

September 10, 2013

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.

Present: Thomas H. Bruguere, Jr. West District Supervisor- Chair
Constance Brennan, Central District Supervisor - Vice Chair
Larry D. Saunders, South District Supervisor
Allen M. Hale, East District Supervisor
Thomas D. Harvey, North District Supervisor
Stephen A. Carter, County Administrator
Candice W. McGarry, Administrative Assistant/Deputy Clerk
Debra K. McCann, Director of Finance and Human Resources
Tim Padalino, Director of Planning and Zoning
Jean Payne, Commissioner of Revenue
Maureen Kelley, Director of Tourism and Economic Development
Susan Rorrer, Director of Information Systems

Absent: None

I. Call to Order

Mr. Bruguere called the meeting to order at 2:07 pm, with all Supervisors present to establish a quorum.

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

II. Consent Agenda

Ms. McCann noted that she had provided a revised resolution for the FY13-14 budget amendment that included a change in the amount requested by Judy Smythers.

Ms. Brennan then moved to approve the consent agenda as revised and Mr. Harvey seconded the motion. Mr. Hale then noted a name correction to be made in the August 13, 2013 meeting minutes and Ms. McGarry acknowledged the revision. 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 – **R2013- 61** Minutes for Approval

**RESOLUTION R2013-61
NELSON COUNTY BOARD OF SUPERVISORS
APPROVAL OF MEETING MINUTES
(August 13, 2013 & August 22, 2013)**

September 10, 2013

RESOLVED, by the Nelson County Board of Supervisors that the minutes of said Board's meetings conducted on **August 13, 2013 & August 22, 2013** be and hereby are approved and authorized for entry into the official record of the Board of Supervisors meetings.

B. Resolution – **R2013- 62** COR Refunds

**RESOLUTION R2013-62
NELSON COUNTY BOARD OF SUPERVISORS
APPROVAL OF COMMISSIONER OF REVENUE REFUNDS**

RESOLVED, by the Nelson County Board of Supervisors that the following refunds, as certified by the Nelson County Commissioner of Revenue and County Attorney pursuant to §58.1-3981 of the Code of Virginia, be and hereby are approved for payment.

<u>Amount</u>	<u>Category</u>	<u>Payee</u>
\$940.86	2013 PP Tax & Vehicle License Fee	CAB East, LLC Ford Credit Personal Property
Tax		PO Box 67000 Dept. 231601 Detroit, MI 48267-2316
\$239.10	2012 PP Tax & Vehicle License Fee	Aaron T. Kidd Dorothy C. Thompson 122 Rondale Lane Monroe, VA 245274

C. Resolution – **R2013- 63** FY13-14 Budget Amendment

**RESOLUTION R2013-60
NELSON COUNTY BOARD OF SUPERVISORS
AMENDMENT OF FISCAL YEAR 2012-2013 BUDGET
NELSON COUNTY, VA
September 10, 2013**

BE IT RESOLVED by the Board of Supervisors of Nelson County that the Fiscal Year 2013-2014 Budget be hereby amended as follows:

I. Appropriation of Funds (General Fund)

<u>Amount</u>	<u>Revenue Account</u>	<u>Expenditure Account</u>
\$ 296,240.00	3-100-009999-0001	4-100-091050-9999

II. Transfer of Funds (General Fund)

<u>Amount</u>	<u>Credit Account (-)</u>	<u>Debit Account (+)</u>
\$ 99,509.00	4-100-999000-9905	4-100-091050-9999

III. Public Comments and Presentations

A. Public Comments

Mr. Bruguiere acknowledged the absence of Mr. White's public comments and that he had provided them for a while.

Mr. Bruguiere then asked Maureen Kelley and Jean Payne to report on the LOCKN Festival.

Ms. Kelley then thanked the Board for its support of the event and gave the following report:

Ms. Kelley noted that there were approximately 25,000 attendees, with 80% of them being from out of state. She noted that she heard that visitors were wowed by the county and festival and were interested in returning to visit. She added that this was an important indicator. She noted that more than 2,000 jobs were created and more than \$50,000 had been donated to area nonprofit organizations.

