

AGENDA
NELSON COUNTY BOARD OF SUPERVISORS
November 8, 2016
THE REGULAR MEETING CONVENES AT 2:00 P.M.
IN THE GENERAL DISTRICT COURTROOM
AT THE COURTHOUSE IN LOVINGSTON

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

- II. Public Hearing- Request for Modification Pursuant to Z.O. Article 20, Section 17 B-2-(v) (T-Mobile) 21 Fern Circle, Tax Map #11F-Open: Z.O. 17-B-2-(v) requires a minimum fall area setback distance between the base of a temporary tower and adjoining property lines of 150% of the temporary tower height. The proposed temporary tower is a sixty (60) foot tall “Cell on Wheels” (COW) telecom facility and modification from the required ninety (90) foot fall area setback is requested.**

- III. Consent Agenda**
 - A. Resolution – **R2016-68** Minutes for Approval
 - B. Ordinance – **O2016-07** CH 11, Article 2 Div. 2, 11-43 Exemption for the Elderly & Disabled

- IV. Public Comments and Presentations**
 - A. Public Comments
 - B. Presentation - JAUNT Annual Report (B. Sheffield)
 - C. Presentation – TJPDC 2017 Legislative Program & Priorities (**R2016-69**) (D. Blount)
 - 1. Statutory Authority for Local “Opt Out” of VSMP Administration (**R2016-70**)
 - D. Presentation - Superintendent of Schools OCR Status Update (J. Comer)
 - E. VDOT Report

- V. New Business/ Unfinished Business**
 - A. Former Lovingston Healthcare Center Building (Discussion)
 - B. **O2016-04**, Appendix A Zoning, Article 24, Temporary Events, Festival Grounds, Out-of-Door Accessory Uses (Discussion)

- VI. Reports, Appointments, Directives, and Correspondence**
 - A. Reports
 - 1. County Administrator’s Report
 - 2. Board Reports
 - B. Appointments
 - C. Correspondence
 - 1. NCHS Senior FFA, Funding for Rings Request
 - D. Directives

- VII. Adjournment – No Evening Session**

**PUBLIC HEARING NOTICE
NELSON COUNTY BOARD OF SUPERVISORS
REQUESTED MODIFICATION OF LOCATION RESTRICTIONS
PARTIAL REDUCTION OF FALL AREA SETBACK REQUIREMENTS
TEMPORARY TOWER PERMIT APPLICATION #2016-13, 21 FERN CIRCLE,
TAX MAP PARCEL 11F-OPEN AT WINTERGREEN RESORT**

Pursuant to §20-20-C of Appendix A, Zoning Ordinance of the Code of Nelson County, a public hearing will be held on **November 8, 2016 at 2:00 PM** in the General District Courtroom in the Courthouse in Lovingson, Virginia. Public input will be received on T-Mobile's request for modification from the Board of Supervisors pursuant to Z.O. Article 20, Section 17 B-2-(v), which requires a minimum fall area setback distance between the base of a temporary tower and adjoining property lines of 150% of the temporary tower height.

T-Mobile proposes to install and operate a temporary sixty (60) foot tall "Cell on Wheels" (COW) telecom facility at 21 Fern Circle, Tax Map #11F-Open, and modification from the required ninety (90) foot fall area setback is being requested. The property's present use is the Fern Circle utility easement containing two (2) water storage tanks, multiple telecom towers, and related facilities.

This application is available for review in the County Administrator's Office or the Dept. of Planning & Zoning, 84 Courthouse Square or 80 Front Street, Lovingson, Virginia, M-F, 9am to 5pm. For more information, call (434) 263-7000 or (434) 263-7090, or toll free at 888-662-9400, selections 4 and 1. EOE

AUTHORIZED BY THE NELSON COUNTY BOARD OF SUPERVISORS



To: Chair and Members – Nelson County Board of Supervisors

CC: Mr. Stephen A. Carter | County Administrator

From: Tim Padalino | Planning & Zoning Director

Date: November 3, 2016

**Subject: Public Hearing for Request for Modifications from Location Restrictions
(Temporary Tower Permit #2016-13 – T-Mobile)**

Application Summary

Site Location:	Fern Circle utility area / Devils Knob / Wintergreen Resort
Tax Parcel(s):	#11F-OPEN ... <i>(Please reference the attached maps)</i>
Parcel Size:	(?) acres
Zoning:	Residential Planned Community District (RPC)
Applicant:	Mr. Richard Wagner, AMP Communications, LLC (on behalf of T-Mobile)
Property Owner:	Wintergreen Property Owners Association (WPOA)
Request:	request for BOS modification(s) regarding the “location restrictions” for a proposed temporary tower (Cell On Wheels / COW); specifically, the applicant requests a partial reduction in the “fall area” setback requirements from adjoining property(s)

Subject Property Location, Characteristics, and Other Information:

The subject property is owned by Wintergreen Property Owners Association (WPOA) and is zoned Residential Planned Community District (RPC). This site is sometimes referred to as “Fern Circle” or “Devils Knob.” The current use(s) of the subject property include telecommunication facilities and also two (2) large water storage tanks (owned by Nelson County Service Authority / NCSA). *Please reference the enclosed maps.*

Proposed Use:

Temporary Tower Permit #2016-13 proposes the temporary installation of a “Cell On Wheels” (COW) in order to mount and operate T-Mobile antennas and associated equipment. The application specifies that the COW would be elevated to a height of sixty (60) feet above ground level (AGL), and would be in place for forty-seven (47) days (from 10/17 to 12/2). The applicant has also noted that the exact dates of the installation and removal would need to be adjusted, based on

the timing of the County’s review process. Please note that the maximum duration for a temporary tower is sixty (60) days.

The regulations for Temporary Towers are contained in Zoning Ordinance (ZO) Article 20 (“Communication Tower Ordinance”), Section 17-B. The requested modification pertains to the requirements contained in 20-17-B-2-(v) which state:

The minimum distance from the base of a Temporary Tower to the property line(s) shall be a minimum of 150% of the Temporary Tower height.

Based on a 60’ COW height, a 90’ fall area setback would apply to this proposed installation. However, it appears that the proposed COW location would be less than 90’ from the following adjoining properties (at minimum):

Property:	Owner:	Requested Modification (Reduction) to Fall Area Setback Requirements*
#11F-A-25 (39 Fern Circle)	Meardon	From 90’ to 10’ = (80’ reduction)
#11F-A-31 (759 Devils Knob Loop)	Morris	From 90’ to 75’ = (15’ reduction)
#11F-A-32 (781 Devils Knob Loop)	Rhodes	From 90’ to 60’ = (30’ reduction)
water storage tank (21 Fern Circle)	NCSA	From 90’ to 21.5’ = (68.5’ reduction)
water storage tank (25 Fern Circle)	NCSA	From 90’ to 33.5’ = (56.5’ reduction)

** per letter dated 10/19 and per sketch site plan submitted with Temporary Tower Permit application #2016-13*

Therefore, the applicant is requesting a modification (reduction) to the fall area setback requirements pursuant to ZO 20-20 (“Modifications for Certain Regulations”):

A. The Board of Supervisors may modify the location or height restrictions, or both, upon a determination that (i) the strict application of the ordinance would produce undue hardship or severely limit the provision of telecommunication services; (ii) there are no commercially reasonable alternatives; and (iii) the authorization of the modification will not be of substantial detriment to adjacent property and the character of the zoning district will not be changed by the granting of the modification.

For more information, please review the following enclosed materials:

- (revised) request for modification letter (dated October 19, 2016)
- application materials for Temporary Tower Permit #2016-13

Staff Comments:

Please note the following factors:

- T-Mobile wishes to install this Temporary Tower as a temporary solution, while also continuing to work on a permanent installation at Devils Knob. Specifically, T-Mobile has been performing analysis towards their stated goal of affixing an attachment pole to one of the existing water storage tanks, and mounting their equipment to the attachment pole.

Such an installation would be permissible as a “Class A Personal Wireless Services” facility, pursuant to ZO 20-6-B-(iii).

- Other existing telecom equipment at Devils Knob is currently located closer to the boundary lines of adjoining property(s) than would otherwise be permissible; however, the existing County tower formally went through all the appropriate procedures and obtained the necessary BOS approval to be located where it is (relative to the boundaries of adjoining properties).
- Alternate solutions to this “fall area setback” issue are theoretically available to T-Mobile. For example:
 - ZO 20-19 (“Exemption from Regulations Otherwise Applicable”) provides authority for the Planning & Zoning Director to potentially modify the fall area setback requirements for Temporary Tower Permit applications, but only if all affected adjoining property owners establish an “easement or other recordable document” showing such agreement between the lot owners.
 - The COW could potentially be sited in a different location which is compliant with fall area setback requirements (and all other applicable regulations).
 - Please refer questions about these potential alternatives to the applicant, as County staff are aware of some efforts by the applicant to pursue such potential alternatives.

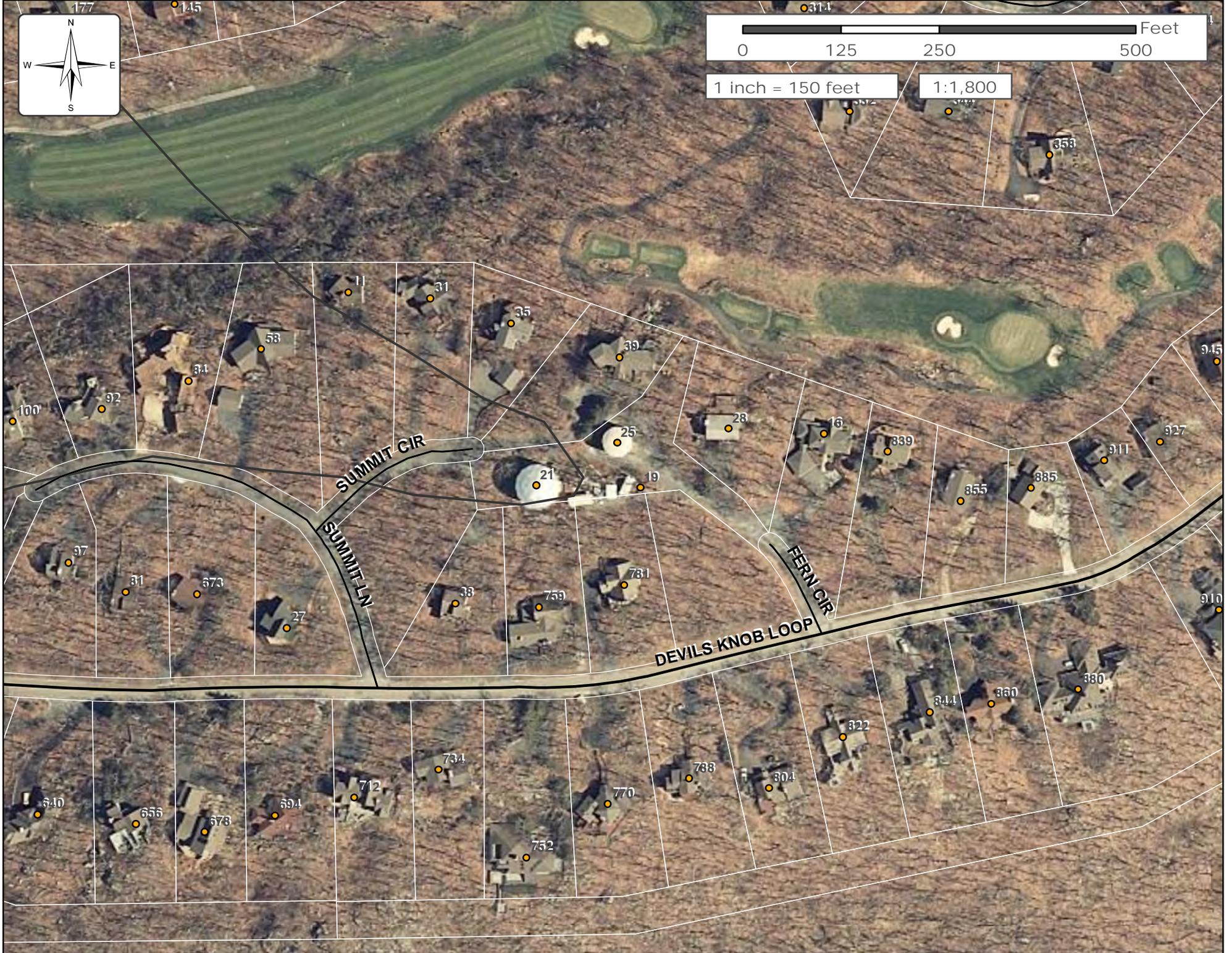
Summary:

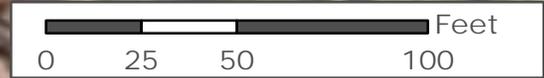
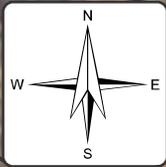
For this type of requested “modification(s) from certain regulations,” a recommendation from staff is not appropriate.

The Board of Supervisors will have to evaluate this request relative to the following:

- The criteria contained in 20-20-A, which will require a BOS determination on the following:
 - o (i) hardship
 - o (ii) commercially reasonable alternatives
 - o (iii) detriment to adjacent property(s)
- The site-specific context of the subject property
- The project-specific details from the applicant

In conclusion, please contact me with any questions and/or requests for assistance you may have prior to the November 8th public hearing, regarding this staff report or any of the application materials submitted to date by the applicant. Thank you for your attention to this application.





1 inch = 50 feet

1:600





PERMIT APPLICATION:

Nelson County Department of Planning & Zoning

TO THE ZONING ADMINISTRATOR: TEMP. TOWER PERMIT # 2016-13
application type application number

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

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

- Pursuant to Article 20, Section 17-B-2 of the Nelson County Zoning Ordinance.
 Pursuant to Section 17-B-2, Subsection i-vi N/A of the Nelson County Subdivision Ordinance.

Reason(s) for request: Temporary Tower for T-Mobile and request a 30 day extension for a total of 60 days
Tower height will be 60'. Tower installation 10/17/2017 with removal date 12/2/2016 = (47 days)
Installation on temp site will be (3) SBNH antennas (3) RRU's installed on factory mount.

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

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

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

Applicant Property Owner Name: T-Mobile Northeast LLC
Mailing Address: 200 Westgate Parkway, Suite 200 Henrice, VA 23233
Telephone # 717-881-9595 E-mail Address: rwagner@ampcommunications.com
Relationship (if applicable): Lessee

Applicant Property Owner Name: Wintergreen Property Owners Association, Inc
Mailing Address: 88 Wintergreen Drive, Wintergreen Resort, VA 22967
Telephone # 540-480-3184 E-mail Address: curtissheets@gmail.com
Relationship (if applicable): Lessor

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

3. Location and Characteristics of Subject Property:

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

21 Fern Circle, Wintergreen Resort, VA 22967

b. Official tax map number: 11-A-2B

c. Acreage of property: 46.44

d. Present use: Water Tanks and Telecommunications Towers

e. Present zoning classification: _____

f. Zoning classification of surrounding properties: _____

4. Names of Adjacent Property Owners: Karen Meardon, Trent Overhoe, Donald Rhodes, Barbara Morris

Summit Circle LC

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

Signature: Rich Wagner

Printed Name: Rich Wagner

Signature: Curtis Sheets

Printed Name: Curtis Sheets

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

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

7. Please note: In the event of cancellation or postponement at your request after the initial newspaper advertisement for this application, an additional fee will apply for re-advertisement (determined by the actual cost of the ad). This fee will not apply in cases of Planning Commission or Board of Supervisors deferment.

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

o Completed application and fee (\$ 500.00) received on 7/10/13

o Hearing Notice published on _____

o Planning Commission action: Date of Meeting / Hearing: _____

Recommendation: _____

o Board of Supervisors action: Date of Hearing: _____ Date of Decision: _____

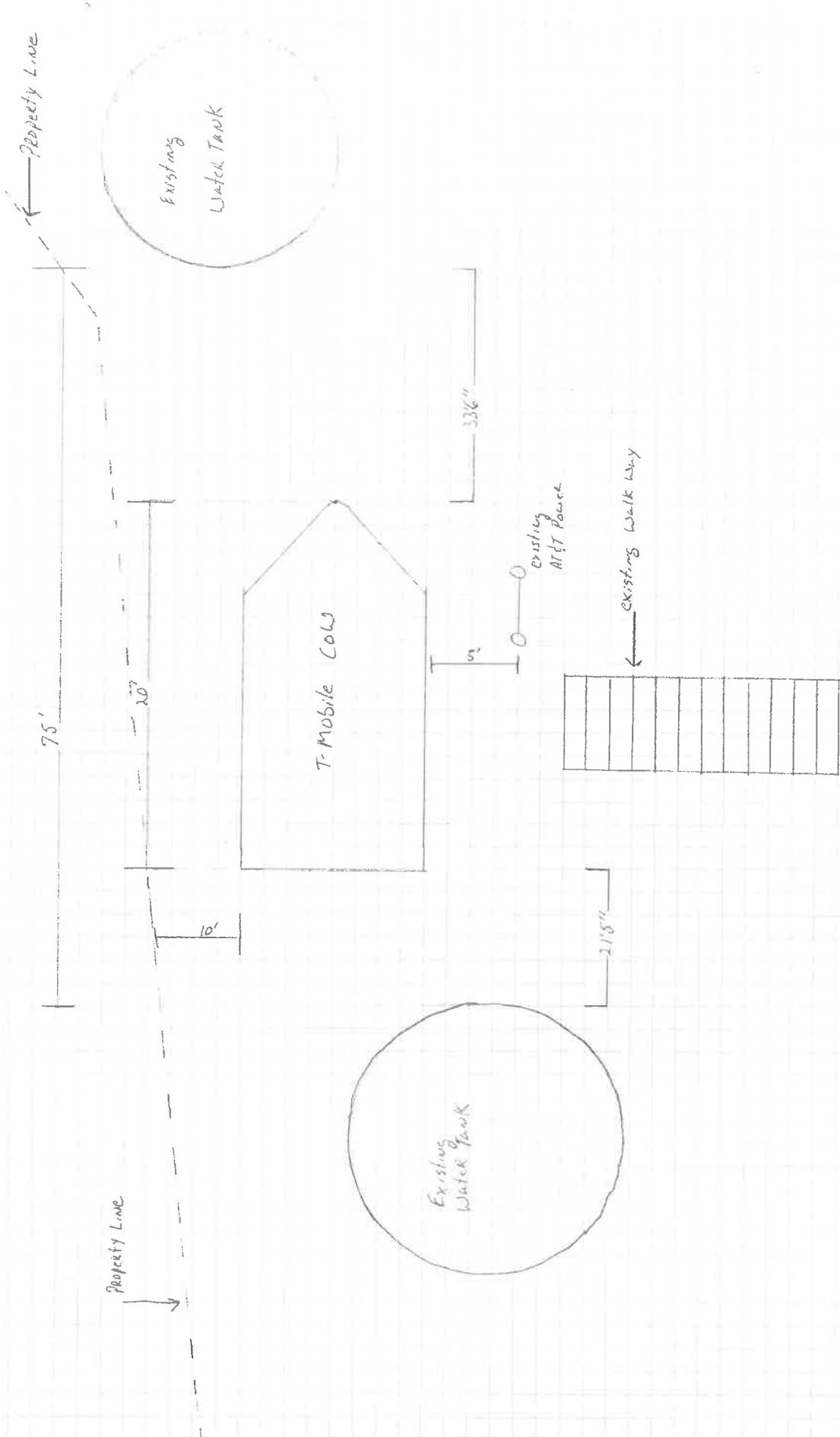
Action: _____

Nelson County Planning & Zoning Department

(Mailing Address) P.O. Box 558, Lovingson, Virginia 22949 | *(Physical Address)* 80 Front Street, Lovingson, Virginia 22949

(Telephone Number) 434 263-7090 or Toll Free 888 662-9400, selections 4 & 1 | *(Fax Number)* 434 263-7086

<http://www.nelsoncounty-va.gov/departments/planning-zoning/>





October 19, 2016

County Administrator
Nelson County, VA

RE: ZO 20-20 Waiver for TMO Temporary Tower Permit #2016-13

Dear Sir or Madam,

I am requesting a waiver on behalf of T-Mobile in regards to the location restrictions/fall area set-backs pursuant to ZO 20-20. The set-back waiver pertains to Parcel 11f-A-32 which the property line is 60 feet from proposed Temporary Tower, Parcel 11f-A-31 which the property line is 75 feet from the proposed Temporary Tower and Parcel 11f-A-25 which the property line is 10 feet from the proposed Temporary Tower. The Temporary Tower is proposed to be located at Fern Circle between existing water tanks. T-Mobile's goal is to provide enhanced coverage for residents and visitors to Wintergreen Resort, and in doing so will also provide additional coverage in emergency situations.

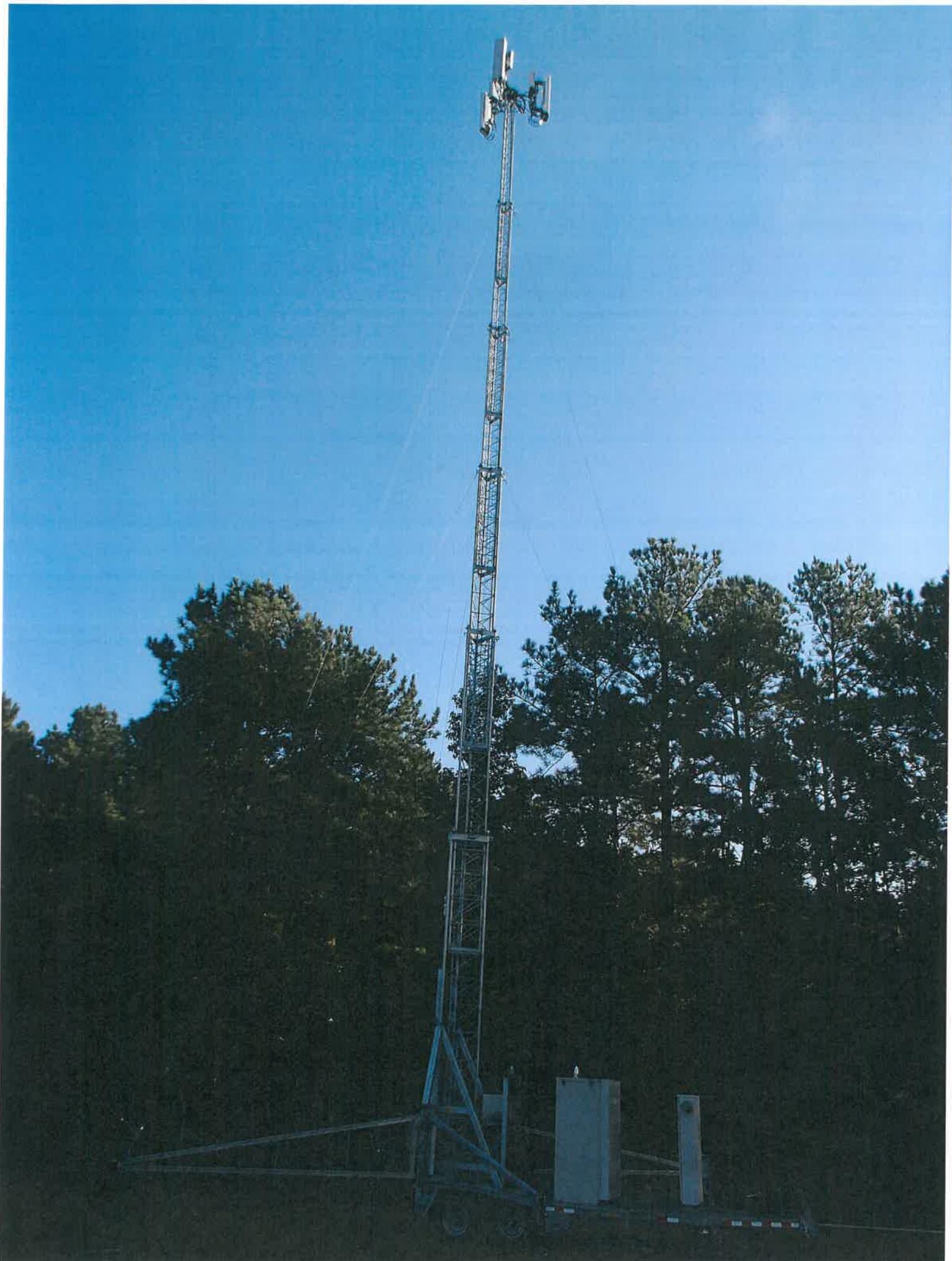
This letter is a revision to the letter submitted on 10/6/2016

Thank you for your time and consideration in this matter,

Rich Wagner

Richard J. Wagner, AMP Communications, LLC

On behalf of T-Mobile Northeast, LLC.





**RESOLUTION R2016-68
NELSON COUNTY BOARD OF SUPERVISORS
APPROVAL OF MEETING MINUTES
(September 13, 2016 & October 11, 2016)**

RESOLVED, by the Nelson County Board of Supervisors that the minutes of said Board meetings conducted on **September 13, 2016 & October 11, 2016** be and hereby are approved and authorized for entry into the official record of the Board of Supervisors meetings.

Approved: November 8, 2016

Attest: _____, Clerk
Nelson County Board of Supervisors

September 13, 2016

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: Allen M. Hale, East District Supervisor – Chair
Constance Brennan, Central District Supervisor
Thomas H. Bruguiera, Jr. West District Supervisor
Larry D. Saunders, South District Supervisor
Thomas D. Harvey, North District Supervisor – Vice Chair
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

Mr. Hale 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 – Ms. Brennan led the pledge of Allegiance

II. Recognition of Retired Clerk of Circuit Court, Judy S. Smythers

Mr. Hale briefly noted that this item would potentially be rescheduled.

III. Consent Agenda

Mr. Saunders moved to approve the consent agenda and Mr. Bruguiera 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 – **R2016-59** Minutes for Approval

RESOLUTION R2016-59
NELSON COUNTY BOARD OF SUPERVISORS
APPROVAL OF MEETING MINUTES
(August 9, 2016)

September 13, 2016

RESOLVED, by the Nelson County Board of Supervisors that the minutes of said Board meeting conducted on **August 9, 2016** be and hereby are approved and authorized for entry into the official record of the Board of Supervisors meetings.

B. Resolution – **R2016-60** FY17 Budget Amendment

RESOLUTION R2016-60
NELSON COUNTY BOARD OF SUPERVISORS
AMENDMENT OF FISCAL YEAR 2016-2017 BUDGET
NELSON COUNTY, VA
September 13, 2016

BE IT RESOLVED by the Board of Supervisors of Nelson County that the Fiscal Year 2016-2017 Budget be hereby amended as follows:

I. **Appropriation of Funds (Courthouse Project Fund)**

<u>Amount</u>	<u>Revenue Account</u>	<u>Expenditure Account</u>
\$400,000.00	3-106-009999-0001	4-106-094960-3160

IV. **Public Comments and Presentations**

Prior to consideration of public comments, Mr. Harvey asked the Board to recognize the passing of Cliff Wood who was Chairman of the Board during the Camille flood. Mr. Carter advised that staff had taken note of it and would come back with a resolution honoring Mr. Wood in October. Mr. Hale then noted that he remembered Mr. Wood well in that era as a reporter with the Daily Progress. He noted that Mr. Wood had contributed greatly to the County over the years, was an important member of the Historical Society, and was always a pleasure to speak with.

A. Public Comments

1. Lois Giles, Roseland

Ms. Giles expressed concerns about the traffic at County Schools. In particular, she spoke of a safety hazard for traffic at the High School both entering and leaving due to the turn lane being filled with buses and cars and there being no view to cross over to go northbound.

Ms. Giles clarified that primarily in the morning, the whole turn lane going into the High School was congested and when coming back out to go north on Route 29, one could not see past the buses and it backed up. She added that she understood the right of ways and that the police were monitoring speeds; however she supposed they watched many close calls there.

Mr. Hale advised that VDOT would follow up on her concern.

September 13, 2016

2. Charlie Wineberg, Afton

Mr. Wineberg stated that the Board should be proud of the type of business growth in the County that has precipitated the proposed Temporary Events ordinance. He noted this was due to the County experiencing results beyond what had been predicted without negatively impacting the community such that a Walmart or NASCAR racing would. He thanked Mr. Padalino and those that worked on the proposed ordinance and noted it appeared to be a clear path to economic growth.

Mr. Wineberg then noted that the culvert pipes on Route 635 were filled with gravel and the slots were poorly marked. He noted that these kept eroding out and cars were swerving in avoidance there.

3. George Hodson, General Manager - Veritas Winery

Mr. Hodson thanked the Board for their engagement of the business community in crafting the Temporary Events Ordinance. He added that they were comfortable with the language, it was consistent with State Code, and it had been a productive process.

Mr. Hodson, then noted an issue with the current by right use of their M-2 zoned property at 10368 Critzer Shop Rd. He noted this was currently zoned M-2 and in by right uses, Brewery and Distillery was included but not Winery and he thought that was an oversight. He noted that Veritas (Winery) would like to have bottling in that facility and they would like to have the Board address this by adding Winery to the by-right language. He added that they would still have to abide by all state regulations etc.; however it would mean they would not have to build another building on the farm and it would preserve the rural integrity of their space.

Mr. Bruguiere asked if they had a tasting facility planned and Mr. Hodson noted that they could not have a Farm Winery in an M-2 zone; however they would not want to rule that out even though it was not their intent.

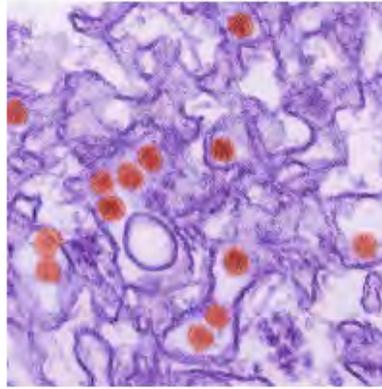
B. Presentation – Health Department, Zika Virus Update (Dr. D. Bonds)

Dr. Denise Bonds, Director of the Thomas Jefferson Health District gave the following PowerPoint Presentation on the Zika Virus.

