

**AGENDA**  
**NELSON COUNTY BOARD OF SUPERVISORS**  
**October 11, 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. Resolution Honoring the Public Service of the Late Clifford E. Wood (R2016-64)**
  
- III. Consent Agenda**
  - A. Resolution – **R2016-65** FY17 Budget Amendment
  - B. Resolution – **R2016-66** October is Domestic Violence Awareness Month
  
- IV. Public Comments and Presentations**
  - A. Public Comments
  - B. Presentation – Commissioner of Revenue (P. Campbell)
  - C. VDOT Report
  
- V. New Business/ Unfinished Business**
  - A. Authorization to Award & Execute Contract for 2018 Real Property Reassessment (**R2016-67**)
  
- VI. Reports, Appointments, Directives, and Correspondence**
  - A. Reports
    - 1. County Administrator’s Report
    - 2. Board Reports
  - B. Appointments
  - C. Correspondence
  - D. Directives
  
- VII. Recess and Reconvene Until 7:00 PM for the Evening Session**

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

**I. Call to Order**

**II. Public Comments**

**III. Public Hearings**

A. **Public Hearing: 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.

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 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.

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

**V. Adjournment**

**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

**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.

Adopted: October 11, 2016

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

**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

Adopted: October 11, 2016

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

## EXPLANATION OF BUDGET AMENDMENT

- I. The **Transfer of Funds** reflects a request of **\$5,000** from the Humane Society of Nelson County. This funding request was approved by the Board on September 13, 2016 and will be transferred from General Fund Contingency. After this request, \$1,623,438 remains in the General Fund Contingency of which \$961,038 is recurring revenue.

**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

**WHEREAS**, the Shelter for Help in Emergency commemorates its 37<sup>th</sup> 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.

Adopted: October 11, 2016

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

*2018 Reassessment Procurement Process and Vendor Selection Summary  
Pursuant to Section 2.2-4302.2 of the Virginia Public Procurement Act, Process for Competitive Negotiation*

**Issuance of RFP:**

On August 4, 2016 Nelson County issued **RFP #2016-NCREASSESS** for the procurement of the services of a mass appraisal company to conduct the general reassessment of real property in Nelson County effective January 1, 2018. The RFP was announced by public notice in the Nelson County Times, posted on the Nelson County website, and sent directly to the following mass appraisal companies: Wampler-Eanes Appraisal Group Ltd., Wingate Appraisal Service, Fraser Associates, and Pearson's Appraisal Services, Inc. The due date for proposals was September 2, 2016.

**Responses:**

1. Wampler- Eanes Appraisal Group Limited, \$16.35 per parcel Total Cost NTE-\$299,000.00 including the cost of a full-time clerical position for the re-assessment period estimated at \$30,000.
2. Pearson's Appraisal Service, Inc., \$15.60 per parcel for a Total Cost of \$256,323.60 plus the cost of a full-time clerical position for the re-assessment period.

A letter of no response was received from Wingate Appraisal Service, Roanoke, VA.

**Interviews:**

Interviews were then conducted with both respondents on September 22, 2016 by a committee consisting of: Steve Carter -County Administrator, Pamela Campbell – Commissioner of Revenue, Debbie McCann – Director of Finance and HR, and Candy McGarry – Administrative Assistant /Deputy Clerk.

**Firm Evaluation and Ranking:**

Evaluation Factors and their respective weights are as follows: Qualifications and experience of firm & personnel -25%, Previous work experience with Nelson Co. – 15%, Experience in similar projects using ProVal – 25%, Timetable for completion of services – 15%, and Non-binding cost of services – 20%.