Ms. Kelley reported that in terms of lodging and Restaurant revenues, lodging was filled and they were estimating 90% occupancy for the festival as well as for the weeks leading up to the event because of the workers staying in the county. She added that Wintergreen only had 400 units to offer and revenue was approximately \$80,000 for them.

Ms. Kelley then noted a positive significant impact was had by convenience stores and Food Lion, who had a significant increase in business as compared to the same time the previous year.

Ms. Kelley noted that neighbors of the event such as Trinity Episcopal Church helped sponsor sober camp and held three meetings per day and their mass on Sunday was full. She added that Oakland Museum hosted a box office site and said that their Board felt very good about their participation. Ms. Kelley noted that area restaurants saw a bump on Monday as festival goers departed and that because the event was self contained, these businesses knew they would not see increased activity during event; however they did before and after it.

Ms. Kelley then noted that only Nelson County wines and beers were served in the artist hospitality areas and that all breweries and some wineries were represented in the Local tent. She noted that her office was tracking social media and earned media in order to analyze it. She reported that they worked very well with the festival public relations people. She explained that earned media was the result of counting the number of columns in an article and multiplying it by the ad rate. She added that the pinnacle of media attention for the festival was the mention in Rolling Stone Magazine. Ms. Kelley concluded by noting that there was more information coming and a press release done with LOCKN would be sent

September 10, 2013

out the following day and that a festival organizer had commented that the festival success was due largely to local support.

Ms. Jean Payne, Commissioner of Revenue then reported the following:

Ms. Payne noted that she did not have any numbers to report yet; however there were 30 vendors who would pay meals tax at the festival and 43 craft vendors that would report 1% sales tax. She added that she would know the local tax revenue figures in October. She also noted that there were two new county lodging businesses that each purchased a business license and would pay lodging taxes. She noted that one food vendor got a business license for outside of the venue and would report meals tax.

In response to questions, Ms. Payne reported that not all businesses within the festival purchased a business license; however the festival did. She added that she had all of the names and contact information for the vendors as did the state sales tax representative as the state Department of Taxation was involved. She concluded that it would be a month for all of the tax revenues to filter through as the vendors had until September 20th to turn everything in.

Ms. Brennan noted that she had spoken with a local vendor who at the end of the day had to go into a room to count out his money with people.

Ms. Payne then suggested that the Board should consider charging an admissions tax for upcoming events. Mr. Hale noted that he thought it would be helpful to see what that tax was in other localities and Mr. Carter noted that he has gathered other local ordinances and could share this with the Board.

B. Presentation – 2014 TJPDC Legislative Program (D. Blount)

Mr. David Blount noted that it was once again legislative program time and that he was starting to meet with all localities in the region. He added that the Board was familiar with what was presented in the past and a summary of these items was presented as follows. He noted that he would briefly review these, would take any input to be incorporated into a revised draft for the Board to look at in October, and would come back for its approval in November.

STATE MANDATES & FUNDING OBLIGATIONS

- The governor and legislature should 1) not impose financial or administrative mandates on localities; 2) not shift costs for state programs to localities; and 3) not further restrict local revenue authority.
- The state should eliminate across-the-board reductions in aid-to-localities, budgeted to be \$95 million over FY13/FY14.

Mr. Blount noted that the General Assembly will be dealing with a two- year budget. He added that FY14 was an education re-benchmarking year which would drive local costs. He

September 10, 2013

added that Medicaid would be a budget driver and they would also see required contributions to the Rainy Day Fund. He noted that VRS rates would be on the increase and would drive more local dollars into the program.

Mr. Blount then noted that there was budget language that set up a task force to look at the fiscal review process. He added that he was a member of that task force and that there had been interesting discussions at the meetings. He noted that at a minimum; they would see some legislation that would bring some other state agencies into the fold to identify bills that have a local fiscal impact. He noted that right now this was done by volunteers, in the Division of Legislative Services. He added that the volume of legislation was overwhelming and it was not a good process. He noted that they have spoken to the Department of Planning and Budget to send things to the Commission on Local Government for additional fiscal review.