Zika

Virus belonging to *Flaviviridae* family, genus *Flavivirus*

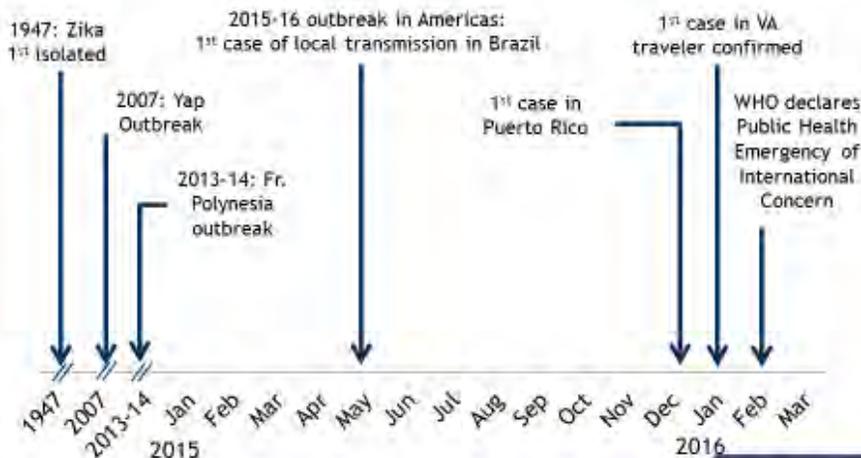
- Related viruses include Dengue fever, Yellow fever, Japanese encephalitis and West Nile viruses



Source: Photo Credit: Cynthia Goldsmith, downloaded from CDC website

Dr. Bonds noted that: Zika virus is classified as a flavivirus and is closely related to yellow fever, Japanese encephalitis, and West Nile viruses. She added that the virus is spread primarily through the bite of infected *Aedes* species mosquitoes.

Timeline of Major Zika Events



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Dr. Bonds noted that the US Zika outbreak has been a short-lived event and noted the timeline above.



Dr. Bonds related the following in relation to the map shown above:

- The first case of locally spread Zika virus was confirmed and reported from Brazil in May of 2015. The virus has long circulated in Africa and parts of Asia but it is new to the Western Hemisphere. It is thought that 1.5 million people in Brazil have been infected with the virus, and the virus has spread throughout countries in Latin America and the Caribbean.
- Due to the mobile nature of our society, we expect that numbers of imported cases, or cases that are identified in travelers visiting or returning to the US from these areas of the world, to increase over time.
- The geographical distribution of Zika virus has been steadily increasing since it was first detected in the Americas in 2015. Further spread to countries within the geographical range of competent disease vectors — *Aedes* mosquitoes — is considered likely.
- Seven countries have reported an increase in the incidence of cases of microcephaly and/or Guillain-Barré syndrome concomitantly with a Zika virus outbreak....”

Zika Virus Disease in US, 2015-2016

As of September 13, 2016,
2,921 travel associated cases reported to CDC's
ArboNET from US states
43 locally acquired cases in Florida



Source: CDC (as of September 13, 2016): <http://www.cdc.gov/zika/geoz/us-states.html>

Dr. Bonds noted that as of today, under 3,000 travel associated cases have been reported to CDC and most of those infected did not have symptoms. She added that there were 43 local cases in FLA at the tip of state and no locally acquired cases in VA; although there have been over 100 travel related cases across the state.

Transmission

Primarily transmitted by mosquitoes

- Mainly by *Aedes aegypti* (Yellow fever mosquito)
- Also by *Aedes albopictus* (Asian tiger mosquito)



Mosquitoes infected by feeding on infected persons

- No animal reservoir known

Individual with Zika carries virus in bloodstream about
1 week

Zika Virus Transmission

Transmitted from mother to child:

- During pregnancy or at time of delivery

Transmitted by blood or sexual contact

- Both reported
- Recent travelers to Zika-affected areas may be asked to defer donating blood

Dr. Bonds related the following related to transmission:

- Zika virus can also be spread (rarely) from mother to child
 - A mother already infected with Zika virus near the time of delivery can pass on the virus to her newborn around the time of birth, but this is rare.
 - It is possible that Zika virus could be passed from mother to fetus during pregnancy. This mode of transmission is being investigated.
 - To date, there are no reports of infants getting Zika virus through breastfeeding. Because of the benefits of breastfeeding, mothers are encouraged to breastfeed even in areas where Zika virus is found.
- In addition, there have been reports of Zika virus transmission through blood transfusion and sexual contact.
- Virus has been found to persist for several weeks in saliva and blood.

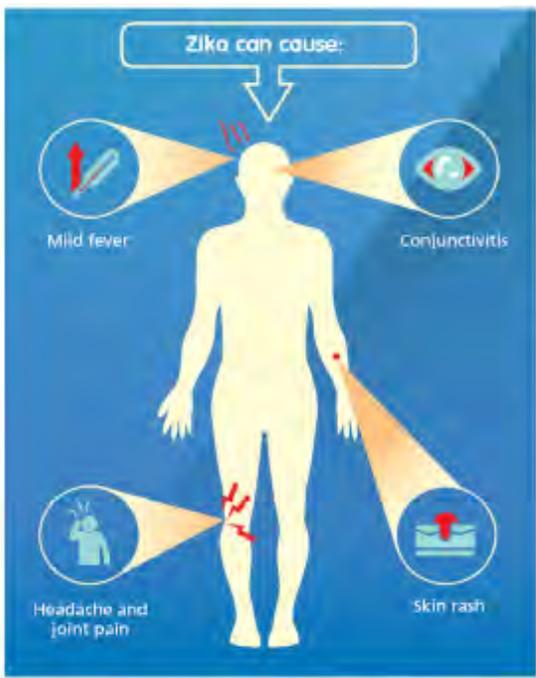
Sexual Transmission of Zika Virus

24 cases of sexually transmitted Zika virus in U.S.

- ~~All cases spread by symptomatic man to partner~~
- Virus can stay in semen longer than blood
- CDC recommends that women with male partner that has traveled to area with Zika use condoms for
 - 8 weeks if no symptoms of Zika
 - 6 months if Zika/symptoms of Zika
 - Duration of pregnancy

Dr. Bonds reported the following related to the sexual transmission of the Zika Virus:

- On February 2, public health officials in Dallas reported 1 case of Zika virus infection that was acquired through sex.
- CDC performed testing to confirm the infection, but were not reportedly involved in the investigation.
- CDC continues to emphasize that primary mode of transmission is through bite of infected mosquito.
- We do not know how long Zika virus can remain in semen or if semen plays a role in transmission.
- Until more is known, for pregnant women: if she has a male sexual partner who has traveled to or lives in an area with active Zika virus transmission, then they should abstain from sex or use condoms the right way every time you have vaginal, anal, and oral sex for the duration of the pregnancy.



Zika can cause:

- Mild fever
- Conjunctivitis
- Headache and joint pain
- skin rash

Zika Symptoms:

- About 80% of those infected do not have symptoms
- Those that do become ill generally have mild symptoms
 - Onset 2-7 days after bite
- Treatment supportive: rest, fluids, acetaminophen
- Small number can develop complications

VDH VIRGINIA DEPARTMENT OF HEALTH
Protecting You and Your Future

Special Concerns for Pregnant Women and Zika

Zika virus can spread from pregnant woman to fetus

There have been reports of microcephaly (smaller than normal head size) and other poor pregnancy outcomes in babies of mothers who were infected with Zika virus while pregnant



In US:
17 liveborn infants with birth defects
5 pregnancy loss with birth defects

Dr. Bonds noted that other than microcephaly, calcifications in the brain and vision issues can occur, which are all neurological in babies with Zika.

Guillain-Barre Syndrome and Zika

- Rare autoimmune disorder
 - Virus triggers person own immune system to damage nerve cells
 - Result muscle weakness and sometime paralysis
 - Most fully recover
 - some have permanent nerve damage
 - rare death
 - Not clear how Zika causes GBS

In the US: 7 cases of Guillain -Barre Syndrome

Not all mosquitoes are the same. Different mosquitoes spread different viruses and bite at different times of the day.

Type of Mosquito	Viruses spread	Biting habits
 <i>Aedes aegypti</i> , <i>Aedes albopictus</i>	Chikungunya, Dengue, Zika	Primarily daytime, but can also bite at night
 <i>Culex</i> species	West Nile	Evening to morning

Source: CDC



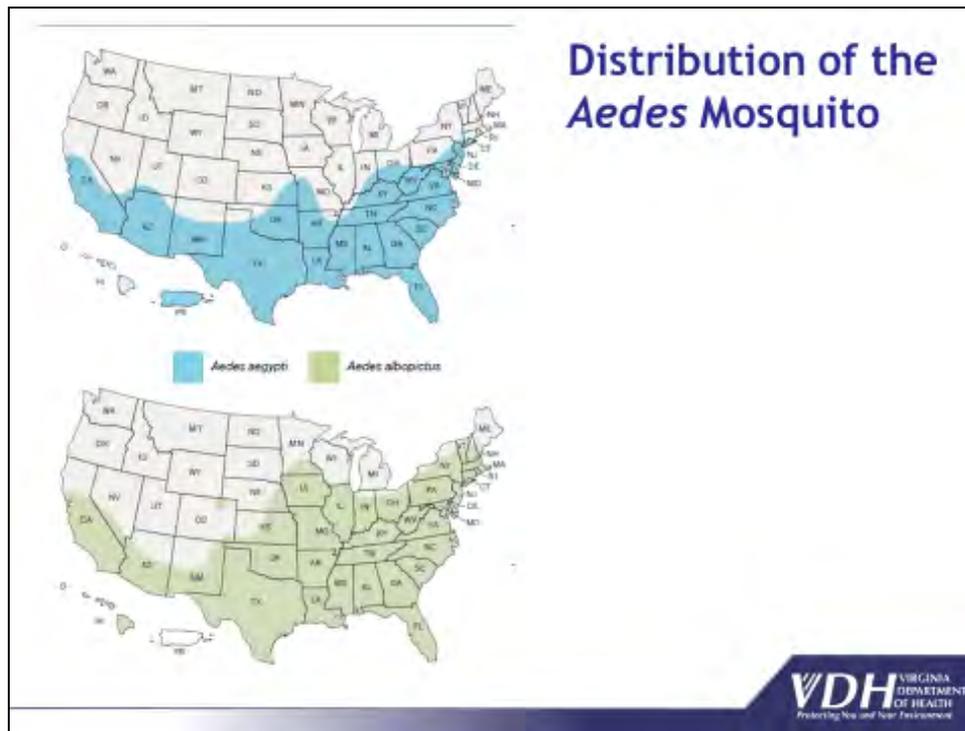
Aedes lay eggs exclusively in containers of water

They **do not** lay eggs in "ground" bodies of water

Develop into adults in 10 days

Spend life within 200 yards

Dr. Bonds reported that eggs can remain dormant for a long period of time.



Aedes Mosquito Control

TIP
Once a week empty or cover anything that holds water like:

- Tires
- Buckets
- Toys
- Pools and Pool Covers
- Birdbaths
- Trash, Trash Containers, and Recycling Bins

TOSS
Throw away items not being used that could hold standing water.

Keep mosquitoes outside

- Keep screens on all windows
- Repair holes in screens

COVER-UP

- Wear long-sleeved shirts and pants
- Exposed skin

VDH VIRGINIA DEPARTMENT OF HEALTH
Protecting You and Your Environment

Dr. Bonds noted that huge outbreaks would not be seen in rural areas. She noted this was because mosquitos spent their life within 200 yards and it was unlikely they would fly off and bite someone, return, and bite again. She added that the rural atmosphere provided

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protection in this situation; but noted that a bottle cap was enough water for mosquitos to breed in.

Active ingredient
Higher percentages of active ingredient provide longer protection

Some brand name examples*

DEET	Off!, Cutter, Sawyer, Ultrathon
Picaridin , also known as KBR 3023, Bayrepel, and icaridin	Cutter Advanced, Skin So Soft Bug Guard Plus, Autan (outside the United States)
Oil of lemon eucalyptus (OLE) or para-menthane-diol (PMD)	Repel
IR3535	Skin So Soft Bug Guard Plus Expedition, SkinSmart

- Do not use insect repellent on babies younger than 2 months of age; OLE or PMD on children less than 3 years
- Use permethrin treated clothing and gear but don't apply permethrin directly on your skin

* The use of commercial names is to provide information about products; it does not represent an endorsement of these products by the Centers for Disease Control and Prevention or the U.S. Department of Health and Human Services.

VDH VIRGINIA DEPARTMENT OF HEALTH
Protecting You and Your Community

In conclusion, Dr. Bonds noted some insect repellants that could be used effectively against mosquitos as shown above.

Mr. Hale then opened the floor for questions from the Board.

In response to how long this would be an issue, Dr. Bonds noted that mosquito season ended in October in VA; however it would continue to be an issue with travel to endemic areas.

Ms. Brennan then noted that if 80% of those infected had no symptoms it was hard to take precautions. Dr. Bonds noted that most would not and it was the reason it created problems with pregnancy planning. Her sensible advice was that if one has traveled or has a partner who has traveled, they should probably wait to become pregnant. She added that this was challenging and was the reason it was a problem in South America.

Ms. Brennan then noted that she had been told that Deet did not repel ticks and to use Permethrin. Dr. Bonds noted that one could buy treated clothing or spray it on. She added that the safest thing was to wear lightweight long sleeves and pants.

Mr. Bruguiere noted that Permethrin did not kill ticks, because it did not kill 8 legged critters. He added that he thought concerns about Zika Virus had been blown out of proportion in this country. Dr. Bonds then noted that there were many things that anyone

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could do to take personal responsibility to prevent Zika, which would also aid in keeping other nuisance issues at bay such as ticks.

C. Presentation - TJPDC 2017 Legislative Priorities (D. Blount)

Mr. Blount first noted that a Legislative Service Survey had been sent out and they had gotten a 40% response rate. He noted that there was good support for what they have been doing and some good suggestions such as: updates should come as needed rather than on a schedule, real time snippets of information would be helpful, and information on what was pending and needed any action would be good. He then noted that he tended to tailor his updates around the General Assembly timeline.

Mr. Blount presented the following legislative priorities for the TJPDC:



2016 Legislative Priorities

(Counties of Albemarle, Fluvanna, Greene, Louisa and Nelson & Charlottesville City)

TOP LEGISLATIVE PRIORITIES

PUBLIC EDUCATION FUNDING: We 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.

- Local governments boost education funding by \$3.6 billion more per year than required.
- K-12 policy changes since 2009 have reduced state funding obligations; school divisions have reduced staffing and increased class sizes and added duties for existing staff during that time.

EQUALIZED REVENUE AUTHORITY: We urge the governor and legislature to equalize the revenue-raising authority of counties with that of cities.

- State-level studies, as far back as 30 years, recommend this difference be eliminated.
- This proposal removes restrictions on meals, lodging, cigarette and admissions taxes.
- It would help diversify and broaden the revenue base of counties.

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

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- Unfunded mandates and shifted costs strain local ability to craft effective budgets.
- The State should examine how services are delivered and paid for in the future as a different economy takes hold in Virginia.

OTHER PRIORITY ITEMS

TRANSPORTATION: We support additional revenues for secondary/urban construction and unpaved roads, and we oppose secondary road devolution.

WATER QUALITY: We support financial and technical assistance from the federal and state governments for improving water quality, including for stormwater management.

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

In terms of education funding, Mr. Blount reported that the State did add education funding in the biennium and on a per pupil basis it was back to an amount greater than FY2009 in FY2017. He added that they wanted the General Assembly to work to preserve this investment. He noted that the State was looking at a \$1.2 Billion dollar revenue gap; which would ripple through the next two (2) years. He noted however, that 2017 will be an easier challenge to address and the State would use salary increase set aside funds and the rainy day fund whereas FY18 would be the challenge.

Mr. Blount then reported that transient lodging was being worked on at the State level and he was monitoring it closely. He noted that there was a bill last year having to do with wireless infrastructure that allowed industry to do what it wanted without local approvals that was of concern to local governments and was also being studied.

Mr. Blount then referenced the Standards of Quality (SOQ) study, which had an emphasis on educational technology and a multi-year study of the Virginia Retirement System (VRS).

Mr. Blount then noted that the TJPDC draft legislative program would go out in October and would be back for approval by the Board in November.

In response to questions, Mr. Blount explained that \$270 million was the revenue shortfall for the past year just completed in FY16 and the General Assembly would build off of that in FY17-FY18. He added that in FY17 there was a \$560 million gap and the gap in FY18 was \$630 million to get to covering \$1.2 Billion.

He noted that he had not heard of cuts in Aid to Localities being discussed; however he would be monitoring it. He further noted that the proposed salary adjustment would not take place December 1, 2016 and the FY17 state salary supplements could also be affected.

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Mr. Hale inquired as to why the budget estimates were so far off and Mr. Blount supposed it was a symptom of the economy as a whole. He noted that with Federal defense spending tailing off in Virginia, the State lost those high paying public sector or contractor jobs that were paying more in payroll taxes and they were being replaced with lower paying jobs in the service industry; creating a gap in payroll tax withholdings. He added that the State would see less disposable income as well which affected sales tax revenues.

Mr. Carter then advised that staff had included a letter from York County asking the Board to make equalizing the taxing powers of Counties to that of Cities, with emphasis on the Meals Tax a legislative priority and he asked the Board to speak to its request. Mr. Hale noted that the TJPDC had addressed this priority on the front page and it was noted that VACO had seized upon endorsing the Meals Tax increase recommended and no action was taken by the Board.

Mr. Carter noted that what happened with Nelson and in so many other counties, was when the State implemented a raise in December, local Boards decided to do it as of July 1st (to coincide with the start of the fiscal year) and then the locality was stuck once it was approved because the Board did not want to take it away at that point. Mr. Blount noted that the State had also put a new certification requirement on the raise that was different and he questioned how that would really work. He added that the certification had raised a lot of concerns and he had sent out a letter to County Administrator's to send requests to the Governor that the certification language be removed. He noted that flexibility was needed with state supported local employees.

Ms. Brennan asked for clarification on the certification requirement and Mr. Blount explained that the Governing Body would have to certify that the increase had been awarded to its employees.

Mr. Blount then advised the Board that now was the time to bring up any local issues or legislation.

Mr. Bruguiere then inquired as to whether or not they could be made aware of who in the General Assembly opposed the equalizing authority and lobby them. Mr. Blount advised that they could and it had been done; however some of the opposition was down party lines but there was generally no appetite for it in the General Assembly. Mr. Carter added that the opposition was based on the premise that it would hurt cities if counties got it. It was noted that this issue had been lobbied by VACO forever and that there had been a bill brought forward on Excise Taxes, and it had not gone anywhere.

D. Presentation - Treasurer (A. Johnson)

Ms. Angie Johnson, Treasurer addressed the Board and thanked them for the opportunity for Constitutional Officers to share the status of their offices.

She then reported that the Board had recently adopted two resolutions, the first being related to citizens paying credit card fees. She advised that the resolution was adopted in March

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and the new payment processing began in April or early May. She noted that while taxpayers were not always happy about it, the implementation of it was going smoothly.

She then reported that the second resolution adopted by the Board related to refunds requested by the Commissioner. She noted that they had processed two of these, they were very easy and it was a great thing for citizens as the process only took a couple of days.

Ms. Johnson then noted that if the Board would like to see any other information included in her monthly report to let her know and she would include it. She added that the second half of the year tax bills would be going out the second week of October, the day after the Columbus Day holiday.

Ms. Brennan asked if there would be any inserts in the bills this time and Ms. Johnson noted she was not sure. She noted that there had been a Broadband insert done in June and Mr. Carter noted that it may be done again and he would check with Maureen on it.

Mr. Bruguiere then asked for clarification on the credit card fees and Ms. Johnson advised that these varied based upon the type of card used. She noted that a flat fee was paid for debit card transactions and 4% was charged for credit cards with a \$3.95 minimum.

There being no other questions, Ms. Johnson thanked the Board again for their graciousness to her office and employees.

E. VDOT Report

Mr. Don Austin reported that they were obtaining contracts to do repairs to the sidewalks in Lovington, they were starting on the Wheeler's Cove rural rustic project, and Dark Hollow Road should be open the last week of September or early October.

Mr. Harvey inquired how it took one month to replace a pipe and Mr. Austin noted that the new pipe would have end walls and it usually took six (6) weeks unless there were complications.

Mr. Austin then reported that the two turn lane projects were moving forward to be built next summer and he would report more details next month.

In response to questions regarding changing the speed limit all along Route 151 to 45 mph, Mr. Austin noted that the local traffic engineer was in charge of the speed studies and VDOT was reducing the speed to 45 mph on the .3 miles approaching Route 250.

Mr. Harvey then asked why Nelson VDOT would not participate monetarily with Albemarle in studying this area. Mr. Austin noted that the funds were there and it did not matter where it came from. He added that Albemarle had taken the lead on it and Nelson had Route 151 and they had Route 250. Mr. Harvey then asked who he would speak with that was above the local engineers and Mr. Hale suggested it would be the District Engineer. Mr. Austin agreed; however he advised that traffic studies were used to justify speed reductions.

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Mr. Harvey then noted that the flow of traffic on Route 151 was best when it was busy and was only moving at 45 mph. He added that it had proven to have saved lives on the other end and he wanted to make all of Route 151 from Route 250 to the Brent's Mountain area 45mph.

Mr. Austin noted he would speak to Mr. Harter again on next steps. He added that VDOT may do something during construction to lower it.

Mr. Austin then advised that VDOT had reviewed the passing zones on Route 6 and those would remain as is.

Mr. Harvey then advised that at Route 6 coming out at the Martin's Store substation looking south, one could not see because of overgrowth there.

The Board then discussed the following issues:

Mr. Bruguiere noted that across from the Fleetwood Community Center on Route 56 West, the road downhill had washed gravel alongside of it. He noted that barrels had been put up and nothing had been done about that.

Mr. Saunders asked about the status of Cedar Creek and Mr. Austin noted he would have to check, however he thought it would get done next year. He noted that he thought it was in its first year of funding. Mr. Saunders then thanked VDOT for cutting the trees back in Arrington and for picking up trash. Mr. Austin noted they had done some extra work because of the LOCKN Festival.

Ms. Brennan thanked VDOT for the paving at Buck Creek that fixed the pot holes. She added that she had gotten no calls about road issues.

Mr. Austin then noted that they would fix the pothole in the left lane going up to the Food Lion shopping center.

V. New Business/ Unfinished Business

A. Comprehensive Fire & EMS System Study – VA Dept. of Fire Programs (R2016-61)

Mr. Carter noted that studying the county's fire and EMS delivery system was a lower tier priority of the Board's. He noted that the county had the ability through the Virginia Department of Fire programs to do a comprehensive evaluation at no cost; if the governing body endorsed the study. He then advised that staff had prepared a resolution endorsing the study and that once accepted by the VFS, the County would have to complete a questionnaire and get in line behind those in the works. He added that they would do a comprehensive independent study involving the public and it would be completed within six (6) months at no cost.

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Mr. Hale asked if the questionnaire would have to be filled out with the application and Mr. Carter advised that it would. In response to questions, Mr. Carter noted that currently, the County referred everything to the State Fire Marshall.

Mr. Harvey noted that completing the study could have something to do with future grants and he thought it would not hurt to do an evaluation. Mr. Carter noted that the study recommendations did not have to be implemented. He then noted that the study would be conducted by the Virginia Fire Services Board that was comprised of the following independent agencies: Virginia Department of Fire Programs, Virginia Office of Emergency Medical Services, and Virginia Department of Forestry.

Mr. Harvey then moved to approve resolution **R2016-61** Request for initiation of a comprehensive analysis study of Nelson County's Fire/EMS System by the Virginia Fire Services Board and Mr. Saunders seconded the motion.

Mr. Bruguiere inquired if there was any outcome if things were not up to standards and the Board and staff supposed there could be some consequences.

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

RESOLUTION R2016-61
NELSON COUNTY BOARD OF SUPERVISORS
REQUEST FOR INITIATION OF A COMPREHENSIVE ANALYSIS STUDY OF
NELSON COUNTY'S FIRE/EMS SYSTEM BY THE
VIRGINIA FIRE SERVICES BOARD

WHEREAS, one of the Board's 2016 priority retreat objectives was review of the County's Fire and EMS service delivery system; and

WHEREAS, pursuant to §9.1-203 (4) of the Code of Virginia 1950 as amended, Fire and EMS studies are conducted by the Virginia Fire Services Board at the request of a local jurisdiction,

NOW THEREFORE BE IT RESOLVED, by the Nelson County Board of Supervisors that said Board hereby authorizes Stephen A. Carter, County Administrator to request on behalf of the Board, the services of the Virginia Fire Services Board in conducting an objective, complete, and thorough review of the County's Fire and EMS service delivery system and provide its recommendations for improvement; and

BE IT FURTHER RESOLVED, the requested areas of concentration of this study include: organization and administration, budget and central purchasing, training, operations and delivery of services, and fleet design and management.

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B. Proposed Amendment to the Code of Nelson County, Chapter 11, Article 2 Real Property Tax, Division 2 Exemptions for Elderly and Disabled (**R2016-62**)

Mr. Carter noted that the County had received a questionnaire from the Department of Taxation that led to Mr. Payne looking at this. He noted that two (2) things had changed in 2014 in the State law and now the County's ordinance did not specifically mirror the language. He added that the current language was not as specific as that of the State Code pertaining to whether or not a live-in caregiver's income (paid or unpaid) was counted towards the tax exemption.

He noted that the proposed changes were not overwhelming; however, Mr. Payne suggested it be amended to mirror the State language and he also suggested that the income limit chart be revisited.

Mr. Carter then advised that a person had to apply every year for the exemption.

Ms. Brennan then moved to approve Resolution **R2016-62**, Authorization for Public Hearing Amendment of the Code of Nelson County, Virginia, Chapter 11 Taxation, Article 2 Real Property Tax, Division 2 – Exemptions for Elderly and Disabled and Mr. Saunders seconded the motion.

Mr. Bruguire stated that he knew the County's ordinance had to mirror the State Code; however he thought it may end up having a negative impact for a few people. Mr. Hale then noted that the Board could hold the public hearing and would not be obligated to change it.

Mr. Carter advised that the County did comply with State Code provisions; however it would be best for the County Code to mirror the State Code language.

Mr. Hale advised that he was unsure as to exactly what would be changed; and Ms. Brennan advised that they should proceed with the public hearing regardless.

Supervisors then confirmed the public hearing would be held in October and there being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion and the following resolution was adopted:

RESOLUTION R2016-62
NELSON COUNTY BOARD OF SUPERVISORS
AUTHORIZATION FOR PUBLIC HEARING
AMENDMENT OF THE CODE OF NELSON COUNTY, VIRGINIA
CHAPTER 11 TAXATION, ARTICLE 2 REAL PROPERTY TAX
DIVISION 2. - EXEMPTIONS FOR ELDERLY AND DISABLED

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BE IT RESOLVED, that pursuant to §15.2-1427 of the Code of Virginia 1950 as amended, the County Administrator is hereby authorized to advertise a public hearing to be held on October 11, 2016 at 7:00 PM in the General District Courtroom in the Courthouse in Lovingson, Virginia. The purpose of the public hearing is to receive public input on an Ordinance proposed for passage to amend Chapter 11 Taxation, Article 2 Real Property Tax, Division 2 Exemptions for Elderly and Disabled

C. Class C Tower Permit Application #2016-08, Existing Site CV221,
12979 Thomas Nelson Hwy (**R2016-63**)

Mr. Padalino noted that the request was from Shentel who provided equipment for the Sprint network and they wanted to replace an existing 97.5 high tower with one 130 ft. high on an existing site in Woods Mill.

Mr. Padalino noted that the application was received on May 17th, a balloon test was conducted on Monday, June 27th, and the Planning Commission met on July 27th and additional application materials were requested as follows: propagation maps showing anticipated levels of coverage under five (5) different scenarios, including some co-location scenarios; and a revised “Tree Survey” (Sheet C-4 of the Site Plans) that clearly identifies which trees will be removed or adversely impacted. These materials were received on Friday, August 15th. He noted that in the cover letter provided, the applicant explained the following optional scenarios for (potentially) achieving coverage objectives, which were evaluated at the August 24th Planning Commission meeting:

- Prop Maps A-1, A-2, and A-3 show the existing coverage of CV221 “as-is.”
- Prop Maps B-1, B-2, and B-3 show the expected coverage of CV221 as originally proposed in Class C Tower Permit #2016-08 (130’ height above ground level).
- Prop Maps C-1 and C-2 show that the addition of a “fill-in” site between Lovingson and CV221 would achieve coverage objectives and eliminate the “drop call” situation (either by collocating on the existing AT&T tower or Verizon tower, or by constructing a new tower site). However, the applicant also states: “Rather than collocating on either of these [existing] towers, SHENTEL would likely have to propose a new tower due to tree canopy and available tower space on these shorter poles” and, “SHENTEL is not proposing to add an additional site in this vicinity due to budgeting reasons.”
- Prop Map D-1 shows that coverage objectives could also be achieved by keeping the existing 97’ tower height at CV221 and constructing a new 120’ tower to replace the existing 75’ tower at CV150 in Lovingson (on cove Mountain Lane). The applicant states: “...replacing the 75’ tower with a 120’ tower at CV150 will result in an increase in visibility of this tower for the more populated Lovingson area vs. the more rural setting of CV221.”
- Prop Map E-1 shows that modifying the design of the proposed tower at CV221 by reducing it to a height of 120’ (instead of the originally-proposed 130’ height) would, “reduce the ‘drop call’ area on Route 29” – but would not be ideal.

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Mr. Harvey stated that it sounded to him like the Planning Commission was getting out of hand and he was not sure they had the authority to do all of this and he added that cell towers were part of a community. Mr. Padalino then explained that there were a series of cell phone towers between Woods Mill and Lovington and the strategy to date has been to approve smaller towers that were near the tree canopy and this tower would be a deviation from that pattern. He noted that this would be a 130 foot tower and would be at maximum height; whereas most towers between Lovington and Woods Mill were at tree canopy height. He noted that the applicant would like to forgo a second facility in that area by having the taller tower. He noted that the existing 98 ft. tower was 20 years old, was wooden and was in need of replacement and they either wanted to replace the tower at the same height; which was administrative, but their preferred alternative was a 130 foot tower at that site.

Mr. Padalino then advised that the Planning Commission discussed the possibility of them replacing a 75 foot tower near Lovington with a 120 foot metal monopole and keeping the one in question at 98 feet. He added that this was a scenario provided to them by Shentel and the Planning Commission was concerned this would be viewed as unfavorable by citizens. However; after lengthy discussion, the Commissioners informally agreed that this scenario was the most appropriate alternative (as opposed to the original request of constructing a new 130' tower at CV221).

He then noted that accordingly, the Planning Commission voted (3-2) to recommend denial of the Class C Tower Permit #2016-08, which sought to construct a 130' tower at CV221 in the Davis Creek area of Lovington; and instead recommended that the applicant pursue the scenario described above, which would not result in a taller tower at site CV221, but which would involve a new 120' tall tower at site CV150 in Lovington.

Mr. Saunders noted he thought people would rather have better service than worry about the trees.

Mr. Bruguiere added that there were already two (2) towers at the existing site and the Planning Commission should only consider what was being requested.

Mr. Harvey noted that the tower at Woods Mill was not very visible and times were changing. Mr. Padalino agreed; however they had to evaluate the visual impacts of the request as well as impacts to service. He then noted the original condition of approval was the tower height so the application was being revisited because of that.