Upon conclusion of the interviews, the Committee unanimously ranked Wampler-Eanes Appraisal Group Ltd. as the number one respondent based on the evaluation factors considered. While the qualifications and the experience of both firms were comparable, Wampler-Eanes Appraisal Group had more experience overall in Virginia and significant experience and certification using the ProVal system. Given the data conversion issues experienced in 2012 with a previous firm that was inexperienced in ProVal, this was given a high weight factor by the Committee. Whereas, Pearson Appraisal Services had no previous experience working in Nelson County, in contrast, Wampler-Eanes had significant previous experience. Wampler-Eanes was the firm that conducted the 2014 re-assessment for the County and the principals of the company had previously worked in the county with Wingate Appraisal Services; therefore Wampler-Eanes received a significantly higher score on this criteria. These two factors were also weighted more heavily. Both firms provided a timetable for the completion of services that was consistent with what was requested in the RFP. Non-binding cost of

services was rated equally given that Wampler-Eanes’s NTE price of \$299,000 included a full-time clerical position valued at \$30,000 during the reassessment period; whereas Pearson Appraisal Service’s total cost of \$256,323.60 did not include a cost factor for this.

The rating matrix of the committee is as follows. Firms were rated on a scale of 1-5 with 5 being the highest score.

<b>Rating Categories &amp; Weighting:</b>	<b>Wampler-Eanes Appraisal Group Ltd.</b>	<b>Pearson's Appraisal Services, Inc.</b>
Qualifications and Experience of Firm & Personnel - <b>25%</b>	5/1.25	5/1.25
Previous Work Experience with Nelson County - <b>15%</b>	5/.75	0/0
Experience with Similar Projects Using ProVal - <b>25%</b>	5/1.25	2/.50
Timetable for Completion of Services - <b>15%</b>	5/.75	5/.75
Non-binding Cost of Services- <b>20%</b>	4.5/.90	4.5/.90
<b>TOTAL RATING</b>	<b>24.5/4.9</b>	<b>16.5/3.4</b>

**References:**

On September 23, 2016, Mr. Carter emailed Botetourt County Administrator, David Moorman and Botetourt County Commissioner of Revenue, Rodney Spickard in reference to Wampler-Eanes’s work in that locality and they received favorable recommendations from both Mr. Spickard and Mr. Moorman.

On September 27, 2016, Mr. Carter emailed Greene County Administrator, John Barkley in reference to Pearson Appraisal Services, Inc.’s work in that locality and they received a favorable recommendation from Mr. Barkley based on their work there in 2013 and 2015; however the Committee’s #1 ranking of Wampler-Eanes remained firm.

**Recommendation:**

Based on the above, staff recommends approval of proposed resolution **R2016-68** which would authorize the County Administrator to award and execute a contract for the 2018 real property reassessment with Wampler-Eanes Appraisal Group Ltd.; for a per parcel price of \$16.35 and a NTE total amount of \$299,000.

## § 2.2-4302.2. Process for competitive negotiation

A. The process for competitive negotiation shall include the following:

1. Issuance of a written Request for Proposal indicating in general terms that which is sought to be procured, specifying the factors that will be used in evaluating the proposal, indicating whether a numerical scoring system will be used in evaluation of the proposal, and containing or incorporating by reference the other applicable contractual terms and conditions, including any unique capabilities, specifications or qualifications that will be required. In the event that a numerical scoring system will be used in the evaluation of proposals, the point values assigned to each of the evaluation criteria shall be included in the Request for Proposal or posted at the location designated for public posting of procurement notices prior to the due date and time for receiving proposals. No Request for Proposal for construction authorized by this chapter shall condition a successful offeror's eligibility on having a specified experience modification factor;
2. Public notice of the Request for Proposal at least 10 days prior to the date set for receipt of proposals by posting on the Department of General Services' central electronic procurement website or other appropriate websites. Additionally, public bodies shall publish in a newspaper of general circulation in the area in which the contract is to be performed so as to provide reasonable notice to the maximum number of offerors that can be reasonably anticipated to submit proposals in response to the particular request. Posting on the Department of General Services' central electronic procurement website shall be required of any state public body. Local public bodies are encouraged to utilize the Department of General Services' central electronic procurement website to provide the public with centralized visibility and access to the Commonwealth's procurement opportunities. In addition, proposals may be solicited directly from potential contractors. Any additional solicitations shall include certified businesses selected from a list made available by the Department of Small Business and Supplier Diversity; and
3. For goods, nonprofessional services, and insurance, selection shall be made of two or more offerors deemed to be fully qualified and best suited among those submitting proposals, on the basis of the factors involved in the Request for Proposal, including price if so stated in the Request for Proposal. In the case of a proposal for information technology, as defined in § 2.2-2006, a public body shall not require an offeror to state in a proposal any exception to any liability provisions contained in the Request for Proposal. Negotiations shall then be conducted with each of the offerors so selected. The offeror shall state any exception to any liability provisions contained in the Request for Proposal in writing at the beginning of negotiations, and such exceptions shall be considered during negotiation. Price shall be considered, but need not be the sole or primary determining factor. After negotiations have been conducted with each offeror so selected, the public body shall select the offeror which, in its opinion, has made the best proposal and provides the best value, and shall award the contract to that offeror. When the terms and conditions of multiple awards are so provided in the Request for Proposal, awards may be made to more than one offeror. Should the public body determine in writing and in its sole discretion that only one offeror is fully qualified, or that one offeror is clearly more highly qualified than the others under consideration, a contract may be negotiated and awarded to that