He noted that another issue was new rules from GASB concerning the unfunded OPEB liability for teachers. He added that it was currently shown on the books of the state and would now have to be shown on the local school division books. He noted that this caused concern about school divisions being able to borrow money at a lower rate and the state being conscious of that may be willing to share this liability.

TRANSPORTATION FUNDING and DEVOLUTION

- We request separate and dedicated state revenues to expand and maintain our transportation infrastructure.
- The state should restore formula allocations for secondary and urban construction.
- We are strongly opposed to any legislation or regulations that would transfer responsibility to counties for construction, maintenance or operation of current or new secondary roads.

Mr. Blount noted that regarding devolution, the TJPDC took a strong position against this; however it was still simmering in the background. He added that at a recent VACO meeting, the presenter from the Finance Committee that dealt with transportation made a statement on two policy issues next in line for dealing with. One was funding allocations and the other was the sharing of responsibilities between state and localities for road maintenance. He assured the board that the TJPDC would maintain its opposition to this.

PUBLIC EDUCATION FUNDING

- The state should fully fund its share of the realistic costs of the Standards of Quality without making formula and policy changes that shift the funding burden to localities.

CHESAPEAKE BAY TMDL

- The state and federal governments must provide major and reliable forms of financial and technical assistance for comprehensive water quality improvement strategies, to include stormwater management.

September 10, 2013

- We urge fairness in applying requirements for reductions in nutrient and sediment loading across source sectors, and accompanying authority and incentives for all sectors to meet such requirements.
- We will oppose actions that impose monitoring, management or similar requirements on localities without providing sufficient resources.
- We believe any expansion of the Nutrient Exchange Program should be contained within and be relevant to a particular watershed so as to enhance the health of local waters.

LAND USE and GROWTH MANAGEMENT

- We request additional tools to manage growth without preempting or circumventing existing local authorities in this area.

COMPREHENSIVE SERVICES ACT

- We urge a better partnership between the state and localities in containing the costs of CSA and in balancing CSA responsibilities. We support additional state funding for CSA administration; localities have been footing the bill for most of these costs as state contributions have remained flat over the past decade.

Mr. Blount then noted that he had the Board's request for the Tye River Scenic River designation and he would keep the County apprised of how that was moving through the General Assembly.

Ms. Brennan noted the issue of health and human services in the upcoming General Assembly.

Mr. Hale then noted that Mr. Blount was performing legislative duties and was also the acting TJPDC Director and that the Board was fortunate to have him and he appreciated his work.

C. Presentation – Route 151 Corridor Study (R. Youngblood)

Mr. Rick Youngblood distributed 3 hard copies of the final plan and noted that the study process had begun in July and that Ms. Brennan, Mr. Harvey, Mr. Carter, and Mr. Padalino had been integral parts of the project team. He noted that this particular study had the most VDOT participation than any others he had been involved in. He added that the study had concluded in June and the report finalized in July.

Mr. Youngblood then read aloud the study's vision statement as follows:

September 10, 2013

“We envision a Route 151 corridor that serves the needs of all users and stakeholders while maximizing safety; preserving the corridor’s rural character, local sense of place, and high quality of life; and promoting place-based economic vitality.”

He noted that it was broad based but specific to the Route 151 Corridor and that the recommendations took into account the context and the character of the rural route.

Mr. Youngblood then discussed the goals of the study as follows:

1. Obtain public input through public meetings.

Mr. Youngblood noted that the first public meeting was more successful than the second and they received over 200 comments between the two.

2. Identify corridor improvements, with an emphasis on context-sensitive solutions, that:
 - Improve safety for all users,
 - Enhance operations and access management,
 - Provide safe multimodal opportunities,
 - Retain two-lane cross-section,
 - Promote appropriate economic opportunities, and
 - Preserve and incorporate the corridor’s cultural heritage and historical resources.

Mr. Youngblood noted that the report was organized into four (4) chapters:

Chapter 1: Introduction and overview of the study.

Chapter 2: Data collection process, operational analysis, information gathered during the site visit and safety analysis for the existing conditions.