Mr. Bruguiere then agreed that the visual impact might be different if there were not already two (2) cell towers there on site.

Mr. Hale then noted that the Board's immediate task was to decide on whether or not to have a public hearing on the matter.

Mr. Bruguiere then moved to authorize a public hearing on the matter, thus resolving to adopt Resolution **R2016-63** and Mr. Saunders seconded the motion.

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Ms. Brennan noted that she was not well taken by the fact that there would not be improved coverage with the change and she was not sure in that case that they needed to impact the scenery. She added that wooden poles were not as visible as a metal one and she would be happy to hear what the public had to say about it.

Mr. Bruguiere noted that the taller tower could be an aid to wireless Broadband delivery and it was noted the public hearing would be held in October. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion and resolved to adopt the following resolution:

**RESOLUTION R2016-63
NELSON COUNTY BOARD OF SUPERVISORS
AUTHORIZATION FOR PUBLIC HEARING
CLASS C COMMUNICATION TOWER
PERMIT APPLICATION #2016-08, SITE CV221**

BE IT RESOLVED, that pursuant to §15.2-1427 of the Code of Virginia 1950 as amended, the County Administrator is hereby authorized to advertise a public hearing to be held on October 11, 2016 at 7:00 PM in the General District Courtroom in the Courthouse in Lovingson, Virginia. The purpose of the public hearing is to receive public input on Class C tower permit #2016-08, Site CV221 at 12979 Thomas Nelson Hwy.

VI. Reports, Appointments, Directives, and Correspondence

A. Reports

1. County Administrator's Report

1. Courthouse Project Phase II: Construction is proceeding well with emphases on completing the second floor renovation of the 1940s Addition, including the two story building expansion on the northwest side of the Courthouse (the addition expands the 1940s Addition) The most recent project meeting was conducted on August 31 with discussion focusing on project RFIs (Requests for Information), pending Change Orders and the project's completion schedule. Agreement was reached on many subjects but not on Jamerson-Lewis's revised completion schedule of 6-23-17 (from the original schedule of 1-27-17). The project's schedule will be a focus of the ensuing project meeting scheduled for September 28th at 1:30 p.m.

Mr. Carter reported that a Jamerson Lewis proposal proposed to change the project schedule to June 2017 and staffs' assumption all along was that they would catch up. He added that they have proposed a \$60,000 increase for extending the schedule and he advised that he was verbal about not doing that after looking at the contract, which favored the County's position. He noted that it would get resolved but that he was taken by surprise. He noted that otherwise the project was moving along well.

Mr. Hale then added that it was not so much acceptance of the delay but the County does not want to pay for that. Mr. Carter noted that there were liquidated damages in the contract and that they would maintain the schedule. Mr. Harvey then noted that this had been the best

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project so far. Mr. Carter then advised that there may be some responsibility on the part of the architect to address design issues and that it was a little complicated. Mr. Saunders then noted how unusual it was for the architect to take responsibility for some of the change orders.

Ms. Brennan then asked if the project was on budget so far and it was noted that change orders to date had been minimal and that the concern with the extension proposal was that the contingency amount was being dwindled.

Mr. Hale assured the Board that the County could work with them and Mr. Saunders added that the biggest surprise had been the cost of the courtroom equipment.

2. Broadband: See Attached Report to NCBA.

3. BR Tunnel Project: VDOT staffs in both the Lynchburg and Staunton District have provided comments on the construction plans and specifications for completion of the overall Tunnel Project, as prepared and submitted by Woolpert, Inc. Woolpert and County staff are in process with addressing the comments received to enable final review and approval of the construction documents to be completed by VDOT.

4. Region 2000 Service(s) Authority: The Authority's strategic planning project is in process. A Public Forum will be conducted on September 14 at 2 and 4 p.m. at the Hilton Garden Inn in Lynchburg. And, the planned Focus Group meeting is scheduled for September 28 at 9:30 a.m. at the Hilton Garden Inn in Lynchburg. To date, two Nelson residents, Ms. Eleanor Amidon and Mr. Larry Stopper have volunteered to participate in the Focus Group meet.

Ms. McGarry noted that the public forum would be conducted at 4pm and 6pm on the 14th.

Ms. Brennan asked Mr. Carter if he was in favor of keeping the landfill in Campbell County and he replied he was. He reported that he had looked at Campbell County's GIS in relation to the proposed payment plan and had made the point that the Campbell County Board had zoned the properties around the landfill heavy industrial or commercial and then had approved subdivisions with special use permits; essentially creating the problem themselves.

Mr. Harvey supposed that Nelson would be doing the same thing if the landfill was here.

Mr. Carter then advised that before Campbell County was in the Regional Authority, they had to subsidize their solid waste operations and now they got a windfall in excess revenue payments.

Mr. Saunders then noted that according to the Lynchburg paper, the complaints were down. Mr. Carter noted that the Authority had done studies on the odors and gas and have now implemented solutions costing \$1.3 million. He added that the consulting firm retained to do the studies reported that after testing, they could not find anything impacting anyone.

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Supervisors inquired as to whether or not the gas could be sold and Mr. Carter noted that ultimately it could be; however it was being burned off now.

Mr. Carter then noted that the County may have four (4) participants now for the focus group with the addition of Vicki Wheaton and possibly Susan McSwain.

Mr. Harvey questioned the selection of these individuals and their representation of the County and Mr. Carter noted that the County had solicited volunteers through advertisement in the newspaper and on the website and these were the ones that responded. Mr. Carter then re-invited the Board to select participants and refer them to the County for registration.

Supervisors then inquired as to the purpose of the focus group and Mr. Carter deferred to Ms. McGarry on this. Ms. McGarry then advised that the focus group participants would give their thoughts on what criteria was important to them in evaluating potential future solid waste disposal options. She noted that the group would not have any decision making power and their input would be used by the working group to develop criteria by which to evaluate future options. This would then be presented to the Solid Waste Authority who was the decision-making body. She noted that the Focus Group would meet on September 28th at the Hilton Garden Inn, Lynchburg from 8:00am to 9:30am with breakfast provided at 7:30am. She noted that the format would be a general introduction and overview of the meeting process and then the groups would break out into each locality's group and would work with a facilitator to go through a list of questions. She noted the groups would then reconvene and the meeting would wrap up.

5. Radio Project: Motorola, Inc.: A meeting with Motorola staff is scheduled for 9-9 at 10:30 a.m. to provide for completion of the details and costs for the installation of equipment and testing necessary to incorporate the tower at the RVVFD into the County's radio network.

Mr. Carter noted that staff was waiting for Motorola to produce coverage maps showing the effectiveness of the tower before going forward. Ms. Brennan inquired if there were any problem areas of coverage and Mr. Carter noted that there were very few white spots.

6. 2016 Lockn' Festival: The Festival's operational plan resulted in what from an outside perspective was the most efficient and trouble free festival to date. A post show assessment meeting is pending being scheduled but planned. Specific outcomes with respect to the County (i.e. financial impact, law enforcement, etc.) are pending completion.

Mr. Carter reported that the County did not have financial outcomes yet from the festival; however the Commissioner of Revenue had been proactive in participating with the vendors.

Mr. Harvey then noted that he did not think the numbers from last year had been reported. Mr. hale advised that the Commissioner of Revenue did not have numbers yet and that some of those that would provide them were uncooperative. He added that LOCKN has not provided reports on this. Mr. Carter noted that a post-festival assessment meeting would be coming up.

7. 2018 General Reassessment: Two proposals were received in response to the County's RFP solicitation. The respondent firms are Pearson's Appraisal Service, Inc. and Wampler-Eanes Appraisal Group, Ltd. A staff meeting, inclusive of the Commissioner of Revenue (P. Campbell) to discuss the responses and to decide next steps (i.e. interviews) is scheduled of 9-12 at 2 p.m. Participation from the Board of Supervisors (one or two Board members) is welcomed.

Mr. Carter reported that reassessment firm interviews would be held on September 22, 2016 and members of the Board were invited to participate. He noted the interview panel was himself, the Commissioner of Revenue, Ms. McGarry, and Ms. McCann.

He noted that selection was based on competitive negotiation, where the best firm was chosen and then a price was negotiated with them. He noted that staff was working on the four year cycle as prescribed by Ordinance; however the Board could change the Ordinance if they wanted to change the timeframe. He added that the process would begin now and it would be effective 2018.

8. Route 29 Corridor Plan: TJPDC will complete an economic develop strategy and plan for the Route 29 Corridor, inclusive of a marketing plan through a sub-contract with 310 Ltd. Project completion is scheduled for February 28, 2017. Two public participation sessions are included in the project. Possible offsets for the project's \$28,788 expense include a \$20,000 grant from AEP and the return of approximately \$24,343 in year end (FY15-16) net revenues from ACRJA.

9. Department Reports: Included with the BOS agenda for the 9-13-16 meeting.

Attachment: Report to NCBA:

1. Broadband Planning Project: The planning project is nearing completion. Specific outcomes/recommendations will be presented to the Authority on 9-13 by Dr. Andrew Cohill of Design Nine, the project's Blacksburg based consultant firm. The agenda includes a five page Executive Summary, which Dr. Cohill will reference in his presentation. The project has been a significant, multi-faceted undertaking. **It is recommended that the Authority schedule a work session(s) (through a continuation of the 9-13 meeting) to discuss in detail the project's recommendations and to provide County staff with direction/guidance on next steps associated with the completion of the planning project. The proposed work session is deemed a critical next step in completing the planning project and, more importantly, in the Authority's ensuing operations.**

2. Middle Mile Expansion (CDBG) Project: Phase 1 and, most recently, Phase 2 have been completed with requests for service being received and addressed. The VDOT permit for Phase 3 (Intersection of Route 6 and 151 at Avon west on Route (Afton Mountain Road) to Saddleback Farm (entrance to Veritas Winery and Saddleback Subdivision) was approved on 9-7. CCTS the project's installation contractor will begin work to complete Phase on 9-13. A 2 to 4 week completion schedule is anticipated.

3. Subscription Levels: Staff will endeavor to report on current and projected subscriber levels at the session on 9-13.

4. Shentel: The company has not provided any additional information on its previous phone and email inquiries proposing to lease space in the fiber network's conduit infrastructure. The most recent communication was 2+ weeks ago and pertained to input from Shentel staff that they would be conferring with CCTS, NCBA's Outside Plant Contractor, on the capacity of the conduit infrastructure to contain two additional 144 count fiber optic cables. Input from County staff to Shentel was to caution them on concluding that the company's proposal (a formal proposal has not been received) would be accepted and to remind Shentel staff that the amount of the cost per foot proposal to utilize the local network's conduit was much lower than what the County had proposed to Shentel.

5. CVEC RFI: The Central VA Electric Cooperative issues a Request for Information on July 25th to solicit input from providers of internet/broadband services for a possible partnership that would provide universal broadband network services "for the membership of CVEC" (some 38,000 possible subscribers within the Cooperative's multi-jurisdictional service area). County staff submitted on 9-8 the RFI's initial request for "Letters of Intent" from interested providers. The deadline for a full (and very detailed, in-depth) and final response to the RFI is November 11, 2016. The letter drafted by County staff included a request for a meeting with CVEC staff to discuss possible strategies for a partnership between NCBA and CVEC with the input received from the discussion a determining factor in a decision to submit a final response to the Cooperative's RFI, which is more than a significant undertaking. Next steps, if any, are TBD.

2. Board Reports

Ms. Brennan had no report.

Mr. Bruguere:

Mr. Bruguere reported that the caving in pipe at the Montebello collection site had been taken care of and Mr. Carter noted that several tons of gravel had been added at the site.

Mr. Bruguere then reported that the Planning Commission had discussed the tower application for most of their previous meeting and he asked why it did not go to public hearing that night for the Board. Mr. Carter noted that it was the practice of staff to have the Board authorize public hearings on things that were somewhat controversial.

Mr. Saunders:

Mr. Saunders reported attendance of the TJPDC meeting where it was decided to give Mr. Boyles, the Director, a raise.

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Mr. Saunders then questioned why, when the Nelson United Methodist Church took their trash to the Shipman collection site, they were told they had to go to the transfer station. Mr. Hale and Mr. Carter advised that was a standard rule; it was considered commercial trash. He noted that the attendant told them several times they could not bring it there. He noted that the church had furnished lunch to several agencies working LOCKN and it was the trash from that.

Mr. Harvey:

Mr. Harvey noted he attended the Service Authority meeting and things were operating well.

Mr. Hale:

Mr. Hale then asked if the Service Authority would replace a malfunctioning fire hydrant nut. He noted that one had been worn down and the fire department had to use a pipe wrench on it. He added that they could not use the tool designed for it and Mr. Saunders supposed that they needed to replace the stem in the hydrant.

Mr. Hale then reported attending the 40th anniversary of the Rockfish Gap Hawk Watch at the Inn at Afton. He noted that there was a large crowd in attendance, they had the highest count of bald eagles, and spectators could see a maximum count of 10,000 migrating hawks.

Mr. Hale then reported attending the NCHS Football game and noted that the marching band did well.

Mr. Hale reported that tours of the Blue Ridge Tunnel had been covered by Emily Brown and the story had also made the Richmond Times Dispatch.

B. Appointments

Ms. McGarry reported that there were no appointments to be made and she noted that Ms. Janice Jackson did not wish to be reappointed to the JAUNT Board. She added that Ms. Jackson felt that she was travelling too much to be able to continue. Ms. McGarry noted that the seat would be advertised along with the current Local Board of Building Appeals vacancy.

C. Correspondence

1. Humane Society Request for Funding

Mr. Hale noted that the Humane Society (Almost Home Pet Adoption Center) made a request for funding of \$5,000 to be included in the annual budget. He noted that the organization has done a wonderful job in the county and they were asking for financial help. He then proposed that the Board put their funding in the budget annually in the amount of \$5,000 for spay and neutering done by a local provider. He added that he would be in favor of including it in this fiscal year's budget and Ms. Brennan agreed.

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Mr. Carter advised that the County and the Humane Society worked very closely together and the County had dramatically reduced euthanasia due to its partnership with them.

Mr. Harvey then related that Albemarle County Provided funding of \$500,000 to their SPCA every year.

Ms. Brennan then moved to approve the request for annual funding of \$5,000 in the County's budget inclusive of the current year and Mr. Harvey seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

D. Directives

Ms. Brennan, Mr. Saunders, and Mr. Bruguire had no directives.

Mr. Harvey noted that he would like to see the Board frame a nice picture of Cliff Wood, similar to the one of Mr. Harris, to be hung in the courthouse. He suggested possibly a flood picture and that staff could check with Paul Saunders, the Historical Society, and family. Supervisors and staff agreed that would be appropriate.

Mr. Hale then asked staff to find out how much revenue was realized from the LOCKN Festival. He added that this was a common question from citizens. He then reported that he had gone with Reagan Thompson on a tour of LOCKN operations pertaining to Fire, EMS, and the Sheriff's Department. He noted that the expenses related to that were paid for by LOCKN including the hired deputies. It was noted that LOCKN also paid for use of the cars and gas this year. Mr. Hale then advised that the medical set up was amazing.

In relation to revenues, Mr. Carter noted that all vendors were required to get a local business license and that LOCKN had some means of tabulating it all and should report back to the Commissioner of Revenue. He noted there would be lodging tax receipts from tents also. Mr. Bruguire noted that a lot of the revenue was food and lodging and it was hard to track until a comparison could be made to the previous year.

Mr. Saunders added that people came in weeks ahead of time and spent money locally and Mr. Harvey agreed that local businesses got a lot of business during that time.

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

At 5:00 PM, Mr. Harvey moved to adjourn and reconvene at 7:00pm and Mr. Bruguire 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

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

Mr. Hale then noted that item E. Addition to the Greenfield AFD would be the first public hearing considered by the Board. He then asked the public to reserve public comments for the public hearing items during the public hearings and to keep their remarks to three minutes or less. He added that the public hearing comments would not be a discussion with the Board and they would not debate or respond to questions during the comment period.

II. Public Comments

Mr. Hale then opened the floor for public comment on any other issue besides those being considered under public hearings and the following persons were recognized:

1. Kim Peele, JABA

Ms. Peele thanked the Board for its support of their key programs and noted that Medicare open enrollment was occurring and a mobile unit was coming down to Nelson. She added that Medicare Part D should be revisited every year and she would leave flyers with staff. She added that they had saved about \$400 per person last year on premiums and prescription costs and they were having counseling sessions at Blue Ridge Medical Center, JABA, and Rockfish Senior Center.

Ms. Peele then noted that the Fish program was in place and they have had a great welcoming from administrators. She added that Debbie Harvey, School Board member was a Fish volunteer and was helping with outreach.

Ms. Peele then noted that the JABA Community Center would be renamed the Cecelia Epps Community Center. She noted that Ms. Epps was the "Face of Nelson" for forty (40) years and they would get the information out to everyone in mid-November.

2. Thomas Nelson, Jr. Roseland

Mr. Nelson advised the Board that he re-enacts the namesake for the County and goes to civics classes to introduce himself. He noted that he had the desire to educate everyone about Thomas Nelson and he would like to introduce him to more organizations. He noted that he did not charge for his services and he enjoyed sharing this history. He noted he was a member of the Massies Mill Ruritan Club and they could feel free to contact him to assist the County in any way.

III. Public Hearings

A. **Special Use Permit #2016-03 J. Bradshaw, Jr.:** Pursuant to Zoning Ordinance, Article 8, Section 1-10a; request to continue to allow an apartment use in a Business (B-1) zoned building in Lovington, Tax Map Parcel #58B-3-32.

Mr. Padalino noted that the application requested the continued use of an apartment in a Business (B-1) zoned building in Lovington. He then noted the physical location of the property on a county map and a street level map. He noted that dwellings in a Business District required a Special Use Permit and the property has been historically used for a dwelling and transient lodging. He noted that the building was more commonly known as the Bradshaw building and it actually occupied three (3) tax map parcels. He added that the request was specific to parcel 58-b-32 which was the taller multi-story area only and not the wings on either side.

Mr. Padalino noted that the Planning Commission held a public hearing and unanimously recommended approval. He noted that the ProVal information included was not complete and the approval should go to the tax map parcel and not the address.

There being no questions from the Board, Mr. Hale opened the public hearing and the following persons were recognized:

1. Joe Lee McClellan, Lovington

Mr. McClellan noted his support for the application noting that the building has been used for residences in the past and also housed other businesses; however the upstairs had always been residential.

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

Mr. Bradshaw, who was in attendance had no comment. He did note that he had not gone through building inspections yet and that approval of the Special Use Permit would allow him to do that. He added that he was presently trying to make the building water tight and this approval would allow him to pursue the possibility of renovation.

Mr. Harvey then moved to approve special use permit #2016-03 J. Bradshaw, Jr. request to continue to allow an apartment use in a Business (B-1) zoned building in Lovington, Tax Map Parcel #58B-3-32 and Ms. Brennan seconded the motion.

Mr. Hale noted it was gratifying to see Mr. Bradshaw Jr.'s efforts to bring the building back from decline. He noted it was curious that the zoning map there was all Business B-1 when it was really all Residential R-1.

Mr. Harvey noted that the property across the street was identical in that it was business below and residential above.

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

A. Conditional Rezoning #2016-01 Old Hickory Buildings, LLC:

Pursuant to Zoning Ordinance, Article 16, Sections 1-1 and 4; request to rezone property from Business (B-1) to Limited Industrial (M-1) Conditional, to allow for the manufacturing, storage, and display for the storage buildings for sale to the general public; with proffers. Property is located in Colleen, 3907 and 3965 Thomas Nelson Hwy, Tax Map #76-A-1

Mr. Padalino noted that the subject property was located in Colleen, tax map parcel #76-A-1. He noted that Old Hickory Buildings, LLC was the applicant and he showed the parcels' physical location on some maps. He added that this was a Business B-1 zoned parcel that adjoined some industrial properties on the left. He further noted that the subject parcel was beside the old Mays Farm supply and the tire shop. Mr. Padalino noted the application to rezone was made subject to the proffers as noted in the letter signed and dated July 20th as follows: (i) To use the property as outside storage, display and manufacturing: of storage buildings for sale to the general public. (ii) Any new or additional outside lighting will be glare-shielded, and (iii) the underground storage tanks shown on the plan will be removed.

Mr. Padalino then clarified that Mr. Berryman, agent for the application, has indicated that the letter was meant to say above ground tanks, since no underground tanks existed. He added this was a mistake made in writing the letter.

Mr. Padalino noted that the property had a long history of commercial uses and was adjacent to multiple parcels zoned M-1. He reported that the parcel was served by the Service Authority for water and sewer and the requested use was supported by the Comprehensive Plan. He noted that a minor site plan had been prepared and VDOT required that: the southern entrance would have to be reconstructed, the middle entrance would have to be removed, and the northern entrance could remain as is. He then showed pictures of the above ground storage tanks.

He also noted that VDOT would require that access management measures be done and an access easement be established with an adjoining parcel. He added that Building Inspections noted a change in use would be required if there was re-use of the building. Mr. Padalino noted there were no comments from the Soil and Water Conservation District other than the owners would be required to submit an erosion and sediment control plan and a Virginia stormwater management plan if more than 10,000 square feet was disturbed.

Mr. Padalino then noted that the Planning Commission had held a public hearing, there were no comments from the public and they had recommended approval.

The Board then had the following questions/discussion:

Ms. Brennan inquired if the conditions proffered went with the property if sold and Mr. Padalino noted that yes they did as they were integral to the zoning itself. She then asked

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about the northern entrance being left as is and Mr. Padalino noted that yes it would be based upon VDOT's review. He reiterated that the southern entrance would have to be upgraded even though it was not required to be used.

It was then asked where the manufacturing was going to occur and Mr. Padalino noted it would take place in the existing building. He added that the rezoning would allow them the right to use the land for the use listed. He noted that if they could manufacture in the existing building, they would coordinate with Building Inspections to determine what was required; however, if they built a new building, this would require a site plan, Building permit etc. He noted that his department was only looking at the use and any development would be subject to the Building Code. Supervisors then questioned the other entrance to access another property and Mr. Padalino noted this was required by VDOT because the adjacent property could not safely install an entrance and this would prevent them from becoming landlocked.

Mr. Harvey further questioned how VDOT could require them to give another property access and Mr. Padalino supposed it was tied to VDOT regulations and he was not the best person to answer that question. Mr. Hale supposed their reasoning would be they did not want another commercial entrance onto Route 29 and in order to grant this property the entrance, they have asked them to provide access to the other property. Mr. Saunders thought it was because of the building on the corner being owned by someone else and using the southern driveway. He noted that their driveway could not be cut out, so the applicants had to give them an easement to the property.

Mr. Hale then invited Thomas Brooks, Jr. licensed surveyor representing Old Hickory Buildings LLC to address the Board.

Mr. Brooks noted that VDOT implemented access management rules in 2007-2008 and they took into account the heavy usage of the road. He noted that when there was a rezoning or conditional use action, VDOT got involved and could dictate how access was managed. He then reiterated the entrance requirements noted by Mr. Padalino and stated that the northern entrance was considered shared because the property line went out into the middle of the road. He added that the adjoining owner on the north could use that entrance but it was not required to be improved. Mr. Brooks also noted that it was true that the southern parcel had been provided an access easement because if the land owners applied for an entrance at the intersection, it would be denied. Mr. Brooks then noted that his client was willing to meet the VDOT requirements. He agreed that VDOT was trying to force people to use one common entrance for multiple properties.

Mr. Harvey noted his disagreement that access management still existed and Mr. Bruguiere advised that Jeff Kessler of VDOT had quoted those regulations, they had complete control over it, and the applicants were just trying to comply.

Mr. Bruguiere then stated that he would like to see the tire shop continue to be able to rent there as they provided a valuable service working on truck tires. Mr. Brooks noted he would discuss this with his client and the Board reiterated that they wanted that business to continue their service there.

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Ms. Brennan asked for clarification regarding the joint northern entrance and Mr. Harvey and Mr. Bruguere noted that some of the driveway was the property line.

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

1. Joe Lee McClellan, Lovington

Mr. McClellan noted that he used to operate a business on the property in the 70s and he thought it was a no brainer to approve the request and it would improve the County.

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

Mr. Bruguere moved to approve Conditional Rezoning #2016-01, Old Hickory Buildings, LLC to rezone property from Business (B-1) to Limited Industrial (M-1) Conditional, to allow for the manufacturing, storage, and display for the storage buildings for sale to the general public.

Ms. Brennan seconded the motion and Mr. Bruguere noted he thought it was a good reuse of the property. Mr. Carter clarified for the record that the motion to approve was inclusive of the proffers as stated and there being no further discussion Supervisors voted (4-0-1) by roll call vote to approve the motion with Mr. Saunders abstaining because of his status as an adjoining property owner.

B. Ordinance O2016-04 Temporary Events, Festival Grounds & Out-of-Door Accessory Uses: Pursuant to §15.2-1427 and §15.2-2204 the Code of Virginia, 1950 as amended; consideration is proposed Ordinance Article 24, Temporary Events, Festival Grounds, and Out-of-doors Accessory Uses and associated uses in Article 2 Definitions, Article 4 (A-1), Article 5 (R-1), Article 8 (B-1) Article 8A (B-2), and Article 8B (SE-1). **(O2016-04)**

Mr. Padalino noted that he has tried to consolidate his remarks into topics rather than by Ordinance language.

He then began by noting that the proposed Ordinance created a new Article 24, modified the existing Article 2, and land use regulations for certain zoning classes. He noted the extensive work done by the Planning Commission and the Work Group and noted that the Ordinance was certainly not perfect; however it was a good starting point for Board discussion. He added that he believed it was a good balance of code definitions and statewide protections with local details and context. He noted it to be an honest attempt in supporting economic vitality and preserving rural character.

Mr. Padalino then noted the proposed amendments to establish exempt events as follows as the County did not wish to regulate every activity happening in the County:

Proposed Amendments – Exempt Events

- Private non-commercial functions conducted on property of the host
- “Social Temporary Events” (weddings, etc.) where permitted by-right
Note: Permissible by-right in A-1 up to 12 times per year (A-1 properties wanting to host more than 12 Social Temp. Events in a calendar year would need to obtain a SUP)
- “Non-Profit Temporary Events” having up to 500 attendees
- “Out-of-Door Accessory Uses”
Note: Permissible at properly-permitted commercial establishments; up to 500 attendees at any time; includes P.M. time limits on outdoor amplification of music)
- “Farm Winery” activities and “Agritourism” activities that, “do not cause any substantial impact (s) on the health, safety, or general welfare of the public.”

Mr. Padalino noted that in relation to “Social Temporary Events”, farm wineries and agritourism activities were not subject to the number of events restriction.

Mr. Padalino noted that the amendments would establish three separate categories of events determined by number of attendees, with a separate application fee for each category that would replace the \$25 fee which was currently in effect for all Special Event Permit applications.

Mr. Padalino then noted the three (3) event categories and associated fees proposed as follows:

Proposed Amendments – Event Categories

- **Category 1:** Up to 500 attendees at a time (or “Non-Profit Temporary Events” between 500 and 1,000 attendees)
Application fee = \$100
- **Category 2:** Between 500 and 10,000 attendees at a time (or “Non- Profit Temporary Events” between 1,000 and 10,000 attendees)
Application fee = \$500
- **Category 3:** Having or projecting more than 10,000 attendees at a time
Note: before a Category 3 Temporary Event Permit application can be accepted, reviewed, or approved, it would require a “Festival Grounds” Special Use Permit from the BOS and require a Site Plan approved by the PC

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Application fee = \$2,500

Mr. Padalino then noted the proposed non-temporary land uses for temporary events as follows:

Proposed Amendments - Non-Temporary Land Uses for Temp. Events:

- The proposed definition for “**Festival Grounds**” land use would require a Special Use Permit to be issued by the BOS, and a Site Plan to be approved by the PC, for any properties wishing to host events with 10,000 or more attendees at any one time.
 - Permissible with SUP in Ag (A-1) District
- The proposed definition for “**Outdoor Entertainment Venue**” land use would require a Special Use Permit to be issued by the BOS, and a Site Plan to be approved by the PC, for any properties wishing to develop non-temporary infrastructure and/or structures for the hosting of Category 1 and Category 2 Temporary Events.
 - Permissible with SUP in Ag (A-1), Residential (R-1), and Business (B-1) and (B-2), Service Enterprise (SE-1)

Mr. Padalino noted that the definitions would allow property owners to request County permission to construct/operate a non-temporary venue for hosting Category 1 or Category 2 Temporary Events (and Exempt Events). This definition was a counterpoint to “Festival Grounds,” which also involved non-temporary infrastructure but which is specific to Category 3 events. He noted this was also a counterpoint to events that typically required the temporary installation of infrastructure (stage, tents, bathrooms, etc.) before an event, and the prompt removal of that infrastructure shortly after the event ended.

Mr. Padalino noted that the typical temporary event required temporary elements such as bathrooms, structures etc. so it was prudent to include non-temporary definitions and he referred to the proposed definitions for Festival Grounds and Outdoor Entertainment Venue.

Mr. Padalino then encouraged the Board to consider establishing a Festival Grounds use in RPC-Residential Planned Community, which was an oversight and not reflected in the advertised language. He added that Wintergreen held events that approached 10,000 people.

Mr. Padalino then discussed Farm Wineries and Agri-tourism Locations as follows:

Proposed Amendments – Farm Wineries and Agri-tourism Locations:

- Code of Virginia is vague on what specific types of events/activities are permissible as “agritourism” on bona fide ag operations (farms)
- The proposed amendments would establish agritourism activities and farm winery activities as “Exempt Events,” if they “do not cause any substantial impact(s) on the health, safety, or general welfare of the public” by virtue of “the number of attendees, size and location of property, or hours of conduct.”
- This is a permissive approach, and allows farms and wineries a lot of flexibility to conduct events...
- But it also gives the County the authority and flexibility to get involved and address/resolve any problematic patterns that might potentially happen, as they arise on a case-by-case basis

Mr. Padalino noted that these amendments would establish agritourism activities and farm winery activities as “Exempt Events,” as long as they “do not cause any substantial impact(s) on the health, safety, or general welfare of the public” by virtue of “the number of attendees, size and location of property, or hours of conduct.” He noted that this was a permissive approach, and allowed farms and wineries a lot of flexibility to conduct events – but it also gave the County the flexibility to get involved to address and resolve any problematic patterns that could potentially happen, as they arose on a case-by-case basis.

Mr. Padalino reiterated that the language allowed them a lot of flexibility to hold events and the County the flexibility to get involved and address problematic patterns.

Mr. Padalino then discussed Weddings or "Social Temporary Events" as follows:

Proposed Amendments – Weddings or Social Temporary Events:

- Weddings (and similar events like receptions) would be exempt...
 - If conducted on private property with no compensation for use of the land
 - If conducted on a farm winery or if conducted as an agritourism activity
- If not conducted on a farm winery or as an agritourism activity, weddings would be permissible in Ag (A-1) District, as follows:
 - By-right up to 12 times per calendar year and with a Special Use Permit if conducted more than 12 times per calendar year.