offeror; or

4. For professional services, the public body shall engage in individual discussions with two or more offerors deemed fully qualified, responsible and suitable on the basis of initial responses and with emphasis on professional competence, to provide the required services. Repetitive informal interviews shall be permissible. The offerors shall be encouraged to elaborate on their qualifications and performance data or staff expertise pertinent to the proposed project, as well as alternative concepts. In addition, offerors shall be informed of any ranking criteria that will be used by the public body in addition to the review of the professional competence of the offeror. The Request for Proposal shall not, however, request that offerors furnish estimates of man-hours or cost for services. At the discussion stage, the public body may discuss nonbinding estimates of total project costs, including, but not limited to, life-cycle costing, and where appropriate, nonbinding estimates of price for services. In accordance with § 2.2-4342, proprietary information from competing offerors shall not be disclosed to the public or to competitors. For architectural or engineering services, the public body shall not request or require offerors to list any exceptions to proposed contractual terms and conditions, unless such terms and conditions are required by statute, regulation, ordinance, or standards developed pursuant to § 2.2-1132, until after the qualified offerors are ranked for negotiations. At the conclusion of discussion, outlined in this subdivision, on the basis of evaluation factors published in the Request for Proposal and all information developed in the selection process to this point, the public body shall select in the order of preference two or more offerors whose professional qualifications and proposed services are deemed most meritorious.

Negotiations shall then be conducted, beginning with the offeror ranked first. If a contract satisfactory and advantageous to the public body can be negotiated at a price considered fair and reasonable and pursuant to contractual terms and conditions acceptable to the public body, the award shall be made to that offeror. Otherwise, negotiations with the offeror ranked first shall be formally terminated and negotiations conducted with the offeror ranked second, and so on until such a contract can be negotiated at a fair and reasonable price.

Notwithstanding the foregoing, if the terms and conditions for multiple awards are included in the Request for Proposal, a public body may award contracts to more than one offeror.

Should the public body determine in writing and in its sole discretion that only one offeror is fully qualified or that one offeror is clearly more highly qualified and suitable than the others under consideration, a contract may be negotiated and awarded to that offeror.

B. Multiphase professional services contracts satisfactory and advantageous to the completion of large, phased, or long-term projects may be negotiated and awarded based on a fair and reasonable price for the first phase only, where the completion of the earlier phases is necessary to provide information critical to the negotiation of a fair and reasonable price for succeeding phases. Prior to entering into any such contract, the public body shall (i) state the anticipated intended total scope of the project and (ii) determine in writing that the nature of the work is such that the best interests of the public body require awarding the contract.

For the purposes of subdivision A 1, "experience modification factor" means a value assigned to an employer as determined by a rate service organization in accordance with its uniform experience rating plan required to be filed pursuant to subsection D of § 38.2-1913.