Chapter 3: Operational analysis for both no-build and build conditions for the study horizon year of 2018; and the safety assessment for potential improvements.

Chapter 4: Conclusions with recommendations.

Mr. Youngblood noted that the Board would see a blend of all of the issues in the study recommendations. He noted that the highway analysis and syncro analysis was run on the 14 mile road segment. Mr. Youngblood added that Appendix D was the detailed safety assessment and he noted this appendix as one being most important. He added that it contained a breakout of the corridor safety analysis itself which looked at: Perceived Excessive Speeds, Poor Access Management, Lack of a Community Plan for the Nellysford Area, Geometric Deficiencies, Roadway Sign Clutter, Lack of Guardrail, and Truck Traffic.

He noted that there were long term and short term recommendations as well as justifications for each one reported. He added that it also contained maintenance recommendations. Mr. Youngblood then suggested that the Board use the results of the study as a working tool to be used in making transportation decisions, such as working on the six year plan. He noted that two of the projects were identified and Highway Safety Improvement Program (HSIP) funds were applied for. He noted that these were the two turn lanes to be constructed and he

September 10, 2013

added that there would be public involvement in these projects. Mr. Youngblood noted further that the study results benefited VDOT in applying for the HSIP grants and for additional funds for projects. He added that they would continue to look for funds. Additionally, Mr. Youngblood reported that VDOT had a regional study now and with the connection to Route 250 there should be some regional coordination. He noted that the PDC could come into play with that and that the Route 250 intersection was now being looked at.

Mr. Youngblood advised that even though this was a VDOT funded study, they wanted community involvement and the Board could pass a resolution in support of the document and use it as a technical tool. He added that the Board could accept it fully or take no action at all and VDOT would assist the County with moving forward with the recommendations regardless.

Mr. Harvey then confirmed that funding for the intersections at Route 151 and Anderson's Store and Route 151 and Rockfish School Lane were approved.

Ms. Brennan thanked VDOT for funding the study and noted that she was looking forward to seeing the projects move along. Mr. Youngblood added that the study was identified in the TJPDC transportation plan which would help in future project funding.

Mr. Hale then asked if Mr. Youngblood could explain VDOT's proposals for the Route 250 and Route 151 interchange, which was in Albemarle County.

Mr. Youngblood explained that the problem was the turning movements at that intersection because line of sight could be blocked. He noted that one solution was a right turn bay offset on all corners; however a major concern was the creek there and VDOT was limited as to what could be done. He added that a roundabout was almost the best solution; however it was unsure as to how much rock was in the other side of the hill there.

Mr. Hale noted that it was hard to slow down coming down the mountain and Mr. Youngblood noted their concern regarding the stopping distance for trucks with a roundabout solution. It was noted that lengthening the turn onto Route 151 was discussed.

Mr. Bruguere noted that he did not think a roundabout was the answer and Mr. Saunders noted that he felt sure that VDOT would come up with reasonable solutions.

Mr. Bruguere then noted that the Board now had the study results and should act on it. He inquired as to why the two turn lane projects would take so long given that they were a safety issue and Mr. Youngblood noted that they had requested that these be accelerated.

Mr. Harvey suggested that VDOT inform the potential affected land owners associated with these projects early on to improve the public's understanding and Mr. Youngblood assured the Board that the public would be informed of the study and that the public would be brought in to discuss these issues early in the process of project development.

September 10, 2013

Ms. Brennan then noted that she would like some development done in the Nellysford area to improve safety.

Supervisors then discussed doing a resolution in support of the study at the next meeting and Mr. Youngblood noted that he could send some resolution templates back to the county. Mr. Carter then agreed that the plan was a tool to be used for future six year plans.

D. VDOT Report

Mr. Austin affirmed that there would be public meetings held as the design on the turn lane projects progressed. Mr. Harvey reiterated that the affected landowners should be spoken to as soon as possible and before VDOT spent a lot of money on design drawings. He added that it would be a courtesy to speak to them first. Mr. Austin noted that they were trying to determine who would be affected by doing the surveying for the projects. Ms. Brennan suggested that they notify everyone in the area that the surveying would be going on. Mr. Youngblood added that he could have Tim Padalino pull the property owner information along those proposed turn lanes to begin to notify them. Mr. Harvey noted that he just did not want to see money spent unnecessarily.

