision appealed from by filing with the Zoning Administrator, and with the board, a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the board all the papers constituting the record upon which the action appealed was taken. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the board that by reason of facts stated in the certificate a stay would in his opinion cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise, than by a restraining order granted by the board or by a court of record, on application, and on notice to the Zoning Administrator and for good cause shown.

14-5

Procedures on appeal or application to the Board of Zoning Appeals.

14-5-1

Appeals shall be mailed to the Board of Zoning Appeals c/o the Zoning Administrator, and a copy of the appeal mailed to the secretary of the Planning Commission. A third copy should be mailed to the individual, official, department, or agency concerned, if any.

14-5-2

Appeals requiring an advertised public hearing shall be accompanied by a certified check for the required filing fee payable to the Treasurer for deposit in the general fund.

APPENDIX A—ZONING
FEES SCHEDULE FOR APPLICATIONS

1. *Special use permit:* An application permit fee of two hundred dollars (\$200.00).
2. *Rezoning:* An application permit fee of three hundred dollars (\$300.00).
3. *Variance:* An application permit fee of one hundred fifty dollars (\$150.00).
4. *Appeal:* An application permit fee of one hundred fifty dollars (\$150.00).

14-5-3

The board shall give a reasonable time for the hearing of an appeal or application, give public notice as required by Section 15.1-431 [15.2-2204] of the Code of Virginia, as well as give due notice to the parties in interest, and decide the same within sixty (60) days.

14-5-4

In exercising its powers the board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from.

(Ord. No. O2014-02, 2-11-14)

14-6

Decision of Board of Zoning Appeals.

14-6-1

Any person or persons jointly or severally aggrieved by any decision of the Board of Zoning Appeals, or any taxpayer or any officer, department, board, or bureau of the county or municipality, may present to the circuit court of the county a petition specifying the grounds on which aggrieved within thirty (30) days after the filing of the decision in the office of the board.

14-6-2

Upon the presentation of such petition, the court shall allow a writ of certiorari to review the decision of the Board of Zoning Appeals and shall prescribe therein the time within which a return thereto must be made and served upon the relator's attorney, which shall not be less than ten (10) days and may not be extended by the court. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may, on application, on notice to the board and on due cause shown, grant a restraining order.

14-6-3

The Board of Zoning Appeals shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof or of such portions thereof as may be called for by such writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.

14-6-4

If, upon the hearing, it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a commissioner to take such evidence as it may direct and report the same to the court with his findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review.

14-6-5

Costs shall not be allowed against the board, unless it shall appear to the court that it acted in bad faith or with malice in making the decision appealed from.

FOOTNOTE(S):

--- (3) ---

Cross reference— Administration, Ch. 2. [\(Back\)](#)

John W. McCarthy
County Administrator



Roger A. Welch, Chairman
S. Bryant Lee, Vice-Chairman
Ronald L. Frazier
Michael J. Biniek
I. Christopher Parrish

**RAPPAHANNOCK COUNTY
BOARD OF SUPERVISORS**
290 Gay Street - P.O. Box 519
Washington, Virginia 22747-0519
Phone: (540) 675-5330 Fax: (540) 675-5331
www.rappahannockcountyva.gov

October 16, 2014

Stephen A. Carter, County Administrator
Nelson County, Virginia
PO Box 336
Lovingston, VA 22949

RECEIVED

OCT 20 2014

Re: Celebrate Shenandoah

COUNTY ADMINISTRATOR'S

Dear Stephen:

I hope that Nelson County's appointees to Celebrate Shenandoah have conveyed to you the enthusiasm we all share in the process of working together on issues of common concern to Shenandoah National Park and its neighbors. The adopted mission of Celebrate Shenandoah is to inspire the public to value the Park and region's resources in Shenandoah's Blue Ridge Mountains, and infuse surrounding communities in the Shenandoah Valley and Virginia Piedmont with a sense of ownership and pride in the Park and region. To that end, we will be having a planning session in Washington, Virginia on November 13, generously underwritten by the Shenandoah National Park and this should help us sort out our strategic plan for the coming years.

As you might expect, we have and will continue to have some modest costs to manage this effort, and to that end, I am writing to see if Nelson County might be willing to contribute \$500.00 to offset expenses that will arise in implementing the plan we will develop. I appreciate that the budget woes we face as local governments have never been greater, but the Shenandoah National Park and its impact on our local economies and communities is of such importance that I urge you to consider doing so.

As Rappahannock County has agreed to act as fiscal agent for Celebrate Shenandoah, please accept this letter as our request that you remit your contribution, payable to the Treasurer of Rappahannock County, to PO Box 37, Washington, VA 22747. Please note on the check, "Celebrate Shenandoah".

Thank you!

Yours truly,

John W. McCarthy
County Administrator



COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION
1401 EAST BROAD STREET
RICHMOND, VIRGINIA 23219-2000

CHARLES A. KILPATRICK, P.E.
COMMISSIONER

VC (2)
RECEIVED

OCT 23 2014

COUNTY ADMINISTRATOR'S
OFFICE

October 21, 2014

Stephen A. Carter, County Administrator
Nelson County
P.O. Box 336
Lovingson, VA 22949

SUBJECT: Virginia Byway Designation – U.S. Route 60 – “Midland Trail”

Dear Mr. Carter:

The Virginia Department of Transportation and the Virginia Department of Conservation and recreation have been collectively evaluating U.S. 60 and certain adjacent routes from Alleghany County to Cumberland County for designation as a Virginia Byway. In correspondence dated July 9, 2014, Mr. Clyde E. Cristman, Director of the Virginia Department of Conservation and Recreation (DCR), notified Mr. Charles A. Kilpatrick, Commissioner of Highways, of his recommendation that the Commonwealth Transportation Board (CTB) designate the route as a Virginia Byway.

Within Nelson County, this incorporates U.S. 60 in its entirety. A resolution of support from the Nelson County Board of Supervisors for the Byway designation of this route is on file.

U.S. 60 is a federal-aid primary route. Therefore, sign restrictions, as described in the Code of Virginia §33.2-1216, will apply: “No advertisement or advertising structure shall be erected, maintained or operated adjacent to any interstate, federal-aid primary, or national highway system highway in the Commonwealth which has been designated as a Virginia byway or scenic highway, except directional and official signs and notices defined in this article and regulations adopted under this article, on-premises signs, and signs advertising the sale or lease of property upon which they are located.”

Pursuant to Code of Virginia §33.2-405, a county or municipality wherein a proposed byway is located may choose to hold a public hearing on the proposed byway designation. If the County chooses to hold a hearing, please respond to me within the next 30 days with details of the upcoming hearing. Upon your request, VDOT staff can assist with this hearing. Also, please let me know within the next 30 days if the County decides no hearing will be scheduled. If no response is received, I will presume the County will not be conducting a public hearing on this matter, and I will proceed with the necessary steps to present this proposal to the Commonwealth Transportation Board for its consideration.

Stephen A. Carter
October 21, 2014
Page Two

If you have any questions, please contact me at either (804) 786-2720 or fulton.delamorton@vdot.virginia.gov.

Sincerely,



Fulton deLamorton
Program Manager

cc:

Shannon Valentine, Commonwealth Transportation Board, Lynchburg District
Maureen A. Kelley, Director, Nelson County Economic Development and Tourism
Randall A. Rose, Development Specialist, Virginia Tourism Corporation
Danette Poole, Virginia Department of Conservation and Recreation
Lynn M. Crump, Virginia Department of Conservation and Recreation
Chris Winstead, VDOT Lynchburg District Administrator
Donald L. Austin, Sr., VDOT Appomattox Residency Administrator
Jennifer DeBruhl, VDOT Local Assistance Division Administrator

BOARD OF
SUPERVISORS

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Administrative Assistant/
Deputy Clerk

DEBRA K. McCANN
Director of Finance and
Human Resources

RESOLUTION R2011-87
NELSON COUNTY BOARD OF SUPERVISORS
RESOLUTION IN SUPPORT OF AN EXTENSION OF THE MIDLAND TRAIL,
AS A NATIONAL SCENIC BYWAY, INTO VIRGINIA

WHEREAS, the West Virginia Byways Program strives to recognize, interpret, enhance, and preserve the intrinsic qualities of West Virginia byway corridors, with eleven State-designated Byways, ten State-designated Backways and four nationally designated Byways, in place within the State of West Virginia.

WHEREAS, the State of West Virginia, West Virginia Department of Transportation and the West Virginia Division of Tourism recognizes that Byway designated funding has provided millions of dollars to enhance and promote significant historical, cultural, and visitor service sites along West Virginia roadways, attracting multitudes of visitors and making a significant economic impact through tourism.

WHEREAS, 119 miles of West Virginia roadway was designated as Midland Trail National Scenic Byway on June 15, 2000, resulting in a significant economic impact specifically to the communities along the Midland Trail.

WHEREAS, the Midland Trail Association of West Virginia National Scenic Byway organization recognizes that the Midland Trail historical route (Route 60) extends into Virginia, and furthermore identifies a goal of having the route in Virginia designated as a National Scenic Byway within its Corridor Management Plan.

WHEREAS, there are more than 3,400 miles of roads designated as Virginia Byways, and to recognize and preserve Virginia's scenic, cultural, and historic resources, and help attract visitors and support economic development through tourism, the Virginia Department of Transportation (VDOT), the Virginia Tourism Corporation (VTC), the Virginia Department of Conservation and Recreation (DCR) and the Commonwealth Transportation Board (CTB), encourage local governments to nominate roads that meet the program criteria for Virginia Byway designation.

WHEREAS, there is an active effort to nominate the Virginia Midland Trail as a National Scenic Byway extension of the West Virginia Midland Trail, by various Virginia localities and organizations, facilitated by and with guidance from the Virginia Tourism Corporation, Virginia Department of Transportation, and Virginia Department of Conservation and Recreation.

WHEREAS, the United States Secretary of Transportation recognizes certain roads (including multi-state) as All-American Roads or National Scenic Byways based on one or more archeological, cultural, historic, natural, scenic and recreational qualities.

WHEREAS, The National Scenic Byways Program is part of the U.S. Department of Transportation, Federal Highway Administration, and the program is a grass-roots collaborative effort established to help recognize, preserve and enhance selected roads throughout the United States.

WHEREAS, since 1992, the National Scenic Byways Program has provided funding for over 2,900 projects in 50 states and 1,500 state and nationally designated byway projects in 48 states.

WHEREAS, the Blue Ridge Parkway is designated as an All-American Road, providing visitors with the opportunity to learn the history and experience the culture of the entire multi-state region in which the Parkway meanders, while making a significant economic impact on the State of North Carolina and Commonwealth of Virginia, and serving as an example of a multi-state byway initiative by which the Midland Trail may follow.

THEREFORE BE IT RESOLVED that the County of Nelson expresses its support for the Midland Trail (Route 60) of Virginia to be designated as a Virginia Byway, and formally recognized as the Midland Trail, through the County of Nelson, and throughout the Commonwealth.

BE IT FURTHER RESOLVED that the County of Nelson expresses its support for Midland Trail (Route 60) to be designated as a National Scenic Byway and extension of the already designated Midland Trail- National Scenic Byway.

FINALLY BE IT RESOLVED that the County of Nelson fully supports the effort to have the Midland Trail (Route 60) of Virginia designated as a Virginia Byway and National Scenic Byway, and extension of the already designated Midland Trail National Scenic Byway in West Virginia, resulting in a multi-state National Scenic Byway.

Adopted: November 10, 2011

Attest:  Clerk
Nelson County Board of Supervisors

Nelson County Emergency Services Council

“One mission – One team”

Providing the best possible fire and rescue services to the citizens of Nelson County

November 4, 2014

Nelson County Board of Supervisors:

The Rescue Squad Captains have approved a plan to begin using Augusta Health Hospital as their vendor for medical oxygen. Augusta Health has agreed to provide the oxygen free of charge as long as they don't have to deliver the product to Nelson County. A system to retrieve and distribute the oxygen using Wintergreen staff has also been identified and approved.

This system will save Nelson County approximately \$7,000 per year. To begin the process however, approximately \$5,800 is needed to purchase the oxygen cylinders. This is a one-time fee.

After approximately 10 months savings will offset this initial outlay. The Rescue Captains have discussed and are hopeful that monies saved can be reallocated to a medical supply line-item which will be used to assist all county rescue squads with disposable supplies on ambulances. A purchasing and inventorying system has already been identified and the agencies look forward to a system, which maximizes economies of scale.

We are requesting \$5,800 to purchase 24 master cylinders and 78 portable cylinders to be added to the Augusta Health equipment pool so we can begin to participate in their system.

As always, we remain very appreciative of everything the Board of Supervisors and the County Administrator's staff does to assist with emergency services in Nelson County.

As always, I'm available for any questions.

Respectfully,

Curtis Sheets, Chief of Wintergreen Fire & Rescue

On behalf of all Nelson County Rescue Captains

BOS PUNCH LIST NOVEMBER 13, 2014

VD

<u>Directives</u>	<u>Member</u>	<u>Status</u>	<u>Progress/Comments</u>
<u>Directives from March 12, 2013</u>			
<i>Relook at Ways of Doing Reassessments Including In-House</i>	C. Brennan	Pending	
<u>Directives from February 11, 2014</u>			
<i>Create Computer Interaction Between COR, Clerk, P&Z , and TR Offices</i>	T. Bruguiere	Pending	
<u>Directives from September 9, 2014</u>			
<i>Provide Mr. Hale with copy of BRT Phase II Budget Estimate Sheets If Available</i>	A. Hale	Complete	
<u>Directives from October 14, 2014</u>			
<i>Follow up with DMV about getting a permanent location in Nelson</i>	L. Saunders	Complete	
<i>Follow up on Blue Haven Campground in Bryant</i>	T. Bruguiere	Complete	
<i>Notify Mr. Hale When Work Begins on BRT So Film-makers Can Be Notified</i>	A. Hale	Complete	
<i>Check With COR on Festy Revenue Collections & see if Lodging Taxes Collected for Festy Camping</i>	C. Brennan	Complete	Lodging Taxes Not Assessed. COR and SAC to Discuss Further

**DEPARTMENT OF HOUSING & COMMUNITY DEVELOPMENT (DHCD)
COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)
2014 LOCAL INNOVATION GRANT (LIG) FUNDS**

Proposed Project Fact Sheet: Nelson County Proposal for Local Innovation Grant

Project Funding: \$200,000 CDBG-LIG Grant Funds, \$100,000 Local Match Funds

Project Area: The County proposes to utilize all available funds, for a Telecommunications Project that will construct approximately 8.1 miles of fiber optic cabling in conduit. The intended network consists of three (3) sections as follows (see attached maps):

- *Route 1:* Approximately 5.59 miles of fiber in 2 inch conduit from the intersection of Route 151 and Route 6 at Martin's Store going south to the intersection of Route 151 and Route 664, Beech Grove Road.
- *Route 2:* Approximately 1.06 miles of fiber in 2 inch conduit from the existing network terminus on Route 151 near the Amoco Fibers Plant going north to the County Line near the Afton Christian School.
- *Route 3:* Approximately 1.42 miles of fiber in 2 inch conduit from the intersection of Route 151 and Route 6 at Afton Mountain Road going northwest up Afton Mountain Road to Saddleback Lane.

Intended Results:

- Connect 50% of the 305 (153) Homes and Businesses that are within less than 500 ft. of the fiber,
- Connect 40% of the 111 (44) Homes and Businesses that are within 1,000 ft. of the fiber, and
- Connect 25% of the other businesses that are within close proximity of the fiber.