Mr. Padalino noted that Weddings and related private events like receptions would be exempt, if conducted on private property with no compensation for use of the land. He noted that they would be permissible by-right in Ag (A-1) District, up to 12 times per calendar year. They would require a SUP in the Ag (A-1) District if conducted more than 12 times per year. He then noted that “Banquet Hall” and “Conference Center” were similar existing land uses which would allow a property owner to conduct private social functions such as weddings, receptions, etc.; both “Banquet Hall” and “Conference Center” required a SUP in the Ag (A-1) District.

Mr. Padalino reiterated that the number of times per year restrictions did not apply to wineries and agritourism uses.

Mr. Padalino then discussed proposed amendments related to Community Centers as follows:

Proposed Amendments - Community Centers:

- The amendments would modify the existing definition of Community Centers to allow the following:
 - the hosting of Temporary Events (subject to Temporary Event Permit requirements)
 - outdoor signage related to temporary events (subject to all applicable sign regulations; see Z.O. 12-11)
 - additional signage related to non-temporary uses (currently only one principal sign is permissible)
- The amendments would allow Community Centers to apply for a Special Use Permit to develop/operate an “Outdoor Entertainment Venue”
 - subject to BOS-approval of SUP and PC-approval of Site Plan

Mr. Padalino then discussed the proposed Maximum number of Events per property/per year as follows:

Proposed Amendment – Maximum Number of Events Per Property/Per Year:

- Original staff recommendations: establish a maximum number of Temporary Events a property can conduct per calendar year
- PC recommendations: set a limit for the number of by-right Temporary Events per year, with the ability to request the BOS for permission to conduct additional Events

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- Work Group recommendations: eliminate any such limitation on the maximum number of Temporary Events that can be conducted in a calendar year

Mr. Padalino explained that the original recommendations included a maximum and the Planning Commission recommended there be a limit with the ability to hold more with Board of Supervisor approval. He noted that the Work Group eliminated this limitation and therefore the resulting version did not contain yearly limitations.

Mr. Padalino then discussed the Updated Process for Permit Application Submission, Review, and Approval as follows:

Proposed Amendment -Processes for Permit Application Submission, Review, and Approval:

The amendments would establish the following:

- clear instructions for submitting a complete application; these requirements are listed in (proposed) Section 24-3-D
- clear guidelines for reviewing all Temporary Event Permit applications; these factors are listed in (proposed) Section 24-3-A
- clear authority for the Planning and Zoning Director to modify the terms of permit approval in the event of unforeseen circumstances (hazardous weather, traffic accidents, etc.) and/or in the event of other factors which may be necessary to protect public health safety, and welfare; these modifications are listed in (proposed) Section 24-3-B and 24-3-E

Mr. Padalino advised that there was no set criteria set now and that was important for decision making. He reiterated that the proposed language would provide clear instructions to applicants in 24-3-B and would set clear guidelines for approvals and modifications by the Zoning Director as necessary in response to events etc.

Following Mr. Padalino's presentation, the Board had the following Discussion:

Mr. Bruguiere inquired as to how this applied to "pick your own" agritourism activities and Mr. Padalino noted they would be exempt as an on-farm activity. He added that things like fall festivals to celebrate apple harvest etc. would also be exempt. He noted that the idea was that it was customary with the farm itself.

Ms. Brennan inquired as to the Work Group being happy with the final recommendation and Mr. Padalino noted he thought they were. He added that the work was done as transparently as possible and Mr. Hale agreed.

Mr. Bruguiere then inquired about the reasoning behind the Work Group's elimination of limits. Mr. Hale responded that the table of limits originally provided was the primary bone

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of contention. He added that the feeling of the group was that if it became a problem, changes could be made to the Ordinance; however it was deemed not appropriate at the present time.

There being no other questions from the Board, Mr. Hale opened the public hearing and noted he would read the order of speakers from the sign-up sheet; however that did not limit anyone else from speaking on the subject. The following persons were then recognized to speak during the public hearing:

1. Rhonda Holland, Oak Ridge Estate - Arrington

Ms. Holland noted that she was on the Work Group and requested to be due to her concerns. She added that the current process concerned her and she wanted to be involved with something that made sense; so the County could have some say so in the process. She noted that the proposed language gave the County some say so with limits on amplification and times. She added that the County would also have more authority given any negative impacts. She then encouraged the Board to consider it favorably, noting that it was not perfect; however it was much better than the current regulations. She noted that it empowered all to be involved in a way that has not been done before.

2. Robert Yoder, Nellysford- VP of Rockfish Valley Community Center

Mr. Yoder noted that Mr. Padalino has done a great job in bringing the County's Zoning Ordinances into the 21st century. He added that he considered the Ordinance as a living document and the Board could tweak it over time. Mr. Yoder then noted that the Community Center definition allowed the Rockfish Valley Community Center to continue their service to the community with fundraising that was not specific to their principle projects. He added that most grant funds were dedicated and they could not spend it to pay staff etc. He noted that the revised definition would allow them, with the Board's approval, to have more outdoor events and festivals. He added that most were smaller than allowed and a 250 maximum attendance would be customary. He concluded by noting he appreciated the Board's consideration in approving this.

3. Robert Taylor, Afton

Mr. Taylor stated he has lived in the County for forty (40) years now and he has long thought that recreation and tourism was the ideal industry in the county. He added that it has been the most beneficial with the least impact. He added that he thought the Work Group had done an excellent job and had taken a lot into consideration in their efforts. He further noted that as an example, the County's vineyards, breweries, and distilleries, have had limited impact with great benefit.

4. Janet Lychock, Rockfish School Lane - Afton

Ms. Lychock noted that she lived near the Rockfish Valley Community Center (RVCC) and she was speaking as a resident there. She noted she was speaking against the loosening of

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restrictions as she was concerned about the noise generated by events at RVCC. She noted that they have held events that have gotten longer and louder. She noted that they were looking to rent outside spaces; which would mean residents would have to listen to random music, talking etc. that would reverberate due to the mountains and it would be impossible to violate the noise ordinance. She then noted that those running RVCC did not live in the neighborhood and she objected to any more signage at the intersection of Route 151 and Route 635. She concluded by stating that their rights should be protected when their quality of life and property values were affected.

5. John Huggard, Rhue Hollow Road – Roseland

Mr. Huggard noted he lived on Route 151 and Route 628 near Devil's Backbone Brewery and he added that several of his neighbors were present also. He noted that since the brewery had come in, the current ordinances were ignored and not enforced. He added that given this, the Board should not be expanding them. He then noted that his problems included huge lights that were on until 2 am or 3 am and loud applause for music until 2 am. He noted that a stream divided his property from Devil's Backbone and he routinely saw people relieving themselves in the stream or on their property. He noted another issue was that Port-o-johns sat out there for lengths of time. He then stated that the biggest problem was the traffic being tied up and sometimes it was backed up from Route 634 at Devil's Backbone all of the way up to the intersection with Route 250. He then reiterated if the County was going to ignore and not enforce its current regulations, it should not expand them. He then noted that the next thing that would happen would be a private nuisance lawsuit. He concluded by stating that they had been good neighbors and now the festivals were up to two (2) per year and it was to the point where it was negatively affecting them.

6. Allan Adell, Old Orchard Lane - Roseland

Mr. Adell stated he applauded the efforts going into this and the fact that it was protecting agricultural community events. He noted his concern was that the County was acquiescing to bringing in major festivals into residential areas. He added that this was a new culture and they needed to think about where Nelson County was going. He then noted that in the outdoor accessory use section, music was restricted at restaurants until 10 pm or 11 pm but was subject to the noise ordinance. He added that he has measured discussion at 60 decibels and the noise ordinance suggested that sound levels across property lines be zero. He suggested that noise directional apparatus be used to measure it.

He then noted that in Section 24-2-A, there was nothing stipulated there that required them to stay within the noise ordinance.

He then addressed the definitions of Categories, noting that all 3 categories had hours of operations listed. Sun-Wed until 11 pm and he thought that was outrageous. He noted that this was acquiescing to those who were getting greedy and residents were being squished. He reiterated that the durations allowed with no limitations was outrageous. He then noted that if there were multiple events held, it was no longer temporary and the charges for permits were outrageously low. He also noted concern that Section 24-3-D required a safety

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plan but there was no mention of requiring security; which was needed to protect surrounding residents.

He then noted that the definition of Outdoor Entertainment Venue was confusing and he questioned if it would allow Devil's Backbone to put buildings on A1 property; which if allowed was essentially a zoning change.

Mr. Adell concluded his remarks by reiterating that Category 1, 2, 3 Events did not have noise limits and he was concerned about who would enforce this, and there was no restriction of the number of events. He then encouraged the Board to make the restrictions stronger.

7. Ron Bush, Rhue Hollow Road - Roseland

Mr. Bush noted he has lived in Nellysford for fifteen (15) years now. He noted that the Glen Mary subdivision next to Devil's Backbone was beautifully laid out with million dollar homes but has seemingly failed. He added that Devil's Backbone owner Steve Crandall had showed him the plans for Devils Backbone and he had stated it would be a low impact shopping village. He noted that festivals and music with intoxicated campers was hardly low impact. He noted that he was opposed to this and was concerned about security there. He then noted that there were after hour's parties at the campground, they were negatively impacted by this, and should have some rights. He added that he did not understand how these SUPs come about with no notice to surrounding property owners.

8. Stu Mills, Executive Director Rockfish Valley Community Center (RVCC)

Mr. Mills noted that the most important thing to them in developing RVCC has been the struggle with the ability to generate operating revenue. He noted they have done this through memberships, the thrift store, short term leases, and fundraisers. He added that their ability to raise funds had plateaued and they were restricted by the current definition of Community Center. He noted they would like to be able to generate income to by using outside programming. Mr. Mills then stated they wanted to be good neighbors and had never received complaints because all events ended by 9 pm even on weekends. He then stated that they may want to extend this to 10 pm on weekends in the future. Mr. Mills noted that the community center sat a far distance from residential areas and they were sensitive that they would need to orient things to project sound away from them.

Mr. Mills then noted that the language related to sign-age was helpful to them and they were sensitive to concerns about this and have worked with the County and VDOT to incorporate regulations that engendered the VA byway standards and regulations. He added that they did use temporary event banners that were taken down after sixty (60) days. He noted they currently had a removable letter sign and have asked for directional sign-age outside the building that denoted what was where inside the building.

Mr. Mills then noted that their outdoor programs had averaged under 200 people and they had no desire to be larger than that; however they would like the ability to rent outdoor

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space to others to use. He noted that they understood that they had neighbors to honor and he appreciated the community's support over the past few years. Mr. Mills then concluded by noting that they wanted the Board's support to be able to expand their outdoor programming and hold temporary events without the current restrictions.

9. Billy Mason, Rhue Hollow Road - Roseland

Mr. Mason thanked the Board for the opportunity to speak. He noted he lived near Devil's Backbone and had experienced problems for the last six (6) years. He noted that his wife managed events in Northern Virginia and was acutely familiar with the hoops to go through with these. He noted that the Board had to be solution oriented and had to say that the Ordinance was a starting point and was not perfect; however he was opposed to it. He noted this was because the ordinance answered test world questions but not real world questions. He then questioned what the remedy was for neighbors who had to alter their life plans because of an event. He noted that every citizen had rights as much as commercial interests. Mr. Mason then noted that Devil's Backbone was anything but a low impact shopping village. He added that the traveled Route 151 every day and the intersection of Route 634 and Route 151 was an accident waiting to happen. He noted that there would be exponential growth in auto accidents and at a minimum, a roundabout should be put there.

10. Wisteria Johnson, Shipman

Ms. Johnson noted that it was obvious to her that Nelson needed to get ahead of the eight ball and needed a task force to work on this. She added that many concerns were being raised that needed to be addressed and if they did not, another culture and movement was afoot. She reiterated that listening to these public comments was telling her that an entity was needed to monitor the situation and the County must do something.

11. Joannie Saunders, Freshwater Cove - Lovington

Ms. Saunders noted that she had concerns with the LOCKN festival noise that was out of control. She added that the music went on until 1 am and 4 am and what was currently in place was not working. She added that she was not sure if she was in favor of the new ordinance or not; however she noted again that the current one was not working. She then stated she was all for people doing what they wanted with their property if it did not affect others. She noted she was concerned about her children when they cannot get out and thought that schools should be closed during the festival or they should have it when school was out.

12. Jennifer Huggard, Rhue Hollow Road – Roseland

Ms. Huggard noted that she appreciated the work done but she failed to see where the County was putting things in place that businesses had to do to protect homeowners. She added that these events had to be contained; they needed fences and berms etc. to keep people, lights, and noise on the event property. She added that business owners were not responsive to complaints and the County was not doing anything to regulate these events

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and rules were needed to protect homeowners. She noted she understood the benefits of the events; however the County should make them invest in protecting Nelson County and its residents and the proposed ordinance did not include anything that asked them to be a good neighbor.

13. Hank Thiess, Wintergreen Resort

Mr. Thiess asked to be included in the ordinance Work Group as he thought there could be some unintended implications and he would like to be included.

14. Robert Canody, Lovington

Mr. Canody noted he lived 2.5 miles from the Oak Ridge horse track and he was still in the sound cone from LOCKN. He noted that he has attended many concerts and has never been to a venue that has gone past 11 pm. He noted that the noise levels needed to be addressed and he did not think they had any measurements of the shell at LOCKN. He noted that he felt the vibrations from the music. In conclusion, he noted the proposed ordinance was a great start and more work needed to be done. He added that they must address the noise level and events did not need to go past 11 pm.

15. Heather Goodwin, Arrington

Ms. Goodwin noted that she could account for approximately seventeen (17) loopholes in the proposed ordinance. She added that she thought it was a problem that the system was already broken, was selectively enforced, and the Board was adding more that was open to interpretation. She then noted that the process was misunderstood by most and that currently, the event holder was allowed to adjust to complaints. She then stated she thought the Board should create a board for approval where events were presented, the community could share concerns, and it was determined if it could continue.

16. Michael Allenby, Festy (Festival)

Mr. Allenby apologized to neighbors for any incidents related to the Festy at Devil's Backbone and noted the event had been moved to LOCKN Farm. He noted that community events were important to him and he started the Festy to promote a certain lifestyle. He noted that the Festy has had a free Nelson County Day and this would continue. Mr. Allenby noted that events were complicated to coordinate and to evaluate their impacts. He then thanked the Board for considering those.

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

The Board and staff then had the following discussion:

Mr. Bruguiere stated that they needed to have a work session and take the recommendations of staff and the Work Group to work on. He noted he thought the ordinance was a work in progress and it would take time to work through all of the concerns. He then noted that

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many events were tourism generated and were an economic force in the County. He noted that these were needed; however they should comply with County regulations.

Mr. Harvey noted he was concerned that the proposed ordinance took the guts out of Zoning as the Residential R-1 district was supposed to be the safest zone in the County. He added that he thought they had a long way to go on this and he was glad to see that the other side had finally come out and spoken. He noted he thought that this same group of people had been absent from the Work Group. He added it should be reorganized so that the group was a mix in order to come up with something better.

Ms. Brennan noted that she had heard good comments from the public on the ordinance and she acknowledged it would not answer all of the questions raised. She added that some issues may be separate and not addressed in the ordinance. She noted she thought they should have a work session and decide where to go from there as more needed to be done. She added that the County needed to do something.

Mr. Harvey reiterated his position that it needed to be fixed before it was adopted.

Mr. Hale noted he was not convinced that any amount of work would solve all of the problems that temporary events engendered. He added he did not agree that members of the Work Group were there to protect their own necks and the current Ordinance had only one paragraph that dealt with temporary events.

Mr. Hale then noted that there was consensus to have a Board work session to see if the issues could be addressed. He added that the Board would not be adopting the presently proposed ordinance and they would revisit the whole subject.

Ms. Brennan then thanked staff and everyone that worked on it and noted their effort was appreciated. She added that it was the basis by which to move forward.

Mr. Saunders then noted that the Board had taken note of those who indicated they would like to be part of a committee.

C. **Disposition of Public Property**: Pursuant to §15.2-1800 of the Code of Virginia 1950 as amended; proposed disposition of County Property located at 393 Front Street, Lovingson, Virginia 22949, Tax Map #58-A-38a, known as the former Lovingson Healthcare Center.

Mr. Carter presented the following background information regarding the former Lovingson Healthcare Center. He noted that three (3) years ago staff became aware of Medical Facilities of America's (MFA) application for a Certificate of Public Need (COPN) to close the facility in Nelson and to move the nursing home beds to their new facility to be built in Albemarle County. He then noted that thereafter, County Staff intervened in the COPN process of approval and determined that the County could not block the application for the move of the beds out of Nelson County. The County then met with MFA and they proposed a settlement that if the County would not intervene, they would give the building to the County and pay the County \$10,000. He further noted that had transpired and since then

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two (2) studies had been commissioned in partnership with JABA to explore assisted living and dementia care, but to no avail. He then noted that Region Ten was the only for profit or nonprofit organization that had made a proposal to use the building and the only other discussion had been to retain the building for County Offices. He concluded by noting that State Code required a public hearing prior to the disposition of real public property to a non-governmental entity.

Ms. Brennan then noted that it was important to impart that MFA took away the ability to have a nursing home in the County when they moved the beds and the County was left with a building that could no longer be a nursing home. She added that the Board and staff have looked for two (2) years to find someone to do an assisted living facility and that has failed.

It was then clarified that the Board did not have to make a decision right now on what to do with the building.

There being no further discussion or questions, Mr. Hale opened the public hearing and the following persons were recognized:

1. Joe Lee McClellan, Lovington

Mr. McClellan noted he knew a realtor who specialized in commercial properties and on occasion he leased property and he would like to provide that name to the Board for follow up.

2. Wisteria Johnson, Shipman

Ms. Johnson asked the Board to consider moving all of the County offices into the building. She noted that centralizing things would make it easier for citizens and made a better impression on those wanting to move here. She added that it would be easier for those working for the County as it would enhance communication between offices. She noted that she had not seen the budget or costs of doing this, however she had seen the demonstration of innovation and creativity in Nelson.

3. Joe Williamson, Department of Social Services Board Chair

Mr. Williamson advised that the Department of Social Services (DSS) was inadequately housed in two (2) trailers that were supposed to be temporary. He noted that they were poorly constructed, inefficient, and should be temporary. He also noted that the Department was crowded, had no storage or room for another employee, and caseloads were growing. He reported that the Director has had to decline internships because of the lack of space and that could be free help. He noted that the DSS building also hosted Community Policy Management Team (CPMT) and Family Assessment and Planning Team (FAPT) meetings in very small spaces. Mr. Williamson further noted that the space was not conducive to privacy for those served, as the building was often used for court ordered meetings and supervised visits. He added that the building's physical layout was a concern when

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contentious parties met there. Mr. Williamson concluded by asking the Board to consider the immediate and projected needs of DSS in this matter.

4. Angela Rose, DSS Director

Ms. Rose advised that she has been employed with DSS since 1983 and has been housed in two (2) temporary buildings now. She noted she supported Mr. Williamson's comments. She added that as the Department's Director, she was constantly looking at the provision of their services and how best to provide those services. She noted that they were limited by the space and could not have forensic interviews there and could not have a child friendly room in which to interview young victims of abuse and neglect. Ms. Rose noted that Child Protective Services (CPS) was growing due to the growth in substance abuse in the county and she envisioned their services growing. She then asked the Board to consider moving their department to a permanent location.

5. Morgan Lanier, Region Ten

Mr. Lanier noted he lived in Nelson County and worked for Region Ten who proposed to purchase the building for an assisted living facility. He noted that he believed that made sense for the County and allowed them to bolster their services offered in the County. He then advised that he was there making an offer for Region Ten in a public setting. He advised that they had built out the third floor of their building and had moved some case workers up there and doctors would soon be moving in. Mr. Lanier then noted that their assisted living clients would be able to participate in the daily activities at Horizon's House. He added that Region Ten has been in assisted living before and has supervised residential care in Charlottesville. Mr. Lanier then advised that the facility would be for Region Ten clients with one wing being open for non-Region-Ten clients.

6. Sara Turner, Davis Creek

Ms. Turner proposed that the building be used to benefit all residents as a licensed day care facility including infant care. She suggested that the County maintain ownership of the building and lease it to a daycare provider that would offer a rate structure appropriate for the area. She noted that there were no licensed facilities in the county for infant care and after school care was limited and cost prohibitive. She added that having this could enhance County employment, recruitment, and retention and the after school care component could give High Schoolers experience in childcare. She noted that this would also allow movement of County departments into the building. She concluded by noting this was a necessity in the county and she thanked them for their consideration.

7. Heather Goodwin, Arrington

Ms. Goodwin noted that she has witnessed six (6) County-owned buildings being given away with good intentions. She noted that the Board presently had an opportunity to maintain the building and she was thrilled that Region Ten had made a proposal. She noted that if the proposal by Region Ten did not pan out, she would take two (2) of the previously

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proposed elements and put them together. She noted that children needed assistance and needed a good environment and they could provide DSS space and accommodate the current School Board who worked in the same element - with children. She added she did not see the building as an asset to be given away when the County rented buildings all over and tax dollars were going away. She concluded by stating the Board should use its available assets for the betterment of the community.

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

Ms. Brennan noted that she thought they should study the matter a little more and it was clear they could not have an assisted living facility; however they may be able to compromise. She added that there were many needs to be looked at and the aspects of costs related to benefit.

Mr. Saunders noted that the County was paying over \$120,000 in rent if they counted the full rent that the Health Department paid at Blue Ridge Medical Center and if the County borrowed \$2.0 Million dollars at 2.9%, the annual debt would be approximately \$131,000.

It was noted that the Building Inspections office was for sale and if it sold, they would have to move. Supervisors added that DSS was in need of repair and expansion and it was not the best time to incur debt, but they had to decide and these were the facts.

Mr. Hale asked for clarification on the rent amounts and it was noted that the local share of the Health Department was \$25,500 and it would be more if the State portion was included. Mr. Saunders then noted that Blue Ridge Medical Center may not renew the lease with the Health Department because they may need the space.

Mr. Bruguire noted that hearing the public comments had made the decision more complicated. He noted that he has heard many residents complain that the County lost the nursing home and they could not get to Charlottesville. He added that most of the former workers, for whatever reason, did not have a job now and that was unfortunate. He then added that he thought the School Board had enough space. Mr. Harvey then noted that the point regarding the School Board was that common elements could be put together.

Mr. Bruguire stated that he thought the County was better off selling the building to Region Ten and building another building on property the County already owned. He added that a prime example of overspent money was the new courthouse building.

Mr. Harvey noted he would be more in favor of tearing the building down and rebuilding it because it was a nice piece of property.

Ms. Brennan noted she would like to create jobs for citizens.

Mr. Saunders noted the County would need to have a new or expanded library at some point and if the building were sold, the taxes would only be \$15,000.

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Mr. Hale then noted that he was concerned about the County spending money for holding County staff and he thought the opportunity with Region Ten needed to be carefully considered. He noted that they also needed to evaluate the property adjoining the current courthouse. He noted that the whole courthouse complex was \$9 Million and the current project was \$4-5 Million just to add space for County staff.

He then conclude the matter by noting that the Board needed to consider options not previously considered and they may need to call in a consultant to assess it before making a decision.

D. Ordinance O2016-05 Addition to Greenfield AFD: Pursuant to Chapter 9 “Planning and Development,” Article V, “Agricultural and Forestal Districts” of the Code of Nelson County; proposed Ordinance includes application #2016-01, M. Chanin, requesting voluntary expansion of the existing Greenfield AFD by 13.88 total acres, Tax Map Parcel #13-10-1 & #13-10-3 (zoned A-1). **(O2016-05)**

Mr. Hale introduced the item for consideration and then turned the presentation over to Mr. Padalino.

Mr. Padalino reiterated the request of the application to expand the existing Greenfield Ag Forestal District with the addition of two (2) parcels of 13.88 total acres, Tax Map Parcels #13-10-1 and #13-10-3 zoned A-1. He then noted the parcels’ location on the county map and then zoomed in to their location on Greenfield Road. He noted that the addition of these parcels would fill in interior gaps of the existing district. He then noted that the application was received and then referred to the Ag Forestal District Advisory Committee who recommended approval and forwarded it to the Planning Commission. He noted the Planning Commission held a public hearing, there were no comments, and they recommended approval.

There were no questions for Mr. Padalino and Mr. Hale opened the public hearing. There being no persons wishing to be recognized, the public hearing was closed.

Ms. Brennan then moved to approve Ordinance **O2016-05**, Amendment of the Code of Nelson County, Virginia, Chapter 9 Planning and Development, Article V, Agricultural and Forestal Districts, Expansion of the Greenfield Ag Forestal District.

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

ORDINANCE O2016-05
NELSON COUNTY BOARD OF SUPERVISORS
AMENDMENT OF THE CODE OF NELSON COUNTY, VIRGINIA
CHAPTER 9 “PLANNING AND DEVELOPMENT,” ARTICLE V,
“AGRICULTURAL AND FORESTAL DISTRICTS”

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EXPANSION OF THE GREENFIELD AGRICULTURAL AND FORESTAL DISTRICT

WHEREAS, Mr. Marc Chanin has filed application #2016-01 to expand the Greenfield Agricultural and Forestal District centered along Greenfield Road (Rte. 635) near Shannon Farm Lane (Rte. 843), roughly following the route of the North Fork of the Rockfish River starting near the intersection of Rte. 151 and Pounding Branch Road (Rte. 709), extending due south in a nearly continuous swath for approximately 5.1 miles, and ending just south of the river's North/South Fork confluence (near the intersection of Rte. 6 and Hill Hollow Road/Rte. 810) and extending NW and SE to include properties flanking Rte. 633 (Blundell Hollow and Taylor Creek Roads) for a total addition of **13.88** acres; and

WHEREAS, the new parcels to be added to Greenfield Agricultural and Forestal District are as follows:

Parcel #13-10-1- 2.43 acres zoned A-1
Parcel #13-10-3- 11.45 acres zoned A-1, and

WHEREAS, the property owner voluntarily agreed to subject their property to the requirements stated in Section 9-202 of the Code of Nelson County and in addition, the following conditions will also apply:

- a. No parcel within the District shall be developed to a use more intensive than that existing on the date of creation of the district, other than uses resulting in more intensive agricultural or forestal production;
- b. Parcels of land within the District may only be subdivided by purchase or gift to immediate family members. However, subdivided parcels shall remain in the District for at least until the time of the next scheduled District renewal; and
- c. Parcels of land within the District may be sold in their entirety to a non-family member during the term of the District. However, the parcel under new ownership shall remain in the District at least until the time of the next scheduled District renewal; and
- d. Membership in this AFD does not preclude building a home on land on which no structure exists, or construction of guest house, garage, workshop, barn or similar auxiliary structure as allowed by County Regulations.
- e. The period before first review is four (4) years; and

WHEREAS, all procedural matters have been completed pursuant to §15.2-4300 et seq. of the Code of Virginia, 1950 as amended and pursuant Article V, Agricultural and Forestal Districts of the Code of Nelson County; and

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WHEREAS, after reviewing the Planning Department’s report, the Agricultural and Forestal Districts Advisory Committee’s recommendation, and considering the comments from the public received at its public hearing held on **July 27, 2016** it is the Board’s finding that there are significant agricultural and forestal lands within the proposed expanded Districts and the newly proposed District and that they meet the requirements for such designation;

NOW THEREFORE BE IT ORDAINED, by the Nelson County Board of Supervisors that the Code of Nelson County, Chapter 9 “Planning and Development,” Article V, “Agricultural and Forestal Districts” be amended to expand the Greenfield Agricultural and Forestal District as proposed with the conditions (restrictions) as stated in the application; which each property owner voluntarily agreed to place on his and/or her property; and

BE IT FURTHER ORDAINED, by the Nelson County Board of Supervisors that this Ordinance becomes effective upon adoption.

E. Ordinance O2016-06 Unclaimed Property Held by the Sheriff:
Pursuant to §15.2-1719, §15.2-1720, and §15.2-1721 of the Code of Virginia, 1950, as amended, proposed Ordinance provides for the disposition of unclaimed property held by the Sheriff. **(O2016-06)**

Mr. Carter noted that the Ordinance provided for the disposition of unclaimed property acquired by the Sheriff’s Department inclusive of personal property, bikes, mopeds, electric assisted mobility devices, and firearms or other weapons. He noted that the issue presented by the Sheriff was that the department had acquired property, they have had a difficult time disposing of it, and it has accumulated taking up storage space. He noted the Ordinance would give them a process by which to be able to dispose of this property.

There being no questions for Mr. Carter, Mr. Hale opened the public hearing. There being no persons wishing to be recognized, the public hearing was closed.

Mr. Bruguere then clarified that the Ordinance allowed for the disposal of unclaimed property and Ms. Brennan added that it mirrored the State Code language.

Mr. Bruguere then moved to approve Ordinance **O2016-06**, Disposition of Unclaimed Property Held by the Sheriff and Ms. Brennan seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion and the following Ordinance was adopted:

ORDINANCE O2016-06
NELSON COUNTY BOARD OF SUPERVISORS
DISPOSITION OF UNCLAIMED PROPERTY HELD BY THE SHERIFF

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BE IT ORDAINED, pursuant to the Code of Virginia §§ 15.2-1719, 15.2-1720, and 15.2-1721, that the Nelson County Board of Supervisors does hereby amend the Code of Nelson County, Virginia 1950 as amended; as follows:

County Unclaimed property ordinance

Sec. _____. Unclaimed Personal Property Held by the Sheriff.

(a) Disposition of Certain Unclaimed Personal Property.

(1) In connection with unclaimed personal property held by the sheriff, other than personal property disposed of pursuant to subsections (b) and (c) of this ordinance, the sheriff is authorized to either (i) conduct a public sale in accordance with the provisions of this section or (ii) retain for use by the sheriff's department any such unclaimed personal property which has been in the possession of its law-enforcement agencies and unclaimed for a period of more than 60 days, after payment of a reasonable storage fee to the sheriff or other agency storing such property. No storage fee shall be charged or accounted for if such property has been stored by and is to be retained by the sheriff's office or other law-enforcement agency. As used herein, "unclaimed personal property" shall be any personal property belonging to another which has been acquired by a law-enforcement officer pursuant to his duties, which is not needed in any criminal prosecution, which has not been claimed by its rightful owner, and which the State Treasurer has indicated will be declined if remitted under the Uniform Disposition of Unclaimed Property Act (Va. Code § 55-210.1 *et seq.*).