Mr. Austin then reported the following:

1. Things went pretty well from their side during the LOCKN festival. He added that he thought that the big issue was the onsite parking; however the overall the traffic flow was good. He noted that he had worked with everyone on the traffic plan and that most of it worked as planned. He noted that they did get some complaints on the crossovers being closed and that there would be a meeting with LOCKN representatives and the State Police to discuss this.

Supervisors then briefly discussed the crossovers and it was noted that closing these was only necessary on the first morning and Mr. Austin advised that these were up every morning because they were unsure of how heavy the traffic was going to be. Mr. Bruguire noted that the worst crossover closure was at Route 56 going north; which was noted to have the worst site distance of all.

Mr. Saunders added that the crossovers did appear to be closed but they were really not. He added that the State Troopers were sitting there to keep u-turns from happening. He noted that he thought overall it went well and that locals assumed that traffic would be bumper to bumper for four days. He noted that he thought that the news media could have alleviated these thoughts and he noted that through traffic was not an issue.

Mr. Carter noted that the transportation plan had not been approved until right before the event, so advanced planning would lead to better outcomes next year. Mr. Harvey suggested that they go with what was needed instead of doing the same thing for four days.

September 10, 2013

Mr. Austin reiterated that it was the first go round and that they had planned for the worst. He added that they had several options and would look at how it all worked at the follow up meetings. Mr. Saunders noted that he thought an excellent job was done with the Festival.

2. The flashing light on Route 6 has been installed. Mr. Harvey questioned why it was so high up in the air and Mr. Austin noted that he was not sure; however, it was probably a line of site issue for vehicles coming over the hill.
3. North of Lovington on Route 29, VDOT was jacking a pipe and hit water. He noted that they were waiting to see if dried up and were looking at options. He noted that they may have to open cut it which would reduce the traffic to one lane there.

Mr. Hale noted that there was a problem in Schuyler, on Route 800 towards Route 6 near the old quarry. He noted that there was one no parking sign there and that according to the locals a lot of people come down and go over to the quarry. He requested that two or three more no parking signs be added there to aid in enforcement. Mr. Harvey noted that they had been called by police to tow vehicles from that location and even though the owners came out, they had to pay the towing fees.

Mr. Saunders noted that the Arrington Road pot hole was sinking in front of Tim Burnett's house.

Mr. Bruguiere inquired about Roseland Rd, Route 655, which had been dug-up, filled with gravel, and then paved and Mr. Austin supposed this may have been where some pipe was failing.

Mr. Saunders then inquired as to the status of work on S. Powell's Island Rd. and Mr. Austin noted that they were waiting on rails etc; however he had not been over there in a while.

Mr. Harvey noted there were some high concrete structures in the median on Route 29 just north of Ridgecrest Church, which appeared to be a hazard. Mr. Austin noted he had not seen this and he would find out what was done there.

IV. New Business/ Unfinished Business

A. Radio Project – Motorola Contract & Budget Amendment (R2013-60)

Mr. Carter noted that more detail had been provided on the radio project update as requested and that the project reconciliation noted that an additional amount of approximately \$99,000 in funding was needed. He noted that the project reconciliation footnote read that the original funding plan included the use of \$112,230 from Fire Funds and Four for Life funds. He noted that these funds were no longer allocated to the project and needed to be allocated from local funds.

Mr. Carter then noted that the proposed resolution re-appropriated the unexpended amounts for the project and then provided the additional funding amount to address the project shortfall.

September 10, 2013

Ms. Rorrer then addressed the Board and noted that she had a spreadsheet of all of the changes that had been made to the CDR and there were a lot of pieces and parts. She noted that \$82,000 in changes were due to changes to the original salesman's design of the system. She added that staff had worked on it with Motorola's engineers for two days to modify it and some changes were made after the site surveys were done following the initial design.

Mr. Carter noted that the project consultant, RCC, had also made recommendations for changes that would benefit the network.