Project Beneficiaries:

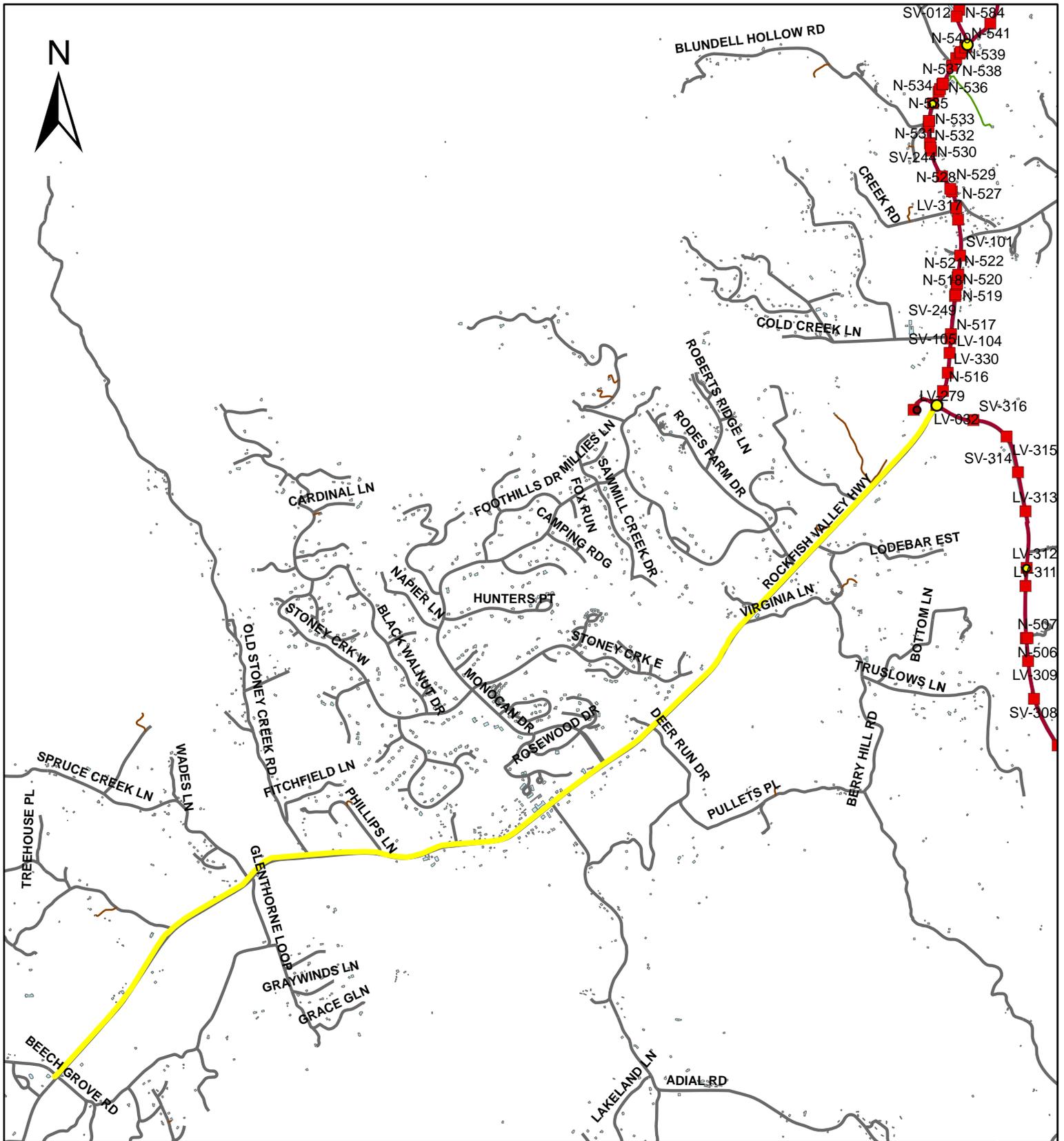
- Approximately eighty-eight (88) businesses and eighty (80) residential structures are the targeted primary beneficiaries. Tourism and home occupation based businesses are the backbone of Nelson County's economy. This fiber infrastructure increases opportunity for these businesses to expand and compete in a global economy which in turn provides for the creation and retention of associated jobs.
- Approximately twenty (20) Low-to-Moderate Income (LMI) individuals, as defined by DHCD, are secondary project beneficiaries. These project beneficiaries will fill the newly created jobs or will benefit from job retention because of the project.

Project Benefit to Low-to-Moderate Income (LMI) Persons:

The National Objective to be achieved through the funding is job retention and creation. At least 51 percent of the permanent, full time jobs (including permanent, full time equivalent jobs) will be held by or made available to LMI persons. It is anticipated that the grant funds will enable the creation of and provide the retention of twenty (20) jobs which will be held by or made available to LMI persons.

Displacement:

There will be no displacement of citizens during or as a result of the project.



Legend

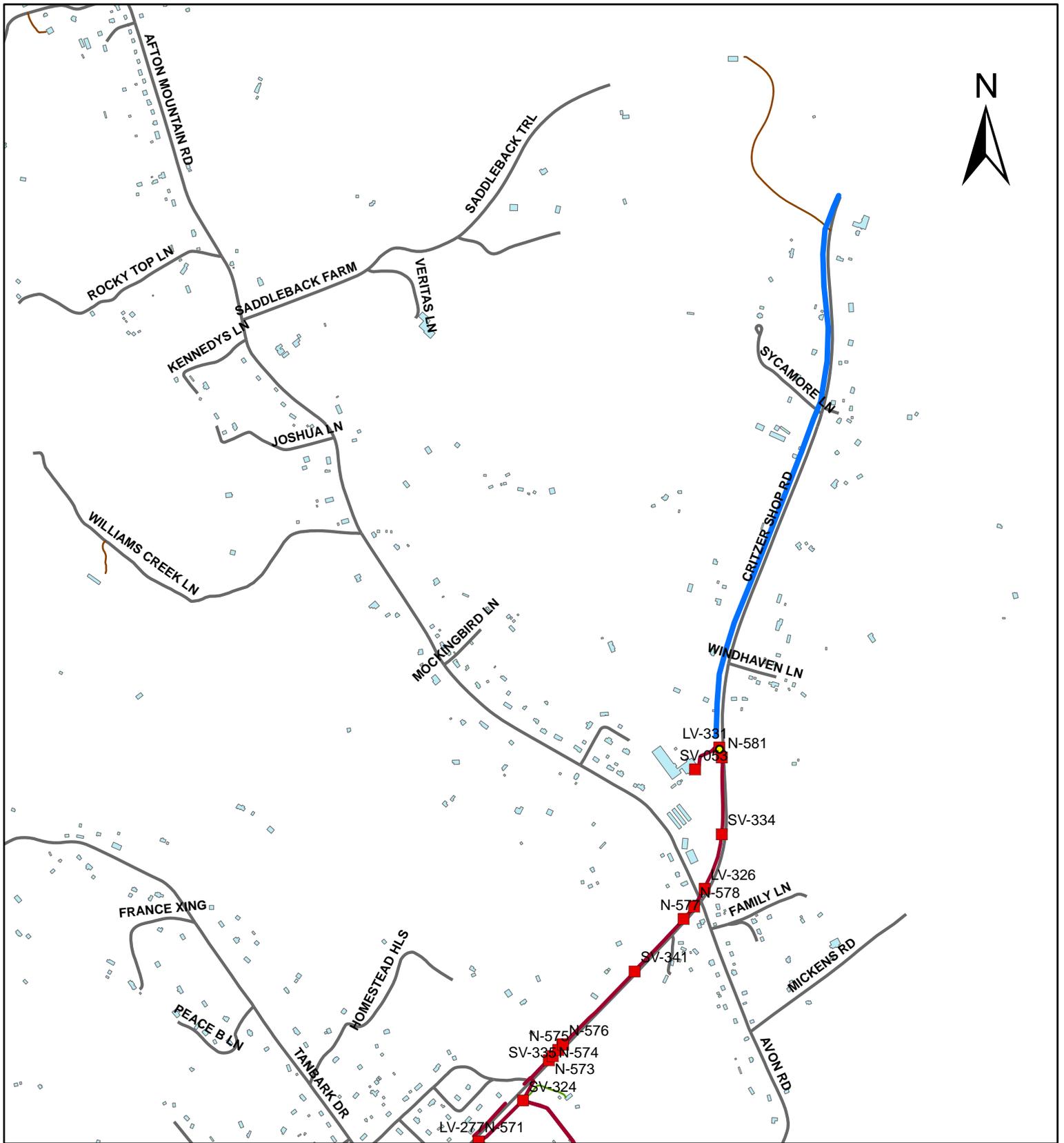
- Proposed Fiber Route 1 (29,500 feet)
- FiberRoute_Nelson

Nelson County Proposed Fiber Routes

Page 1 of 3

November 4, 2014

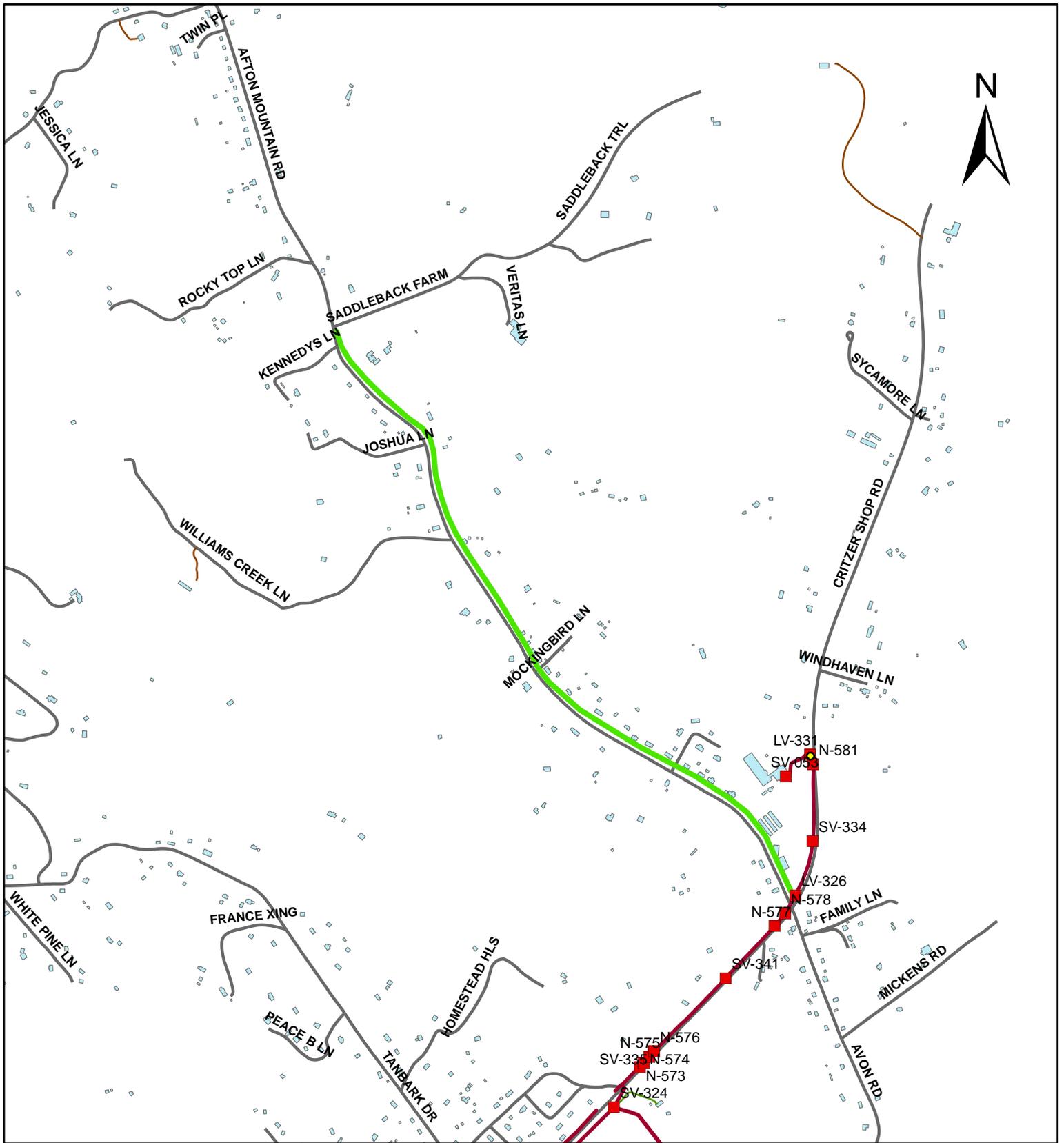
1 inch = 3,300 feet



Legend

- Proposed Fiber Route 2 (5,600 feet)
- FiberRoute_Nelson

Nelson County Proposed Fiber Routes



Legend

- Proposed Fiber Route 3 (7,500 feet)
- FiberRoute_Nelson

Nelson County Proposed Fiber Routes

**RESOLUTION R2014-81
NELSON COUNTY BOARD OF SUPERVISORS
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (DHCD)
COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)
LOCAL INNOVATION GRANT PROGRAM (LIG) APPLICATION ENDORSEMENT**

WHEREAS, Nelson County continues to seek grant funding to invest in its broadband infrastructure in order to benefit local businesses and citizens by providing access to high speed broadband internet services; and

WHEREAS, the proposed project is intended to connect approximately 197 businesses and homes within 1,000 feet of the new fiber that will enable their expansion and creation/retention of approximately twenty (20) jobs which will be held by or made available to low-to-moderate income (LMI) persons as defined by DHCD; thus meeting the National Objective of job retention and creation and the requirement that at least 51 percent of the permanent, full time jobs (including permanent, full time equivalent jobs) will be held by or made available to LMI persons as defined by DHCD;

NOW, THEREFORE BE IT RESOLVED that the Nelson County Board of Supervisors hereby endorses the submittal of a Department of Housing and Community Development, Community Development Block Grant, Local Innovation Grant Program application seeking a maximum funding award of approximately \$200,000 and additionally resolves to provide the required 50% local match.

Adopted: _____, 2014

Attest: _____, Clerk
Nelson County Board of Supervisors

PUBLIC HEARING NOTICE
NELSON COUNTY BOARD OF SUPERVISORS
SPECIAL USE PERMIT #2014-007 ST. MARY'S CATHOLIC CHURCH

Pursuant to §15.2-1427 and §2.2-2204 of the Code of Virginia 1950 as amended, the Nelson County Board of Supervisors will conduct a public hearing to be held on **Thursday, November 13, 2014** at 7:00 p.m. in the General District Courtroom in the Courthouse in Lovingston, Virginia to receive public input on a Special Use Permit application seeking approval to add a new section to the historic Lovingston Gap Cemetery pursuant to §4-1-11a of the Zoning Ordinance. The subject property is identified as Tax Map Parcel #58-A-31F, located in Lovingston. This is a 16.5-acre parcel zoned Agricultural (A-1), and is owned by Bishop Francis X. Dilorenzo, Bishop of the Catholic Diocese, St. Mary's Church.

Copies of the Special Use Permit application are available for inspection from 9am to 5pm in the Office of the County Administrator, 84 Courthouse Square, Lovingston VA, or at the Planning and Zoning Office, 80 Front Street, Lovingston, VA. Please call 434-263-7000 for more information.

BY AUTHORITY OF THE NELSON COUNTY BOARD OF SUPERVISORS



DEPARTMENT OF
PLANNING & ZONING

PLANNING COMMISSION
BOARD OF ZONING APPEALS

To: Madame Chair and Members, Nelson County Board of Supervisors

From: Tim Padalino | Director of Planning & Zoning

Date: November 6, 2014

Subject: Public Hearing for Special Use Permit #2014-007 – St. Mary’s Cemetery

<u>Site Address / Location:</u>	Thomas Nelson Highway (west side of highway across from St. Mary’s Catholic Church) / Lovingsston / East District
<u>Tax Map Parcel:</u>	#58-A-29
<u>Parcel Size:</u>	approximately 16.5 acres
<u>Zoning:</u>	Agricultural (A-1)
<u>Request:</u>	Approval of Special Use Permit #2014-007 and associated Minor Site Plan for the proposed expansion of the historic Lovings Gap Cemetery
<i>Completed Application Received On: September 18th</i>	

Application Overview

The Department of Planning & Zoning received an application on September 18th from Father Daniel Kelly (St. Mary’s Catholic Church) for Special Use Permit #2014-007. This application seeks approval to construct and operate a Cemetery, adjacent to the existing historic Lovings Gap Cemetery. Zoning Ordinance Article 2, “Definitions,” defines “Cemetery” as, “A privately or church-owned and/or operated place for burial of the dead where lots may be sold and perpetual care of the grave may be furnished.”