2013, cc. 518, 540, 543, 583;2014, cc. 217, 630;2015, cc. 350, 570, 760, 776;2016, cc. 174, 175, 295

**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.

Adopted: \_\_\_\_\_, 2016

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

7 October, 2016

To: Board of Supervisors  
From: S. Carter, County Administrator  
Re: County Administrator's Report (October 11, 2016 Meeting)

**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.

**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.

**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.

**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 DVRSSs 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 Sheriffs 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 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.

**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).

**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.

**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.

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

**See Attachment for P&Z Staff Report RE: Proposed Zoning Ordinance Amendments - Temporary Events and Festival Grounds**



To: Chair and Members, Nelson County Board of Supervisors (BOS)  
Mr. Stephen A. Carter, County Administrator

From: Tim Padalino | Planning & Zoning Director

Date: October 5, 2016

**Subject: Proposed Zoning Ordinance (ZO) Amendments –  
“Temporary Events and Festival Grounds”**

On September 13<sup>th</sup>, the BOS conducted a public hearing for proposed ZO amendments that, if enacted, would establish new regulations, provisions, and exemptions for “temporary events” and associated land uses. This report attempts to provide a general overview of the public comments provided during that hearing, and identify options for possible next steps regarding this ongoing amendment process.

### **Overview of Public Comments Received During Public Hearing:**

#### **[Concerns about general impacts associated with temporary events]:**

- Noise is very disruptive – both volume and duration into late night (or even early morning) hours
- Noise impacts come from performing artists and then from late-night after-parties in campgrounds
- Trespassing and abuse of property has occurred in past, including littering and open-air toileting
- Integrity of private property rights is threatened by proliferation of under-regulated events
- Imbalance exists between support for events industry and protection of residential property rights

#### **[Support for general benefits of temporary events]:**

- Recreational tourism is good for Nelson County businesses and residents
- Local businesses and farms need flexibility to grow/diversify revenues by hosting/conducting events

#### **[Critique of the language contained in the proposed amendments, as written]:**

- Concerns about the ability of the County to actually enforce the proposed new regulations
- Concerns that the well-intended language does not actually create real world solutions to protect homeowners’ property rights
- Assertion that numerous loopholes exist that render proposed new regulations ineffective
- Assertion that, as written, the amendments would result in litigation against the County

**[Support for the language contained in the proposed amendments, as written]:**

- Statement that the proposed amendments are empowering, and would provide the County with the right amount of involvement, discretion, and authority in regulating events

**Potential Next Steps for BOS Consideration:**

- Conduct a BOS work session with County staff (including but not limited to County Administration, County Attorney, Planning & Zoning, and Economic Development & Tourism)
- Reconvene the original citizen work group to address issues identified during public hearing and identify possible modifications
- Reconvene an expanded citizen work group (with original members plus additional new members representing diversified perspectives) to discuss proposed amendments and identify possible modifications
- Do nothing to amend the existing regulations and discontinue the amendment process

In conclusion, please contact me with any questions or requests for assistance you may have regarding the proposed amendments or the amendment process in general. Thank you.



<u>Directives</u>	<u>Member</u>	<u>Status</u>	<u>Comments</u>
<b><u>Directives from May 10, 2016</u></b>			
<i>Initiate Workshop on Floodplain Ordinance and Issues</i>	C. Brennan	Tabled	
<b><u>Directives from July 12, 2016</u></b>			
<i>Brainstorm on Ways Other Than Internet and Newspaper to Inform the Public</i>	C. Brennan	Ongoing	
<b><u>Directives from September 13, 2016</u></b>			
<i>Have a Picture Framed of Former Supervisor Cliff Wood- Similar to That of Mr. Harris</i>	T. Harvey	In Process	Anna Birkner Working On
<i>Report on LOCKN Revenues As Soon As Possible</i>	A. Hale	In Process	P. Campbell to Report at 10/11 Meeting