Mr. Hale noted that he would like to know more about the detailed engineering review and then the additional subscribers and chargers needed based on actual agency requirements.

Ms. Rorrer noted that the initial portable radios were estimated at 200 and this number was based on volunteer lists that the County had. She noted that after this initial estimate, the County went back to agencies and requested that they put together a list for portables for the County. Ms. Rorrer added that Mr. Harvey was involved in this process and the number of portables was scaled back one per agency. Mr. Hale then questioned having 240 some portable radios. Ms. Rorrer then explained that there were twelve (12) that were cache radios inclusive of six (6) for the County and six (6) for Wintergreen for emergencies. She added that the seventy-one (71) chargers were for walkies in each truck.

Mr. Bruguere and Mr. Hale questioned whether or not these were needed as they were not likely to be needed once responders were on scene. They then questioned the cost of these and Ms. Rorrer noted that the cost per charger was \$73.15.

Mr. Harvey further explained that each emergency vehicle in the county would also have a portable in the vehicle in the charger that stayed with the vehicle. Ms. Rorrer added that this was done to get away from individuals having radios. She noted that the Fire and Rescue vehicles were counted at a total of 71.

Mr. Harvey then noted that the additional work at Wintergreen benefitted the whole county by making several more frequencies available and maintaining redundant dispatch centers.

Mr. Hale maintained that this revision represented a substantial change from the original contract and that he was not in favor of allocating the extra funds as a cushion. He suggested that the Board not approve more than the \$99,508.87 needed and if more was needed, staff could come back. He added that if Mr. Harvey felt it was justified and would be an asset to emergency services then he would support it.

Mr. Harvey explained that the County was trying to work with the volunteers and it was still up to departmental leadership on who gets these; however there was a requirement that recipients of equipment must be active. He added that all equipment would belong to the County. Mr. Hale noted that it was incumbent upon the County to monitor this and it was noted that the Departments had to sign a lease agreement with the County in order to receive and use the equipment.

September 10, 2013

Mr. Saunders questioned why the schools were not paying for their radios as was the Service Authority. Supervisors noted that these were different and the funds to pay for these came from the same place. It was noted that the numbers of buses and now cars needing radios had increased which was then reduced by buses that were considered spares. He noted that he would not have gone with an installed radio, but rather would have gone with a more portable option. Staff then noted that the cars were also used to transport kids.

Mr. Carter then advised the Board that the proposed financial change was less than 10% from the initial budget to the revised one.

Ms. Rorrer then reported that the FCC licensing and National Observatory have held the project back. She noted that the delay has gone on for a year now and that they cannot move them along. She noted that staff was working on that and was working on filing for another deadline waiver/extension from the current November 30th deadline that would be submitted to the FCC. She added that the new extension would extend the project through June 30, 2014 and would allow for drive testing of coverage throughout the county with full foliage being on the trees. Ms. Rorrer then advised that equipment was being delivered and that they were holding back on taking delivery of some of it because of NRAO licensing; however anything installed at tower sites was being brought in and installed.

Mr. Harvey suggested getting the pagers distributed and Ms. Rorrer noted that they would and that they had to coordinate work at the tower sites with AT&T and Verizon.

Mr. Harvey then moved to approve the additional \$99,508.87 for the radio project and Mr. Saunders seconded the motion. Mr. Carter noted that staff would adjust the numbers in the proposed resolution.

Mr. Harvey then amended his motion to approve resolution **R2013-60** Amendment of Fiscal Year 2013-2014 Budget, with the change in new radio project funding to \$99,508.87. Ms. Brennan seconded the amended motion 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 R2013-60
NELSON COUNTY BOARD OF SUPERVISORS
AMENDMENT OF FISCAL YEAR 2013-2014 BUDGET
NELSON COUNTY, VA
September 10, 2013

BE IT RESOLVED by the Board of Supervisors of Nelson County that the Fiscal Year 2013-2014 Budget be hereby amended as follows:

I. Appropriation of Funds (General Fund)

<u>Amount</u>	<u>Revenue Account</u>	<u>Expenditure Account</u>
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September 10, 2013

\$ 296,240.00 3-100-009999-0001 4-100-091050-9999

II. Transfer of Funds (General Fund)

<u>Amount</u>	<u>Credit Account (-)</u>	<u>Debit Account (+)</u>
\$ 99,509.00	4-100-999000-9905	4-100-091050-9999

V. Reports, Appointments, Directives, and Correspondence

A. Reports

1. County Administrator's Report

Mr. Carter reported the following:

A. Courthouse/Government Center Project (All Related):

- 1) Courthouse Addition:** Complete. Final retainage pending payment to Blair Construction.