The subject property is located on the west side of Thomas Nelson Highway (Rte. 29), across from St. Mary’s Catholic Church, several hundred feet south of the intersection with Mountain Cove Road. The 16.5-acre property is zoned Agricultural (A-1). *(Please see maps on pages 5 and 6.)*

Summary of Requested Uses & Application Details

This SUP application and Minor Site Plan seek approval for a cemetery containing a total of 240 grave sites (in 15 “sections” containing 16 sites per section). The project would utilize the existing public right-of-way and access road through the subject property. The existing access point on Route 29 will also be used, but it needs to be upgraded. The Virginia Department of Transportation (VDOT) has approved the construction plan design for the commercial entrance to serve this property. With VDOT approval for the entrance plan, the applicant will need to acquire a VDOT Land Use Permit prior to beginning construction on the entrance.

Also, per VDOT's written comments after the October 8th Site Plan Review Committee meeting, this project does not require a deceleration lane or turn lane. Mr. Jeff Kessler, P.E., confirmed that, "VDOT is receptive to phasing the commercial entrance construction that will add the optional right turn lane at a later date," in an email dated October 9th. The applicants have stated that they are interested in the possibility of eventually constructing a deceleration lane and turn lane to provide better and safer access to the property for southbound traffic on Route 29. But the applicant has also stated that those upgrades are not being pursued at this time.

The applicants have also stated that they do not currently plan to install lighting, landscaping, or signage in conjunction with this project. If a decision is made to erect a sign, the applicant has stated that they will notify the County, obtain approval prior to installation, and follow all local and state regulations regarding sign location and design.

Planning Commission Review and Public Hearing

The Planning Commission conducted a properly-advertised public hearing for this SUP application on October 22nd.

After the Planning & Zoning Director provided a brief staff report of the application materials, Mr. Massie Saunders, P.E., of Saunders Surveys, then spoke on behalf of the applicant. He noted that VDOT has been reviewing this project for several months and have not required a deceleration lane or turn lane; and therefore the County should not be requiring or requesting anything related to this matter. Mr. Saunders also stated that the existing road should not be required to be upgraded, as it currently has some gravel on it and is currently serving multiple parcels beyond the St. Mary's property.

Mr. Saunders then stated that he is not aware of any requirements for a cemetery to contain a minimum number of off-street parking spaces; and therefore this project should not be subject to any design specifications or standards associated with most other projects. He added that he is not aware of a single cemetery in Nelson County which has a commercial-style parking lot; and explained that all cemeteries are simply served by a small road that loops through the cemetery, and visitors typically park in the grass with close access to the burial plots.

Madame Chair Proulx then opened the public hearing at 7:14 P.M.

Richard Bulissa: Mr. Bulissa introduced himself as an adjoining property owner, and operator of Orchard House Bed and Breakfast.

Mr. Bulissa stated that he thinks the proposed cemetery is a very good use of the property. He then noted that the cemetery property is directly upstream from his property, and further explained that previous logging activity on the St. Mary's property contributed to a culvert on his property being blown out a few years ago during a storm. He noted that the destruction of the culvert now prevents him from crossing Town Creek, which prevents him from accessing five (5) acres of property he owns.

Mr. Bulissa then noted that the culvert was originally installed by Virginia Department of Transportation (VDOT), and he is attempting to work with that Department to determine how the culvert should be replaced. He noted that VDOT staff have met with him on the property, but that the situation is unresolved. He then summarized that he does support the proposed cemetery – but would be opposed to any use or development that results in any additional damage to his property due to increased runoff from the upstream property.

Madame Chair Proulx then closed the public hearing at 7:19 P.M.

Commissioner Russell then made a motion to make a recommendation to the Board of Supervisors for approval of Special Use Permit #2014-

007 for St. Mary's Catholic Church cemetery. Commissioner Allen then seconded the motion, with the motion receiving a vote of 5-0. Commissioner Goad abstained because of his affiliation with St. Mary's Catholic Church.

Following the vote, the Planning & Zoning Director responded to Mr. Saunders' comments regarding the project's "required improvements" (such as roads and parking area). Mr. Padalino noted that Mr. Saunders' was in fact correct when he suggested that cemeteries should not be subject to parking requirements. Zoning Ordinance Article 12, Section 7-6 "*Required spaces for specific uses*" does not contain any provision for "*cemetery*" uses, which is interpreted to mean that there are no required parking spaces.

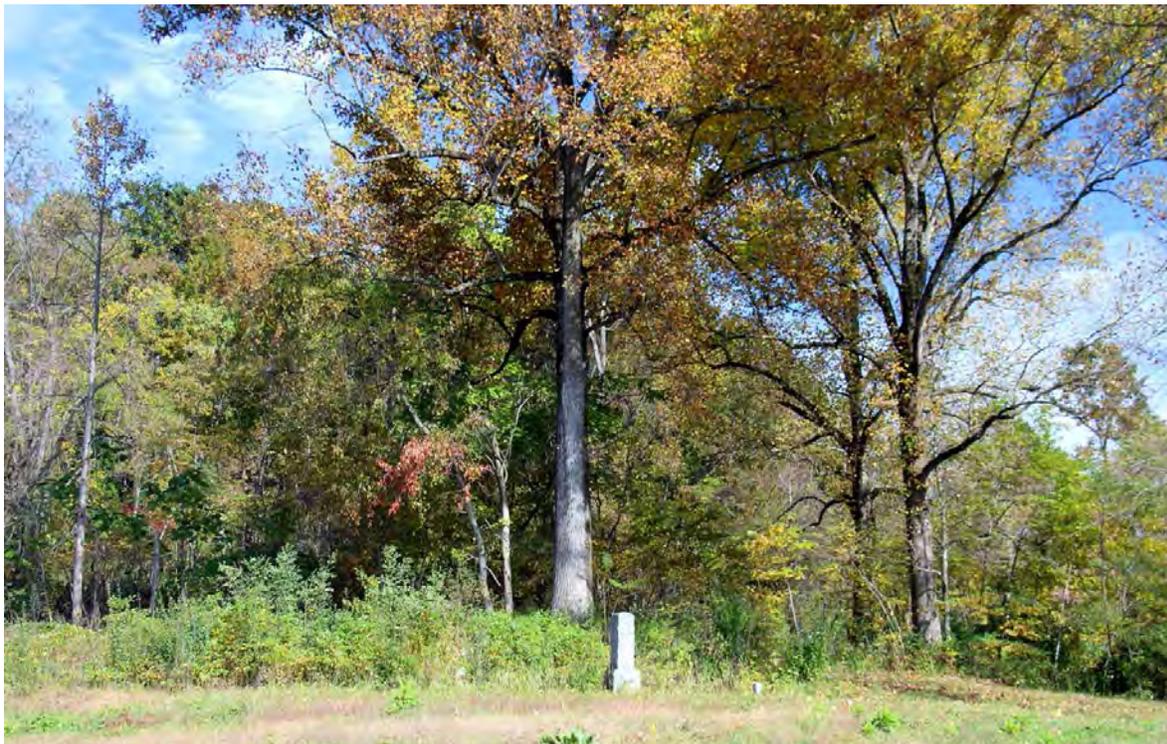
Because there is no requirement to improve the proposed parking area, the area on the Minor Site Plan denoted as "cleared area to be used for parking for funerals" will be left undeveloped and no construction or site disturbance will occur in that area. And with no parking lot construction, the total area of disturbance for the project is 0.6-acres, as noted on the Minor Site Plan. That calculation includes the proposed new 10' roads and turnaround area.

As a result, the overall project area is not expected to increase beyond the 1.0-acre threshold that automatically requires a Major Site Plan (pending any BOS approval of this SUP application).

Therefore, please note that the Minor Site Plan submitted with this Special Use Permit application is the first and only time the Board of Supervisors have the opportunity to review the design and operation of the proposed use (regarding issues such as traffic and transportation, screening and other details, etc).

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

CC: Mr. Stephen A. Carter, County Administrator, Clerk of the Board of Supervisors



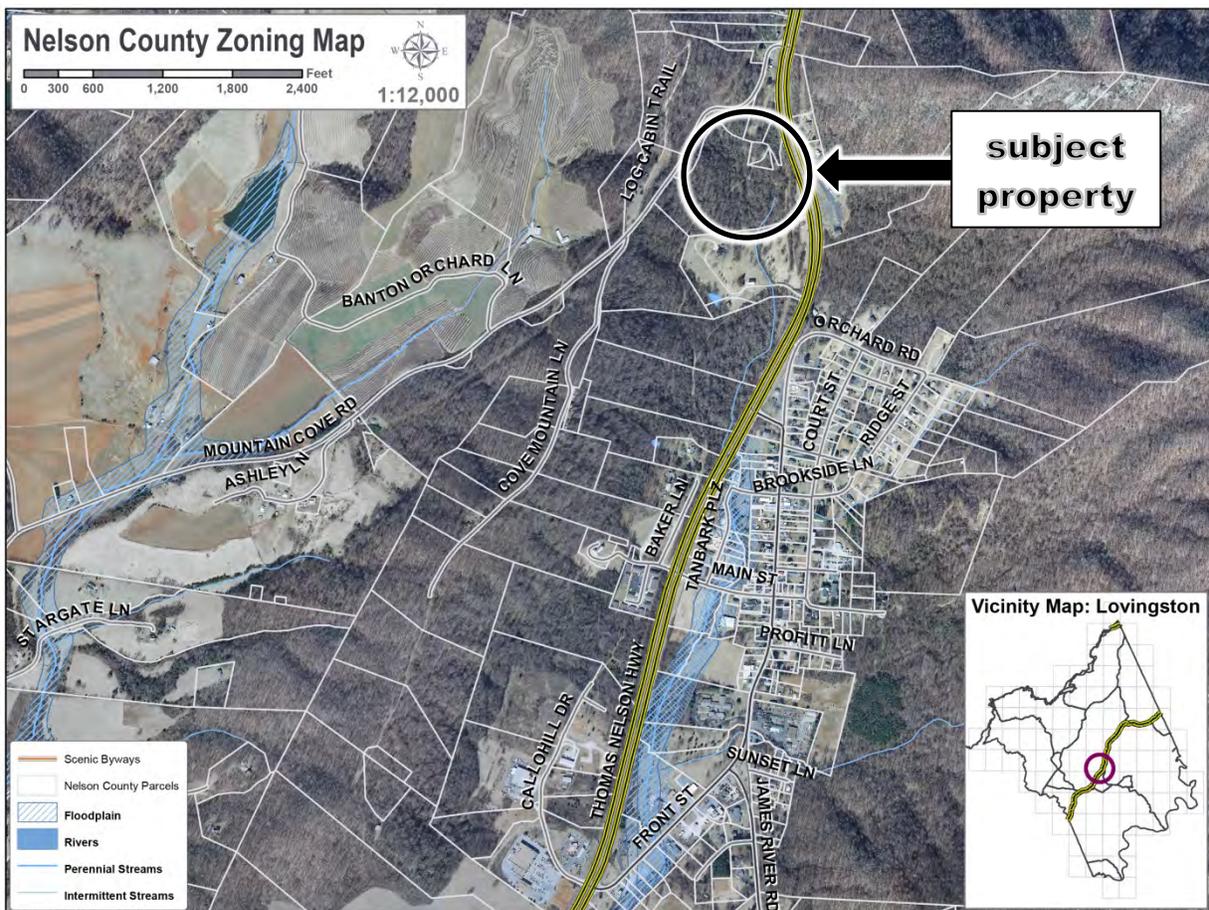
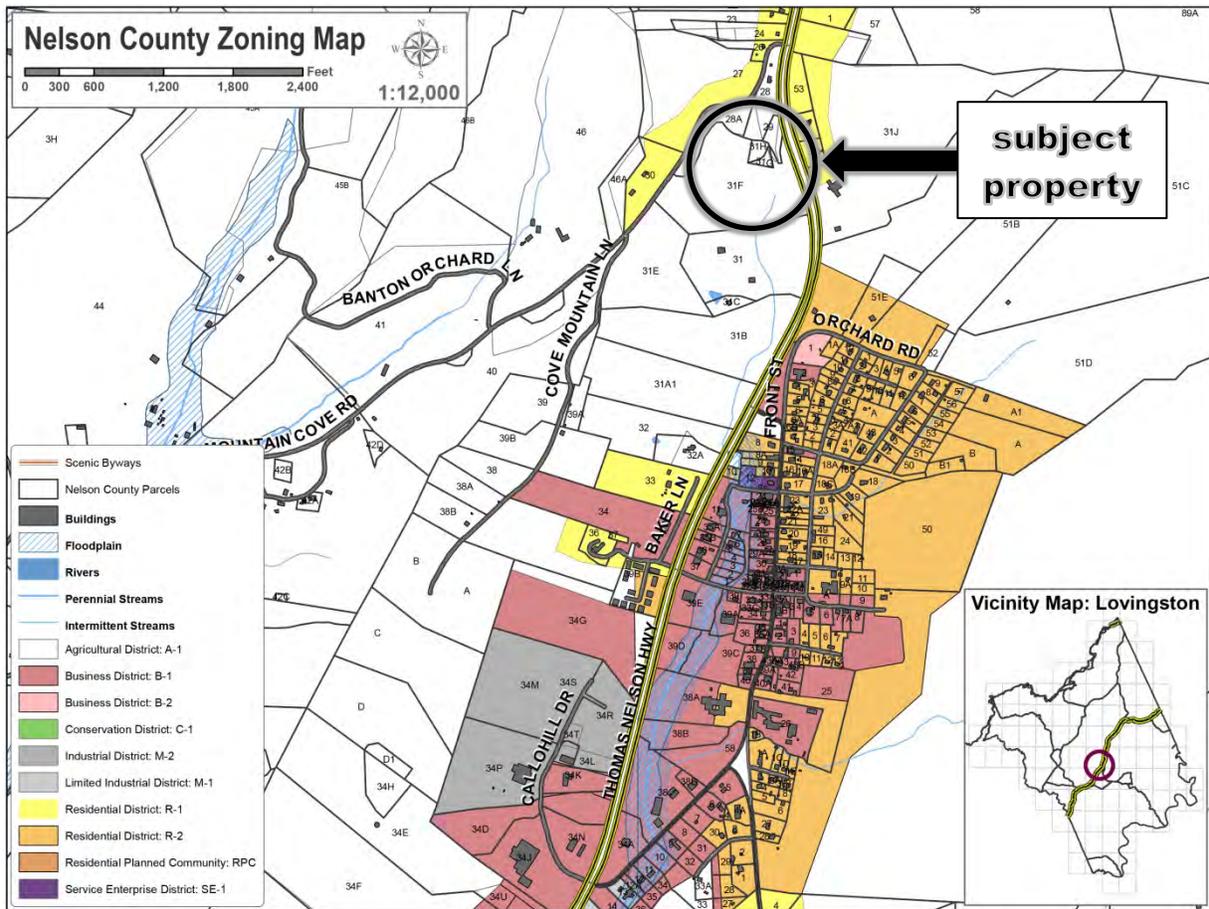
Existing historic Lovings Gap Cemetery, on the subject property.



Existing entrance on Route 29, across from St. Mary's Catholic Church, looking north.



Existing access road.





TO THE ZONING ADMINISTRATOR:

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

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

Pursuant to Article..., Section... of the Nelson County Zoning Ordinance.
Pursuant to Section..., Subsection... of the Nelson County Subdivision Ordinance.

Reason(s) for request: Add a new section to historic - TM 58-A-31H
Loving Gap Cemetery TM 58-A-31F
for St Mary's Catholic Church TM 58-A-29

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

[X] Applicant [] Property Owner Name: Rev Daniel Kelly
Address: 9900 Thomas Nelson Hwy, Lovingston VA 22949
Tel. No.: 263 8509 Cell No. 987-0058 E-mail addr.