**PUBLIC HEARING NOTICE  
NELSON COUNTY BOARD OF SUPERVISORS  
CLASS C COMMUNICATION TOWER  
PERMIT APPLICATION #2016-08, SITE CV221 (SHENTEL/ P. Wright)**

Pursuant to §15.2-1427 of the Code of Virginia 1950 as amended and Board of Supervisors Resolution **R2016-63**, a public hearing will be held on October 11, 2016 at 7:00 PM in the General District Courtroom in the Courthouse in Lovingston, 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; Shentel/P. Wright. The application is for replacement of an existing 97.5ft. 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, Lovingston VA 22949, tax parcel 45-A-40 Zoned A-1.

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, Lovingston, 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: October 5, 2016

**Subject: Public Hearing for Class C Tower Permit #2016-08 (Shentel)**

### Application Summary

<b>Site Location:</b>	West side of Route 29 / Lovingson / East District
<b>Tax Parcel(s):</b>	#45-A-40 ... <i>(Please reference the attached maps)</i>
<b>Parcel Size:</b>	159.97 acres (total)
<b>Zoning:</b>	Agricultural (A-1)
<b>Applicant:</b>	Ms. Jessie Wilmer, Site Acquisition Specialist, Shentel
<b>Property Owner:</b>	Bridgwater, William L Ii Trustee
<b>Request:</b>	Public Hearing for proposed 130' (Class C) monopole to replace existing 97.5' wood tower; consider BOS action to approve, deny, or approve with conditions
<ul style="list-style-type: none"><li>• <i>Application was received on May 17</i></li><li>• <i>Balloon test was conducted on Monday, June 27</i></li><li>• <i>Additional application materials was received on Friday, August 12</i></li><li>• <i>PC recommendation to deny permit application was made on Wednesday, August 24</i></li></ul>	

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

The approximately 160-acre subject property is located on both sides of Thomas Nelson Highway; is zoned Agricultural (A-1); and is currently in agricultural use (hay) and is partially forested. The proposed monopole would be located on top of a knoll on the west side of the highway, at a site which currently contains two existing communication towers. That site is identified as "CV221 Polly Wright [Cove]." *Please reference the enclosed maps.*

### **Initial Staff Review and Recommendation:**

The evaluation of a proposed communication tower requires analysis of the (predicted) improved coverage and the (expected) visual impacts.

Review of (expected) visual impacts:

- The facility would be designed to reduce visual impacts, such as being painted a matte brown finish and having flush mounted equipment (assembled with a maximum distance of 12” between the outer face of pole and the rear surface of the equipment).
- However, the facility would still create significant visual impacts due to the following factors:
  - the tower’s height (130’) relative to the adjacent tree canopy (80’ – 95’);
  - the site’s vertical prominence above the surrounding terrain and highway; and
  - the site’s location along Route 29 – both it’s proximity to the highway, and it’s visual alignment on a long straightaway)
- Please note: the original (April 1999) BOS approval for this tower site included a condition that, “The total height of the pole including antenna is not more than ten (10) feet above the tree line.”

Review of (predicted) increase in coverage:

- Using the coverage maps provided by the applicant, it appears that coverage would be increased but that the increase would not be very significant.
  - Specifically, it appears the proposed tower would improve in-vehicle coverage along the Route 29 right-of-way from “poor” to “good” – but only in a small area on the west side of the highway (south of Creekview Lane).
  - Notably, the predicted coverage from the proposed monopole would leave a substantial stretch of the Route 29 right-of-way (including the Fortune Lane, Stagebridge Road, and Orchard Park Lane) as having the same “poor in-vehicle coverage” as exists currently.
- Based on the applicant’s comments during both PC meetings, the increase in coverage would be significant enough to eliminate the existing “drop call” area for the AT&T network.

In conclusion, the tower design is favorable with regards to color and mounting format; but the tower height (at this location) seems to create significant visual impacts that seem excessive in proportion to the limited improvement in coverage.