Mr. Saunders inquired if the brick borders around the new concrete had been cleaned and Ms. McCann noted that she had seen Eugene cleaning something down there. Mr. Carter noted that the County would remit the final retainage. Mr. Harvey noted that there was still a problem with the seal and that water puddled up on it. Mr. Carter then suggested that anything else that needed fixing be fixed by the County. He added that there had been high compliments received from the public on the project.

- 2) Jefferson Building:** In process. BOS tour proposed on 9-10.

Mr. Carter noted that Owens was moving along and may start sheet rocking the following week. He added that he has asked for a change order to do the building exterior and that they may give a couple of proposals, one to re-point and paint and one to remove the paint and leave the brick as is.

Ms. Brennan suggested that they do the east side of the exterior first, which would help get the courtyard area landscaping done sooner.

Mr. Saunders asked how they were going to finish the marble floor and Mr. Carter noted that they would take some tiles from one area to repair it and would buff it. He added that the Commonwealth's Attorney's office had been given tile and carpet samples to make other flooring selections.

Mr. Hale then confirmed that the building restoration experts had suggested that the exterior paint be removed and Mr. Carter noted that the interior had been done as they had suggested. Mr. Carter added that the cost estimate to remove the paint, re-point the brick, and apply lime wash was very expensive. Mr. Hale noted that if the paint were removed, the building would breathe better.

September 10, 2013

Mr. Bruguiere expressed concern regarding the HVAC system and the dust coming out of the vents. Mr. Carter noted that the moisture smell had dissipated well and was almost not noticeable anymore. Mr. Saunders agreed that staff should check into the HVAC system and it was suggested that the ducts be cleaned out.

- 3) Magistrate's Building:** Interior plastering by Price Masonry completed. Maintenance Department to provide for interior completion and address exterior soiling at building base.

Mr. Hale asked to be consulted on interior improvements.

B. Broadband Project: NCBA has authorized public hearing ((October 24, 13) to advertise tower rate amendment for WISPs. for ensuing public hearing and approval by NCBA. Staff working with national cellular company and local WISP on tower locations. A second grant application to VA-DHCD to be developed for fiber extension on north and south Rt. 151 to be developed. Current CDBG grant has been closed and NTIA grant closeout is in process.

Mr. Carter noted that some NTIA filings were done in error and staff would resubmit these so that the County would not have to get prior approval from NTIA for lease agreements. He added that he thought the contracts would go out this week to SCS and that staff was close to finalizing the cellular company contracts.

C. 2012 Radio Project (Narrow banding): The project is in process.

D. Lovington Health Care Center: Meeting with JABA for feasibility review is pending; to be followed by BOS presentation (October).

E. BR Tunnel and BR Railway Trail Projects: 1) VDOT and FHA approval received to provide for advertisement of bids for BRRT Project. 2) Agreement for BRT Project completed with VDOT. FHA approval pending to provide for approval to advertise for bids (6 – 8 weeks is projected).

F. EMS (Revenue Recovery Program): Contract signed with EMS Management & Consultants, Inc. on 8-13 (start up on 12-1-13).

F. Personnel: Interviews for Secretary 3 positions (County Administration & Planning and Zoning) are in process.

G. BOS Directive:

- 1) Health Department Demolition – Project is in process.
- 2) Proposed Upper Rockfish River Scenic River Designation – Assigned to P&R Department.
- 3) Sturt Property Recreational Plan Development – Assigned to P&R Department.
- 4) Listing of County and Constitutional Office Employees to BOS – Complete.