(2) Prior to the sale or retention for use by the law-enforcement agency of any unclaimed item, the sheriff or his duly authorized agents shall make reasonable attempts to notify the rightful owner of the property, obtain from the attorney for the Commonwealth in writing a statement advising that the item is not needed in any criminal prosecution, and cause to be published in a newspaper of general circulation in Nelson County once a week for two successive weeks, notice that there will be a public display and sale of unclaimed personal property. Such property, including property selected for retention by the law-enforcement agency, shall be described generally in the notice, together with the date, time and place of the sale and shall be made available for public viewing at the sale. The sheriff or his duly authorized agents shall pay from the proceeds of sale the costs of advertisement, removal, storage, investigation as to ownership and liens, and notice of sale. The balance of the funds shall be held by such officer for the owner and paid to the owner upon satisfactory proof of ownership. Any unclaimed item retained for use by the law-enforcement agency shall become the property of the County served by the agency and shall be retained only if, in the opinion of the chief law-enforcement officer, there is a legitimate use for the property by the agency and that retention of the item is a more economical alternative than purchase of a similar or equivalent item.

(3) If no claim has been made by the owner for the property or proceeds of such sale within 60 days of the sale, the remaining funds shall be deposited in the general fund of the

County and the retained property may be placed into use by the law-enforcement agency. Any such owner shall be entitled to apply to the County within three years from the date of the sale and, if timely application is made therefor and satisfactory proof of ownership of the funds or property is made, the County shall pay the remaining proceeds of the sale or return the property to the owner without interest or other charges or compensation. No claim shall be made nor any suit, action or proceeding be instituted for the recovery of such funds or property after three years from the date of the sale.

(b) Optional Disposition of Unclaimed Bicycles, Electric Power-Assisted Bicycles, Mopeds, and Electric Personal Assistive Mobility Devices.

(1) The sheriff is authorized to provide for the public sale or donation to a charitable organization of any bicycle, electric personal assistive mobility device, electric power-assisted bicycle, or moped that has been in the possession of the sheriff's department, unclaimed, for more than thirty days. The procedures for sale shall be the same as provided in Subsection (a) above.

(2) Any bicycle, electric personal assistive mobility device, electric power-assisted bicycle, or moped found and delivered to the sheriff's department by a private person that thereafter remains unclaimed for thirty days after the final date of publication as required herein may be given to the finder; however, the location and description of the bicycle, electric personal assistive mobility device, electric power-assisted bicycle, or moped shall be published at least once a week for two successive weeks in a newspaper of general circulation within the County. In addition, if there is a license, tag, or adhesive license decal affixed to the bicycle, electric personal assistive mobility device, or electric power-assisted bicycle, or moped, the record owner shall be notified directly.

(c) Optional Disposal of Unclaimed Firearms or Other Weapons in Possession of the Sheriff.

(1) The sheriff may elect to destroy unclaimed firearms and other weapons which have been in the possession of law-enforcement agencies for a period of more than 120 days. For the purposes of this section, "unclaimed firearms and other weapons" means any firearm or other weapon belonging to another which has been acquired by a law-enforcement officer pursuant to his duties, which is not needed in any criminal prosecution, which has not been claimed by its rightful owner and which the State Treasurer has indicated will be declined if remitted under the Uniform Disposition of Unclaimed Property Act (Va. Code § 55-210.1 *et seq.*).

(2) At the discretion of the sheriff, or his duly authorized agents, unclaimed firearms and other weapons may be destroyed by any means which renders the firearms and other weapons permanently inoperable. Prior to the destruction of such firearms and other weapons, the sheriff, or his duly authorized agents shall comply with the notice provision contained in subsection (a) above.

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(3) In lieu of destroying any such unclaimed firearm, the County may donate the firearm to the Department of Forensic Science, upon agreement of the Department.

State law reference--Virginia Code §§ 15.2-1719, 15.2-1720, and 15.2-1721.

BE IT FURTHER ORDAINED, by the Nelson County Board of Supervisors that this Ordinance becomes effective upon adoption.

IV. Other Business (As May Be Presented)

There was no other business considered by the Board.

V. Adjournment

At 9:40 PM, Mr. Harvey moved to adjourn the meeting. There was no recorded second and Supervisors voted unanimously by voice vote to approve the motion and the meeting adjourned.

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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: Allen M. Hale, East District Supervisor – Chair
Constance Brennan, Central District Supervisor
Thomas H. Bruguere, Jr. West District Supervisor
Larry D. Saunders, South District Supervisor
Thomas D. Harvey, North District Supervisor – Vice Chair
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
Kevin Wright, Animal Control Supervisor

Absent: None

I. Call to Order

Mr. Hale called the meeting to order at 2:05 PM, with all Supervisors present to establish a quorum.

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

II. Resolution Honoring the Public Service of the Late Clifford E. Wood (R2016-64)

Mr. Hale introduced the item and Mr. Bruguere moved to approve resolution **R2016-64** Resolution Recognizing the Public Service of the Late Clifford Ewell Wood and Mr. Harvey seconded the motion. Mr. Bruguere then read the resolution aloud.

Following the reading of the resolution, Supervisors voted unanimously (5-0) by roll call vote to approve the motion and the following resolution was adopted:

**RESOLUTION R2016-64
NELSON COUNTY BOARD OF SUPERVISORS
RESOLUTION RECOGNIZING THE PUBLIC SERVICE
OF THE LATE CLIFFORD EWELL WOOD**

WHEREAS, Mr. Clifford Ewell Wood, Nelson County native and community servant, has recently passed at the age of 89; and

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WHEREAS, Mr. Wood's extensive community service included organizing and serving as the first President of the Nelson County Farm Bureau in 1956, teaching Vocational Agriculture at Nelson County High School from 1960-1962, and serving on the Nelson County Board of Supervisors from 1968-1971 when he was named Civil Defense Director; overseeing rescue and recovery efforts during Hurricane Camille in 1969; and

WHEREAS, Mr. Wood also served the community by bringing public library services to the County in 1972, serving on the Board of Directors of Blue Ridge Medical Center in its early years, and being a wealth of local history knowledge as a member of the Nelson County Historical Society; and

WHEREAS, Mr. Wood not only served his Nelson County Community; but also his Country as a Veteran of World War II, serving in the US Army for two years and again in Korea from 1950-1951 and co-establishing the Nelson County Katrina Fund – raising \$78,000 for the Mennonite Disaster Service to aid in post Hurricane Katrina restoration efforts; and

WHEREAS, it is fitting and proper that the Nelson County Board of Supervisors recognizes the outstanding and extensive community service of the late Mr. Clifford Ewell Wood who was a pillar of the community and a great asset to Nelson County who delighted in being an avid historian and storyteller,

NOW, THEREFORE, BE IT RESOLVED, that the Nelson County Board of Supervisors does hereby commend and celebrate the many exceptional public service contributions of former Board of Supervisors member, Mr. Clifford Ewell Wood.

Mr. Hale then noted that he had discussed with staff the framing of a photograph of Mr. Wood to be hung in a place to be determined. Mr. Carter suggested that the Board consider placing those photos along the corridor leading up to the new County Administration offices where the public would see them.

Mr. Harvey added that he would like to see a picture of Mr. Wood doing something as well as a portrait; similar to the one of Mr. Harris. Mr. Carter advised that Mr. and Mrs. Raup were still looking at other photos. Mr. Harvey suggested a picture of him doing something during Hurricane Camille and he supposed that there could be a picture of him in Torn Land.

III. Consent Agenda

Mr. Hale noted each of the items on the consent agenda. Ms. Brennan then moved to approve resolution **R2016-66** October is Domestic Violence Awareness Month and read the resolution aloud. Mr. Saunders seconded the motion and Mr. Hale asked for a motion on the approval of the consent agenda.

Ms. Brennan then withdrew her previous motion and moved to approve the consent agenda as presented and Mr. Saunders seconded the motion. There being no further discussion,

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Supervisors voted unanimously (5-0) by roll call vote to approve the motion and the following resolutions were adopted:

A. Resolution – **R2016-65** FY17 Budget Amendment

**RESOLUTION R2016-65
NELSON COUNTY BOARD OF SUPERVISORS
AMENDMENT OF FISCAL YEAR 2016-2017 BUDGET
NELSON COUNTY, VA
October 11, 2016**

BE IT RESOLVED, by the Board of Supervisors of Nelson County that the Fiscal Year 2016-2017 Budget be hereby amended as follows:

I. Transfer of Funds (General Fund)

<u>Amount</u>	<u>Revenue Account</u>	<u>Expenditure Account</u>
\$5,000.00	4-100-999000-9901	4-106-091030-5700

B. Resolution – **R2016-66** October is Domestic Violence Awareness Month

**RESOLUTION R2016-66
NELSON COUNTY BOARD OF SUPERVISORS
OCTOBER IS DOMESTIC VIOLENCE AWARENESS MONTH**

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, 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 and the Nelson County Domestic Violence Task Force have led the way in the County of Nelson in addressing domestic violence by providing services to victims/survivors and their families, offering support and information, and empowering survivors to chart their own course for healing; and

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WHEREAS, the Shelter for Help in Emergency commemorates its 37^h year of providing unparalleled services to women, children and men who have been victimized by domestic violence, and

WHEREAS, the Nelson County Domestic Violence Task Force currently provides victim advocates and a support group for those seeking relief from domestic violence in Nelson County;

NOW THEREFORE, BE IT RESOLVED, in recognition of the important work being done by the Shelter for Help in Emergency and the Nelson County Domestic Violence Task Force, the Nelson County Board of Supervisors do hereby proclaim the month of October 2016 as DOMESTIC VIOLENCE AWARENESS MONTH, and urge all citizens to actively participate in the scheduled activities and programs sponsored by these organizations, and to work toward the elimination of personal and institutional violence against women, children and men.

IV. Public Comments and Presentations

A. Public Comments

1. Charlie Wineberg, Afton

Mr. Wineberg asked VDOT about where he could find plans on improving the intersection of Route 151 and Route 250. He noted it was getting worse and worse on weekends.

Mr. Wineberg encouraged the Board to look at the Floodplain Ordinance and he noted he was in favor of expanding the floodplain where necessary.

Mr. Wineberg then noted that he thought the Festy did a great job in emergency preparedness.

Mr. Wineberg then questioned whether or not the LOCKN Festival revenues would be for 2016 or 2017 and Mr. Carter noted that they would be for the 2016 festival; however, they were included in fiscal year 2017.

2. Beth Cunningham, Victim Witness Advocate

Ms. Cunningham thanked the Board for recognizing October as Domestic Violence Awareness Month and invited the Board to a vigil to be held at 7pm on October 12, 2016. She noted that it was being held in conjunction with YWCA, SHE, and the Nelson County Domestic Violence Task Force. She added that it would also be covered by the NC Times.

B. Presentation – Commissioner of Revenue (P. Campbell)

Ms. Pam Campbell, Commissioner of Revenue addressed the Board. She noted that her biggest concern was the Land Use Taxation program because they were having more visual

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inspections done. She noted having spoken to other surrounding localities and Nelson was the only one that was doing them. She advised that new properties and ones that have changed in acreage were looked at; however there were some properties that had not been re-inspected since the 1970's. She noted that she would like to improve upon that; however, she did not have people to check on these annually.

Mr. Hale noted he was in favor of the program and that forested tracts were easy to verify by GIS or Google Earth.

Ms. Campbell then recommended that the Land Use Committee do fall inspections. Mr. Bruguire asked if she was able to pull the properties up and preview them and Ms. Campbell noted she could. She added that currently there may be property that was farmed, was sold and was no longer being farmed that would not come up for inspection unless it had to be re-validated. She noted there was no way for them to know if the use had changed without an inspection. She then noted that re-validation occurred every six (6) years and was basically a rubber stamp.

Mr. Harvey asked if this could be looked at by the re-assessors and Mr. Carter noted that was not included in the RFP; however he could speak to them about that. Ms. Campbell supposed that some may be able to do it based on their knowledge of the properties.

Mr. Hale supposed a new owner of former farmland could say they had not had time to get going. Mr. Saunders then suggested that a new owner should have to re-apply when property in the program was sold. Ms. Campbell noted that it had not been done that way; however it could be changed. It was suggested that Staff look at the Code to see if it was spelled out there. Mr. Saunders reiterated that he thought at least a new land use application should be done when property changed hands.

Mr. Bruguire noted that he was aware that in western counties, forested districts had to submit a Forest Management Plan to get land use taxation. Ms. Campbell noted that was supposed to be the case in Nelson also. Mr. Bruguire then noted that there was some clear cut land that was not being replanted and there was no plan for regrowth.

Ms. Campbell then noted that the land use taxation program was a good one if used as intended.

Ms. Brennan noted that she had brought up the subject of the need for forest management plans and she thanked Mr. Bruguire for bringing it up again.

Ms. Campbell then advised the Board that she was unaware of who any of the vendors were at the Festy that weekend and she was supposed to have been provided a list. She added that she had gotten the LOCKN festival results the previous week. Mr. Saunders asked if this could be tied to their event permit and Mr. Hale agreed that this information should be provided before a permit was issued. Mr. Carter advised that the County could withhold the issuance of permits until they provided a list of all of the vendors. Ms. Campbell noted that

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the LOCKN total sales numbers were received the previous week; however she was supposed to have gotten it the Friday following the end of the festival.

Ms. Brennan asked if this would apply to other festivals and the Board's consensus was that it should. Mr. Carter noted that food vendors were also at Hoopla at Devil's Backbone the previous week. Mr. Hale supposed that the local vendors were already signed up and Mr. Carter noted that many were out of county vendors.

Ms. Brennan then asked if this applied to the Farmer's Market and Mr. Carter noted that some of those were from out of the county. Mr. Bruguere advised that the honor system was used there and the Farmers' Market collected the sales taxes and remitted it. Ms. Campbell noted she did not receive any meals tax from them; however if they were selling prepared food such a sandwiches that were eaten there, they would be responsible for meals tax. It was noted there were not that many doing that if any. Ms. Campbell noted that beverages were another question; was meals tax to be collected on drinks. Mr. Carter recommended she get guidance on that from Mr. Payne and it would be her decision. He then advised her to submit a list of questions and he or she could consult Mr. Payne.

Mr. Saunders thanked Ms. Campbell for her report and noted that taxes of \$81,279 had been received from LOCKN. He then noted it would be helpful to get a list of new businesses in her monthly report. Ms. Brennan then asked if she would also spell out the acronyms as well.

Ms. Campbell then inquired about her working relationship with the Board; noting that she had emailed them regarding some things in between meetings with no response. She was then advised that if she wanted to speak to a Supervisor of a particular district, that was fine; however any consensus or decision needed to be in public.

Mr. Harvey inquired about the meals tax recovery status of Oceanwide Seafood. Ms. Campbell reported that the previous owner had made a payment and was supposed to send in something monthly. She noted that as long as that occurred, it would stay out of court. She noted that the new owner was getting the lease signed over and was waiting for LOCKN to pay him, so he could pay the County. Mr. Carter advised that the restaurant was still conducting business.

Mr. Carter then advised that she could speak to Mr. Payne regarding criminal charges and Mr. Bruguere supposed that was true because of the dollar value however he did not think it should be criminal. He stated that he thought the County should go after them, it was not fair, and was more of a fraud charge. Ms. Campbell noted she had served warrants on the two owners and she added that the State was also after them.

C. VDOT Report

Mr. Don Austin gave the following report:

- Wheelers Cove Road rural rustic should be finished up the next week.

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- VDOT was using Safety funds to widen Tan Yard Rd. and that may be started in November. If not, it would be done next spring.
- Dark Hollow Rd. should be opened up the following week barring more rain. He noted that the Seamans were currently able to use it for the orchard. Mr. Bruguire inquired about replacement cost and Mr. Austin noted he would report back on that. He noted that since the pipe was anchored, the hope was it would stay if the road washed out again.
- The Culpeper district was working on the Route 151 and Route 250 intersection. He noted that the speed limit had been reduced to 45 mph approaching Route 250 from Route 151.

Mr. Saunders noted that at the TJPDC meeting a roundabout at that location had been discussed with no timeframe noted. It was noted that the grade coming down the mountain there was a factor. Mr. Harvey stated that Nelson should be involved in the discussion and Mr. Austin noted that the Lynchburg District was involved. Mr. Harvey added that the two districts should be able to pool funds to enhance the solution more. Mr. Austin advised that it was a primary route and the two districts were working together on it. He noted that the appropriate solution was the problem more than the funding.

Ms. Brennan noted that Anne Mallek, of Albemarle had advised her that they would be putting in a temporary light there sometime that winter. Mr. Austin noted he would update the Board in November and that there should be some kind of information meeting on it organized by the Culpeper District. Mr. Harvey noted that on weekends traffic was backed up way past the 45 mph sign.

Mr. Bruguire then inquired about the paving at Montebello and Mr. Austin noted that he thought that was finished.

Mr. Saunders thanked them for cutting the dead trees on Wilson Hill Road.

V. New Business/ Unfinished Business

A. Authorization to Award & Execute Contract for 2018 Real Property Reassessment (R2016-67)

Mr. Carter advised that County staff had interviewed two (2) firms, Wampler Eanes and Pearson Appraisal to conduct the 2018 real property reassessment. He noted that the interview committee consisted of himself, Ms. McGarry, Ms. McCann, and Ms. Campbell and a scoring matrix was used to evaluate the firms. He added that each had provided a cost proposal with a slight difference in their per parcel price. Mr. Carter noted that the committee felt that Pearson Appraisal did not line up with Wampler Eanes on the inclusion of clerical work in their cost. He added that Wampler Eanes had significant ProVal experience and their previous work experience in the County was weighted heavily. Mr. Carter also noted that Wampler Eanes proposed to look at every property and Pearson

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proposed a drive by method noting any changes. He added that Pearson offered that they would look at every property if they were asked to.

Mr. Carter then noted the Committee's recommendation to award Wampler Eanes the contract for a not to exceed cost of \$299,000.

Mr. Harvey noted that Wampler Eanes had completed the second round of the most recent reassessment and that the Board had been pleased with their work. Mr. Carter agreed and noted that both firms would be able to begin as soon as possible.

Mr. Hale then inquired as to how this cost proposal compared to the previous and Mr. Carter noted it was slightly less. He added that they would use their own staff for the clerical work which worked better than if the County did it. He noted that the old Finance Office would house the reassessment staff.

Ms. Brennan moved to approve resolution **R2016-67** Authorization to Award and Execute 2018 Reassessment Contract and Mr. Bruguire seconded the motion.

Mr. Bruguire then asked about having them check on land use and if that would be an extra cost. Mr. Carter noted he could check with them and see and it was possible that the property card's they would have in the field would show if the property was in Land Use. He added that in the past, they had been amenable to doing other work for the County. Ms. Brennan asked if there was any ability to appeal and it was noted that the designation was the Commissioner of Revenue's decision and they would advise the assessors that a certain parcel be checked. Mr. Bruguire noted that could save legwork on the County's part and Mr. Hale agreed that this should be pursued adding that the Commissioner could flag those parcels that needed to be looked at. Mr. Bruguire added that the Board may have to approve more money for the Land Use Committee to perform extra work.

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

RESOLUTION-R2016-67
NELSON COUNTY BOARD OF SUPERVISORS
AUTHORIZATION TO AWARD AND EXECUTE
2018 REASSESSMENT CONTRACT

BE IT RESOLVED, by the Nelson County Board of Supervisors that the County Administrator is hereby authorized to award and execute a contract with Wampler Eanes Appraisal Group Ltd. in the amount of \$16.35 per parcel, not to exceed a total of \$299,000.00, to conduct the 2018 general reassessment of real property.

VI. Reports, Appointments, Directives, and Correspondence

A. Reports

1. County Administrator's Report

1. Courthouse Project Phase II: The project is proceeding well. County Administration, Finance & HR and Information Systems staffs are scheduled to relocate to the reconstructed, second floor, 1940s addition to the Courthouse on 10-28. Over the ensuing two weeks from 10-18, County Maintenance staff will update the former County Administration office suite for occupancy by the Commissioner of Revenue on 11-14 (approximate). These transitions provide for the expansion of the Clerk of the Circuit Court's offices, re-construction of which is also in process. The overall project is proceeding well. The concern expressed by staff on 9-13 regarding the project's schedule and cost has seemingly been resolved, per Jamerson-Lewis, but a revised changer order proposal (COP) is pending receipt to provide for confirmation of this. The ensuing OAC Project Progress Meeting is scheduled for 10-26 at 1 p.m. The most recent project report from Architectural Partners (J. Vernon) is attached hereto.

Mr. Carter noted that the former Administration office would be repainted, shelving would be removed, and it would be freshened up with new furnishings for the Commissioner's office.

2. Broadband: **A) Expansion Project** – CCTS will begin construction of Phase 3 (the project's final phase) on 10-10. Less than one month is anticipated for completion of Phase 3 and, thereby, the overall project. **B) Broadband Planning Project** – The NCBA Board conducted a work session on 10-6 with County staff and the project's consultant, Design Nine (Dr. A. Cohill). One outcome from the session included working towards a final County build out plan and plan of finance with the Authority Board and Board of Supervisors to then determine next steps. Other outcomes included approvals to advertise revised network rate structures and to issue an RFP for Network Operation services. The Authority also briefly discussed the CVEC RFI but agreed that the scope of the Cooperative's proposal may be well beyond the ability of NCBA. **C. Network Customer Status:** 220 Current Service Connections, 47 Service Connections in process of being completed and 32 Service Connections in development. Assuming the in process and development connections are realized, the network will soon have 299 service connections (with additional interest being received each week for follow up by either the network's ISPs, WISP or by County staff.

Mr. Harvey noted knowledge of 24 other connections not noted in the report.

3. BR Tunnel Project: Final plans and specifications for the project's completion have been submitted to VDOT for review and approval. A new issue that will likely have to be addressed is the completion of a Conservation Plan required by the Department of Game and Inland Fisheries to address the listing of two bat species on the state and federal endangered species list. If required, the Conservation Plan will likely have Time of Year restrictions for construction, and, possibly, access to the Tunnel once it is opened as an outdoor trail.

Mr. Carter advised that the Conservation Plan could delay the project by 6 months or more. Mr. Hale urged staff to continue to move forward in terms of getting the project bid. Mr. Carter noted that the County was waiting on VDOT. Mr. Hale then noted that the

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Conservation Plan was straightforward and that they should begin construction work in the spring when the bats were gone. He added that this should be a primary objective and it would be a problem if it did not get started in spring.

Mr. Hale then noted that in the long run, what was done with the tunnel would enhance the bat habitat because they would be able to utilize the whole interior of the tunnel.

Mr. Carter advised that he would contact Woolpert and would coordinate with Mr. Hale. He noted being aware of the time of year restriction; however the plan just came forward. He added that the plan was required by the Department of Game and Inland Fisheries and would delay the project moving forward until the plan was done.

Mr. Carter noted that there were three bat species of concern: the large brown bat, the little brown bat, and the tri-colored bat. He added that Greg Reynolds was the plan contact and that the crisis facing the bats was not due to reductions in habitat but rather the white nose disease.

Mr. Carter added that the DGIF had identified 100 different hibernacula areas where the bats hibernated and one was the tunnel. Mr. Hale added that the bats did not bother the public at all; they hibernated and were gone in summer.

4. Region 2000 Service(s) Authority: The Authority's strategic planning project has recently completed two public informational meetings and a public forum. The project work group (consisting of representatives from each member jurisdiction, R2KSA staff and staff of Draper Aden Associates, the project's consultant) continues to meet each week and work through a significant set of goals and objectives. Completion of the overall project is TDB in 2017.

5. Radio Project: Motorola, Inc.: County staff have completed the contract with Motorola, Inc. to equip, test and incorporate the local government tower located at the Rockfish VFD in Afton into the overall public radio network. The contract cost is \$570,231.68, which included an initial discount of \$29,500 and, as facilitated by County staff, an additional discount of \$35,000. The project is scheduled for completion in August 2017.

The status of delivery and installation of the Digital Vehicle Repeater Systems is that the DVRs are pending delivery.

6. 2016 Lockn' Festival: County staff completed a post festival review on 9-29 at the Oak Ridge Carriage House. Attendees included representatives of VA State Police, VDOT, VDH, Nelson County, Nelson County Sheriff's Department and Lockn Festival. The inputs from each agency during the meeting were very positive with respect to the conduct of the 2016 Festival and provided for concurrence that the 2017 Festival should be similarly planned and conducted. Mr. Frey from Lockn Festival advised that Lockn representatives would be meeting with the communities adjacent to the Festival's location to confer with

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property owners on any concerns, recommendations, etc. they may have to provide for further enhancement of the Festival and its objective of being a good neighbor.

Additionally, projected financial outcomes (local government tax revenues only) from the 2017 Festival were: \$35,295.92 (Meals Tax) and \$45,984.27 (Lodging Tax) for a total of \$81,280.19. The local option 1% sales tax amount is pending a determination.

Mr. Carter confirmed that the monies reported were in hand. Mr. Saunders inquired as to who paid for the use of County Deputies and vehicles at LOCKN and Mr. Carter noted that LOCKN had paid for them. He added that it was decided that those details needed to be handled between the Sheriff's Department and LOCKN. He reported that the County had been paid for use of the vehicles and the Sheriff's Department would issue 1099 forms to the officers working the festival.

7. Maintenance Facility: Contractual services have been completed for installation of new HVAC and electrical systems at the facility. Due to a 6 – 8 week order and delivery date for the HVAC equipment, completion of this work will extend to the end of the year. The electrical installations (is in process) will be completed by the end of November (probably sooner) . Costs include: \$28,501 for HVAC and \$7,800 for Electrical Service (436,301 in total).

Mr. Carter noted that the County had contracted with Maddox for HVAC work and Casey Smith to do the electrical work. He added that the temporary electrical parts from the Courthouse project would be reused and that would save money.

Staff and Supervisors discussed building a shed to cover the bucket truck in order to keep it out of the sunlight. Mr. Harvey noted he thought the bucket arm could be lowered enough for it to fit into the building. Mr. Carter noted he would discuss that with Paul Truslow.

8. 2018 General Reassessment: See 10-11-16 agenda for complete report and recommendation to retain Wampler-Eanes Appraisal Group, Ltd.

9. Personnel: **Anna Birkner** has accepted an Executive Assistant's position with VDOT's Lynchburg District and will be leaving County employment in the ensuing 30 days (approximate). Recruitment has begun to fill this vacancy. **Karla Thompson** has accepted the position of Animal Control Officer and will return to employment with the County on 10-12. Interviews have been conducted for open positions in the departments of Animal Control (Shelter Attendant) and Information Systems (IS Specialists). The ACO position will be offered the week of 10-10. Recruitment for the Information Systems position is continuing.

Ms. Brennan asked if the County was not offering enough money in order to hire an IS person and Mr. Carter noted that was hard to say. He advised that they had interviewed three (3) people and two (2) candidates had declined offers having found other positions. He noted that the County may not have matched up compensation wise and it would be good to find out. He then noted that staff was almost ready to bring the pay study forward to the Board.

10. VDOT - Smart Scale (Formerly HB 2) Program: TJPDC staff completed (in conjunction with VDOT Lynchburg District staff) and submitted on 10-5 two applications for Smart Scale Program funding. The projects submitted include a) intersectional improvements at Route 6 (River Rd) and Route 151 (RV Hwy) at Martin's Store substation area b) Access management and intersection improvements for Route 29 corridor in Colleen.

11. Zoning Ordinance: Included with this report is a staff report (Planning & Zoning) regarding the pending consideration of the draft amendment to the zoning ordinance pertaining to "temporary events". Also, the draft amendment(s) to the local flood plain program within the zoning ordinance is also pending further review by the Board.

12. Route 29 Corridor Project: The project, which is being facilitated by TJPDC, is in its earliest phase(s) of development (research). TJ staff have met with 301 Ltd. (D. Kurtz), which will be a project subcontractor to assist with the development of a marketing plan.

13. Massie Mill Property: The subdivision plat of the County's property has "finally" been completed. The Board has previously directed that an auction be completed to provide for a sale of a portion of the property. Staff's input is the question, following a long delay, of whether or not to proceed with the property sale.

Supervisors noted that they would like to see the plat before making a determination. Mr. Harvey noted that it was not worth selling a parcel that small. Mr. Carter then agreed but noted that he had proceeded with the Board's directive to have the plat done.

14. Department Reports: Included with the BOS agenda for the 10-11-16 meeting.

Added: Feral Cat Issue

Mr. Carter noted that the County has had citizen requests that Animal Control trap feral cats. He noted that the policy they have followed for the past years, was that they were only accepting cats that were owner surrendered or that were injured and needed treatment. He added that they were currently not going out to trap or accept feral cats. He noted that the County's Ordinance provided for the taking in of cats that had not been vaccinated.

Mr. Hale noted the studies that had been done on feral cats destroying large numbers of birds and small mammals. Mr. Carter advised that one of the department's practices was partnering with the SPCA on their trap, neuter, and release program; which was not a deterrent to the growth of the cat population.

Mr. Carter advised that he could write a more extensive report on this. He noted that Kevin Wright had polled other jurisdictions and he worked with both the state and national ACO Associations and there were a variety of things being done in other localities. He noted that many did not accept or trap cats; however Amherst County did and they were destroying

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many cats each year. He noted that others were doing what Nelson did. Mr. Carter noted this had not been an issue until the recent citizen inquiries.

Mr. Kevin Wright, ACO Supervisor was asked to speak to the subject and he noted that by law, they were not required to take cats - only those that were injured and that needed care. He confirmed that Amherst County was taking cats, however they were not trapping them.

Mr. Wright advised that Nelson did take in two (2) types of cats: good owner surrendered cats that have adoption potential and could be handled by humans and stray cats that were wounded or injured and needed care.

Mr. Wright then noted that Amherst took in a lot of cats and potentially had \$24,000 in euthanasia costs as their numbers were in the eight hundreds annually. He reported that Fluvanna did not take cats, Richmond took in cats at their discretion, and Albemarle treated cats like wildlife; if they were moving on their own, they would let them go but would take them in if care was needed.

Mr. Wright noted that the feral cat situation was created by humans and he would like to see the County revamp this policy and not take any cats except what was required. He added that the County has worked with the SPCA and their program of trap and release did stop the reproduction of cats. He noted there was no clean solution to it and trap and release was the best thing going.

Mr. Wright then noted that the previous year, state legislation was considered that feral cats would be considered a nuisance species and localities would be held responsible for this. He noted the legislation was tabled.

Ms. Brennan asked about there being a cat rescue place in Roseland. Mr. Wright confirmed there was; however they had gotten complaints about that also and have had to go out and check on them. He noted this was next to a winery and it was hard for them to coexist. He noted there were conflicts like this all over the county.

Mr. Hale asked if Animal Control had the ability and the right to kill animals that were a problem or appeared rabid. Mr. Wright noted that they did not carry firearms so that was not happening. He noted that citizens did have a right to do this if the animal was destroying property and their department had worked with the Sheriff's Department on some cases.