Relationship (if applicable): Pastor, St Marys Catholic Church
[] Applicant [X] Property Owner Name: Bishop Francis Di Lorenzo
Address: Diocese of Richmond, Richmond, VA.
Tel. No.: Cell No. E-mail addr.

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

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

Relationship (if applicable):
(Use reverse if more space is needed.)

3. Location and Characteristics of Property:

a. Address of property including specific location, route numbers, street names, direction (NSEW), Magisterial District, etc.: Lovingston, Rt 29

Official tax map number: opposite St Mary's Church at 9900 Thomas Nelson Hwy

- b. Acreage of property: almost 16 ac in total
c. Present use: Historic loving Gap Cemetery
d. Present zoning classification: Agricultural
e. Zoning classification of surrounding properties: presume same

(Continued on reverse.)

4. Names of Adjacent Property Owners: Thelma J. Gorham YM 58-A-2F
RJ Jr + DJ Bliss, 58-A-31-10

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.

X Signature: Rev Daniel L. Kelly
Signature: Rev Daniel Kelly, Pastor
Signature: Richard Plourde, Cemetery Committee
Signature: Jean Casel, Chair, Cemetery Committee

6. Additional information: _____

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

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

Completed application and fee (\$ 300.00) received on September 18, 2014
Hearing Notice published on October 1st + 8th, 2014
Planning Commission action: Date of Hearing: October 22, 2014
Recommendation: _____

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

SITE

VICINITY MAP NOT TO SCALE

① TAX MAP #58-A-31G
N/F
THE MOST REVEREND FRANCIS X. DILORENZO, BISHOP OF THE CATHOLIC DIOCESE OF RICHMOND, VA
INSTRUMENT #120003780
P. B. 14, PG. 63 & 64, PARCEL 16

② TAX MAP #58-A-29
N/F
THE MOST REVEREND FRANCIS X. DILORENZO, BISHOP OF THE CATHOLIC DIOCESE OF RICHMOND, VA
INSTRUMENT #120003780
SEE PLAT @ INSTRUMENT #090000106

③ TAX MAP #58-A-31H
N/F
THE MOST REVEREND FRANCIS X. DILORENZO, BISHOP OF THE CATHOLIC DIOCESE OF RICHMOND, VA
INSTRUMENT #120003781
SEE PLAT @ D. B. 22, PG. 197

- LEGEND:**
- IPF IRON PIN FOUND
 - MON HIGHWAY MONUMENT FOUND
 - CREEK
 - x-x- FENCE
 - o-o- OVERHEAD UTILITIES
 - - - EXISTING ROAD
 - - - APPROXIMATE TREE LINE
 - - - OLD BOUNDARIES

COORDINATE BASE AS ESTABLISHED FROM PERKINS & ORRISON CONTROL POINTS FOR RT. #29 ENTRANCE TO SITE

TAX MAP #58-A-31F
N/F
THE MOST REVEREND FRANCIS X. DILORENZO, BISHOP OF THE CATHOLIC DIOCESE OF RICHMOND, VA
INSTRUMENT #120003780
SEE PLAT @ PLAT BOOK 14, PG. 63 & 64 PARCEL 1F

RECONFIGURED TAX MAP #58-A-31F

+	0.9 AC.	TAX MAP #58-A-29
+	14.946 AC.	TAX MAP #58-A-31F
+	0.24 AC.	TAX MAP #58-A-31G
+	0.45 AC.	TAX MAP #58-A-31H

16.5 ACRES

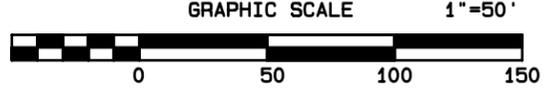
CLEARED AREA TO BE USED FOR PARKING FOR FUNERALS

PLAT OF REFERENCE:
PMSJ #2639-C

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 COSTS INCURRED BY DAMAGING ANY UTILITY WITHIN THE PROJECT SHALL BE AT THE EXPENSE OF THE CONTRACTOR.

TAX MAP #58-A-31
ZONED A-1
N/F
R. J. JR. & D. J. BULLISSA
INSTRUMENT # 040004419
P. B. 14, PG. 63 & 64
PARCEL 1D

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

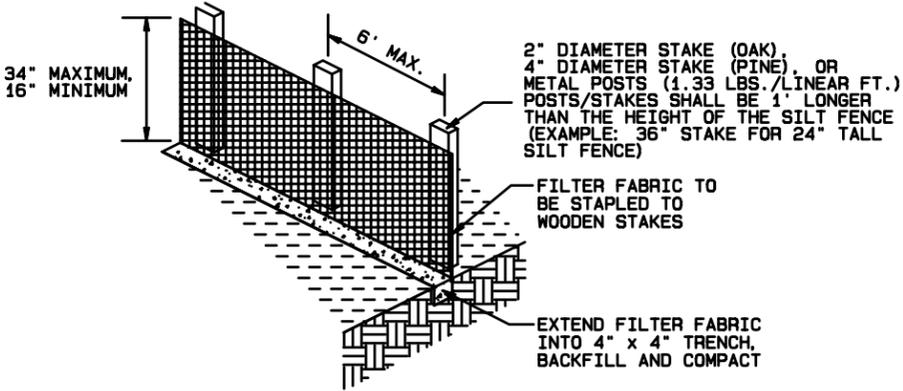


REVISED 10/15/2014 FOR COMMENTS FROM NELSON COUNTY PLANNING OFFICE

PRELIMINARY

COMPOSITE DRAWING SHOWING A PORTION OF THE PROPERTY OF
THE MOST REVEREND FRANCIS X. DILORENZO, BISHOP OF THE CATHOLIC DIOCESE OF RICHMOND, VIRGINIA, ST. MARY'S CATHOLIC CHURCH
LOVINGSTON DISTRICT NELSON COUNTY, VIRGINIA
COMM. #214019 DATE: JUNE 12, 2014 FILE #2630-C
214019.CRD 214019C.PRO

STD & SPEC 3.05



(SF) SILT FENCE DETAIL
NOT TO SCALE

SILT FENCE MAINTENANCE:

1. SILT FENCES SHALL BE INSPECTED IMMEDIATELY AFTER EACH RAINFALL AND AT LEAST DAILY DURING PROLONGED RAINFALL. ANY REQUIRED REPAIRS SHALL BE MADE IMMEDIATELY.
2. CLOSE ATTENTION SHALL BE PAID TO THE REPAIR OF DAMAGED SILT FENCE RESULTING FROM END RUNS AND UNDERCUTTING.
3. SHOULD THE FABRIC ON A SILT FENCE DECOMPOSE OR BECOME INEFFECTIVE PRIOR TO THE END OF THE EXPECTED USABLE LIFE AND THE BARRIER STILL BE NECESSARY, THE FABRIC SHALL BE REPLACED PROMPTLY.
4. SEDIMENT DEPOSITS SHOULD BE REMOVED AFTER EACH STORM EVENT. THEY MUST BE REMOVED WHEN DEPOSITS REACH APPROXIMATELY ONE-HALF THE HEIGHT OF THE BARRIER.
5. ANY SEDIMENT DEPOSITS REMAINING IN PLACE AFTER THE SILT FENCE IS NO LONGER REQUIRED SHALL BE DRESSED TO CONFORM WITH THE EXISTING GRADE, PREPARED AND SEEDED.

SEEDING:

SEEDS SHALL BE SCARIFIED INTO THE TOP 2" OF THE TOP SOIL. IF APPLIED BY HAND SEEDING BY HYDRO SEEDING SHALL BE IN ACCORDANCE WITH VDOT SPECIFICATIONS.

TEMPORARY SEEDING RATES PER ACRE:

- SEPTEMBER 1 TO FEBRUARY 15
50 LBS. ANNUAL RYE
50 LBS. CEREAL WINTER RYE
- FEBRUARY 16 TO APRIL 30
80 LBS. ANNUAL RYE
- MAY 1 TO AUGUST 31
50 LBS. GERMAN MILLET

PERMANENT SEEDING RATES PER ACRE:

- STANDARD SEEDING RATE FOR ALL SEASONS:
(GENERAL SLOPE LESS THAN 3:1)
128 LBS. KENTUCKY 31 FESCUE
2 LBS. RED TOP GRASS
20 LBS. OTHER
- STANDARD SEEDING RATE FOR ALL SEASONS:
(GENERAL SLOPE 3:1 OR GREATER)
108 LBS. KENTUCKY 31 FESCUE
2 LBS. RED TOP GRASS
20 LBS. CROWN VETCH
20 LBS. OTHER

- OTHER:
- MARCH 1 TO MAY 15 ANNUAL RYE
- MAY 16 TO AUGUST 15 FOXTAIL MILLET
- AUGUST 16 TO OCTOBER 31 ANNUAL RYE
- NOVEMBER 1 TO FEBRUARY 28 WINTER RYE

- ALL SEASONS:
- FERTILIZER 1000 LBS. 10-20-10
- LIME 2 TONS
- MULCH 2 TONS THRASHED WHEAT STRAW

WHERE THE CONSTRUCTION VEHICLE ACCESS ROUTES INTERSECT PAVED PUBLIC ROADS, PROVISIONS SHALL BE MADE TO MINIMIZE THE TRANSPORT OF SEDIMENT BY VEHICULAR TRACKING ONTO THE PAVED SURFACE. WHERE SEDIMENT IS TRANSPORTED ONTO A PUBLIC ROAD SURFACE, THE ROAD SHALL BE CLEANED THOROUGHLY AT THE END OF EACH DAY. SEDIMENT SHALL BE REMOVED FROM THE ROADS BY SHOVELING OR SWEEPING AND TRANSPORTED TO A SEDIMENT CONTROL DISPOSAL AREA. STREET WASHING SHALL BE ALLOWED ONLY AFTER SEDIMENT IS REMOVED IN THIS MANNER.

EROSION AND SEDIMENT CONTROL GENERAL CRITERIA:
ALL EROSION AND SEDIMENT CONTROL DEVICES SHALL BE PER THE 1992 VIRGINIA EROSION AND SEDIMENT CONTROL HANDBOOK SPECIFICATIONS, THIRD EDITION.

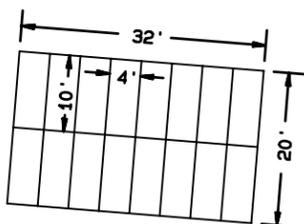
STABILIZATION OF DENUDED AREAS AND SOIL STOCKPILES:
PERMANENT OR TEMPORARY SOIL STABILIZATION MUST BE APPLIED TO DENUDED AREAS WITHIN 7 DAYS AFTER FINAL GRADE IS REACHED ON ANY PORTION OF THE SITE. SOIL STABILIZATION MUST ALSO BE APPLIED WITHIN 7 DAYS TO DENUDED AREAS WHICH MAY NOT BE AT FINAL GRADE BUT WILL REMAIN DORMANT (UNDISTURBED) FOR LONGER THAN 30 DAYS.

SOIL STOCKPILES MUST BE STABILIZED OR PROTECTED WITH SEDIMENT TRAPPING MEASURES TO PREVENT SOIL LOSS.

MAINTENANCE:
ALL TEMPORARY AND PERMANENT EROSION AND SEDIMENT CONTROL PRACTICES MUST BE MAINTAINED AND REPAIRED AS NEEDED TO ASSURE CONTINUED PERFORMANCE OF THEIR INTENDED FUNCTION. ALL EROSION AND SEDIMENT CONTROL DEVICES WILL BE INSPECTED AND REPAIRED (CLEANED) WEEKLY IF NECESSARY AND AFTER EACH RAINFALL.

GENERAL CONSTRUCTION NOTES:

1. CALL MISS UTILITY AND HAVE ALL UNDERGROUND UTILITIES MARKED.
2. EROSION AND SEDIMENT CONTROL DEVICES MUST BE SET PRIOR TO OR IN CONJUNCTION WITH PROPOSED EXCAVATION.
3. RELOCATE UTILITIES AS NECESSARY.
4. BEGIN GRADING OF SITE AND APPLY STONE TO ALL DRIVES AND PARKING AREAS IMMEDIATELY AFTER GRADING.
5. SEED AS NECESSARY AS PER E & S REQUIREMENTS.
6. COMPLETE GRADING OF SITE.
7. COMPLETE CONSTRUCTION OF ROADS AND APPLY FINAL STONE SURFACE.
8. APPLY PERMANENT SEEDING TO ALL AREAS.



GRAVE SITE LAYOUT
TYPICAL SECTION

REVISED 10/15/2014 FOR
COMMENTS FROM NELSON
COUNTY PLANNING OFFICE

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

PRELIMINARY

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 THAT SIGNS AND SEALS THESE PLANS 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.

NELSON COUNTY HEALTH DEPARTMENT: APPROVAL NOT REQUIRED

NELSON COUNTY SERVICE AUTHORITY: APPROVAL NOT REQUIRED

SET BACKS:

- FRONT: 50' FROM EDGE OF RIGHT-OF-WAY RT. 29
- SIDE: MINIMUM OF 20' FROM THE PROPERTY LINE AND THE TOTAL WIDTH OF THE REQUIRED SIDE YARDS IS 50' OR MORE (LOT SIZE GREATER THAN 5 AC.) (SEE ARTICLE 4-3-2 OF NELSON CO. ZONING ORDINANCE)
- REAR: MINIMUM OF 50' FROM THE REAR PROPERTY LINE (LOT SIZE GREATER THAN 5 AC.) (SEE ARTICLE 4-3-3 OF NELSON CO. ZONING ORDINANCE)
- STREAM: 50' FROM BANK OF STREAMS (SEE ARTICLE 4-3-A OF NELSON CO. SUBDIVISION ORDINANCE)

THE DEVELOPMENT AS IT APPEARS ON THIS SITE PLAN IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNERS/REPRESENTATIVES FOR SAID DEVELOPMENT.

FOR ST. MARY'S CATHOLIC CHURCH _____ DATE _____

TITLE _____

COMMONWEALTH AT LARGE TO WIT:
STATE OF VIRGINIA

COUNTY/CITY OF: _____
I, _____ 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 _____

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 AS A COMPOSITE OF EXISTING BOUNDARY SURVEYS, D. B. 327, PG. 11, P. B. 14, PG. 63 & 64, INSTRUMENT #090000106, D. B. 22, PG. 197, P. C. 5, SLIDE 70A, AND ADDITIONAL FIELD WORK BY SAUNDERS' SURVEYS TO TIE EVERYTHING TOGETHER, FLAG THE BOUNDARIES, SET MISSING CORNERS, AND LOCATE THE IMPROVEMENTS SHOWN. SAUNDERS' SURVEYS BASED THE BOUNDARIES SHOWN ON THE PLATS AS NOTED AND HAS DONE NO ADDITIONAL FIELD WORK TO VERIFY THE ACCURACY OF SAID SURVEYS.
3. THIS DRAWING WAS PREPARED AT THE REQUEST OF ST. MARY'S CATHOLIC CHURCH, 9900 THOMAS NELSON HIGHWAY, LOVINGSTON, VA., 22949 AND AS DIRECTED BY RICHARD FLOURBE, 78 BROWNINGS COVE ROAD, SHIPMAN, VA., 22971.
4. PROPERTIES SHOWN ARE TAX MAP #58-A-29, 31F, 31G, AND 31H AND ALL ARE ZONED AGRICULTURAL, A-1. THE PROPERTY IS CURRENTLY IN THE NAME OF THE MOST REVEREND FRANCIS X. DILORENZO, BISHOP OF THE CATHOLIC DIOCESE OF RICHMOND, VIRGINIA.
5. THE PARCEL SHOWN IS SERVED BY THE EXISTING UTILITIES ON THE PROPERTY.
6. THE PURPOSE OF THIS DRAWING IS TO REQUEST A SPECIAL USE PERMIT FOR THE DEVELOPMENT OF A NEW CEMETERY ON THE PROPERTY, ADJACENT TO SEVERAL EXISTING CEMETERIES.
7. CONTOURS SHOWN ARE APPROXIMATE AND WERE TAKEN FROM THE LOVINGSTON, VA. QUADRANGLE MAP, DATED 1967, PHOTOREVISED 1981 & 1984.
8. THE PROPERTY LIES WITHIN FLOOD ZONE "X" FOR A 100 YEAR FLOOD AS SHOWN ON THE MAPS PUBLISHED BY THE U. S. DEPARTMENT OF HOMELAND SECURITY, FEDERAL EMERGENCY MANAGEMENT AGENCY, DATED JUNE 18, 2010, MAP NUMBER #51125C0265B.
9. THIS DRAWING IS PREPARED CONTINGENT ON THE APPROVAL AND RECORDATION OF THE BOUNDARY LINE VACATION PLAT, PMSJ #2639-C, TO COMBINE ALL 4 PARCELS INTO ONE LARGER, 16.5 AC. TRACT.
10. THE PROPOSED DRAINAGE EASEMENT IS SHOWN ON THIS PLAT FOR THE CONSTRUCTION OF THE DECELERATION/ENTRANCE LANE OFF OF RT. #29. THIS EASEMENT MAY NOT BE NECESSARY BASED ON THE MOST RECENT CORRESPONDENCE WITH THE ENGINEER AND VDOT.
11. THE DISTURBED AREA FOR THE ROAD SYSTEM SHOWN ON THIS DRAWING FOR THE DEVELOPMENT OF THE CEMETERY IS APPROXIMATELY 0.6 ACRES. THIS DISTURBED AREA CALCULATION DOES NOT TAKE INTO ACCOUNT THE ACTUAL GRAVE SITES. IT ONLY INCLUDES THE POSSIBLE ROADS AND TURN AROUND.
12. THE CONSTRUCTION LIMITS IS THE AREA WITHIN THE ROAD SYSTEM AND SOME SLOPE GRADING AS NECESSARY. MAXIMUM SLOPE IS 2:1.