**Planning Commission Review and Recommendation:**

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At the July 27<sup>th</sup> PC meeting, the PC and applicant discussed several specific elements of the application which required the submittal of additional information. In response, the applicant submitted new information on August 15<sup>th</sup>. Then, at the August 24<sup>th</sup> PC meeting, the Planning Commission reviewed the new information provided by the applicant.

After detailed discussion of the original proposal and several additional alternatives, the Planning Commission voted (3-2) to recommend denial of the Class C Tower Permit #2016-08; and instead the PC recommended that the applicant pursue an alternative described as “Scenario D” in the August 15<sup>th</sup> submittal. This “Scenario D” would involve replacing the existing 97.5’ wood pole at CV221 with a new 97.5’ metal monopole, and would also involve a new 120’ tall tower at site CV150 in Lovington (which would require a new, separate Class C Tower Permit application).

**Conclusion:**

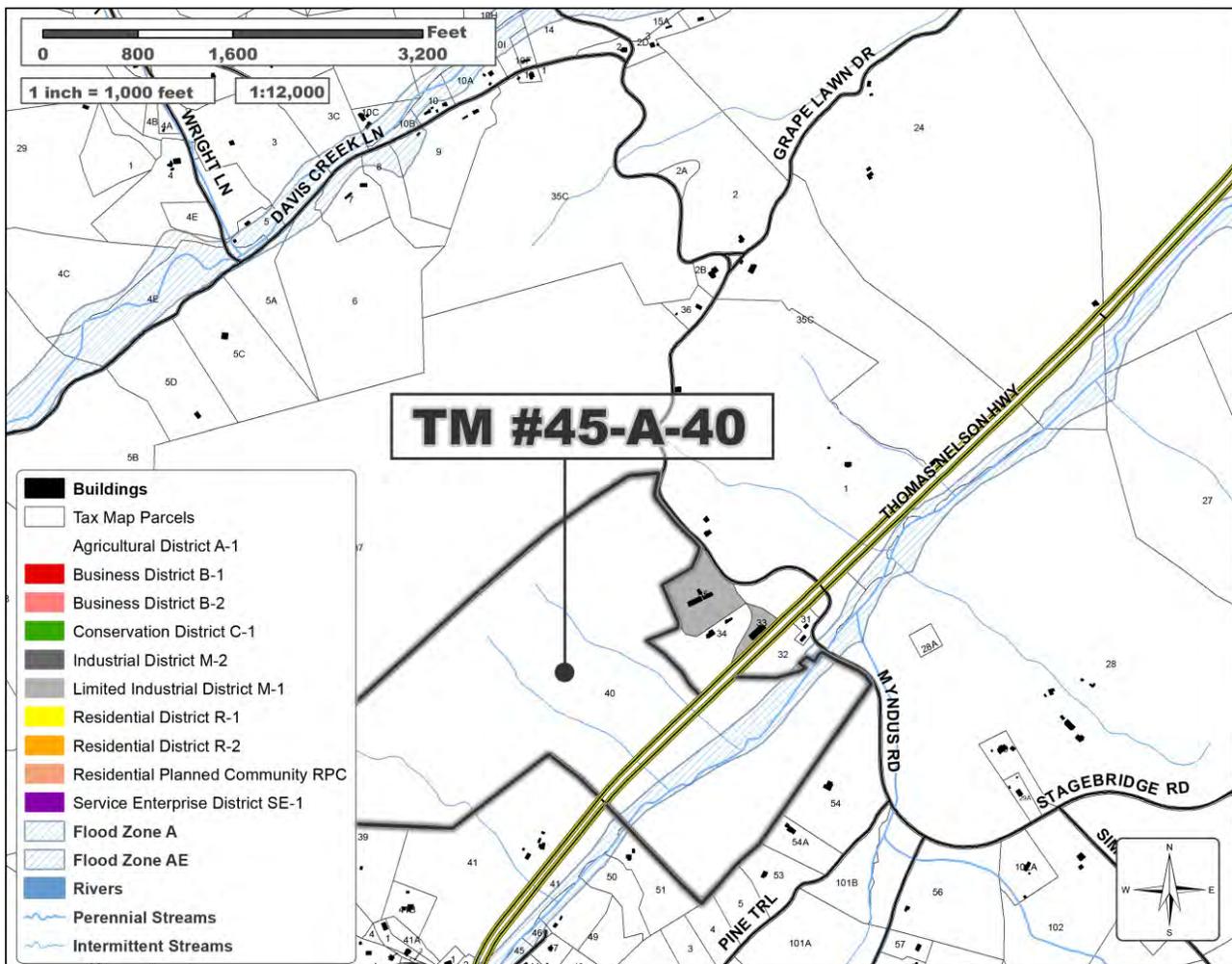
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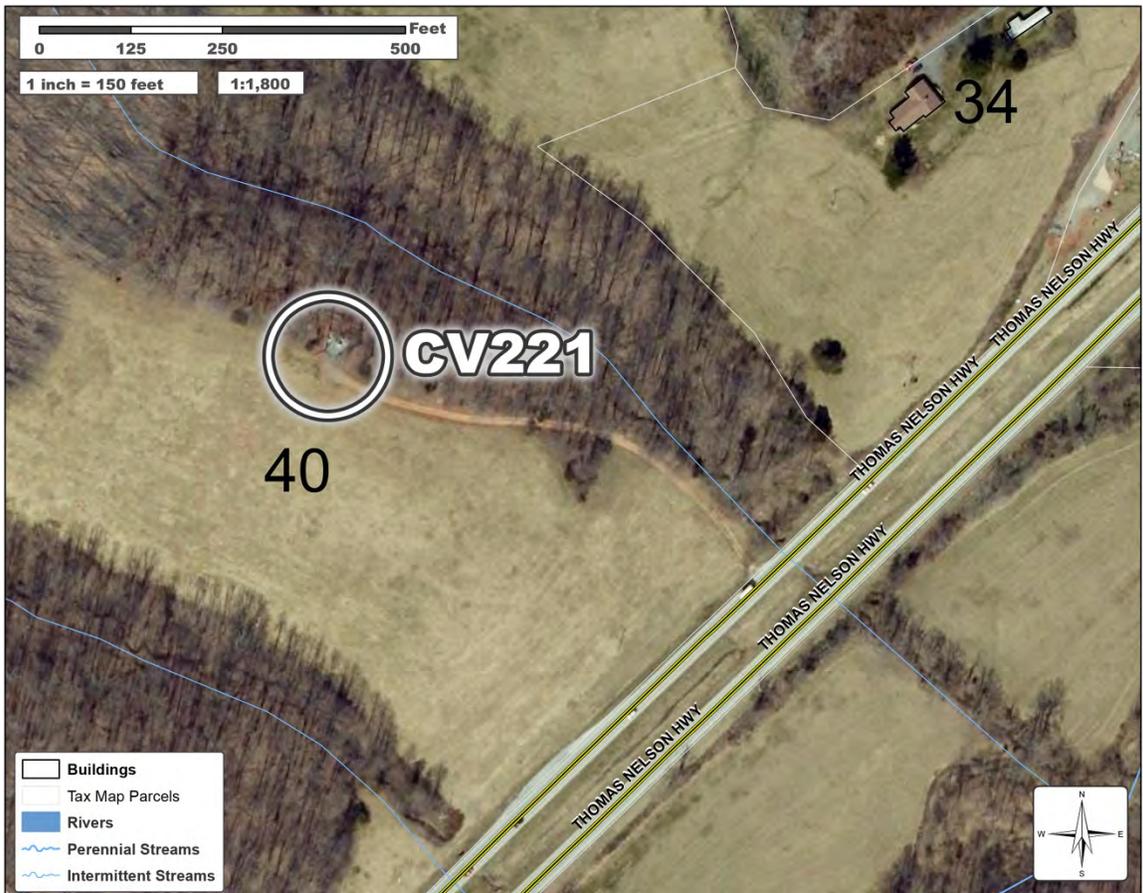
Please note that the applicant, Ms. Jessie Wilmer of Shentel, has submitted new information (including a cover letter dated September 15<sup>th</sup>, propagation map, and photo simulations) regarding

the CV150 tower site in Lovington. This new information is available both electronically and on paper (upon request). Please also note the following factors:

- 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.”*

In conclusion, please contact me with any questions and/or requests for assistance you may have prior to the October 11<sup>th</sup> 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.