Mr. Bruguiere asked what they did if they saw a rabid dog or cat and Mr. Wright noted he did not advise shooting anything based upon how it looked. Mr. Carter noted that the ACO would take the animal into custody. He then advised that he would not recommend anyone shoot anyone else's pet unless they had their ducks in a row.

Mr. Harvey questioned being able to shoot animals if they were destroying property and Mr. Wright noted that he never gave that advice; however he was speaking on what he had seen in working with the sheriff's Department. Mr. Carter confirmed that Animal Control worked in cooperation with current Sheriff's Dept.

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Mr. Hale referenced the report that was sent to all Supervisors and he noted that trap, neuter, and release had statistically proven it had not reduced cat colonies.

Mr. Carter noted he would have to confer with Mr. Payne and state law about unlicensed animals. He noted state law did not require they be taken into custody; however the County's ordinance did provide for taking in stray cats even though it was not being done in practice now.

Ms. Brennan then asked what happened if they were taken into custody and it was noted that if they were not claimed and were not adoptable then they would probably be euthanized. Ms. Brennan noted they were a liability if have a business and cats were running around and it was unknown if they were vaccinated.

Mr. Carter then advised that the County could require cats to be licensed like dogs were. He noted that the problem was that cat populations were out of control. He noted that people harbored feral cats, they multiplied, and then the property changed hands and the new owners wanted the County to deal with it.

Mr. Carter noted he would check with Mr. Payne and perhaps the Board about removing the Ordinance language pertaining to cats and taking them into custody; although it did not solve the nuisance problem of cats.

It was noted that the County's relationship with SPCA, had provided for better euthanasia numbers and Nelson was now considered a no kill facility. Mr. Hale then noted that the most progress made was with dogs at the SPCA.

Ms. Brennan asked if cats were transported north and Mr. Wright noted they were; but they had to be adoptable cats and not many of those were coming through. He added that the problem was the wild cats - not the adoptable cats. Supervisors questioned who was liable in in the situation where one of those cats bit someone and it was possibly rabid. Mr. Wright noted they have seen a good chunk of those tested come back positive for rabies.

Added: Lovington Healthcare Center

Mr. Saunders inquired about the status of the Lovington Healthcare Center property and Mr. Carter noted staff was waiting for direction from the Board. Mr. Hale then proposed that it be discussed during the evening session.

Mr. Carter reported that staff had shown it to Dr. Ligon the previous week and she was not sure if she was interested.

2. Board Reports

Mr. Harvey and Mr. Hale had no reports.

Mr. Bruguiere reported that there was no Planning Commission meeting held.

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Mr. Saunders attended the TJPDC meeting and noted that they approved a budget for FY2017. He added that they would present an annual report.

Mr. Saunders then thanked the County and staff for the food, flowers, and card sent in memory of Carole's mother.

Ms. Brennan reported the following:

- Attended JABA Board meeting - looking at budget and being creative in how to increase revenue. Going well and fundraising was good.
- Attended Marching Band competition in Stuarts Draft and noted they won all different awards. Mr. Saunders added that he had been presented a letter from a parent regarding their being no coverage in the paper about them. He noted the outstanding competition results so far and noted they had two left.
- Attended Cliff Wood's service and noted that the family appreciated what was sent to them.
- Attended event at Three Chimneys

B. Appointments

Ms. McGarry reported that there were no appointments to be made and that vacancies remained on the JAUNT Board and the Board of Building Code Appeals with no interest having been received.

Mr. Saunders then noted that Mr. Padalino would like to be replaced on the TJPDC Board. Mr. Padalino noted that he was on the TJPDC Board as a Planner so it was odd that he voted on things as a Commissioner that he worked on at a staff level. He added that he now had a personal conflict on Thursday nights with the meetings.

Mr. Carter then asked if he was still the only Planner on the Commission and Mr. Padalino added that he was and that the intent was to foster regional governance and the member was typically a Planning Commissioner.

Mr. Hale noted that Mr. Padalino was anxious to get out of this and it was his feeling that the Planning Commission was the place to find someone to replace him. He then asked if another elected official could serve on it and Mr. Hale indicated he was not sure; however he thought they could and that was another option.

C. Correspondence

VACO Correspondence:

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Mr. Hale noted that he had received correspondence regarding the VACO meeting in Hot Springs and about appointing someone to appear at the Rural Caucus. It was noted that a Board member was needed to be designated as the voting member. Mr. Carter noted that voting credentials were sent in and the meeting was usually conducted during Tuesday morning and the understanding was that Mr. Hale would not be attending, Mr. Harvey was designated as the voting member, and Mr. Bruguere was the other alternate. Mr. Carter noted that Sunday afternoon was the Region 5 Regional Directors meeting. He noted that Anne Mallek was on the Board of Directors now and may have another year. He advised this was open to any member of the Board and they all should attend.

Mr. Carter then advised Supervisors to let staff know if they would not be attending the VACO conference. Mr. Harvey then noted he would not be going.

Taylor Correspondence re: Trager Brothers

Mr. Bruguere noted having received a video from the Taylor's regarding Trager Brothers Coffee. Mr. Hale noted he had met with the Taylors and was supposed to meet with William Trager. Mr. Carter noted that the issue had gone to Court and the attorneys had asked the Judge not to hear the case and they would work it out as it was more of a private matter. He noted the issue to be that they shared a common entrance and there was an issue with the traffic. He added that this was between them; however they wanted the County to fix the problem. Mr. Carter noted that the property's' use was approved years ago, it was zoned B-1 and had a by-right use for what they were doing.

Mr. Hale added that there was a question of where the property line was and it was not a matter for the County at this point. Mr. Carter noted he had spoken with Phil Payne and he agreed with that assessment.

D. Directives

Mr. Bruguere and Mr. Saunders had no directives and Mr. Harvey noted he preferred to discuss his during the evening session.

Ms. Brennan had the following Directives:

Ms. Brennan asked someone to figure out the humming in the courtroom.

Ms. Brennan asked if there was anything that could be done about the poor state of Tan Bark Drive in Lovington and Mr. Harvey noted it was owned by the property owners there; however they could spend County money to have it paved.

Ms. Brennan then asked for staff to provide her with a plat so she could see who the property owners were and approach them. Mr. Saunders stated he could tell her who they were. He noted he owned four (4) parcels, Fleming was an owner, and Joe Lee McClellan. He noted that one of the owners did not want to contribute to fixing the road, so none of them did. Mr. Hale indicated he would speak to the owners. It was then asked if VDOT did

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revenue sharing on it, would it have to be brought up to state standards and Mr. Carter confirmed it would. He added that because of the commercial interest there, they may not take it into the state system. He noted if they did, they may not provide funding to improve it and Ms. Brennan stated she would take the lead on it.

Mr. Carter then suggested that the Board use the water connection fee for the business to pay for the road improvements. Mr. Harvey then noted that the County owed \$20,000 back to the Mexican restaurant owners. Ms. McCann then reported that the County had not received that money from the Service Authority and until it was connected, they would not release the funds to the County.

Mr. Hale then noted that he had not received emails from Mr. Carter on the Blue Ridge Tunnel and he would like to keep pushing it along.

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

Mr. Hale recommended that the Board use the time to discuss the Lovingston Healthcare Center building and the consensus of the Board was to go and tour the new courthouse renovations.

Mr. Harvey then moved to adjourn and reconvene at 7:00 pm and Mr. Bruguere 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

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

II. Public Comments

1. Ron Bush, Rhue Hollow Road

Mr. Bush noted he was speaking in relation to the proposed Temporary Events Ordinance changes. He noted that they had gone through another four (4) days of music and his property adjoined Devil's Backbone. He noted that he had concerns down the road about camping. He added that he understood the makeup of the work group; however going forward he would like to represent area residents in the new work group if allowable.

2. David Connelly, Stagecoach Road - Afton

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Mr. Connelly noted that he had been in communication with Supervisors and Mr. Carter on the issue he was speaking on. He noted that he was a thirteen (13) year resident and lived on Stagecoach Road. He noted that his road backed up to Route 250 and Route 64 and there were all kinds of noises around them; however it was tolerable because of the view they would always have. Mr. Connelly noted he was a construction professional and was a Project Manager now; therefore he knew a little about construction. He then related that the lights that were now turned on at the Zenith Quest building were shining directly into their windows. He noted that their residence was at 1600 feet and Zenith Quest was at an 800 ft. elevation. Mr. Connelly stated that Zenith Quest seemed incongruous with other development and he wanted to know where they stood with the lights. He added that they were the brightest thing in the valley and every evening the lights were shining in their windows at eye level. He then stated that he was aware that other concerns had been expressed and something could and should be done to reduce the effect of the lights. He added that he would like to be kept in the loop on any follow up. Mr. Connelly further related that he was dismayed by the Project Manager on that job who said that the lights were new and they had to get used to them. He noted that they were not something he could get used to when they shined into his house at eye level.

Mr. Bruguiere asked how far away Mr. Connelly's house was from Zenith Quest. He replied that he was 1.5-2.0 miles as a crow flies and 5 miles driving. He added that they had no issues with any other lights.

Mr. Harvey added that if you were traveling South on Route 151 and you looked at the lights and then back at the highway, you were blinded and that was a safety issue. He noted that he has had more displeasure over these lights than he has the pipeline. He related that another person living at another elevation was having an issue of the lights reflecting off of the mountains into their bedroom. He added that they remind him of runway lights coming into an airport. He noted that he thought it was because these were up on the building and instead of lighting the parking lot or dock, they were a bright white light. He noted that they had parking lot poles up that were wired and those looked like they would shine downwards. He then noted that Zenith Quest has said that the bright lights were for security and he noted that they now made cameras that worked very well in low light and he thought they could reduce the number of lights out there. Mr. Harvey related that he had not spoken to the Zenith Quest owner; however they were well aware of the concerns. He added that they had been advised that they did not want to leave them up there.

Mr. Saunders inquired as to whether or not they could reduce the wattage of the bulbs. He then acknowledged that they were blinding when you look at them and then back at the road; but he thought it could be corrected.

Mr. Carter noted that the lights were very bright and that Tim Padalino had spoken to Mr. Miles. He noted that they needed to follow up; however Mr. Miles said they would do whatever needed to be done to fix the problem. He added that staff would be proactive about it to see what could be done.

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Mr. Harvey noted he didn't understand why they had to be on at night and Mr. Padalino noted he was unsure what the distinction between daytime and nighttime activities would be. He added that they were trying to get a certificate of occupancy (CO) for the main part of the building while finishing the last part. He added that they had submitted new plans for this that may explain the timing of the lights coming on.

Mr. Harvey noted that he hoped that the temporary CO would not be issued with this going on. Mr. Hale agreed noting that they needed to resolve the lighting issue and he thought it was clear that when you look at the building they were flat on it with no hood. He added that the problem could be solved and they should do whatever would meet the community's concerns. He added that the County would work toward that goal and he advised that it may not be solved overnight.

Mr. Harvey noted that they should not see the pole lights as much because those should not be white. He added that such a bright light was not needed for security. He then related that the lights on the back side of the building were fine and did not bother the subdivision behind them.

Mr. Padalino then advised that Mr. Ray Miles had indicated that he would continue to work with the County and in other instances they had done so to accommodate concerns. He noted that they had shown care about what the community thinks. Mr. Padalino then advised that he would go around different areas to look at the lights that night.

III. Public Hearings

- A. **Public Hearing: Class C Tower Permit Application #2016-08, Existing Site CV221, 12979 Thomas Nelson Hwy.** The application is for replacement of an existing 97.5 ft. wooden pole with a 130 ft. metal monopole painted brown with flush mount antennas and associated ground equipment. The wireless service facility is located at 172 Davis Creek Lane, Lovington VA 22949, tax parcel 45-A-40 Zoned A-1.

Mr. Padalino noted that the application had been received in May 2016 from Shentel. He showed the property location and its location on the tax map. He advised that the property was zoned A-1 and its use was for hay and it was partially forested. He advised that the property already contained an existing tower site CV221 - Polly Wright and the other towers were located on top of the knoll.

Mr. Padalino advised that the proposed tower would be at the 130 foot maximum allowed by Ordinance and would replace an 80 foot wooden tower that must be replaced as shown by structural analysis. He noted that there was an oak tree that would be pruned and one that would be removed. He then showed pictures of the balloon test and noted the tower's height of 130 ft. relative to the adjacent tree canopy that was at 80-90 ft. He noted the removal of the hedgerow and the site's vertically prominent location along Route 29 and its visual alignment on a long straight away on Route 29.

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Mr. Padalino then noted that there would be a predicted increase in coverage; however it would not be that significant. He noted that there was poor in vehicle coverage and the increase would be significant enough to eliminate the dropped call coverage for Sprint customers. He then stated that the tower design was favorable; however the height would result in a visual impact disproportionate to the increase in coverage.

Mr. Padalino then noted the previous conditional approval by the Board for the 80 foot tower stated that, "The total height of the pole including antenna is not more than ten (10) feet above the tree line."

Mr. Padalino then noted that the Planning Commission and the applicant discussed the submittal of additional information; which was submitted. He noted that at the August Planning Commission meeting, the additional information on alternatives was reviewed and the Commission voted 3-2 to recommend denial of the permit and advising the applicant to pursue scenario D - replacing the monopole at the same height and adding a new tower in Lovington which would be a whole new process. It was noted that the site in scenario D was called CV150.

Mr. Padalino clarified that the CV221 request was the one up for consideration and he asked the Board to consider the recommendation of the Planning Commission and staff as follows:

- County staff and Planning Commission recommendations for denial, based primarily on concerns about the tower design relative to the purpose established in Z.O. 20-2-6: "Restrict the location of communication towers that adversely impact the natural beauty of the mountains in Nelson County."
- Previous BOS condition of approval: "The total height of the pole including antenna is not more than ten (10) feet above the tree line."

Ms. Brennan asked if there was consideration of putting the pole on other side of the highway and Mr. Padalino noted there was not. Mr. Hale then advised that it was not the Board's job to decide where to put the tower. Mr. Bruguiere added that they were to only consider the current request and what was applied for; noting that the applicant had come up with the five (5) other scenarios for consideration.

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

1. Applicant Jessie Wilmer, Shentel

Ms. Wilmer noted that they were proposing to increase the height of the tower to the maximum allowed under a Class C application. She added that they did have a dropped call area along Route 29. She noted that they had done inspections on all of their wooden poles on Route 29 and all were coming up on their twenty (20) year life expectancy. She noted that some of those could be upgraded and be below the tree line; however this pole needed to be replaced regardless of height and while fixing it, they would like to fix the coverage hole.

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Ms. Wilmer noted that the tower was visible for .3 miles going north and it was not seen going south. She noted that the coverage was greatly improved, there were no dropped calls, and the taller tower would provide colocation opportunities for other carriers. She added that the previous approval in 1999 was for a height 10 feet above the trees, the trees had grown since then, and it appeared to be above the trees in the photos because of the angle - you were looking up but really you were right at tree level.

Ms. Wilmer then noted that they would like to remove the big oak tree in order to provide more room and room to expand without impacting the landowner. She added that the tree trunk was not the issue, it was its branches that would hit the tower and damage it in a wind storm. Mr. Saunders asked if they would still have coverage if they went up to 130 feet with the tower and left the tree. Ms. Wilmer noted that they would; however they would be concerned that the tree branches would damage the pole and it was not related to coverage. She then noted that the foundation of the tower would probably damage the roots of the tree.

Ms. Brennan asked if colocation opportunities included the County being able to install broadband equipment on the tower and Ms. Wilmer replied it would.

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

Mr. Bruguiere then moved to allow Shentel to replace the current 95 foot pole with a 130 foot pole including the recommendations of color and the permission to clear whatever trees necessary in order to protect their equipment and Mr. Harvey seconded the motion.

Mr. Bruguiere explained that the visual impact of the taller tower was minimal going north and nonexistent going south. He added that there were already other towers there and people wanted good cell service. He noted that there was no public present in opposition and cell towers were a necessity.

Mr. Saunders noted he had a call dropped in that area that morning and he agreed with Mr. Bruguiere on the lack of visual impact.

Ms. Brennan noted she was conflicted about it and that she thought any negative visual impact should be seriously considered; she added that she was not excited about this.

Mr. Harvey noted the many visual towers in neighboring counties and Mr. Hale noted he agreed with the Planning Commission and Staff recommendation that it was not necessary to have the tower at that height.

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

B. Public Hearing - Proposed Amendment to the Code of Nelson County, Chapter 11, Article 2 Real Property Tax, Division 2 Exemptions for Elderly and Disabled (O2016-07) Proposed

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changes are so that the local Ordinance more closely mirrors that of the State Code of Virginia pertaining to whether or not a live-in caregiver's income (paid or unpaid) is counted towards the tax exemption. The Code language change does not change the County's processing of these exemptions.

Mr. Hale introduced the item noting that Mr. Payne had advised that it was not necessary to make the changes. Mr. Carter stated that was true, however they should make them in order to make the local ordinance more in conjunction with the new language in the State Code. Mr. Hale stated that the County spent a considerable amount of money matching up to the State Code and he read in Mr. Payne's memo that they did not need to do this.

Mr. Carter noted that the public hearing could be held and the Board did not have to act on the ordinance amendments.

Mr. Harvey and Mr. Bruguere noted that this type of tax relief was provided every year and was not something new. Mr. Hale added that the amendment would only change the wording of the ordinance and did not change anything the County was doing. Mr. Carter acknowledged this but noted that the amendments added more definition to the process.

Mr. Hale again noted he objected to spending time and money making ordinance changes that did not really change anything. Mr. Harvey advised that the money had already been spent and Mr. Carter noted that Mr. Payne had spent minimal time on this.

Mr. Hale then opened the public hearing and there being no persons wishing to be recognized, the public hearing was closed.

Ms. Brennan then moved to approve Ordinance **O2016-07** Nelson County Board of Supervisors Repeal and Re-enactment of Chapter 11, Article 2 Real Property Tax, Division 2 Section 11-43, Exemption for Elderly and Disabled of the Code of Nelson County, Virginia and Mr. Harvey seconded the motion.

Mr. Hale noted that he was not entirely sure that the table had been modified since 2007 and in reading through it, it did not seem to him that the net combined financial worth, excluding the value of the dwelling and one (1) acre shall not exceed \$100,000 was reasonable. He added that if one had ten (10) acres, that amount could be exceeded and they could still be in need of assistance.

Mr. Hale then inquired what the economic impact would be and Mr. Carter noted it was not significant. Mr. Hale noted he was not in favor of it and Mr. Carter advised that the table was not presently up for consideration; however staff could be directed to go back and relook at the table. He then noted that the proposed ordinance better defined things and he noted that income for care-givers did not count whether or not they were related to the elderly or disabled.

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Ms. Brennan suggested tabling action on this until next month and noted there was no effect unless they changed the values. She then withdrew her motion and Mr. Harvey withdrew his second.

Supervisors then agreed by consensus to table consideration of these amendments until November.

IV. Other Business (As May Be Presented)

There was no other business considered by the Board.

V. Adjournment

At 7:48 pm, Mr. Harvey moved to adjourn the meeting and Ms. Brennan seconded the motion. There being no further discussion, Supervisors voted unanimously by voice vote to approve the motion and the meeting adjourned.

DRAFT

**ORDINANCE O2016-07
NELSON COUNTY BOARD OF SUPERVISORS
REPEAL AND RE-ENACTMENT OF CHAPTER 11,
ARTICLE 2 REAL PROPERTY TAX, DIVISION 2
SEC 11-43 EXEMPTION FOR ELDERLY AND DISABLED
OF THE CODE OF NELSON COUNTY, VIRGINIA**

BE IT HEREBY ORDAINED BY THE NELSON COUNTY BOARD OF SUPERVISORS, that Chapter 11, Article 2 Real Property Tax, Division 2 Sec. 11-43, Exemption for Elderly and Disabled is hereby repealed and re-enacted as follows:

Sec. 11-43. Restrictions and conditions.

Any exemption from real estate taxes shall be subject to the following:

(1) Such real estate shall be owned by, and be occupied as the sole dwelling of anyone (i) at least 65 years of age or (ii) found to be permanently and totally disabled as defined below. A dwelling jointly held by a husband and wife, with no other joint owners, may qualify if either spouse is 65 or over or is permanently and totally disabled. For purposes of this division, the term “permanently and totally disabled” shall mean unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment or deformity which can be expected to result in death or can be expected to last for the duration of such person’s life.

(2) For purposes of this division, the applicant must be (i) at least age 65 as of May 15 of the taxable year for which an application is made or (ii) is permanently and totally disabled. Under subparagraph (1), real property owned and occupied as the sole dwelling of an eligible applicant includes real property (i) held by the applicant alone or in conjunction with his spouse as tenant or tenants for life or joint lives, (ii) held in a revocable inter vivos trust over which the applicant or the applicant and his spouse hold the power of revocation, or (iii) held in an irrevocable trust under which an applicant alone or in conjunction with his spouse possesses a life estate or an estate for joint lives or enjoys a continuing right of use or support. The exemption is not applicable to any interest held under a leasehold or term of years. For purposes of this division, any reference to real estate shall include manufactured homes.

(3) The total combined income received from all sources during the preceding calendar year by:

a. Owners of the dwelling used as their principal residence; and

b. Owners' relatives who live in the dwelling shall not exceed fifty thousand dollars (\$50,000.00) provided, however, that the amount of six thousand dollars (\$6,000.00) of income of each relative who is not a spouse of the owner living in the dwelling and who does not qualify for the exemption provided in subparagraph (4) hereof shall not be included in the total combined income calculation, and further provided that the amount of six thousand dollars (\$6,000.00) income for an owner who is permanently disabled shall not be included in such total.

(4) The income of owners' relatives living in the dwelling and providing bona fide caregiving services to the owner whether such relatives are compensated or not, shall not be counted towards the income limit set forth in the preceding subparagraph

(5) The net combined financial worth, including the present value of all equitable interest, as of December 31 of the immediately preceding calendar year, of the owners, and the spouse of any owner, excluding the value of the dwelling and not more than one (1) acre of land upon which it is situated, and the furniture, household appliances and other items typically used in a home, shall not exceed one hundred thousand dollars (\$100,000.00).

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

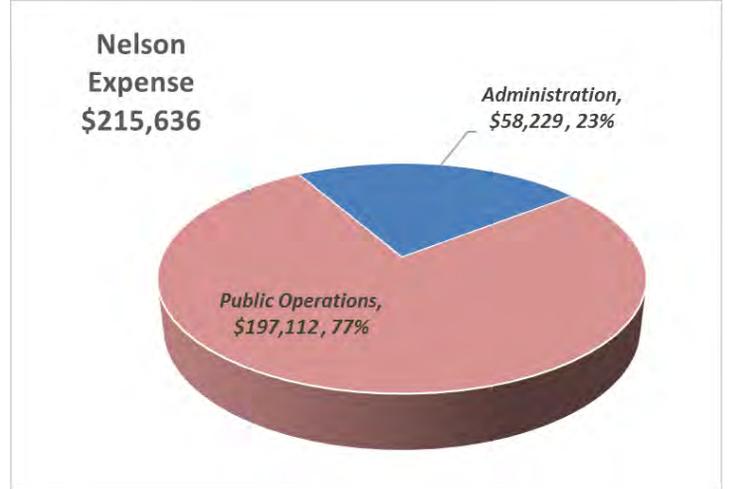
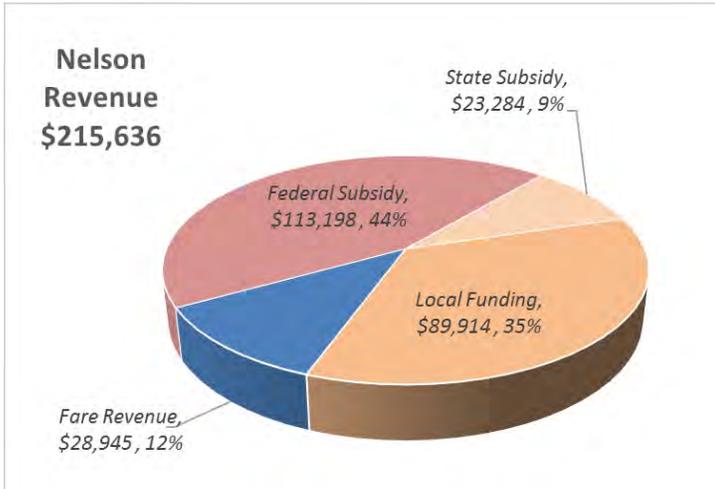
Adopted: _____, 2016

Attest: _____, Clerk
Nelson County Board of Supervisors



Nelson County
Summary of Presentation

FY16 Financial Summary



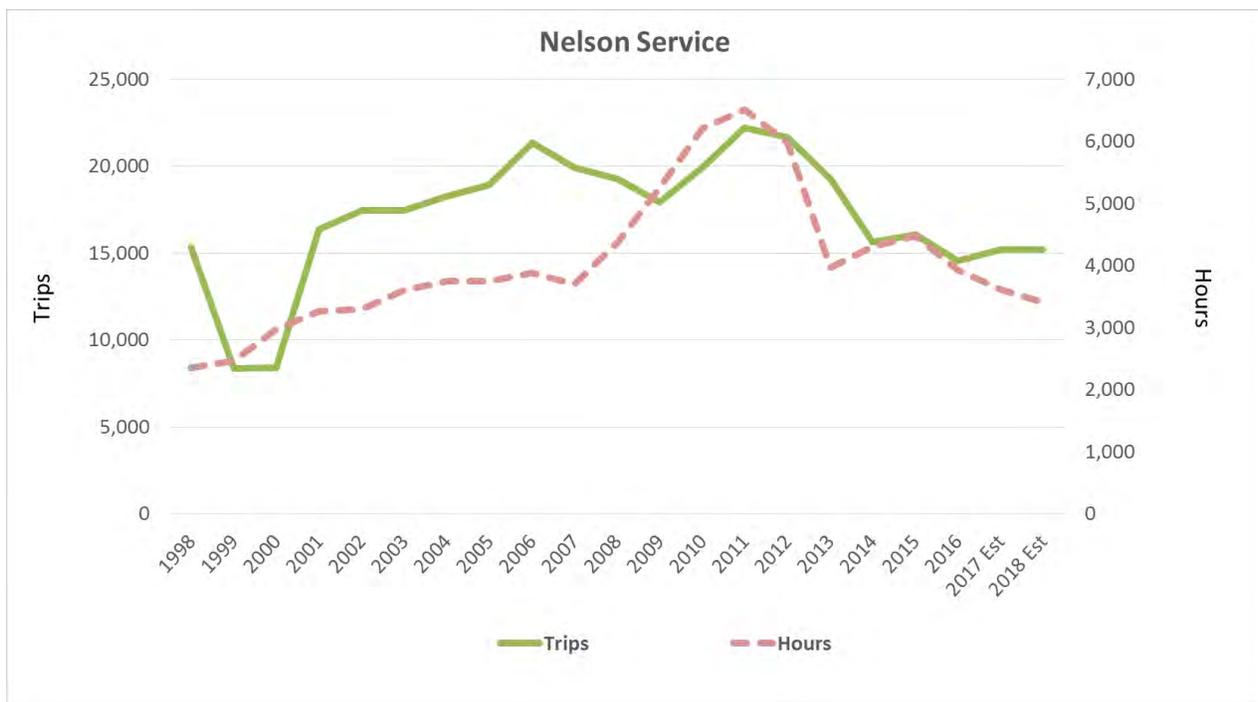
FY16 Service Summary

Three Year Passenger Trip Trend

Nelson County	FY14	FY15	FY16	Change%
Public Service				
Piney River Route	3,488	2,845	1,728	-39%
Lovingson Route	3,518	2,287	3,044	33%
Wintergreen Route	3,145	6,412	5,568	-13%
Midday to Ch'ville	1,420	1,476	2,043	38%
Intracounty & Misc.	4,083	3,062	2,172	-29%
Total Public	15,654	16,082	14,555	-9%
Agency	2,440	3,686	4,660	26%
Total	18,094	19,768	19,215	-3%

Three Year Service Hour Trend

Nelson County	FY14	FY15	FY16	Change%
Public Service				
Piney River Route	1,190	838	722	-14%
Lovingson Route	741	676	933	38%
Wintergreen Route	1,831	1,746	1,311	-25%
Midday to Ch'ville	951	875	968	11%
Intracounty & Misc.	1,351	1,400	631	-55%
Total Public	6,065	5,535	4,565	-18%
Agency	568	1,107	1,111	0%
Total	6,632	6,642	5,676	-15%



Focus of FY17 and beyond:

- Nelson County pays per hour of service, not per rider. As more people ride within the existing hours provided the better the performance of the service.
 - o Service hours need to be maintained to provide a sense of stability.
 - o With stability, JAUNT can work on better allocating the existing hours, which may improve ridership
 - o With the help of Nelson, JAUNT can regain ridership if there is a commitment to holding firm at the level of service currently provided.
- For FY17 the County provided more funding to help maintain existing services. Based on a small amount of data (only three months), the result appears to be a slight increase in ridership over FY16.
 - o We face a similar challenge in FY18. To maintain the same level of service in FY18, Nelson County would need to provide approx. \$6,500 more in local funding. This accounts for the Wintergreen service.
- JAUNT needs to enhance its commuter route from Nelson. It has the capacity to carry some more riders, which would make that service more efficient.
 - o One approach is to “brand” the service to reflect the specialized purpose. This could help generate more interest and ridership.
- Additional ridership with no additional hours of service means Nelson generates more user revenues, and more state funding assistance (which offsets the local funding request). As the service performance improves (such as more riders per hour), the State’s allocation methodology provides more funding to Nelson.

FY18 Proposed Budget

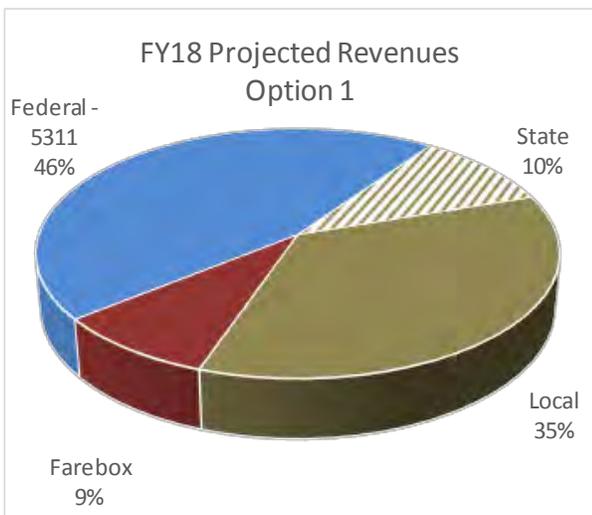
The budget below provides two FY18 service options, with correlating service and local funding impacts.

Option 1 – Assumes level funding from Nelson County, which may require JAUNT to reduce service hours and decline passenger trip requests.