COMPOSITE PLAT SHOWING A PORTION OF THE PROPERTY OF
**THE MOST REVEREND
FRANCIS X. DILORENZO,
BISHOP OF THE CATHOLIC
DIOCESE OF RICHMOND, VIRGINIA,
ST. MARY'S CATHOLIC CHURCH**
LOVINGSTON DISTRICT NELSON COUNTY, VIRGINIA
COMM. #214019 DATE: JUNE 12, 2014 FILE #2630-C
214019.CRD 214019C.PRO



COMMONWEALTH of VIRGINIA

DEPARTMENT OF EDUCATION

P.O. BOX 2120
RICHMOND 23218-2120

June 24, 2014

Dr. Jeff Comer
Division Superintendent
Nelson County Public Schools
P.O. Box 276
Lovington, Virginia 22949-0276

Dear Dr. Comer:

The Office of Federal Program Monitoring wishes to extend its appreciation to the staff of Nelson County Public Schools for the assistance and cooperation provided during our recent on-site review of the civil rights requirements applicable to the career and technical education (CTE) program. As delineated in our previous letter of notification, the civil rights review is required by federal law, the *Vocational Education Programs Guidelines for Eliminating Discrimination and Denial of Services on the Basis of Race, Color, National Origin, Sex and Handicap*, 34 C.F.R. Part 100, Appendix B.

The review process was facilitated by Mrs. Sandra McKenzie, career and technical education (CTE) coordinator, and other staff members. Requested information and access to documentation were provided promptly and efficiently. We appreciate your continued efforts to ensure compliance with the civil rights requirements and improved results for all students.

Attached is our final civil rights compliance report for Nelson County Public Schools' CTE programs. A one-page summary of the findings is provided for your convenience. A corrective action plan is due within 60 calendar days from receipt of this letter to address findings of non-compliance. If you have any questions or concerns regarding the report, or if you require technical assistance, please contact Mrs. Bonnie B. English at Bonnie.English@doe.virginia.gov or (804) 225-2618. You may also contact Dr. Sandra E. Ruffin, director of federal program monitoring, at (804) 225-2768 or Sandra.Ruffin@doe.virginia.gov should you require additional assistance.

Sincerely,

Sandra E. Ruffin, Ed.D.
Director of Federal Program Monitoring

Bonnie B. English, M.A.
Monitoring Specialist for Civil Rights

SER/BBE/dct

C: Mrs. Sandra McKenzie, CTE Coordinator, Nelson County Public Schools
Ms. Lolita Hall, Director of CTE, Virginia Department of Education

VIRGINIA DEPARTMENT OF EDUCATION

Office of Federal Program Monitoring

Nelson County Public Schools
Civil Rights Compliance Review

Date of Visit: January 15-16, 2014

Acknowledgement

The Department of Education's Office of Federal Program Monitoring appreciates Nelson County Public School's time and attention to the civil rights compliance review. The review process was facilitated by Mrs. Sandra McKenzie, CTE coordinator, the building principal and other school faculty, staff and students. Requested information and access to documentation were provided promptly and efficiently.

We appreciate the school division's efforts to ensure compliance with the civil rights requirements and improved results for all students. We encourage staff to continue its efforts to ensure excellence in equity and education in Nelson County Public Schools.

Questions about the report or further technical assistance may be directed to Mrs. Bonnie B. English, monitoring specialist for civil rights, by e-mail at Bonnie.English@doe.virginia.gov or by telephone at (804) 225-2618, or you may contact Dr. Sandra E. Ruffin, director of federal program monitoring, by e-mail at Sandra.Ruffin@doe.virginia.gov or by telephone at (804) 225-2768.

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for
NELSON COUNTY PUBLIC SCHOOLS
LOVINGSTON, VIRGINIA
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2013-2014

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Virginia Department of Education

Office of Federal Program Monitoring

Summary of Findings for Civil Rights Compliance Review

Nelson County Public Schools

January 15-16, 2014

A full report of the on-site review methodology, findings, required actions, recommendations is attached. This summary is provided as a brief overview for your convenience and is not intended to supplant the full report.

The following findings and recommendations are intended to facilitate the expansion of Nelson County Public Schools' efforts to promote equity and excellence in education in collaboration with the Virginia Department of Education. Your continued commitment to civil rights obligations is greatly appreciated.

Findings requiring action: These areas are noted to require some action on the part of NCPS.

1. Annual Public Notice (school division does not publish)
2. Continuous Non-discrimination Notice (not published on all required documents; missing elements of compliance)
3. Grievance Procedures (grievance procedures for disability and sexual discrimination and harassment are not readily available to students and/or parents and employees; current Section 504 hearing procedures do not meet the standard of impartiality)
4. Compliance Officers (NCPS Title IX and Section 504 compliance officers did not produce documentation to support adequate training for the position)
5. Services for Students with Disabilities (school division's Section 504 processes procedural manual and associated documents contain erroneous information and/or omissions)
6. Comparable Facilities (there are two team rooms at Nelson County High School, neither of which is dedicated for use by females)
7. Accessibility Issues in the following location (16 total): Nelson County H.S. (pages 1-19)

Recommendations for Continuous Improvement: These are areas in which the on-site review did not reveal any issue requiring action; however, recommendations are made for continuous improvement.

Administrative (6 total; page 7)

Services to Students with Disabilities (6 total; pages 10 and 11)

Employment (2 total; page 21)

Recruitment (1 total; page 22)

Access and Admissions (3 total; page 23)

Work Study, Cooperative Education, Job Placement, and Apprentice Training (1 total; page 24)

Virginia Department of Education
Site Visit Report and Findings for Civil Rights Compliance Review
Nelson County Public Schools
January 15-16, 2014

The Vocational Education Programs Guidelines for Eliminating Discrimination and Denial of Services on the Basis of Race, Color, National Origin, Sex and Handicap, Federal Register, March 21, 1979, Vol. 44, No. 56, also referred to as *The Guidelines*, require each state education agency to conduct on-site compliance reviews of local education agencies that provide career and technical education programs and receive federal financial assistance. To that end, the Virginia Department of Education, Office of Federal Program Monitoring, conducted an on-site compliance review of Nelson County Public School's (NCPS) career and technical education program on January 15-16, 2014. The review was conducted to determine whether the school division is meeting the requirements of the following civil rights laws:



Title VI of the Civil Rights Act of 1964 (prohibiting discrimination based on race, color, and national origin) 34 CFR Part 100



Title IX of the Education Amendments of 1972 (prohibiting discrimination based on sex) 34 CFR Part 106



Section 504 of the Rehabilitation Act of 1973 (prohibiting discrimination based on disability) 34 CFR Part 104



Title II of the Americans with Disabilities Act of 1990 (prohibiting discrimination based on disability) 28 CFR Part 35

It is the mission of the Office for Civil Rights (OCR) to ensure equal access to education and to promote educational excellence throughout the nation through enforcement of civil rights. As a state education agency responsible for assisting OCR in the accomplishment of its mission, the Virginia Department of Education (VDOE), Office of Federal Program Monitoring, selected NCPS based on a target plan designed to identify school divisions with the greatest potential for noncompliance with civil rights laws. The target plan worksheet for NCPS is as follows:

Subrecipient: Nelson County Public SchoolsTarget Pool Year: **2013-2014**

Indicators	Value/ Count		Assigned Point Values	=	Total Points	VDOE Data Reports	Notes
1) The number of schools serving students at the secondary level that offer career and technical education (CTE) programs (career centers, alternative schools, regional career and technical centers, and other facilities offering career and technical education, including apprenticeship programs)	1	X	+1 (assigned to each secondary school that offers CTE in the subrecipient)	=	1	Career and Technical Education Reporting System (CTERS)	-Nelson County H.S.
2) The number of secondary CTE programs unequal in sex (unequal-20 percent or greater difference between male and female enrollment in each CTE program)	6	X	+3 (assigned to each program unequal in sex)	=	18	CTERS	-Agricultural Education -Business and Information Technology -Trade and Industrial Education -Career Connections -Health and Medical Sciences -Family and Consumer Sciences
3) Unequal enrollment of disabled students in secondary CTE compared to disabled students in the school division (unequal-10 percent or greater difference between CTE disabled enrollment and disabled enrollment in the school division)	0	X	+10 (assigned to each school division having an unequal number of secondary disabled students in CTE programs)	=	0	CTERS and VDOE Web site-fall membership reports	Secondary CTE disabled percentage= 11.6 ; School division disabled percentage= 13.8
4) The number of limited English proficient (LEP) subgroups that comprise 5 percent or more of a school division's enrollment	0	X	+5 (assigned to each LEP subgroup that comprises 5percent or more of the school division's enrollment)	=	0	VDOE-Office of Program Administration and Accountability (VDOE Web site)	Spanish- 1.8 percent
5) Unequal enrollment of minority students in secondary CTE programs compared to minority students in the school division (unequal-10 percent or greater difference in secondary CTE minority enrollment compared to the minority enrollment in the school division)	0	X	+10 (assigned to each school division having an unequal number of minority secondary students in CTE programs)	=	0	CTERS and VDOE Web site-fall membership reports	Percentage secondary CTE Minority= 22.9 ; Percentage school division minority = 26.2
6) The number of years since the last on-site civil rights review	22 years		+0 (6 years or less) +5 (7 to 12 years) +10 (13 to 19 years) +15 (20+ years)		15	2011-2013 Biennial Report-Subrecipient (Attachment 2)	
			Subrecipient's Total Points		34		

Data used for this desk analysis was from the 2012-2013 school year

NCPS was one of 22 school divisions, plus two state-operated programs, in the target pool for the 2013-2014 school year. The four school divisions with the highest point values, one of which was NCPS, were selected for on-site reviews.

In an effort to sustain a process of continuous improvement in assuring equity for all students, VDOE conducted a comprehensive review of the civil rights requirements beginning with a desk analysis of relevant data posted on the school division's Web site, Career and Technical Education enrollment and other CTERS2 data reports, VDOE's fall membership, and the VDOE's Office of Program Accountability reports. Data compiled for NCPS indicated that six of the six CTE program areas offered in the school division had a 20 percent or greater difference between male and female enrollment. Additionally, it has been more than 10 years since the school division last underwent a VDOE on-site compliance review of applicable civil rights laws and regulations.

Following the desk analysis, a comprehensive on-site review was conducted in the selected NCPS secondary schools. The review focused on requirements in the following areas:

- Administrative
- Employment
- Recruitment
- Access and Admissions
- Accessibility
- Comparable Facilities
- Services for Students with Disabilities
- Student Financial Assistance
- Counseling and Pre-career and Technical Programs
- Site Location
- Work Study, Cooperative Education, Job Placement and Apprentice Training

The report contains a brief explanation of the requirements, the observation of the school's compliance with the requirements and a listing of the documentation and methodology utilized to determine compliance. Where appropriate, the report contains *Finding(s) Requiring Action*. Findings denote issues that require the district to develop an acceptable plan within 60 calendar days of receipt of notice. While the report identifies required actions to correct findings, the school division may determine other mutually acceptable means of compliance. The report also contains *recommendations for continuous improvement*. Recommendations do not require action.

REQUIRED AREAS OF REVIEW WITH FINDINGS

The on-site civil rights compliance review at NCPS yielded findings in the following required areas of review: Administrative, Services for Students with Disabilities, Accessibility, and, Comparable Facilities. The seven remaining required areas of review, in which there were no findings, can be found in the Appendix of this report.

Administrative Issues: Local educational agencies must meet collective requirements to comply with the Vocational Education Guidelines, Title VI, Title IX, Title II and Section 504. These collective requirements include providing an annual public notice of non-discrimination, continuous notification of non-discrimination, designation of 504 and Title IX coordinators, and publication of a grievance procedure that will allow students and employees an avenue for settling inquiries regarding discrimination and harassment. Title IX: 34 CFR § 106.8(b), Section 504: 34 CFR § 104.7(a), Title II: 28 CFR § 35.107(a), Title IX: 34 CFR § 106.9, Section 504: 34 CFR § 104.8, Section 504: 34 CFR § 104.7(A), Title IX: 34 CFR § 106.8, Title IX: 34 CFR § 106.8, Section 504: 34 CFR § 104.7(a), Section 504: 34 CFR § 104.7(b), Title IX: 34 CFR § 106.8(b), Title II: 28 CFR § 35.107(b), Guidelines IV-O

Observation: As noted above, the reviewed aspects of this equity requirement included annual public notification, continuous nondiscrimination notice, Section 504 and Title IX coordinator identification, and published grievance procedures. NCPS did not provide evidence of an annual notice of nondiscrimination posting. The NCPS continuous nondiscrimination notice is printed in or on some required documents and materials. However, a review of supplied documentation revealed omissions of required elements in the continuous notice.

NCPS does publish grievance procedures under both Title IX and Section 504 in their school division policy manual which is made available online, in each building principal's office, the library of each school, and in the county's public library. The NCPS employee handbook is also posted online. This handbook correctly denotes the school division policy regarding harassment only, but not discrimination. It also references where the school division's policy manual can be found. However, it does not contain a summary of the grievance procedures for inquiries regarding discrimination or harassment under Title IX or Section 504.

The publications used to apprise NCPS students and their parents of key policies, rules, and school division expectations, the student handbook and the code of student conduct, do not provide students and their parents with information regarding the grievance processes for disability or sexual discrimination and harassment. Additionally, the applicable policies regarding these issues are not referenced in the aforementioned publications for students and their parents. However, information regarding where the school division's policy manual could be found is included in these publications.

A review of policy JB and the *504 Grievance Procedures*, designated by the school division as its Section 504 impartial hearing procedures for inquiries involving identification, evaluation and placement of students with disabilities who, because of their disabilities, need or are believed to need special instruction or related services, revealed that neither document met the regulatory requirement of impartiality. The totality of the above-mentioned errors and omissions constitute findings in the administrative area of this compliance review.

The following documents and methodologies were utilized in examining this equity requirement:

- Group interviews with Shannon Irvin (Assistant Superintendent and Title IX Coordinator), Joseph Bolling, Jr. (Supervisor of Student Services and Section 504 Coordinator), Sandra McKenzie (Supervisor of Federal Programs, Career and Technical, and Adult Education), Tim Rutherford (Maintenance), and staff and students at Nelson County H.S.