September 15, 2016

Nelson County Planning & Zoning Department  
Attn: Tim Padalino  
80 Front Street  
Lovingson, VA 22949

**RE: SHENTEL Class C Communications Tower Application  
CV221 Polly Wright - 12979 Thomas Nelson Highway, Lovingson, VA**

Dear Mr. Padalino;

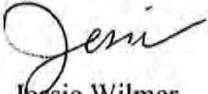
Please find the attached information for the above mentioned SUP application for a Class C Communications Tower located on tax parcel 45-A-40 at 12979 Thomas Nelson Highway, Lovingson pursuant to the comments from the Commissioners at the August 24, 2016 Planning Commission meeting. The Planning Commission recommended denial with the request for Shentel to consider proposing a tower replacement at the Shentel tower to the south known as CV150 Lovingson instead of CV221 Polly Wright. The Shentel tower at CV150 Lovingson is an 84.5' wood pole located at 1118 Mountain Cove Road, Lovingson, VA. This pole is was previously incorrectly reported as a 75' pole.

- 1) **Prop Map D-1** Depicts the proposed coverage of the CV221 tower at current height – 93' (97' total tower height) with tower replacement of current CV150 tower (84.5') to 120'. While the coverage objective is achieved by increasing the height at CV150 for Shentel, the visibility of the replacing the 84.5' 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.
- 2) **Photo simulations of the CV150 Lovingson tower** If CV150 were increased to 120' as requested, the taller CV150 tower is visible for a 1.6 mile stretch of Rt. 29 including the entire town of Lovingson vs. the taller tower at CV221 that is visible for a 0.3 mile stretch of Rt. 29 and no residential homes are within the view shed.
- 3) **Structural analysis reports** Attached are structural analysis reports of the existing wood pole towers at CV221 and CV150. CV221 does not pass structurally for the 4G/LTE equipment upgrade. Regardless of the height increase, this pole will need replaced in order to upgrade. CV150 does pass structurally for the 4G/LTE equipment upgrade. Shentel does not anticipate needing to replace the CV150 wood pole at this time to achieve its goals for 4G/LTE.

I look forward to reviewing the attached information along with the previously submitted information with the Board of Supervisors at the October meeting.

Please feel free to contact me if you need additional information.

Sincerely,

A handwritten signature in cursive script that reads "Jessie".

Jessie Wilmer  
SHENTEL  
Site Acquisition Specialist  
(540) 241-5060  
[jessica.wilmer@emp.shentel.com](mailto:jessica.wilmer@emp.shentel.com)

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

Pursuant to §15.2-1427 of the Code of Virginia 1950 as amended, and Board of Supervisors Resolution **R2016-62**, a public hearing will 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. The full text of the proposed Ordinance is as follows:

**Sec. 11-23. Restrictions and conditions.**

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

DELETE current (1) and substitute therefor:

(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.

DELETE current (2) and substitute therefor:

(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) UNCHANGED.

(4). DELETE and substitute therefor:

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 (3).

(5) UNCHANGED.

The full text of the proposed Ordinance is also available for review in the County Administrator's Office, 84 Courthouse Square Lovington, Virginia, M-F, 9am to 5pm. For more information, call (434) 263-7000. EOE

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

**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

## AMENDMENT

### **Sec. 11-23. Restrictions and conditions.**

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

DELETE current (1) and substitute therefor:

(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.

DELETE current (2) and substitute therefor:

(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) UNCHANGED.

(4). DELETE and substitute therefor:

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 (3).

(5) UNCHANGED.