Option 2 – Assumes existing service is maintained. This will require an increase in local funding by approximately \$6,500. And, allows JAUNT to focus on continuing to increase ridership, which increases the efficiency of the service.

	Nelson County							
	FY15 <i>Actual</i>	FY16 <i>Budget</i>	FY16 <i>Actual</i>	FY17 <i>Budget</i>	FY18 <i>Option 1</i>	\$ Change	FY18 <i>Option 2</i>	\$ Change
Expenses								
Operations	\$ 259,547	\$ 252,977	\$ 221,910	\$ 283,023	\$ 273,747	\$ (9,276)	\$ 288,564	\$ 5,541
Administration	\$ 38,490	\$ 34,811	\$ 33,431	\$ 36,222	\$ 36,762	\$ 539	\$ 38,740	\$ 2,517
Total Expenses	\$ 298,037	\$ 287,788	\$ 255,341	\$ 319,245	\$ 310,508	\$ (8,737)	\$ 327,304	\$ 8,058
Revenues								
Farebox	\$ 44,816	\$ 50,975	\$ 28,945	\$ 43,300	\$ 43,300	\$ -	\$ 43,300	\$ -
Federal - 5311	\$ 126,611	\$ 118,406	\$ 113,198	\$ 137,973	\$ 133,604	\$ (4,369)	\$ 142,002	\$ 4,029
State	\$ 49,811	\$ 28,492	\$ 43,012	\$ 33,845	\$ 29,482	\$ (4,363)	\$ 31,365	\$ (2,480)
Local	\$ 83,495	\$ 89,914	\$ 89,914	\$ 104,128	\$ 104,122	\$ (6)	\$ 110,637	\$ 6,509
Total Revenues	\$ 304,732	\$ 287,788	\$ 275,069	\$ 319,245	\$ 310,508	\$ (8,737)	\$ 327,304	\$ 8,058

Performance Metrics							
<small>Note: Metrics include all days and hours of service (in addition to typical business hours JAUNT provides service on weekends, holidays, early mornings and late night service).</small>							
Annual Hours	5,535	4,665	4,565	5,061	4,788	5,060	
Cost/Hr	\$ 53.85	\$ 61.69	\$ 55.94	\$ 63.08	\$ 64.85	\$ 64.68	
Op Cost/Hr (excludes adm)	\$ 46.89	\$ 54.22	\$ 48.61	\$ 55.93	\$ 57.17	\$ 57.03	
Annual Trips	17,639	17,750	14,555	15,200	14,100	15,200	
Passengers/Hr	3.19	3.80	3.19	3.00	2.94	2.79	
Cost/Passenger	\$ 16.90	\$ 16.21	\$ 17.54	\$ 21.00	\$ 22.02	\$ 23.21	
Farebox Revenue/Pass	\$ 2.54	\$ 2.87	\$ 1.99	\$ 2.85	\$ 3.07	\$ 3.07	



\$ 64.85 Pays for One (1) Hr of Service
 \$ 57.17 Operations
 \$ 7.68 Administration

\$ 9.04 Comes From Farebox Revenue
 \$ 27.90 Comes From Federal Assistance
 \$ 6.16 Comes From State Assistance
 \$ 21.75 Local Assistance

One (1) Local Dollar Creates -
 Farebox Revenue \$ 0.42
 Federal Revenue \$ 1.28
 State Revenue \$ 0.28



November 1, 2016

TO: Members, Nelson County Board of Supervisors
Nelson County Administrator

FROM: David C. Blount, Legislative Liaison

RE: 2017 TJPDC Legislative Program Approval

Attached is the draft 2017 TJPDC Legislative Program for your review and consideration. As I discussed when I spoke to you at your September meeting, I will be presenting the program and seeking approval of it at your November 8 meeting. This year, the draft program lists three top legislative priorities, along with several other priority positions. They are contained in the draft program as follows:

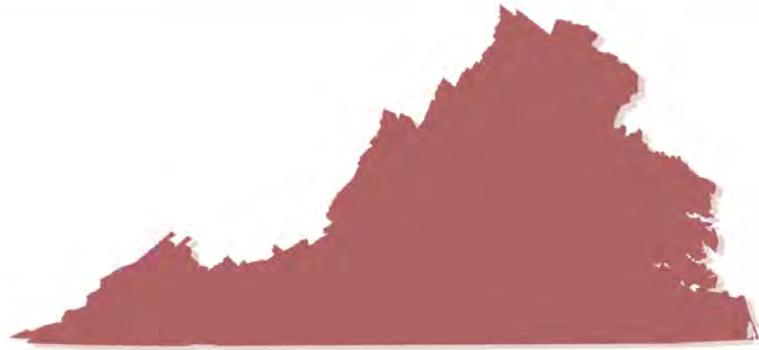
- 1) State Budget and Funding Obligations
- 2) Public Education Funding
- 3) Local Revenue Authority
- 4) Land Use and Growth Management
- 5) Transportation Funding and Devolution
- 6) Water Quality

The “Legislative Positions and Policy Statements” section contains recommendations, requests and positions in other areas of interest and concern to the region or to our individual localities.

A summary of the top priority positions will be produced and distributed later for you to use in communicating with your legislators.

I look forward to presenting and discussing the draft program when we meet November 8. Thank you.

Recommended Action: Approve the draft TJPDC Legislative Program.



Thomas Jefferson Planning District

2017 LEGISLATIVE PROGRAM

DRAFT

Albemarle County | City of Charlottesville
Fluvanna County | Greene County
Louisa County | Nelson County

October 2016

Andrea Wilkinson, Chairman
Chip Boyles, Executive Director
David Blount, Legislative Liaison

TOP LEGISLATIVE PRIORITIES

State Budget and Funding Obligations

PRIORITY: The Planning District localities urge the governor and legislature to preserve state aid to localities when addressing the current state budget gap, and to not impose mandates on or shift costs for state programs to localities in order to balance the budget.

The State's FY17/18 spending plan faces a projected \$1.2 billion shortfall, the fallout from which can impact local governments, where budgets remain challenged by slowly-recovering local revenues and state funding, as well as meeting state and local requirements and priorities. Inflation and population growth has been outpacing increases in state and local revenues; still, State income tax revenues have increased much faster than local real estate taxes since the Great Recession. While State general fund appropriations have jumped by about \$4 billion since FY09, state assistance to local government priorities has increased just about \$400 million. State aid to localities makes up about 42% of the state general fund budget in FY17.

Accordingly, we take the following positions:

→The State should strive to mitigate the impact to localities when closing the FY17/FY18 state budget gap. The State should not reduce funding for locally-provided, state-mandated services in order to compensate for the budget shortfall.

→We urge policymakers to preserve existing funding formulas rather than altering them in order to save the State money and/or to shift costs to localities.

→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 not confiscate or redirect local general fund dollars to the state treasury.

Public Education Funding

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

The State will spend about \$5.9 billion on public education in FY17. Localities appreciate the additional \$900 million in state funding that is targeted for K-12 in the current biennium, and urge the governor and the legislature to preserve this investment moving forward through the latest state budget challenges. However, in the past decade, overall state funding has increased just five percent, and while the state-funded per pupil amount has jumped back above

the FY09 level, state dollars do not reflect the true costs of K-12 education. Localities need an adequately defined SOQ that closes the gap between what school divisions are actually providing and what the state currently funds in the SOQ. Local governments consistently do their part to close the gap; in FY15, Virginia localities spent over \$7.1 billion for school division operations, which is double the state-required effort.

Reductions in state public education dollars since the Great Recession have been accomplished through policy changes that are decreasing the state's funding obligations moving forward. For example, changes to the Virginia Retirement System increased local costs and did nothing to reduce the unfunded teacher pension liability. Education expenditures are expected to continue increasing, as greater numbers of at-risk students (now close to 40% of students), rising State and local VRS contribution rates, and forthcoming changes to high school graduation standards will drive additional spending in the coming years.

Local Revenue Authority

PRIORITY: The Planning District localities urge the governor and legislature to diversify the revenue options available to localities, to include equalizing the revenue-raising authority of counties with that of cities, and to not restrict local revenue-raising authority.

We support the legislature making additional revenue options available to diversify the local revenue stream, which could reduce dependency on real property taxes, rather than removing or restricting local revenue authorities. One way to do this is to eliminate the differences between city and county taxing authority, which exist due to now less-prevalent distinctions in the services provided. This would mean removing the restrictions that currently apply to county authority to levy the meals, lodging, cigarette and amusement taxes. Equalizing revenue authority for counties with that of cities also should be included as part of a needed modernization of the state's 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.

Local governments cannot be expected to bear the expenses related to the imposition of new funding requirements or the expansion of existing ones on services delivered at the local level without a commensurate increase of state financial assistance or new local taxing authority (such as those noted above). 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. Further, it 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. The State also should support the appropriate collection of transient occupancy taxes from online transactions.

OTHER PRIORITY ITEMS

Land Use and Growth Management

PRIORITY: The Planning District localities encourage the State to resist preempting or circumventing existing land use authorities, and to provide additional tools to plan and manage growth.

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. We oppose legislation that weakens these key local responsibilities; this would include recent efforts to 1) restrict local oversight of the placement of various telecommunications infrastructure, and 2) single out specific land uses for special treatment without regard to the impact of such uses in particular locations.

We also believe the General Assembly should provide localities with necessary tools to meet important infrastructure needs, as 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. This would include more workable impact fee authority for facilities other than roads, and changes to the currently-enacted proffer system. Proffer legislation approved in 2016 limits the scope of impacts that may be addressed by proffers, and establishes specific criteria for when a proffer is deemed to be unreasonable. We support changes to this new law to provide more balanced and practical standards for determining whether a proffer is reasonable.

Further, we support ongoing state and local efforts to coordinate land use and transportation 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.

Finally, concerning land preservation, we request state funding and incentives for localities, at their option, to acquire, preserve and maintain open space.

Transportation Funding and Devolution

PRIORITY: The Planning District localities urge the State to continue to enhance funding for local and regional transportation needs. We oppose 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 remain focused on providing revenues for expanding and maintaining all modes of our transportation infrastructure that are necessary to meet Virginia's well-documented highway and transit challenges and to keep pace with growing public needs and expectations. As the State continues to implement the prioritization process established by HB 2 (2014), now known as "Smart Scale," and the distribution formula for highway construction projects established by HB 1887 (2015), there should be adequate funding, and local authority to generate transportation dollars, for important local and regional projects. We also support having

the Department of Rail and Public Transportation pursue a “Smart Scale-type” prioritization for rail and transit projects.

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.

Other positions:

We support additional authority to establish mechanisms for funding transit in our region.

We support highway maintenance dollars being preserved for cities that convert highway lanes to bicycle-only lanes.

We support VDOT utilizing Metropolitan Planning Organizations and regional rural transportation staff to carry out local transportation studies.

We support continued funding of the state’s revenue sharing program with localities.

Finally, 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.

Water Quality

PRIORITY: The Planning District localities support the goal of improved water quality, but as we face ongoing costs for remedies, including stormwater management, we believe major and reliable forms of financial and technical assistance from the federal and state governments is necessary if comprehensive improvement strategies 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 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. Dollars should be targeted to stormwater management, for permitted dischargers to upgrade treatment plants and for any retrofitting of developed areas, and to aid farmers with best management practices.

Specifically concerning stormwater management, we support adequate funding and training to enable the State and local governments to meet ongoing costs associated with local stormwater programs that became effective in 2014. We will oppose proposals that would result in new or expanded mandates or requirements, including elimination of current “opt-out” provisions, or financial burdens on local governments. We support an exemption from stormwater planning requirements for sidewalk, path or trail construction within a public greenway, and oppose further amendments to the regulation of stormwater which would require a locality to waive stormwater charges.

We oppose efforts that would require re-justification of nutrient allocations for existing wastewater treatment facilities in our region or that would reduce or eliminate nutrient allocation or related treatment capacity serving the region.

LEGISLATIVE POSITIONS and POLICY STATEMENTS

Children's Services Act

The Planning District localities urge the State to be partners in containing costs of the Children's Services Act (CSA) and to better balance CSA responsibilities between the 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 appreciate action by the 2016 General Assembly to increase state dollars by \$1 million for local CSA administrative costs, the first increase since the 1990s. We urge the State to maintain and increase this funding, as localities pay the overwhelming majority of costs to administer this shared program at the local level.

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 links the goals of economic and workforce development and the state's efforts to streamline and integrate workforce activities and revenue sources. We encourage enhanced coordination with K-12 education to equip the workforce with in-demand skill sets so as to align workforce supply with anticipated employer demands. We also support continuing emphasis on regional cooperation in economic, workforce and tourism development.

Economic Development:

- We support implementation of the *GO Virginia* initiative to grow and diversify the private sector in each region, with ongoing state financial incentives, technical support and other

incentives to support collaboration by business, governments, educational institutions and communities that spur economic development, job creation and career readiness.

- 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 grant funds or incentives were not involved.
- We support enabling authority to allow counties to create local economic revitalization zones, authority which currently exists for cities.

Broadband:

We encourage and support continuing state and federal efforts and financial incentives that assist localities and their communities in deploying universal, affordable access to broadband technology, particularly in underserved areas. We believe such efforts should include:

- Development of a statewide comprehensive plan for broadband and state support for local governments that are developing or implementing local or regional broadband plans;
- Support for linking broadband efforts for education and public safety to private sector efforts to serve businesses and residences; and
- Maintaining local land use, permitting, fee and other local authorities.

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 programs and projects, and support funds for the Regional Competitiveness Act to initiate and sustain such efforts.

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.

Education

The Planning District’s member localities believe that the state should be a reliable funding partner with localities, recognizing the operational, personnel, and capital resources necessary for a high-quality public education system.

School Division Finances:

- We believe that unfunded liability associated with the teacher retirement plan should be a shared responsibility of state and local government, with the Virginia Department of Education paying its share of retirement costs directly to VRS in order to facilitate such sharing.
- The State should not eliminate or decrease funding for benefits for school employees.
- We support legislation that 1) establishes a mechanism for local appeal to the State of the calculated Local Composite Index (LCI); and 2) amends the LCI formula to recognize the land use taxation value, rather than the true value, of real property.

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.

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 support 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.

Biosolids:

We support the option for 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.

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.

Dam Safety:

We support dam safety regulations that do not impose unreasonable costs on dam owners whose structures meet current safety standards.

Water Supply:

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

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.

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.

Internet-based Businesses and Services:

We oppose legislation that would single out internet-based businesses and services for special treatment or exceptions for purposes of local taxation, licensing and regulation. Rather, there should be a level playing field for competition among businesses offering goods and services to ensure safety, reliability and fair access to such offerings by consumers and the general public.

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; procedures for conducting public meetings; and procedures for adopting ordinances.
- We support allowing localities to use alternatives to newspapers for publishing various legal advertisements and public notices.
- We support local flexibility regarding public parking regulation and enforcement.
- We oppose attempts to reduce sovereign immunity protections for localities.

State-Supported Positions:

- Localities should have maximum flexibility in providing compensation increases for state-supported local (and other) employees, as local governments provide such offices with significant local dollars and additional personnel beyond those funded by the State.
- We support removing from the appropriation act, confusing language requiring governing authorities, as a condition of receiving supplemental state funding for salaries, to certify that certain state-supported employees received a prescribed pay increase.

Elections:

As elections administration has become more complex and both federal and state financial support for elections has been decreasing, we urge funding to address coming critical shortfalls in elections administration dollars. We also support state funding for voting equipment replacement, as many older voting machines are exhibiting end-of-life problems.

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, and 3) provisions concerning creation of customized 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.

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. Transparent state policies and funding for at-risk individuals and families to access appropriate services is critical. The delivery of such services must be a collaborative effort by 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. 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 ID waiver program for adults and young people and Medicaid reimbursement for children’s dental services.
- We urge 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.
- We support changes to the Code to provide that a judicial finding be controlling of administrative findings in alleged child abuse and neglect cases.

Prevention:

We support continued operation and enhancement of early intervention and prevention programs, including school-based prevention programs. This would include the Virginia Preschool Initiative and the Child Health Partnership and Healthy Families program, 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 daycare 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.

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 money away from them, but increase dollars needed for their operation.
- We support returning funding responsibility for the Line of Duty Act (LODA) to the State. In the absence of that, there should be no new or enhanced benefits that increase locality costs. We support efforts to improve the administration of LODA and to ensure the long-term fiscal stability of the program.
- 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 restore per diem payments to localities 1) for housing state-responsible prisoners to \$14 per day, and 2) for housing local responsible offenders to \$8 per day. If a state-responsible prisoner remains in local jail longer than one year, then the State should compensate the jail for the actual cost of incarceration.
- The State should not shift costs to localities by altering the definition of state-responsible prisoner.
- The State should continue to allow exemptions from the federal prisoner offset.
- We support legislation requiring the use of closed circuit television for preliminary hearings and related minor procedures.

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.

Body Cameras:

We support the ability of local governments to adopt policies regarding law enforcement body worn cameras that account for local needs and fiscal realities.

RESOLUTION R2016-69
NELSON COUNTY BOARD OF SUPERVISORS
APPROVAL OF 2017 THOMAS JEFFERSON PLANNING DISTRICT
LEGISLATIVE PROGRAM

RESOLVED, by the Nelson County Board of Supervisors that the 2017 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 2017 Session of the Virginia General Assembly, with amendments presented by Mr. Blount on November 8, 2016 as well as incorporation of the recommendations put forth by the Board as applicable.

Adopted: _____, 2016

Attest: _____ Clerk,
Nelson County Board of Supervisors

**RESOLUTION R2016-70
NELSON COUNTY BOARD OF SUPERVISORS
SUPPORT FOR CONTINUED STATUTORY RIGHT
FOR LOCALITIES TO “OPT-OUT”
IN ADMINISTERING LOCAL VIRGINIA
STORMWATER MANAGEMENT PROGRAMS**

WHEREAS, many localities are increasingly concerned over the Commonwealth of Virginia’s expanding reliance upon localities for the administration, implementation and enforcement of regulations promulgated at the state level; and

WHEREAS, over the past several years, many changes have been made to the environmental laws in the Commonwealth of Virginia, including legislation imposing unfunded and underfunded mandatory local obligations regarding erosion and sediment control, the Chesapeake Bay Act and most recently, the significant expansion of the Virginia Stormwater Management Program (VSMP); and

WHEREAS, many localities in Virginia expressed concern to their state government delegation about the reasonableness, efficacy and costs of implementing the Commonwealth’s expanded Stormwater Management Program and other environmental regulations at the local level; and

WHEREAS, many localities in Virginia have expressed concern regarding the liability they incur by becoming the VSMP plan approving authority, as well as the inestimable costs and responsibilities of the perpetual maintenance of abandoned stormwater facilities required or implied through the expanded Stormwater Management Program; and

WHEREAS, the Senate of Virginia and the Virginia House of Delegates, in response to local government concerns, both passed by wide margins amendments to the Virginia Stormwater Management Program under House Bill 1173 / Senate Bill 423, which amendments allow local governments to choose either to manage their own Stormwater Management Programs or to “Opt Out”, leaving the administration, implementation and enforcement of the Program to the Virginia Department of Environmental Quality (DEQ). These were both Omnibus Bills with broad and unequivocal support from DEQ, Environmental Groups and representatives from the Construction/Development community; and

WHEREAS, the Governor of the Commonwealth of Virginia signed House Bill 1173 / Senate Bill 423 on March 24, 2014, and the bill was enacted immediately with an emergency clause contained therein; and

WHEREAS, upon enactment, the Commonwealth of Virginia’s lead environmental regulatory agency, the DEQ was established as the Commonwealth’s VSMP Authority. The DEQ is the stormwater permitting authority and has the responsibility to implement, administer, and enforce the Commonwealth’s environmental regulations in a uniform, consistent, efficient and timely manner across the Commonwealth; and

WHEREAS, the Board of Supervisors of Nelson County, along with 54 other localities in Virginia, voted in 2014 to “Opt Out” of administering their own stormwater management program, leaving the administration of the Program to DEQ; and

WHEREAS, following the 2014 legislation, a Stormwater Advisory Group was convened and charged with making recommendations regarding consolidation and implementation of the Virginia’s Water Regulations, including Stormwater and Erosion and Sediment Control, to the 2016 General Assembly; and

WHEREAS, the Stormwater Advisory Group is largely comprised of representatives from the environmental community, engineers and DEQ staff and lacks sufficient representation from Virginia’s “Opt Out” localities and Chesapeake Bay Act localities; and

WHEREAS, while the Stormwater Advisory Group should be commended for their months of hard work, and in particular for the work on consolidating various environmental programs into one program under DEQ administration, the Group has focused a significant amount of time recently and has become sidetracked of late with a discussion on the benefits to DEQ of repealing the statutory right to “Opt Out” provided by the 2014 legislative amendments to the Virginia Stormwater Management Program and thereby returning to localities the responsibility of plan implementation, administration, and enforcement; and

WHEREAS, a recommendation to repeal the statutory “Opt Out” constitutes nothing less than nullification by committee of the legislative action clearly embodied in the 2014 Omnibus legislation, nullification of a right guaranteed by both houses of the General Assembly and the Governor, and would require that each and every locality in the Commonwealth administer a separate version of the Virginia Stormwater Management Program, thus resulting in inconsistency, inefficacy and a cumulative burden that will increase both in size and cost each year, constituting nothing short of a significantly expensive and burdensome **unfunded or underfunded mandate**; and

WHEREAS, DEQ has opined that Chesapeake Bay localities who exercise the statutory right to “Opt Out” receive an additional burden not shared by other localities by being forced to administer a local Stormwater Program for land disturbance projects between 2,500 square feet and 1 acre; and

NOW, THEREFORE, BE IT RESOLVED, The Nelson County Board of Supervisors **STRONGLY OPPOSES** any recommendation or effort to reverse or amend the action taken by the 2014 General Assembly in affording to Virginia’s counties and cities the statutory right to “Opt Out” of administering the Virginia Stormwater Management Program, and further respectfully requests that the Stormwater Advisory Group support and seek implementation of the current law; and respectfully requests that the Stormwater Advisory Group recognize and recommend that the statutory right to “Opt Out” be applied to all localities equally such that the Chesapeake Bay localities are not required to administer a local Stormwater Program for land disturbance projects between 2,500 square feet and 1 acre.

BE IT FURTHER RESOLVED, the Nelson County Board of Supervisors strongly recommends that DEQ and the General Assembly impanel an additional stakeholder group, more representative of rural and Chesapeake Bay localities, to conduct a comprehensive review of the efficiency and efficacy of the implementation and delivery of state environmental regulations and programs, to make recommendation for revisions on the delivery and implementation of these programs, and, if appropriate, draft the subsequent statutory and regulatory revisions, especially where the objective is to grant “Opt Out” alternatives to all localities equally.

Adopted: _____, 2016

Attest: _____, Clerk
Nelson County Board of Supervisors

Candy McGarry

From: Steve Carter
Sent: Thursday, October 27, 2016 12:46 PM
To: Candy McGarry
Cc: m.walker@Co.Middlesex.VA.US
Subject: FW:
Attachments: MiddlesexCo1062015.pdf; Virginia Erosion and Stormwater Management Act (full text) (2).pdf

Candy,

Please include this subject on the Board's 11-18 meeting agenda, including the Middlesex resolution modified for Nelson County.

(Matt, thank for continuing to keep up with this)

Steve

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

From: Matt Walker [mailto:m.walker@CO.Middlesex.VA.US]
Sent: Thursday, October 27, 2016 12:39 PM
To: 'dcrogers@countyofamherst.com'; 'susan.adams@appomattoxcountyva.gov'; 'aharrison@bathcountyva.org'; 'eworkman@bland.org'; 'cwoolridge@brunswickco.com'; 'craig.horn@buchanancounty-va.gov'; 'bcarter@buckinghamcounty.virginia.gov'; 'cculley@co.caroline.va.us'; 'struitt@carrollcountyva.org'; 'rclark@charlotteva.com'; 'dash@clarkecounty.gov'; 'jegertson@culpepercounty.gov'; 'vgiles@cumberlandcounty.virginia.gov'; 'david.moore@bos.dwin.org'; 'psmith@essex-virginia.org'; 'tmorris@floydcova.org'; 'snichols@fluvannacounty.org'; 'cmcklarney@gilescounty.org'; 'jim.halasz@co.halifax.va.us'; 'thall@co.henry.va.us'; 'hcboard@htcnet.org'; 'tswartzwelder@kingandqueenco.net'; 'countyadmin@kingwilliamcounty.us'; 'fpleva@lancova.com'; 'ddpoe@leecova.org'; 'cgoodwin@louisa.org'; 'tgee@lunenburgva.net'; 'dcampbell@madisonco.virginia.gov'; 'mconner@mathewscountyva.gov'; 'wayne.carter@mecklenburgva.com'; Matt Walker; Steve Carter; 'jandrzejewski@co.northampton.va.us'; 'ltadlock@co.northumberland.va.us'; 'Nottoway@nottoway.org'; 'bdavid@orangecountyva.gov'; 'clarence.monday@pittgov.org'; 'pweiler@powhatanva.gov'; 'wbartlett@co.prince-edward.va.us'; 'pashcraft@princegeorgeva.org'; 'phuber@pulaskicounty.org'; 'dakeyser@rappahannockcountyva.gov'; 'rmquicke@co.richmond.va.us'; 'lonzo.lester@russellcountyva.us'; 'knoe@scottcountyva.com'; 'mbprice@shenandoahcountyva.us'; 'twfranklin@surrycountyva.gov'; 'ddavis@sussexcountyva.gov'; 'pgreen@tazewellcounty.org'; 'dstanley@warrencountyva.net'; 'nrisavi@westmoreland-county.org'; 'sdbear@wytheco.org'
Cc: 'Larry Land'; 'Dean Lynch'; Jack Miller (SupervisorJackMiller@yahoo.com); Lewie Lawrence
Subject:

Ladies and gentlemen,

I hope this email finds you well. As you may be aware, the Commonwealth's revised stormwater regulations (copy attached) take effect on July 1, 2017. Further changes to the regulations may be forthcoming pending the culmination of

a study and analysis of the regulations, existing programs and identified problems being conducted by the William and Mary Law School Virginia Coastal Policy Center. We expect to receive suggested policy and/or legislative solutions at the conclusion of the study, hopefully prior to the VACO conference.

The Chairman of the Middlesex County Board of Supervisors, John D. "Jack" Miller, Jr. has requested VACO set aside meeting time at this year's annual conference for the "opt-out" counties to confer and discuss the imminent changes to the State's stormwater regulations and to coordinate any further action at the GA if needed or timely. Please find attached Middlesex County's resolution similar to others many of you passed last year to protect our ability to "opt-out".

VACO staff have confirmed that the Lexington Room of the Homestead will be available for use for a meeting of representatives from "opt out" counties at 1:00 pm. on Monday, November 14. The meeting of "opt out" counties will be held right after the breakout session in the Lexington Room entitled "Here's What's Happening with Stormwater and Chesapeake Bay Cleanup, which is scheduled between 11:30 a.m. and 12:45 p.m. Our Planning District Director Mr. Lewie Lawrence is scheduled to be one of the panelists in that session.

It is suggested that any county representatives attending the "opt-out" meeting should pick up their box lunches from the exhibit hall and then return to the Lexington Room for the meeting.

Please forward this email to any of your Board members or staff who may be interested in attending.

Looking forward to seeing you at the Homestead!

Matt Walker,
County Administrator
Middlesex County, Virginia



PO Box 428
877 General Puller Hwy.
Saluda, VA 23149
office - (804) 758-4330
fax - (804) 758-0061
website - www.co.middlesex.va.us

Middlesex County Board of Supervisors



RESOLUTION

WHEREAS, many localities are increasingly concerned over the Commonwealth of Virginia's expanding reliance upon localities for the administration, implementation and enforcement of regulations promulgated at the state level; and

WHEREAS, over the past several years, many changes have been made to the environmental laws in the Commonwealth of Virginia, including legislation imposing unfunded and underfunded mandatory local obligations regarding erosion and sediment control, the Chesapeake Bay Act and most recently, the significant expansion of the Virginia Stormwater Management Program (VSMP); and

WHEREAS, many localities in Virginia expressed concern to their state government delegation about the reasonableness, efficacy and costs of implementing the Commonwealth's expanded Stormwater Management Program and other environmental regulations at the local level; and

WHEREAS, many localities in Virginia have expressed concern regarding the liability they incur by becoming the VSMP plan approving authority, as well as the inestimable costs and responsibilities of the perpetual maintenance of abandoned stormwater facilities required or implied through the expanded Stormwater Management Program; and

WHEREAS, the Senate of Virginia and the Virginia House of Delegates, in response to local government concerns, both passed by wide margins amendments to the Virginia Stormwater Management Program under House Bill 1173 / Senate Bill 423, which amendments allow local governments to choose either to manage their own Stormwater Management Programs or to "Opt Out", leaving the administration, implementation and enforcement of the Program to the Virginia Department of Environmental Quality (DEQ). These were both Omnibus Bills with broad and unequivocal support from DEQ, Environmental Groups and representatives from the Construction/Development community; and

WHEREAS, the Governor of the Commonwealth of Virginia signed House Bill 1173 / Senate Bill 423 on March 24, 2014, and the bill was enacted immediately with an emergency clause contained therein; and

WHEREAS, upon enactment, the Commonwealth of Virginia's lead environmental regulatory agency, the DEQ was established as the Commonwealth's VSMP Authority. The DEQ is the stormwater permitting authority and has the responsibility to implement, administer, and enforce the Commonwealth's environmental regulations in a uniform, consistent, efficient and timely manner across the Commonwealth; and

WHEREAS, the Board of Supervisors of Middlesex County, along with 54 other localities in Virginia, voted in 2014 to “Opt Out” of administering their own stormwater management program, leaving the administration of the Program to DEQ; and

WHEREAS, following the 2014 legislation, a Stormwater Advisory Group was convened and charged with making recommendations regarding consolidation and implementation of the Virginia’s Water Regulations, including Stormwater and Erosion and Sediment Control, to the 2016 General Assembly; and

WHEREAS, the Stormwater Advisory Group is largely comprised of representatives from the environmental community, engineers and DEQ staff and lacks sufficient representation from Virginia’s “Opt Out” localities and Chesapeake Bay Act localities; and

WHEREAS, while the Stormwater Advisory Group should be commended for their months of hard work, and in particular for the work on consolidating various environmental programs into one program under DEQ administration, the Group has focused a significant amount of time recently and has become sidetracked of late with a discussion on the benefits to DEQ of repealing the statutory right to “Opt Out” provided by the 2014 legislative amendments to the Virginia Stormwater Management Program and thereby returning to localities the responsibility of plan implementation, administration, and enforcement; and

WHEREAS, a recommendation to repeal the statutory “Opt Out” constitutes nothing less than nullification by committee of the legislative action clearly embodied in the 2014 Omnibus legislation, nullification of a right guaranteed by both houses of the General Assembly and the Governor, and would require that each and every locality in the Commonwealth administer a separate version of the Virginia Stormwater Management Program, thus resulting in inconsistency, inefficacy and a cumulative burden that will increase both in size and cost each year, constituting nothing short of a significantly expensive and burdensome **unfunded or underfunded mandate**; and

WHEREAS, DEQ has opined that Chesapeake Bay localities who exercise the statutory right to “Opt Out” receive an additional burden not shared by other localities by being forced to administer a local Stormwater Program for land disturbance projects between 2,500 square feet and 1 acre; and

NOW, THEREFORE, BE IT RESOLVED THAT:

The Board of Supervisors of Middlesex County **STRONGLY OPPOSES** any recommendation or effort to reverse or amend the action taken by the 2014 General Assembly in affording to Virginia’s counties and cities the statutory right to “Opt Out” of administering the Virginia Stormwater Management Program, and further respectfully requests that the Stormwater Advisory Group support and seek implementation of the current law; and

The Board of Supervisors of Middlesex County respectfully requests that the Stormwater Advisory Group recognize and recommend that the statutory right to “Opt Out” be applied to all

localities equally such that the Chesapeake Bay localities are not required to administer a local Stormwater Program for land disturbance projects between 2,500 square feet and 1 acre.