- NCPS' Web site
- NCPS Policies (File: GB-Equal Employment Opportunity/Non-Discrimination; File:GBA/JFHA-Prohibition Against Harassment and Retaliation; File: GBM-Professional Staff Grievances; File: GBMA-Support Staff Grievances; File: JB-Equal Educational Opportunities/Nondiscrimination)
- Various NCPS publications including the *Parent Handbook and Code of Student Conduct 2013-2014 NCPS*, *Nelson County High School Parent-Student Handbook 2013-2014*, job applications and postings, and recruitment documents

Finding(s) Requiring Action:

Finding 1. NCPS does not publish an annual notice of nondiscrimination as required.

- Compliance Standard(s): (*Title IX: 34 CFR § 106.8(b), Section 504: 34 CFR § 104.7(a) Title II: 28 CFR § 35.107(a) Guidelines IV-O*)

Prior to the beginning of each school year, recipients must advise students, parents, employees and (the) general public that all vocational opportunities will be offered regardless of race, color, national origin, sex, and disability. The notice must include a brief summary of program offerings and admission criteria and the name, office address, and phone number of person(s) designated to coordinate compliance under Title IX and Section 504. The notice also is disseminated in any language other than English as needed.

- Required Action: Publish an annual public notice via means which will reach students, parents, employees, and the general public informing them about career and technical education opportunities within the school system prior to the beginning of each school year in accordance with the above-referenced compliance standards.

Finding 2. The continuous nondiscrimination notice was not found on all recruitment materials or publications containing general information that the school division makes available to participants, beneficiaries, applicants, or employees. Those required documents and/or sources that do contain the continuous nondiscrimination notice are missing elements of compliance.

- Compliance Standard(s): [*Section 504: 34 CFR § 104.7(A)(B), Title IX: 34 CFR § 106.8 and § 106.9(a)(1), Guidelines IV. O*]
 1. Each recipient shall designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under Section 504 and Title IX.
 2. If a recipient publishes or uses recruitment materials or publications containing general information that it makes available to participants, beneficiaries, applicants, or employees, it shall include in those materials or publications a statement of the nondiscrimination policy.
 3. The recipient must notify students and employees of the name, office address, and phone number of the designated employee(s).
 4. Each recipient shall implement specific and continuing steps to notify applicants for admission and employment, students and parents of elementary and secondary school students, employees, sources of referral of applicants for admission and employment, that it does not discriminate on the basis of sex in the educational program or activity which it operates.

If a recipient's service area contains a community of national origin minority persons with limited English language skills, public notification materials must be disseminated to that community in its language and must state that recipients will take steps to assure that the lack of English language skills will not be a barrier to admission and participation in vocational education programs.

- Required Action: Print the continuous nondiscrimination notice in materials and publications for dissemination to participants, beneficiaries, applicants, elementary and secondary school parents, and employees, being sure to include the name/title and contact information of the school division employee(s) designated to ensure compliance with Title IX and Section 504. This may be accomplished through inserts, labels, revision and reprint.

Finding 3. The NCPS student handbook and code of student conduct as well as the employee handbook do not contain summaries of grievance procedures for sexual and disability harassment and discrimination.

- Compliance Standard(s): [Section 504: 34 CFR § 104.7(b), Title IX: 34 CFR § 106.8(b), Title II: 28 CFR § 35.10]

Grievance procedures for persons who feel they have been discriminated against based on sex or disability are readily available to students and employees and ensure a prompt and equitable response.

- Required Action: Documents or sources that are readily available to students, their parents and employees must be amended to include summaries of the school division's grievance procedures for sexual and disability harassment and discrimination. Documents and sources for students and their parents must also be published in age-appropriate language.

Finding 4. The school division's central office Section 504 and Title IX compliance officers did not produce evidence to substantiate adequate training to carry out the duties and responsibilities associated with these positions.

- Compliance Standard(s): [Section 504: 34 CFR § 104.7(A), Title IX: 34 CFR § 106.8]

Recipient has assigned a person(s) to coordinate Section 504 and Title IX activities. This person(s) must be aware of his/her duties and responsibilities and have the training necessary to carry them out.

- Required Action: Provide opportunities for the Section 504 and Title IX compliance officers for the division to receive training in order to adequately carryout the duties and responsibilities associated with this position.

Finding 5. Neither policy JB nor the school division's 504 Grievance Procedures, designated by the school division as its Section 504 impartial hearing processes, meet the regulatory requirement of impartiality.

- Compliance Standard(s): Section 504: 34 CFR § 104.36

The recipient must provide procedural safeguards through which parents or guardians may obtain an impartial review of the evaluation and placement actions.

- **Required Action:** Amend policy JB and the *504 Grievance Procedures* so that they both contain a compliant Section 504 impartial hearing process. Also, ensure students, parents, and those responsible for coordinating Section 504 FAPE efforts are provided with a copy of the division's Section 504 impartial hearing procedures in a readily available source.

Provide an action plan that identifies: (1) each finding, (2) how the school division will make the required corrections, (3) timelines, (4) person(s) responsible for the corrections, and (5) how the school division will monitor to ensure full compliance.

Recommendation(s) for Continuous Improvement:

- 1) Use uniform language in the continuous nondiscrimination notice across all school division publications and policies on which it is required, to include consistent designation of the Section 504 and Title IX compliance officers, and the categories the school division will protect against discrimination.
- 2) Provide specified orientation/training annually to students regarding Title IX and its prohibitions against sexual harassment and discrimination, including the name and/or title and contact information of the school division's Title IX compliance officer. This recommendation is being made due to the school division's history of complaints in this area and the requirements as outlined in its Title IX grievance policies.
- 3) Reference policy GB at the equal employment opportunities notice in the NCPS employee handbook instead of policy GBA, as GB is the school division's policy regarding prohibited discrimination in employment.
- 4) Change the title and language of the harassment notification in the NCPS employee handbook from "sexual harassment" to "harassment" or "harassment based on race, color, national origin, sex, age, and disability", as the policy referenced, policy GBA, covers harassment issues for all of the aforementioned protected classes.
- 5) Include "color" in the title of section II.B of policy GBA/JFHA and a definition of harassment based on "age" as this policy covers all required protected classes.
- 6) Revise the language in policies GBA/JFHA and JFHA/GBA to indicate that mediation or informal grievance resolution in complaints alleging sexual assault or sexual violence should not be used.

Services for Students with Disabilities Issues: Local educational agencies must include students with disabilities in all of its programs and services; ensure the availability of supplementary aides for participation in all programs and services, and monitor the extent of interaction with non-disabled peers in those programs and services. Additionally, the school division must locate students with disabilities who may be in need of supports and services, determine eligibility, provide appropriate accommodations to include auxiliary aids, and not discriminate on the basis of disability in classes, programs, and extracurricular activities to include district sponsored activities. Section 504: 34 CFR § 104.4(a); Title II: 28 CFR § 35.130(a); Guidelines IV-N; Section 504: 34 CFR § 104.33; Section 504: 34 CFR § 104.44 (b)(d); Section 504: 34 CFR § 104.10; Section 504: 34 CFR § 104.43(c); Section 504: 34 CFR § 104.44(a)(c); TITLE II: 28 CFR § 35.130(b)(7)(8); TITLE II: 28 CFR § 35.160(b)(1); Section 504: 34 CFR § 104.34(b)(c); Section 504: 34 CFR § 104.43(d); Guidelines VI-A; TITLE II: 28 CFR § 35.160(a); TITLE II: 28 CFR § 35.161; Section 504: 34 CFR § 104.4(b); TITLE II: 28 CFR § 35.130(b)(1); Guidelines VI-A; Title II: 28 CFR § 35.102; Section 504: 34 CFR § 104.33, 35, and 36; Section 504: 34 CFR § 104.34(a)(b); Title II: 28 CFR § 35.130(d); Section 504: 34

CFR § 104.35(a)

Observation: The reviewed aspects of this equity requirement included the inclusion of students with disabilities in CTE programs, the provision of supplementary aids for students with disabilities to participate in all services and programs, and the extent of their interaction with nondisabled peers. Section 504 permits school divisions to use the Individuals with Disabilities Education Act (IDEA) to provide services to students who qualify as disabled under this statute. However, a review of Section 504 administrative practices in NCPS revealed a process which is separate from the IDEA for identification and service for students with disabilities. Fourteen percent of students enrolled in NCPS are identified as students with disabilities, while 12 percent of high school students enrolled in CTE programs or courses in NCPS are students with disabilities.

The following documentation was utilized in reviewing this equity requirement:

- Review of CTE program demographics (CTERS2)
- Review of 2012-2013 demographic information
- Interviews with disabled CTE students
- Interviews with CTE teachers
- Interviews with nondisabled CTE students
- Review of the NCPS Section 504 policies, procedures, and associated documents
- Review of accommodations and modifications provided on-site
- Building reviews for program accessibility (see the section on ***Accessibility for compliance issues regarding the accessibility of programs to parents or the public, which is a concern under this requirement***)

Finding(s) Requiring Action:

Finding 1. Parents or guardians of students and/or students who are undergoing the process of 504 qualification determination are provided their procedural safeguards at the identification stage of the process and not at the evaluation stage.

- Compliance Standard(s): *Section 504: 34 CFR § 104.36*
 “A recipient that operates a public elementary or secondary education program or activity shall establish and implement, with respect to actions regarding the identification, evaluation, or educational placement of persons who, because of handicap, need or are believed to need special instruction or related services, a system of procedural safeguards that includes notice,…”
- Required Action: Modify the free appropriate public education (FAPE) process under Section 504 and/or associated documents currently in place so that parents or guardians of students and/or students are provided with notice of their procedural safeguards at evaluation.

Finding 2. The notation at the bottom of the school division’s parent consent to evaluate form stating that parental permission is not needed to review existing documentation is true for IDEA, but not for initial evaluations under Section 504.

- Compliance Standard(s): *Protecting Students With Disabilities, Frequently Asked*

Questions About Section 504 and the Education of Children with Disabilities (FAQ Document, 2009, question 41)

“...OCR has interpreted Section 504 to require districts to obtain parental permission for initial evaluations...”

- Required Action: Revise the consent to evaluate form that is currently used for both special education and 504 FAPE processes, by deleting or clarifying the notation at the bottom of the document regarding the review of existing documentation.

Finding 3. The following documents and forms utilized by NCPS to provide FAPE under Section 504 contain errors and/or omissions that if left uncorrected could lead to denial of FAPE.

Nelson County Public Schools Section 504 Policies and Procedures:

- The definition of “substantially limited” on page two of this document is noted as “significantly restricted” and does not meet with definition in the Americans with Disabilities Act (ADA) as amended in 2008.
- Consideration of the “educational benefit” a student receives from his/her academic program, denoted on page three, is only applicable to special education; as such, this question should not be the basis for determining whether a student should be referred for evaluation under Section 504. Likewise, references to *Rowley (Hendrik Hudson District Bd. Of Education v. Rowley)* on pages three and four are also only applicable to special education, not Section 504.
- While temporary conditions may qualify a student for services under Section 504, the requirement that these conditions be of “unknown origin,” as indicated on page four, is not mandated by 504 regulations.

Notice to Parents: Parental Rights Afforded By Section 504 of the Rehabilitation Act of 1973 and The Americans with Disabilities Act of 1990:

- NCPS’ 504 procedural safeguards are missing statements that parents and guardians have a right to be represented by counsel at an impartial hearing, and that they also have a right to a review or an appeal of the impartial hearing decision.

Section 504 Plans:

- The opening statement on this document, noting that NCPS only develops 504 plans for students who do not need the specially designed instruction of special education, strongly suggests that the school division does not consider the continuum of options available to students who are determined disabled under Section 504, which includes regular or special education and related aids and services.

504 Triennial Evaluation Procedures:

- As all 504 qualifications are not based on a substantial limitation in learning, an educational evaluation and observation should not be required for all 504 triennials.

- Compliance Standard(s): Section 504: 34 CFR § 104.33, 35, and 36

A recipient that operates an elementary or secondary program or activity must provide FAPE to each qualified person with a disability in its jurisdiction. The recipient must have a system in place for the identification, evaluation and educational placement of these persons with disabilities.

- Required Action: Amend NCPS documents and forms cited above to reflect the following changes:
- Revise the definition of “substantially limited” on page two of *Nelson County Public Schools Section 504 Policies and Procedures* to meet the definition in the Americans with Disabilities Act (ADA) as amended in 2008.
 - Remove all references to “educational benefit” and *Rowley* on pages three and four of *Nelson County Public Schools Section 504 Policies and Procedures*, as they are not applicable to the Section 504 FAPE process.
 - Remove the requirement that temporary conditions be of “unknown origin” in order to qualify a student for services under Section 504, as indicated on page four of *Nelson County Public Schools Section 504 Policies and Procedures*, as this is not mandated by 504 regulations.
 - Revise the school division’s 504 procedural safeguards to include statements that parents and guardians have a right to be represented by counsel at impartial hearings, and that those parents or guardians have a right to a review or an appeal of impartial hearing decisions.
 - Revise and/or delete the language on the document entitled *Section 504 Plans*, which states that NCPS only develops 504 plans for students who do not need the specially designed instruction of special education, as it strongly suggests that the school division does not consider the fact that students who are determined disabled under Section 504 should have access to regular or special education and related aids and services.
 - Remove the division requirement, noted in the *504 Triennial Evaluation Procedures*, that educational evaluations and observations be completed for all 504 triennials, as not all qualifications are based on a substantial limitation in learning.

Provide an action plan that identifies (1) each finding, (2) how the school division will make the required corrections, (3) timelines, (4) person(s) responsible for the corrections, and (5) how the school division will monitor to ensure full compliance.

Recommendation(s) for Continuous Improvement:

- 1) Update the list of major life activities on page three of the *Nelson County Public Schools Section 504 Policies and Procedures* as it is missing bending, reading, and communicating, activities specifically added by the 2008 amendment of the ADA. Also note that this list is not exhaustive.
- 2) Revise the information on page three regarding prongs two and three of the definition of disabled under Section 504, as it appears as NCPS is incorrectly defining both of them.
- 3) Revise the paragraph D of section V on pages 6 and 7 of the *Nelson County Public Schools Section 504 Policies and Procedures*, to make a definitive statement as to whether the school division requires parental approval and/or consent or not throughout the 504 process.

- 4) Move the information regarding what the division calls “serial suspensions that constitute a pattern” to the long-term suspension paragraph on page 8 of the *Nelson County Public Schools Section 504 Policies and Procedures*, as these types of suspensions qualify as such when a pattern of behavior is established.
- 5) Remove the reference to the ADA in the title of the school division’s procedural safeguards, as there are no procedural safeguard requirements under this statute.
- 6) Discontinue the practice of the case manager having the option of meeting with members individually for triennial record review, as it does not appear to truly foster the requirement for decisions regarding identification, evaluation, and placement being made by a group of knowledgeable people, as intended by Section 504 regulations.

Accessibility Issues: Local educational agencies are required to adhere to the applicable accessibility standard (determined by date of facility construction or alteration) of every building housing a secondary program offering career and technical education classes. Section 504:34 CFR § 104.21, Title II: 28 CFR § 35.150(a), Title II: 28 CFR § 35.151(a) (b), Guidelines IV-N

Summary of Accessibility Compliance Standards Utilized by Date:

If facilities (or parts of facilities) commenced construction/alteration before June 4, 1977 , programs must be readily accessible .
If facilities (or parts of facilities) commenced construction/alteration between June 4, 1977 and January 18, 1991 they must be in compliance with ANSI standards, A117.1-1961 (R 1971) .
If facilities (or parts of facilities) commenced construction/alteration between January 19, 1991 and January 26, 1992 they must be in compliance with UFAS standards .
If facilities (or parts of facilities) commenced construction/alteration between January 27, 1992 and September 14, 2010 they must be in compliance with either UFAS or 1991 ADA standards .
If facilities (or parts of facilities) commenced construction/alteration between September 15, 2010 and March 14, 2012 , they may be in compliance with UFAS , the 1991 ADA standards , or the 2010 ADA standards .
If facilities (or parts of facilities) commenced construction/alteration on or after March 15, 2012 , they must be in compliance with 2010 ADA standards .

UFAS and ADA standards are available on-line at:

<http://www.access-board.gov/ufas/ufas-html/ufas.htm> (UFAS)

<http://www.ada.gov/reg3a.htmlAnchor-Appendix-52467> (1991 Standards)

<http://www.access-board.gov/ada-aba/ada-standards-doj.cfm> (2010 Standards)

Summary of Accessibility Compliance Standards utilized by site:

Building	Date of ORIGINAL construction and standard applied	Date(s) of alterations(s) and standard(s) applied
Nelson County H.S.	1955- Readily Accessible	Elevators (2)-1975 (Readily Accessible); Ramps in CTE wing (2)-1975 (Readily Accessible); Cosmetology-1996 (1991 ADA); All other CTE labs and classrooms [Business, Family and Consumer Sciences, Agriculture, Computer Science, Horticulture, Auto Mechanics, Information Technology, Building Trades, and Health Occupations], locker rooms and weight room near old gym, main entrance and office area, classrooms 101-104, new auditorium, kitchen, high school commons, chorus room, and band room, ramp in the science wing, and new gymnasium [in middle school section]-2001 (1991 ADA);
Parking- Nelson County H.S.	2002-(1991 ADA) Front lot-33 spaces [designated 6 standard accessible and 1 van accessible]; Lower level lot-302 spaces [designated 2 standard accessible]; Side lot-106 spaces [designated 4 standard accessible and 1 van accessible]; Back lot-9 spaces [designated 0 accessible]	2011-all lots restriped and/or resurfaced (1991 ADA)

The Guidelines for Eliminating Discrimination and Denial of Services on the Basis of Race, Color, National Origin, Sex and Handicap, (the Guidelines), 34 CFR Part 100 Appendix B, is the federal law used to determine compliance with regulations regarding civil rights issues. Compliance with the Guidelines is determined by the applicable accessibility standards that are determined by the date the facility was constructed and/or the date(s) of alteration(s). However, compliance with building codes or standards, which were applicable at the time an element or structure was originally built or altered, do not necessarily reflect compliance with Section 504 (34 CFR Part 104) and ADA (28 CFR Part 35).

OVERARCHING COMPLIANCE STANDARDS FOR ACCESSIBILITY ISSUES
 Recipient may not exclude students or community members with disabilities from enjoying the benefits of its program or service because its facilities are inaccessible to or unusable by persons with disabilities. Architectural barriers should not prevent students or otherwise qualified persons with disabilities to include parents and/or other community members with disabilities from having access to vocational, career or academic programs, courses, services or

Nelson County H.S. (NCHS)

NOTE: NCHS is the sole location in NCPS for Business, Family and Consumer Sciences, Agriculture, Computer Science, Horticulture, Auto Mechanics, Information Technology, Building Trades, and Health Occupations.

Finding 1. The lower level parking lot at NCHS has 302 total parking spaces, but only two of these spaces are designated as accessible. Additionally, these two designated spaces contain signage that can be blocked by vehicles parked in them. The designated accessible route from these spaces to the main entrance of the building contains a curb that has not been ramped for accessibility, and a steep incline that is not accessible.

➤ **Compliance Standard(s):**

- ADA 2010 208.2 and 208.3 (Parking Spaces)
- ADA 2010 216.5 (Signs-Parking)
- ADA 2010 502.1 through 502.7 (Parking Spaces)
- ADA 2010 206.2.1 (Accessible Route-site of arrival points)
- ADA 2010 402 (Accessible Routes: Accessible Routes)
- ADA 2010 403.3 (Walking Surfaces: Slope)
- ADA 2010 406.1 through 406.5 (Curb Ramps)
- ADA 2010 405.2 through 405.5 (Ramps: Slope, Cross Slope, Floor or Ground Surfaces, and Clear Width)

- **Required Action:** Create two van accessible parking spaces and six standard accessible parking spaces in the lower level lot. Also create an ADA accessible route from these spaces to the closest entrance into the school, including a curb ramp.

Finding 2. All interior doors that are not fire rated and have closers attached to them require greater than five pounds of force to operate.

➤ **Compliance Standard(s):**

- ADA 2010 404.2.9 (Accessible Routes: Doors, Doorways and Gates-Door and Gate Opening Force)

- **Required Action:** Adjust the door opening mechanisms on the interior doors in NCHS that are not fire rated, or replace them so that they require five pounds or less force to operate.

Finding 3. The elevator in the high school portion of the building is key-operated, which does not foster independent access to the second floor because use of the key requires twisting of the wrist and fine motor control.

➤ **Compliance Standard(s):**

- ADA 2010 402 (Operable Parts: Operation)

- Required Action: Modify the means to operate the elevator so that its operation does not require twisting of the wrist and fine motor control.

Finding 4. The accessible route to the computer tables in the media center is blocked by a table, and other furniture and accessories block the accessible route to the high stacks along the wall in this space.

- Compliance Standard(s):
 - ADA 2010 403.5.1 (Walking Surfaces: Clearances-Clear Width)
- Required Action: Rearrange the furniture and other accessories in the media center to create an ADA accessible route throughout this space.

Finding 5. Less than 50 percent of the drinking fountains on each level of NCHS are accessible. Additionally, the accessible drinking fountains that have been installed are mounted with their leading edges greater than 27 inches above the floor, thereby causing them to be inaccessible for persons who are blind.

- Compliance Standard(s):
 - ADA 2010 307.2 (Protruding Objects: Protrusion Limits)
 - ADA 2010 602.1 through 602.7; especially 602.4 (Drinking Fountains)
- Required Action: Replace 50 percent of the drinking fountains on each floor of NCHS with drinking fountains that can accommodate persons in wheelchairs. Also replace 50 percent of the drinking fountains on each floor with those designed to accommodate persons who are able to stand. Remount the accessible drinking fountains in NCHS so that their leading edges are 27 inches or less above the floor with spout outlets no more than 36 inches above the floor. Alternately, detectable warning objects can be installed at these fountains so that they are cane detectable for blind persons.

Finding 6. The middle and top runs of the ramp at gymnasium two (old gym), the top run of the ramp at the commons, the ramp in the hallway of the CTE labs, and the ramp at the entry door of the Agriculture lab and classroom have inaccessible running slopes. Additionally, the top run of the ramp in the commons is missing a second handrail, and there is no edge protection on the ramp at the entry door of Agriculture.

- Compliance Standard(s):
 - ADA 2010 405.1 through 405.9.2 (Ramps)
- Required Action: Modify the middle and top runs of the ramp at gymnasium two, the top run of the ramp at the commons, the ramp in the hallway of the CTE labs, and the ramp at the entry door of the Agriculture lab and classroom so that their runs have ADA accessible slopes. Also, add another handrail at the top run of the ramp in the commons, and edge protection on the ramp at the entry door of Agriculture.

Finding 7. There is no accessible seating in gymnasium two.

- Compliance Standard(s):
 - ADA 2010 221.1 through 221.2.1.1, 221.2.1.4 through 221.2.3.1, and 221.3; especially Table 221.2.1.1-Number of Wheelchair Spaces in Assembly Areas (Assembly Areas)
 - ADA 2010 802.1 through 802.1.5 and 802.3.1 through 802.3.2 (Wheelchair Spaces, Companion Seats, and Designated Aisle Seats)
- Required Action: Provide seven accessible wheelchair seating spaces along with the required companion and player seating in gymnasium two.

Finding 8. Clutter in the hallways and walkways of the team room areas behind gymnasium two makes the route within these spaces inaccessible. In the team rooms there are no rear grab bars in the accessible toilet compartments; the pipes are unwrapped at the sinks; mirrors are mounted too high; the shower areas are not accessible, and the benches in the locker room portions of these spaces have no back support.

NOTE: This area was altered in 2001 (**1991 ADA**)

- Compliance Standard(s):
 - ADA 1991 4.3.3 (Accessible Route: Width)
 - ADA 1991 4.17.6 (Toilet Stalls: Grab Bars)
 - ADA 1991 4.19.4 and 4.19.6 (Lavatories and Mirrors: Exposed Pipes and Surfaces and Mirrors)
 - ADA 1991 4.21.2 through 4.21.7 (Shower Stalls)
 - ADA 1991 4.35.4 (Dressing and Fitting Rooms: Bench)
 - ADA 2010 403.5.1 (Walking Surfaces: Clearances-Clear Width)
 - ADA 2010 604.5 (Water Closets and Toilet Compartments: Grab Bars)
 - ADA 2010 606.5 (Lavatories and Sinks: Exposed Pipes and Surfaces)
 - ADA 2010 608.1 through 608.7 (Shower Compartments)
 - ADA 2010 603.3 (Toilet and Bathing Rooms: Mirrors)
 - ADA 2010 903.3 through 903.5 (Benches: Size, Back Support, and Height)
- Required Action: Remove the clutter in the hallways and within the team rooms behind gymnasium two. Add rear grab bars within the toilet compartments in the team rooms; wrap the pipes at the sinks; remount the mirrors to an accessible height; and create one accessible shower area or compartment in each team room. Also, provide accessible benches with back support in the locker room portions of these spaces according to ADA standards.

Finding 9. In the alternate locker room spaces for males and females at NCHS designated as accessible, there is no designation signage at the entry doors, nor is there directional signage posted indicating the location of these spaces. Also, there are inaccessible thresholds at the transfer type shower compartments within these spaces. In the alternate accessible locker room space for males, there is no toilet paper dispenser in the accessible toilet compartment, and the shower sprayer is not mounted to promote accessibility. In the alternate accessible locker room space for females, the paper towel dispenser is mounted too high, and the shower sprayer is not mounted to the adjustable rod.

NOTE: These spaces were created in 2001 (**ADA 1991**)

NOTE: These spaces are currently locked during the school day. However, once they are altered, they must be unlocked during the school day and whenever the inaccessible locker room spaces are opened for use.

- Compliance Standard(s):
 - Title II ADA (as amended): 28 CFR § 35.133 (a)-Maintenance of accessible features (regarding the missing toilet paper dispenser and the unattached shower sprayer)
 - ADA 1991 4.1.3 (16)(a) and (b) (Accessible Buildings: New Construction-Building Signage [permanent rooms and directional])
 - ADA 1991 4.30.1, 4.30.4 through 4.30.6 (Signage [designation]: General, Raised and Brailled Characters and Pictorial Symbol Signs, Finish and Contrast, and Mounting Location and Height)
 - ADA 1991 4.30.1 through 4.30.3, and 4.30.5 (Signage [directional]: General, Character Height, Raised and Brailled Characters and Pictorial Symbol Signs, and Finish and Contrast)
 - ADA 1991 4.16.6 (Water Closets: Dispensers)
 - ADA 1991 4.21.6 and 4.21.7 (Shower Stalls: Shower Unit and Curbs)
 - ADA 1991 4.27.3 (Controls and Operating Mechanisms: Height)
 - ADA 1991 4.2.5 or 4.2.6 (Space Allowance and Reach Ranges: Forward Reach or Side Reach)
 - ADA 2010 216.2 and 216.3 (Signs: Designations and Directional and Informational)
 - ADA 2010 703.1, 703.2, 703.5, and 703.6 (Signs [designation]: General, Raised Characters, Visual Characters, and Pictograms)
 - ADA 2010 703.5 through 703.5.9 (Signs [directional and informational]: Visual Characters)
 - ADA 2010 604.7 (Water Closets and Toilet Compartments: Dispensers)
 - ADA 2010 608.6, and 608.7 (Shower Compartments: Shower Spray Unit and Water, and Thresholds)
 - ADA 2010 309.3 (Operable Parts: Height)
 - ADA 2010 308.2.1 and 308.2.2 (Reach Ranges: Forward Reach-unobstructed and obstructed high reach)

- Required Action: Install designation signage at the entry doors of the accessible alternate locker room spaces for males and females at NCHS to indicate that they are accessible. Additionally, directional signage should be posted to indicate the location of these spaces. Also install a toilet paper dispenser in the accessible toilet compartment in the alternate accessible locker room space for males, and remount the sprayer unit in the shower within this space so that it can be used both as a fixed-position shower head and hand-held shower. Remount the paper towel dispenser in the alternate accessible locker room space for females, and reattach the shower spray unit to its adjustable rod.

Finding 10. All doors in the CTE wing have door opening mechanisms (knobs) that require twisting of the wrist to operate. There are no fully accessible restrooms on this wing, within the labs or on the hallways. The industrial sinks in the CTE labs that are used as lavatories do not have adequate knee clearance for forward accessibility. Additionally, the paper towel dispensers at these sinks are mounted too high or have inaccessible dispensing controls.

- Compliance Standard(s):
 - ADA 2010 309.3 and 309.4 (Operable Parts: Height and Operation)
 - ADA 2010 213.2, 213.3.1 through 213.3.5, and 213.3.7 (Toilet Facilities and Bathing Facilities: Toilet Rooms and Bathing Rooms, Toilet Compartments, Water Closets, Urinals, Lavatories, Mirrors, and Coat Hooks and Shelves)
 - ADA 2010 216.8 (Signs: Toilet Rooms and Bathing Rooms)
 - ADA 2010 603.2 through 603.4 (Toilet and Bathing Rooms: Clearances, Mirrors, and Coat Hooks and Shelves)
 - ADA 604.2 through 604.8.1, and 604.8.3 (Water Closets and Toilet Compartments: Location, Clearance, Seats, Grab Bars, Flush Controls, Dispensers, Wheelchair Accessible Compartments, and Coat Hooks and Shelves)
 - ADA 2010 605.2 through 605.4 (Urinals: Height and Depth, Clear Floor Space, and Flush Controls)
 - ADA 2010 606.2 through 606.5 (Lavatories and Sinks: Clear Floor Space, Height, Faucets, and Exposed Pipes and Surfaces)
 - ADA 2010 216.2 (Signs: Designations)
 - ADA 2010 703.1, 703.2, 703.5, and 703.6 (Signs [designation]: General, Raised Characters, Visual Characters, and Pictograms)
 - ADA 2010

- Required Action: Replace the inaccessible hardware (knobs) at the doors in the CTE wing; provide accessible restrooms for males and females on this wing within an accessible walking distance from each lab; and provide sinks that have adequate knee clearance for forward accessibility in the CTE labs with inaccessible industrial sinks. Also, remount or replace the paper towel dispensers at the sinks in the labs in order to make them ADA accessible.

Finding 11. In the Automotive Technology lab the alignment service equipment is in a 4 ½ foot deep pit that is only accessible by stairs. Additionally, the pit is not properly gated or marked to prevent visually impaired or blind persons from falling into this space.

- Compliance Standard(s):
 - ADA 2010 303.2 and 303.4 (Changes in Level: Vertical and Ramps)
 - ADA 2010 302.3 (Floor or Ground Surfaces: Openings)

- Required Action: Provide a means of gaining access to the alignment pit in the Automotive Technology lab that is ADA acceptable. Also, add ADA acceptable gates and/or mark the pit using ADA detectable warnings to prevent visually impaired or blind persons from falling into this space.

Finding 12. The ramp at the greenhouse, the aisles within this space, and the threshold at the doorway to transition into the second half of this space are all inaccessible. Additionally, there are knobs at all greenhouse doors.

- Compliance Standard(s):
 - ADA 2010 405.2 through 405.7.5 (Ramps)
 - ADA 2010 303.2 and 303.3 (Changes in Level: Vertical and Beveled)

- ADA 2010 404.2.5 and 404.2.7 (Doors, Doorways, and Gates: Manual Doors, Doorways, and Manual Gates-Thresholds and Door and Gate Hardware)
 - ADA 2010 309.4 (Operable Parts: Operation)
 - ADA 2010 403.5.1 (Walking Surfaces: Clearances-Clear Width)
- **Required Action:** Modify the ramp at the greenhouse so that it meets all ADA requirements for accessible ramps; rearrange and/or remove items within this space to create aisles with ADA acceptable widths; modify the threshold at the doorway to the second half of the greenhouse so that it is an ADA accessible height. Additionally, the inaccessible hardware (knobs) on the greenhouse doors should be replaced.

Finding 13. The sink in the kitchen space of Family and Consumer Sciences (FACS) does not have adequate knee clearance for forward accessibility, and its associated counter is too high.