BE IT FURTHER RESOLVED THAT:

The Board of Supervisors of Middlesex County **strongly recommends** that DEQ and the General Assembly impanel an additional stakeholder group, more representative of rural and Chesapeake Bay localities, to conduct a comprehensive review of the efficiency and efficacy of the implementation and delivery of state environmental regulations and programs, to make recommendation for revisions on the delivery and implementation of these programs, and, if appropriate, draft the subsequent statutory and regulatory revisions, especially where the objective is to grant “Opt Out” alternatives to all localities equally.

All members present and voting:

Robert L. LeBoeuf	aye
Elizabeth B. Hurd	aye
Pete W. Mansfield	aye
John D. Miller, Jr.	aye
Wayne H. Jessie, Sr.	aye

CERTIFICATION

I, Matt Walker, Clerk of the Board of Supervisors of the County of Middlesex, Virginia, certify that the foregoing is a true and correct copy of a resolution passed at a lawfully organized meeting of the Board of Supervisors of Middlesex County held at Saluda, Virginia, on October 6, 2015.



Matt Walker, Clerk

Nelson County School Board OCR PROJECT COSTS

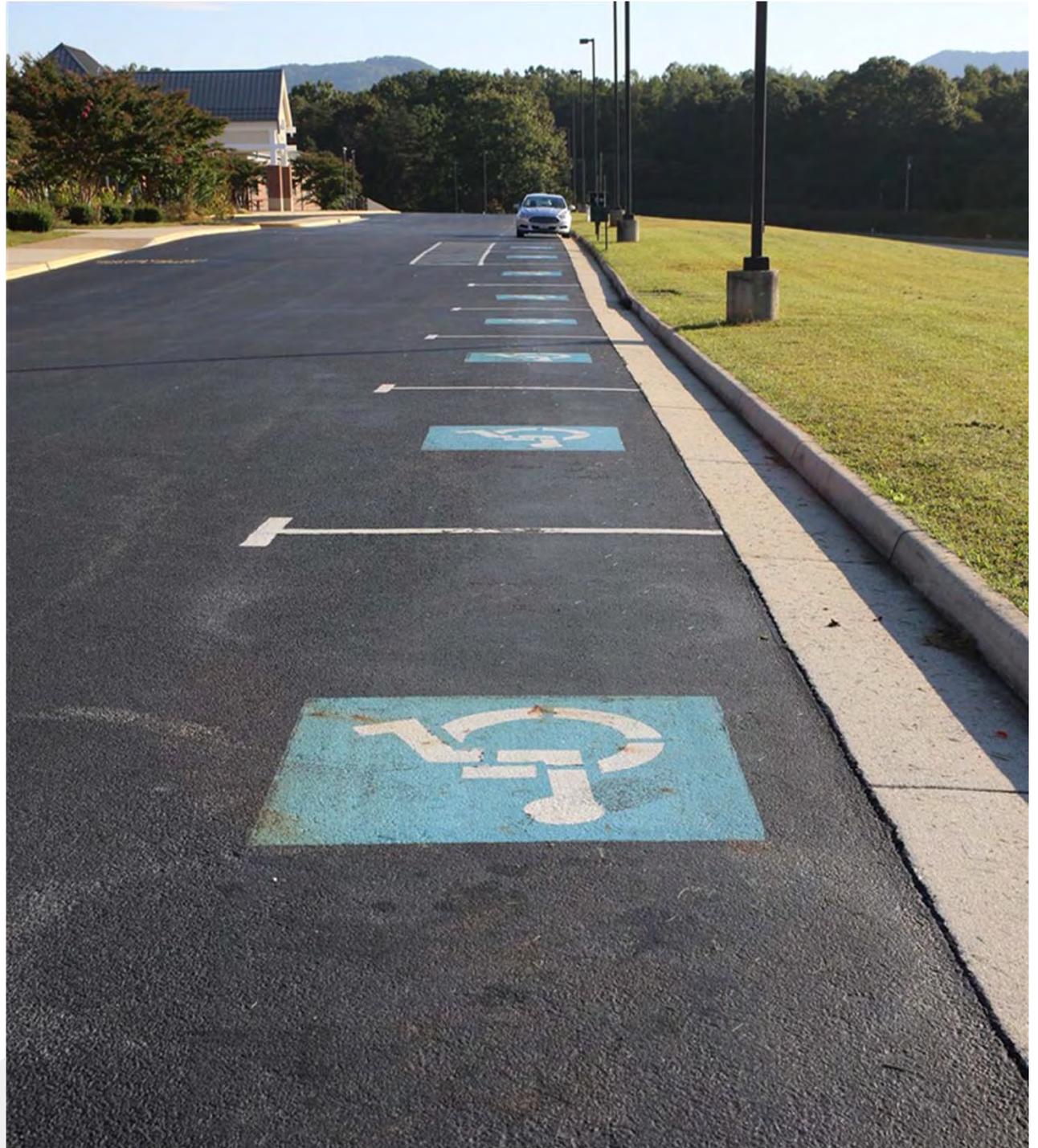
Finding1 - Handicapped Parking Spaces & Curb Changes	\$5,515.90
Step Repair/Replace - NCHS	\$14,903.00
Finding 2 - Interior Doors set at 5 lb or less to operate - measuring tool	\$50.00
Finding 3 - Elevator change from key operated to push button	\$1,120.00
Finding 4 - Rearrange furniture in media center	\$0.00
Finding 5 - Install 50% Handicapped Accessible Drinking Fountains	\$19,565.50
Finding 6 - Ramps and Handrails	\$3,055.00
Finding 7 - Accessible seating in Gymnasium	\$50,400.00
Finding 8 - Grab Bars, Pipe Wrapping , Benches with Back Support	\$1,367.95
Remount mirrors & make accessible shower	
Finding 9 - Signage, threshold change, dispensers, shower spray	\$1,110.43
Finding 10 - Door Knobs replaced with lever action handles	\$25,328.50
Finding 11 - Fill In Auto Pit & Replace Alignment Equipment	\$63,079.00
Finding 12 - Greenhouse aisles & threshold, doorknobs	\$0.00
(doorknobs part of Finding 10 above)	
Finding 13 - Sink & Countertop in FCS classroom	\$2,750.00
Finding 14 - Signage & 5 Assistive listening receivers	\$2,681.00
Finding 15 - Cafeteria Ala Carte Offerings too high	\$0.00
Finding 16 - Ambulatory Stall in restroom near auditorium	\$120.00
Comparable Facility Issue - Team Room Accessibilty	\$8,164.00
Architectural & Engineering Fees including Reimbursable Expenses	<u>\$65,202.45</u>
Total Expenses for Project	\$264,412.73

Nelson County
School Board OCR
Completed Projects

Finding 1

Additional
Handicapped
Parking Spaces
and Curbing

\$5,515.90







Finding 1

Step Repair
to Math Lab

\$14,903



Rear Entry to High School





Finding 3

Replaced elevator
key with push
buttons \$1,120

Finding 5 Installation of Handicap Accessible Drinking Fountains 19,565.50



Finding 6 - New Handrails Commons Area - \$3,055



Finding 7 - New Handicap Accessible Gymnasium Seating - \$50,400



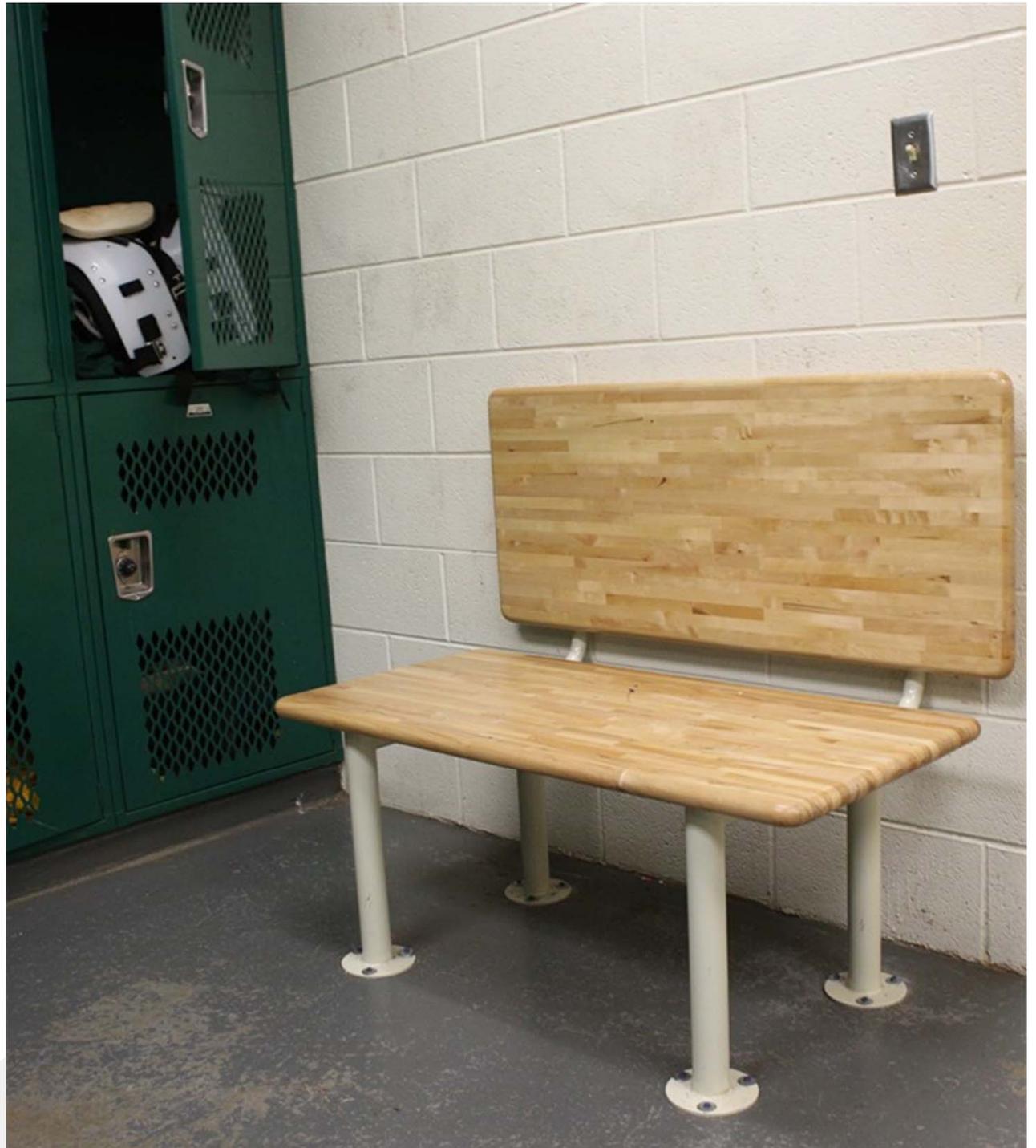


Finding 8 -

New grab bars, remount mirrors, back supported benches, accessible shower - \$1,367.95



New benches
with back
rest





**Finding 9 -
Threshold Change-
\$1,110**

Finding 8/9 No Costs



No Cost - Relocate Grab Bars



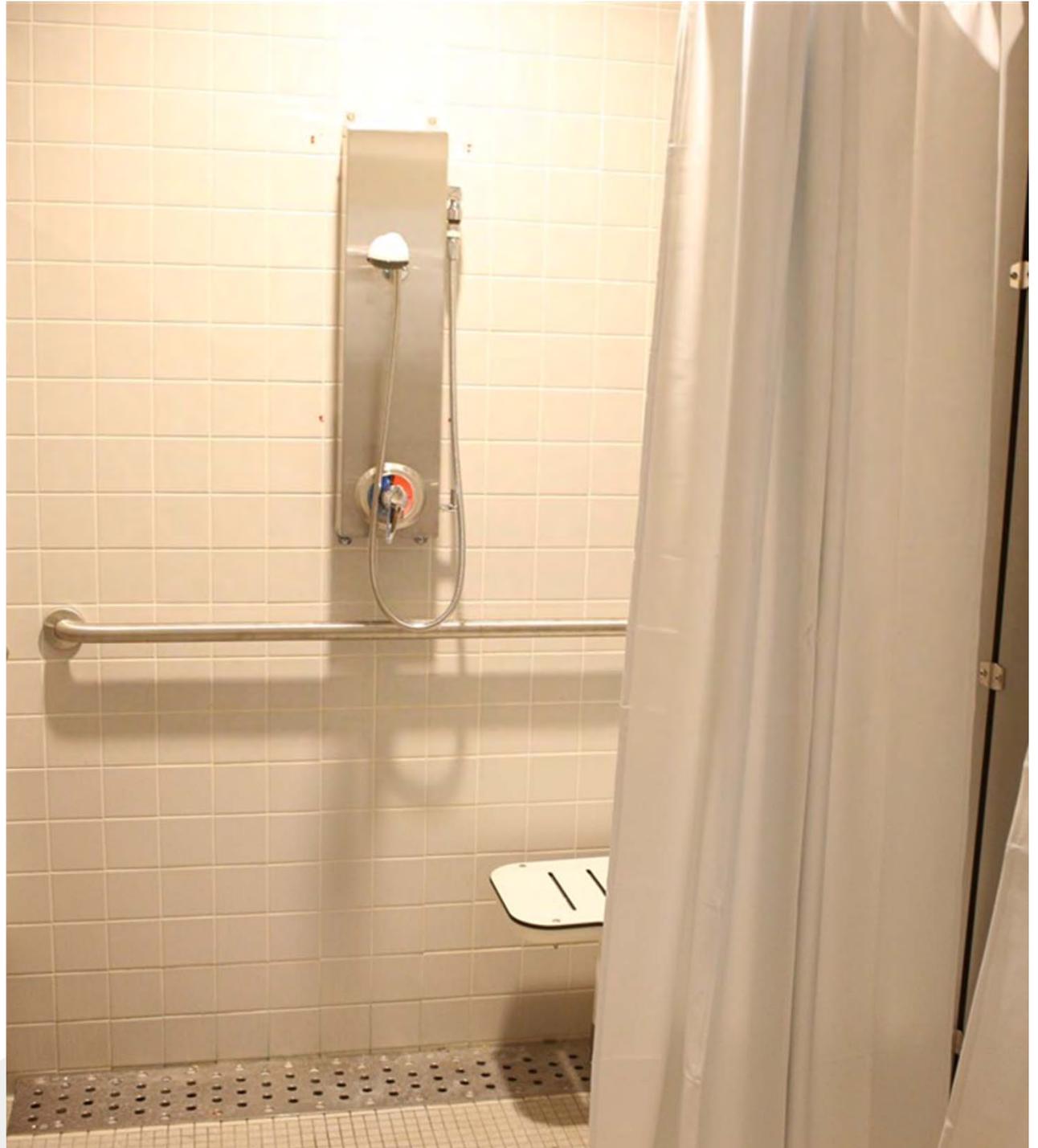
Finding 14 - Signage and Assistive Listening Devices - \$2,681



Comparable Facility Issue

-

S8,164

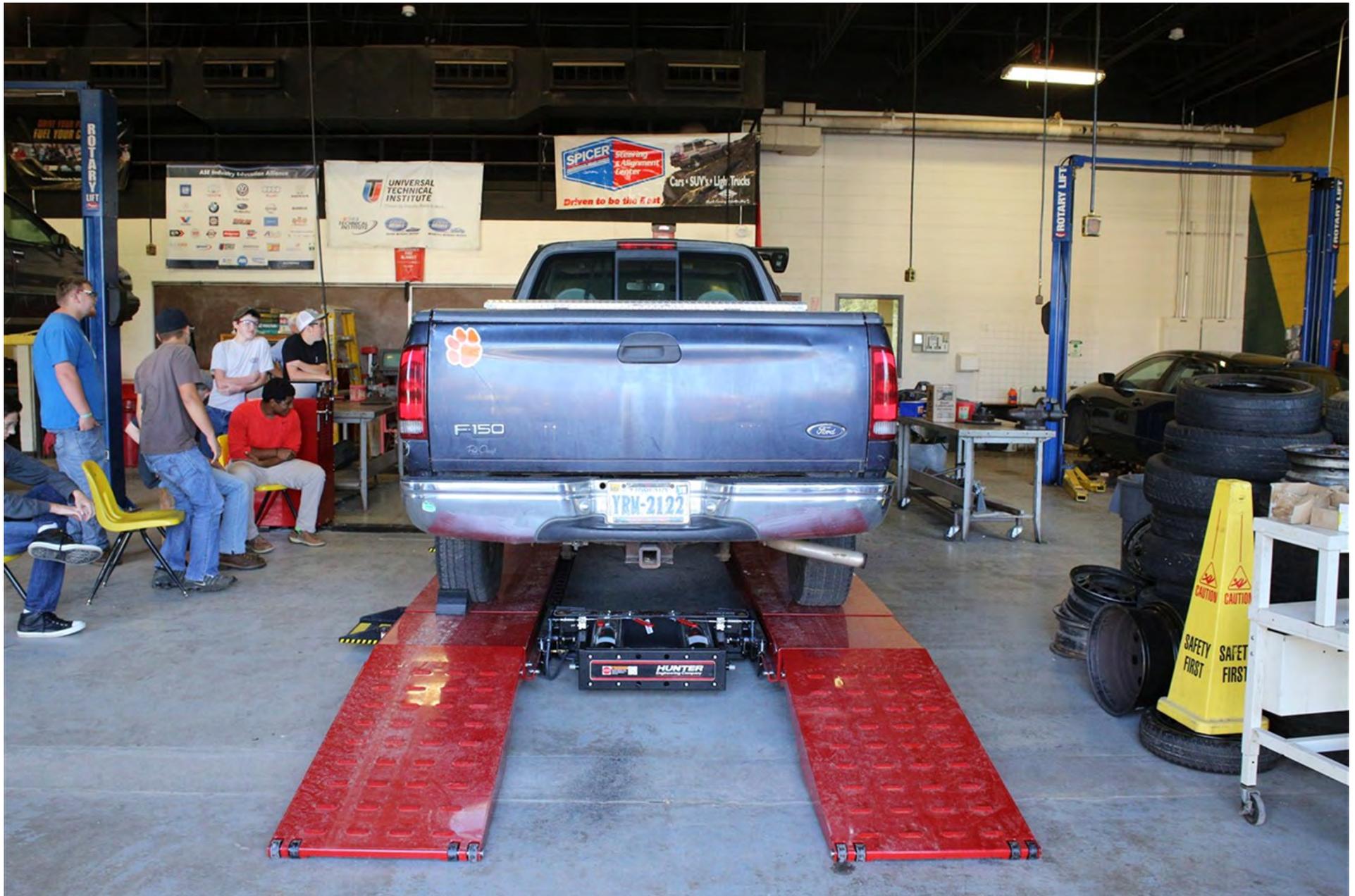




Finding 10 - replace door knobs in CTE Wing with lever action handles - \$25,328



Finding 11- Fill in auto pit and install new alignment lift - \$63,079



Finding 13 - install and lower new sink in Family and Consumer Science classroom - \$2,750



Additional Projects - Not OCR Related











HOME

GUESTS

BALL ON

DOWN

YDS TO GO

QTR

NC GOVERNORS



3 November, 2016

To: Board of Supervisors
From: S. Carter, County Administrator
Re: County Administrator's Report (November 8, 2016 Meeting)

1. Courthouse Project Phase II: County staff (Administration, Finance and HR and Information Systems) will begin moving to their new office locations on 11-4. There is a two week schedule for this relocation and for the relocation of the Commissioner of Revenue's office to the current administration area, which will be updated (painting, new carpeting and furnishings). The project is proceeding very well in all areas. The current project contract amount is \$4,915,778, inclusive of \$35,787 in approved change orders (.0075% of total).

2. Broadband: **A) Expansion Project** – CCTS has advised Phase 3 will be complete by 11-4 (and therefore the overall project) with the company then working on new service connections that have resulted from the project. **B) Broadband Planning Project** – County and Design 9 staffs are working to complete the outcomes of the Authority's work session on 10-6 (final build out plan & cost estimate, including identification of served & unserved areas, issuance of an RFP for network operation services, and follow up on outside plant work. **C) CVEC RFI** – per input with CVEC staff, a County/NCBA proposal to the Co-Op's Broadband RFI will not be submitted. **D) NCBA Customer Base:** See Attached.

3. BR Tunnel Project: VDOT (Lynchburg & Staunton Districts) are completing final review and comment on the project's construction plans and specifications. Staff is optimistic that additional comments will be minimal (per previous responses to VDOT comments). County staff has also submitted a written response to the Dept. of Game & Inland Fisheries regarding a potential requirement to complete a conservation plan related to 2 species of bats. The County's position is that the project does not meet the Department's guidance document's requirements and, therefore, a conservation plan and time of year restrictions are not applicable to the project (a phone call today, 11-3, from DGIF staff noted that a plan is still required and staff will work to schedule a meeting with DGIF to discuss next steps).

4. Region 2000 Service(s) Authority & Solid Waste/Recycling: The Authority's strategic planning project continues to be in process (the purpose is to determine long term operational options). Authority staff are also continuing with the installation of gas and odor collection systems throughout the overall landfill area (a \$1.3 million+ expense). The Authority's meeting on 11-30 will include further consideration of a (private) property reimbursement plan and including a citizen representative from Campbell County on the Authority Board in an advisory capacity (staff is opposed to both of these proposals). Green Earth Recycling (clothing) has closed its business and advised the County that its equipment is now the County's. As such, County staff are meeting with Goodwill Industries (Staunton) towards a new partnership to maintain this service.

5. Radio Project: Motorola, Inc.: The work to equip and incorporate the tower at the Rockfish Valley Vol. Fire Department is in process (summer 2017 completion date). Delivery of the three Digital Vehicle Repeater Systems is scheduled for 11-10 with installation by late November. .

7. Economic Development & Land Use Planning: Local revenue receipts are submittals from the sponsors of the Festy and Hoopla sponsors. The Commissioner of Revenue's office is in contact with the sponsors and has advised them of the necessity to report and to submit collected local revenues to the County. TJPDC is the lead agency with County staff on the Rockfish Valley

Area Plan and Route 29 Corridor Study (310 Ltd. is a sub-consultant on the later project). Both projects are in process. The County will receive a \$5,000 grant from AEP for the Rt. 29 study. CVEC has advised that its Board of Directors has approved the sale of 5 acres in the Colleen Business Park to Trager Brothers to provide for the company's planned expansion of its production and operational facilities. County and NCSA staffs participated in the initial meeting with the company that resulted in the Co-Op's decision.

8. Maintenance Facility: Reconstruction of the facility is approximately 70%+/- complete with County staff currently restructuring the internal working areas of the building.

9. 2018 General Reassessment: A contract with Wampler-Eanes is completed and company staff has begun very preliminary work on the sales study for the assessment.

10. Personnel: Dillon Driver has been employed as an ACO Shelter Attendant (part time) and began work on 10-17 (the ACO Department is now fully staffed). Linda Staton will transition to the County Administrator's office on 11-10. Recruitment of the Info. Systems position continues to be in process.

11. VDOT - Smart Scale (Formerly HB 2) Program: Two applications submitted on 10-5 (Routes 6 and 151 at Martins Store (intersectional improvements) and Rt. 29 at Colleen (access management and intersectional improvements)).

12. Department Reports: See Agenda.

Report to Nelson County Broadband Authority

Meeting Date: 11/8/2016

Prepared by Susan Rorrer

I. Operational

Total Number of Customers on 8/31/16: 187

Installations for September and October: 33

Pending Installations: 23

Total Number of Customers on 10/31/16: 240

II. Administrative

Currently working with two neighborhoods that would add an estimated 52 customers on the initial neighborhood build. There are approximately 35 individuals to date seeking service along the Afton Mountain Road fiber extension.

III. Financial

attached

NELSON COUNTY BOARDS AND COMMISSIONS APPLICATION FORM

Subject: Appointments - Statement of Interest Form

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

Please complete and mail this form to:

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

or fax to (434) 263-7004

Date 10/25/2016

Mr. _____ Mrs. X Ms. _____

Name: Angela Jones

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

- 1. BZA Zoning Board of Appeals
- 2. _____
- 3. _____

Home Address: 146 Miles Lane
Faber, Va. 22938

Occupation: Respiratory Therapist Employed by: Roberts Home Medical, INC

Home Phone No.: 434-995-9441 Business Phone No.: 434-973-7847

Fax No.: 434-973-8436 E-Mail Address: ajjones9267@gmail.com

Do you live in Nelson County? Yes No

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

If yes, list the Board(s):

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

~~Good Listening skills. A willingness to serve the community in the best way I know how.~~

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

My father was on the Board for years and I had the privilege of attending a few meeting with him.

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

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

ATTENDANCE REQUIREMENTS

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

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

Yes No

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 ajjones9267@gmail.com	November 11, 2016
Carole Saunders 1610 Wilson Hill Rd. Arrington, VA 22922 H (434) 263-4976 carolevar@aol.com	November 9, 2018
Gifford Childs 5596 Taylor Creek Rd. Afton, VA 22920 (434) 361-9147 giffordchilds@gmail.com	November 11, 2017
Mary Kathryn Allen (Active PC Member) 1115 Gladstone Rd. Gladstone, VA 24553 (434) 933-8214 mkallen@vaems.org	November 1, 2019
Ronald Moyer P.O. Box 94 Shipman, VA 22971 (434) 263-5947 (h) (434) 263-5031 (w) joanshpm@aol.com	November 10, 2020
Shelby Bruguiere (Alternate) 1339 Stoney Creek West Nellysford VA 22958 540-456-6778 (H) shelbybruguiere@gmail.com	March 30, 2020

BOARD OF ZONING APPEALS

Board Recommends Appointment to the Circuit Court.

Established: by Article 14 of the Nelson County Code,

Composition: 5 members and an alternate 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.

11-2-16

To: Candy

NELSON COUNTY BOARDS AND COMMISSIONS APPLICATION FORM

Subject: Appointments - Statement of Interest Form

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

Please complete and mail this form to:

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

or fax to (434) 263-7004

Date 11-2-16

Mr. _____ Mrs. Ms. _____

Name: Sarah Holman

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

- 1. Taunt
- 2. _____
- 3. _____

Home Address: 1162 Stony Creek West Nellysford VA 22958

Occupation: Director Employed by: Nelson Cable

Home Phone No.: 434-531-2124 Business Phone No.: same

Fax No.: _____ E-Mail Address: Sarah@nelsoncable.com

Do you live in Nelson County? Yes No

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

If yes, list the Board(s):

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

I was born and raised in Nelson County. I currently live and work here. I am fortunate enough to have a job that allows me to interact with people everyday. I am able to talk about issues in an informal setting.

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

I have been in Customer Relations for over 20 years. I feel that is an area vital to working with Jant. I have also done sales + marketing in Nelson County and have a good understanding of the community.

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

I am very involved in the community, my church, and the schools.

Connie Brennan suggested that I apply

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

ATTENDANCE REQUIREMENTS

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

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

Yes No

JEFFERSON AREA UNITED TRANSPORTATION –JAUNT, INC.

2 CITIZEN MEMBERS

Janice Jackson (VACANT)
6438 Laurel Rd.
P.O. Box 56
Shipman, VA 22971
Ph (434) 263-4116
jjacksonconsult@earthlink.net

August 1, 2013-September 30, 2016

Delores J. Green
10 Giles Lane
Roseland, VA 22967
Ph (434) 277-5770
deejgreen@gmail.com

August 1, 2015 -September 30, 2018
(Appointed 10/13/15)

Term(s) of Office: 3 years: August 1st to September 30th

Summary of Duties: To set broad policy in support of JAUNT's mission which is to safely, courteously and promptly provide public and specialized services to meet community mobility needs.

Meetings: Meets the second Wednesday of each month from 10:00 am to 12:00 noon at the JAUNT office, 104 Keystone Place, Charlottesville, VA 22902. Members serve on a volunteer basis. Contact Person is Brad Sheffield, brads@ridejaunt.org , 434-296-3184 ext 101



Nelson Senior FFA

Nelson County High School
6919 Thomas Nelson Highway
Lovingson, VA 22949
(434) 263 -8317 Fax: (434) 263-5987

October 31, 2016

Mr. Steve Carter
County Administrator-Nelson County
P.O. Box 336
Lovingson, VA 22949

Dear Mr. Carter,

It is with a great deal of pride and satisfaction that I write to you and the Nelson County Board of Supervisors to share this good news and to make a request.

On Friday October 21, 2016 the Nelson County FFA Forestry team was recognized at the National FFA convention as this year's national runner up team. Yes, this new team placed second on the national level. Ruth Fitzgerald had the nation's top score. Jacob Phillips placed second in the nation and was one point from 1st place. Kelsy Fitzgerald was 14th and Steven Tyree was 29th.

After winning their state contest in May the team spent the entire summer and fall preparing mornings, nights and some weekends for the national events. The months, and yes, for some, the years of preparation paid off for these young citizens of our county.

These students represented Virginia, Nelson County and our citizens in an outstanding manner. I am asking for the Nelson County Board of Supervisors to once again this year purchase rings for the national second place team and present them at a Nelson County Board of Supervisors meeting during the December 2016. In the event school is closed or the rings do not arrive in time can they be presented at the January of 2017 meeting? The cost for the rings and coaches would be approximately \$1,850.00.

The Board's tradition, of rewarding students that distinguish themselves, their families, and the County of Nelson was a key motivating factor for these students. I appreciate the board's generosity in the past and look forward to working with you in the future.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Ed McCann', is written over a light blue horizontal line.

Ed McCann
FFA Advisor
Nelson County High School