- Compliance Standard(s):
- ADA 2010 212.3 (Kitchens, Kitchenettes, and Sinks: Sinks)
 - ADA 2010 606.1 (including the advisory) through 606.2 (Lavatories and Sinks: General and Clear Floor Space)
 - ADA 2010 306.3.1 through 306.3.5 (Knee and Toe Clearance: Knee Clearance)
 - ADA 2010 902.1 (Dining Surfaces and Work Surfaces: General)
-“...Examples of work surfaces include writing surfaces, study carrels, student laboratory stations...”
 - ADA 2010 902.3 (Dining Surfaces and Work Surfaces: Height)
- **Required Action:** Modify at least one kitchen sink in FACS so that meets ADA requirements for forward accessibility. Also, modify the height of the counter associated with the sink so that it is an ADA accessible height.

Finding 14. There is no signage posted at auditorium one (new auditorium) indicating the availability of an assistive listening system; there are only five assistive listening receivers available for a facility with the capacity to hold 623 people; and the ticket booth at this auditorium is too high to be accessible.

NOTE: This auditorium was added in 2001 (**ADA 1991**)

- Compliance Standard(s):
- ADA 1991 4.1.3 (19)(b) (Accessible Buildings: New Construction)-
The minimum number of receivers to be provided shall be equal to 4 percent of the total number of seats, but in no case less than two. Signage...shall be installed to notify patrons of the availability of a listening system.
 - ADA 1991 4.30.7 (4) and figure 43(d) (Signs: Symbols of Accessibility-Assistive Listening Systems)
 - ADA 1991 7.2 (2)(i),(ii), or (iii) (Sales and Service Counters, Teller Windows, Information Counters)
 - ADA 2010 216.10 (Signs: Assistive Listening Systems)
 - ADA 2010 703.5 through 703.5.9 and 703.7.2.4 (Signs: Visual Characters and Symbols of Accessibility-Symbols-Assistive Listening Systems)
 - ADA 2010 219.1 through 219.3 (especially Table 219.3) (Assistive Listening Systems: General, Required Systems, and Receivers)

- ADA 2010 Advisory 706.1 through 706.6 (Assistive Listening Systems)
 - ADA 2010 904.4 and 904.4.1 or 904.4.2 (Check-Out Aisles and Sales and Service Counters: Sales and Service Counters-Parallel Approach or Forward Approach)
- **Required Action:** Post signage according to 2010 ADA standards indicating that auditorium one has an assistive listening system. Provide 19 additional assistive listening receivers, with six of them being hearing-aid compatible (NOTE: If the built-in assistive listening system in auditorium one is an induction loop type, hearing-aid compatible receivers are not required). Also, provide a ticket booth counter that meets all accessible requirements.

Finding 15. In the cafeteria, the a-la-carte baskets placed on the top of the refrigerator unit on the serving line places the items offered out of accessible reach.

NOTE: The kitchen was added in 2001 (**ADA 1991**)

- **Compliance Standard(s):**
- ADA 1991 4.2.6 (especially figure 6(c)-side reach over an obstruction) (Space Allowance and Reach Ranges: Side Reach)
 - ADA 2010 308.3.2 (Reach Ranges: Side Reach-Obstructed High Reach)
- **Required Action:** Move the a-la-carte baskets on top of the refrigerator unit on the serving line in the cafeteria to a 2010 ADA accessible height.

Finding 16. There are nine toilet stalls in the accessible female restroom near auditorium one (new auditorium) and cafeteria, one of which is a standard accessible stall; however, there is no ambulatory stall in this space.

NOTE: This restroom was added in 2001 (**ADA 1991**)

- **Compliance Standard(s):**
- ADA 1991 4.22.4 (Toilet Rooms: Water Closets)-“...; where 6 or more stalls are provided, in addition to the stall complying with 4.17.3, at least one stall 36 inches wide with an outward swinging, self-closing door and parallel grab bars...shall be provided.”
 - ADA 2010 213.3.1 (Toilet Facilities and Bathing Facilities: Plumbing Fixtures and Accessories-Toilet Compartments)-“...In addition to the compartment required to comply with 604.8.1, at least one compartment shall comply with 604.8.2 [ambulatory accessible compartments] where six or more toilet compartments are provided...”
- **Required Action:** Provide an ambulatory accessible toilet compartment in the accessible female restroom near the auditorium and cafeteria at NCHS.

Provide an action plan that identifies: (1) each finding, (2) how the school division will make the required corrections, (3) timelines, (4) person(s) responsible for the corrections, and (5) how the school division will monitor to ensure full compliance.

Comparable Facilities Issues: Local educational agencies are required to provide comparable facilities, in terms of quality and convenience, for students with disabilities and students of different genders. This applies to both facilities within the same building as well as separate facilities designated specifically for students with disabilities or specific gender students. Separate facilities should be located in similar proximity to the associated classrooms, shops or laboratories. Section 504: 34 CFR § 104.34(c), Guidelines VI-A, Title IX: 34 CFR § 106.33, Section 504: 34 § CFR 104.4(b)(ii)

Observation: The reviewed aspects of this equity requirement included facilities of similar quality and convenience for both genders as well as students with disabilities. The on-site review of this equity requirement consisted of reviews of indoor athletic and academic facilities. As a result of this review, it was found that NCPS does not provide for comparable facilities in all assessed programs and service areas.

The following documentation was utilized in reviewing this equity requirement:

- On-site visual review of locker rooms, indoor athletic facilities
- Assessment of sports programs offered for both boys and girls
- On-site visual review of CTE academic programs for all students

Finding(s) Requiring Action:

Finding 1. Nelson County H.S. has two dedicated team rooms, both of which were altered in 2001 and are currently used for male sports teams only. Also, currently there is only office space for a male coach in this area.

- Compliance Standard(s): *Title IX: 34 CFR § 106.33, Section 504: 34 CFR § 104.4(b)(ii)*

Changing rooms, showers, and other facilities for students of one sex are comparable to those provided to students of the other sex.

- Required Action: Assign female sports teams to use one of the two team rooms behind gymnasium two (the old gymnasium). Also, designate office space for at least one female coach in this area.

Provide an action plan that identifies: (1) each finding, (2) how the school division will make the required corrections, (3) timelines, (4) person(s) responsible for the corrections, and (5) how the school division will monitor to ensure full compliance.

Appendix

REQUIRED AREAS OF REVIEW WITHOUT FINDINGS

Employment: Local educational agencies are prohibited from engaging in any employment practice which discriminates against any employee or applicant for employment on the basis of gender, disability, race, color or national origin. Specific areas of review are nondiscriminatory employment policies, nondiscriminatory recruitment materials, equitable salary distribution, and provision of reasonable accommodations. Section 504: 34CFR § 104.11; Guidelines VIII-A; Title VI: 34 CFR § 100.3(c); Title IX: 34 CFR § 106.51,106.57, and 106.60; Section 504: 34 CFR § 104.13 and 104.14; Guidelines VIII-B; Title IX:34 CFR § 106.54; Guidelines VIII-D; Title IX: 34 CFR § 106.54; Section 504:34 CFR § 104.11(a) (b); Section 504:34 CFR § 104.12; Guidelines VIII-E and VIII-F

Observation: The reviewed aspects of this equity requirement included nondiscriminatory employment policies, nondiscriminatory recruitment materials, equitable salary distribution, and provision of reasonable accommodations. The NCPS central office administrative staff is 67 percent female and 17 percent minority. The high school administrative staff is 50 percent female and 0 percent minority. The school division student population is 48 percent female and 26 percent minority. The CTE teaching staff at the high school is 50 percent female and 0 percent minority. The high school CTE student population is 40 percent female, 23 percent minority, and 12 percent disabled. This information is based on data from the 2012-2013 school year. Employees reported an environment of nondiscrimination in the workplace.

The following documents and methodologies were utilized in reviewing this equity requirement:

- Review of CTE faculty data in comparison with CTE student demographics at Nelson County H.S.
- Review of central office administrator demographics
- Review of high school administrator demographics
- Interview with CTE faculty
- Interview with central office administrators
- NCPS' online application for employment via TalentEd Recruit and Hire
- NCPS employment policies (File: GBN-Staff Hiring Procedures; File: GCE-Part-Time and Substitute Professional Staff Employment; File: GCG-Professional Staff Probationary Term and Continuing Contract; and File: GCI-Professional Staff Assignments and Transfers)

Recommendation(s) for Continuous Improvement:

- 1) Make a concerted effort to hire minority administrators at the high school and central office as well as minority CTE teachers to be more reflective of the school division's demographics.
- 2) Make a concerted effort to hire more male administrators at the central office level to be more reflective of the school division's demographics.

Counseling and Pre-Career and Technical Programs: Local educational agencies must provide counseling services and materials that are free of discrimination and stereotyping. In particular, guidance staff must advise all students without urging or directing students toward particular "traditional" careers for their race, gender, national origin, color, English language status or disability status. Title IX: 34 CFR § 106.21 (a)(b), §106.36 (a), and § 106.34; Section 504: 34 CFR § 104.4 (a), § 104.34(a)(c), and § 104.47 (b); Guidelines V-A; Title IX:34 CFR § 106.34; Section 504:34 CFR § 104.47(b); Guidelines V-B; Section 504:34 CFR § 104.37(b); Guidelines V-D

Observation: The reviewed aspects of this equity requirement included services and materials that are free of discrimination and stereotyping and active counseling without urging or directing students toward particular traditional career paths. Recruitment materials reviewed were found to be in compliance with regard to nondiscriminatory and non-stereotypical content. Interviews were held with students, teaching staff, administration and guidance at the high school. Students and staff agreed upon the fact that all educational opportunities were offered equally to every student, and no evidence was found to counter this reported practice. No significant discrepancy was found between the percentages of high school students with disabilities or minority students enrolled in CTE courses and programs in comparison to the school division's demographics in these areas.

The following documentation and methodologies were utilized in reviewing this equity requirement:

- Interview of guidance counseling staff
- Interview of students currently in CTE programs
- Review of brochures and other counseling materials
- Enrollment demographics of CTE courses

Recruitment: Local educational agencies are required to convey through all recruitment activities and materials that all career and technical programs are open to all students without regard to race, color, national origin, sex or disability status. Additionally, all materials for recruitment should be available to individuals with limited English proficiency and should avoid stereotyping by utilizing individuals of different races, national origins, genders and abilities. To the extent possible, recruitment teams should represent persons of different races, national origins, sexes and abilities. Title IX: 34 CFR § 106.23 (a)(b), Guidelines V-C, Guidelines V-E

Observation: The reviewed aspects of this equity requirement included nondiscriminatory recruitment activities and materials. NCPS CTE recruitment activities include a CTE teachers' recruitment day, visits to CTE classrooms for interested students, and an annual visit by CTE teachers and students to the middle school. Pamphlets and other materials used in these recruitment efforts were found to be bias-free and free from stereotyping. Resources are available to guidance counselors to ensure that information regarding CTE opportunities is provided to students with limited English proficiency in their native language.

The following documentation was utilized in reviewing this equity requirement:

- Interviews with guidance counselors
- Review of recruitment materials
- Course offerings and description booklet
- Interviews of CTE students and CTE teaching staff

Recommendation(s) for Continuous Improvement:

- 1) Continue to work to close the enrollment gap between males and females in Agricultural Education, Business and Information Technology, Trade and Industrial Education, Career Connections, Health and Medical Sciences, and Family and Consumer Sciences.

Access and Admissions: Local educational agencies must exhibit admission policies, procedures and criteria that do not exclude or disproportionately exclude students from CTE programs on the basis of race, color, national origin, gender or disability. Additionally, preadmission inquiries regarding marital, parental or disability status must be avoided. Guidelines IV-K, Title IX: 34 CFR § 106.21(c), Section 504: 34 CFR § 104.42 (b)(4), Title II: 28 CFR 35, Title VI: 34 CFR § 100.3, Title IX: 34 CFR § 106.21(b), Section 504: 34 CFR § 104.42(B)(1), Guidelines IV-F, Section 504: 34 CFR § 104.44 (d)(2), Guidelines IV-N, Guidelines IV-L

Observation: Reviewed aspects of this equity requirement included nonexclusionary admissions policy and procedures and the absence of preadmission inquiries regarding marital, parental or disability status. In reviewing this equity requirement, NCPS' CTE programs showed a high level of consistency between overall school demographics and CTE demographics, except in the area of male and female enrollment. A demographic breakdown of the overall school division and CTE populations was obtained. It was found that 23 percent of secondary CTE students are minority students, while 27 percent of the school division's enrollment consists of minority students. Students with disabilities comprise approximately 12 percent of the secondary CTE enrollment and 14 percent of the overall school division enrollment. Currently only two percent of students enrolled in NCPS are reportedly native Spanish speakers.

The following documentation was utilized in reviewing this equity requirement:

- Comparison of current school demographics to CTE demographics
- Interview of guidance counselors
- Interview of students regarding their admission to CTE
- 2012-2013 Nelson County CTERS2 report

Recommendation(s) for Continuous Improvement:

- 1) List the pre-requisite of obtaining a "C or better" in Health Occupations in order to enroll in *Nursing Assistant I*, in the school division's Program of Studies, as it is currently only posted on the application.
- 2) Re-evaluate the current requirement of a 3.0 GPA as a pre-requisite for the school division's VA Teachers of Tomorrow program and the request that applicants list honors courses taken, as these requirements may have the effect of disproportionately excluding students with disabilities.
- 3) Consider making the Office Aide program one that accommodates work study students.

Student Financial Assistance: Local educational agencies are required to equitably award financial assistance to students without regard to race, color, national origin, gender or disability. Exceptions may be made in instances where sex restricted financial assistance was established by will, trust or bequest as long as overall financial assistance does not discriminate on the basis of sex as a result. 504 34 CFR 104.46(a), Title VI: 34 CFR § 100.3(b), Title IX: 34 CFR § 106.37, Guidelines VI-B, Title VI: 34 CFR § 100.3(b)

Observation: Reviewed aspects of this equity requirement included equitable awarding of financial assistance. The on-site review determined that NCHS has a scholarship coordinator whose primary responsibility is to inform students of scholarship opportunities. This is achieved via emails to students and teachers, as well as, postings on the school's daily bulletin. Students who have other school related financial needs are accommodated by accessing monies in fundraising accounts. The guidance department usually receives most student requests for financial assistance. Information from the student interview confirmed the ease of access to financial assistance at NCHS.

The following documentation was utilized in reviewing this equity requirement:

- Interview of guidance and administrative staff, as well as students
- Promotional materials to students regarding financial aid

Work Study, Cooperative Education, Job Placement, and Apprentice Training: In academic areas where job placements, cooperative education and apprentice training are offered as part of the academic programming the work placements must be offered without regard to race, gender, national origin, or disability of the student. Additionally, the district must ensure that work placements do not engage in discriminatory practices and refuse to work with any business that does engage in discriminatory practices. Title VI: 34 CFR 100.3(b), Title IX: 34 CFR 106.31(d), Section 504: 34 CFR 104.4(b), Guidelines VII-A, Title VI: 34 CFR 100.3(b), Title IX: 34 CFR 106.38, Section 504: 34 CFR 104.46(b), Guidelines VII-A

Observation: NCPS currently does not offer job placement, work study, or cooperative education opportunities for students.

The following documentation was utilized in reviewing this equity requirement:

- Interview with CTE administrators

Recommendation(s) for Continuous Improvement:

- 1) Consider making the current office aide program at NCHS a work study option for students. When and if established, consider expanding the work study option to other schools in the division and central office.

Site Location: Local educational agencies are required to establish site locations and criteria for student eligibility in educational program locations that do not have the effect of discriminating, segregating or excluding students on the basis of race, color, gender, national origin or disability. Guidelines IV-B, Guidelines IV-D, Guidelines IV-C

Observation: The reviewed aspects of this equity requirement included site location and criteria for student eligibility. The on-site review did not currently reveal evidence of violation of the site location requirements.

The following documentation was utilized in reviewing this equity requirement:

- Review of map showing program locations
- Review of demographics of programs (CTERS)