5) Mapping of Broadband Installations in Nelson County – Assigned to Information Systems Department and is in review.

H. Other: Directives, Questions from BOS.

2. Staff Report – Options for VRS Hybrid Retirement Plan Disability Benefits

Ms. McCann provided the following report:

Effective January 1, 2014, all new employees except law enforcement will be required to participate in the new hybrid retirement plan. This plan provides both a defined contribution component and a defined benefit component. Current employees are covered solely by a defined benefit plan but have a one-time election to move into the hybrid plan. A defined benefit plan provides a monthly retirement benefit independent of market fluctuations. A defined contribution plan is similar to a 401K plan and is based on plan contributions, investment choices, and market values.

The hybrid plan also provides short and long term disability benefits. Current employees have disability retirement which is not offered in the hybrid plan. Relative to the hybrid plan, localities have the option of electing to participate in the Virginia Local Disability Program (through VRS) or another comparable plan that meets the criteria specified in the state legislation. There is no “off the shelf” product that meets the state criteria making it potentially difficult to procure a comparable product. Since VACORP (the county’s current self insurance pool) is by law unable to provide the disability program, they chose to hire an insurance consultant to solicit potential providers that could meet the state mandated criteria for the disability program. Of the seven respondents, only one vendor was able to meet the criteria making only one comparable plan option available to localities. Localities have a one time opportunity to “opt out” of the disability plan offered through VRS. This decision is irrevocable. If the county were to “opt out”, we are currently limited to only one vendor to provide the necessary disability benefits. Although the comparable option offers lower pricing than the state plan with a three year price guarantee, it is concerning as to what happens in three years when the comparable option vendor is essentially a sole source vendor without competition. With the state program, VRS is responsible for procuring services and insuring compliance with newly legislated requirements rather than the locality having this responsibility.

Staff recommendation is to stay in the VRS plan (VLDP). **The Board is not required to take any action unless the county elects to opt out of the VRS plan and participate in a comparable plan.** However, the resolution for opting out is attached and must be submitted by November 1, 2013 if the Board chooses not to participate in the VRS plan.

Plan Comparison:	VRS Plan	Comparable Plan
Vendor	Outsourced to Unum	The Standard
State Criteria	Meets or exceeds	Meets or exceeds
Long Term Disability (LTD)	Fully insured product (vendor pays LTD benefit)	Fully insured product (vendor pays LTD benefit)

September 10, 2013

Short Term Disability (STD)	Claims Management (county pays STD benefit based on Unum supplied benefit calculation)	Claims Management (county pays STD benefit based on vendor supplied benefit calculation)
Long Term Care (Not Required)	Fully insured product	Not Provided
LTD Return to Work & Rehabilitation Incentives (Not Required)	Not provided	Increased benefits for participating in approved rehabilitation plan/return to work.

Plan Comparison:	VRS Plan	Comparable Plan
Available Resources	Employee Handbook	
	Employer Manual	
	Dedicated Unum Account Rep	Dedicated Public Employer Team
	VRS VLDP Team	VRS can provide general advice
Political Subdivision Rates	.91% of Hybrid Plan payroll	.79% of Hybrid Plan payroll
Teacher Rates	.39% of Hybrid Plan payroll	.37% of Hybrid Plan payroll
Other Associated Costs	Direct Cost of STD VRS & Group Life contributions based on regular pay	Direct Cost of STD VRS & Group Life contributions based on regular pay

Ms. McCann noted the changes by VRS that necessitated the pending decision to opt out of the VRS program or not. She explained that VRS provided a Long Term Care component that was not required and this may be why its cost was slightly higher. She noted that the other plan provided a back to work component that the VRS plan did not provide. She added that the cost differential per year between the two plans was approximately \$150-\$200 per year total.

Ms. McCann then advised that if the County were to stay with the VRS plan, then the Board would do nothing; however if the Board decided to opt out, a resolution template had been provided and they had until November first to let VRS know.

Ms. McCann then noted that only new employees hired after January 1 would have salaries that the rate was calculated on whereas, the VRS plan calculated rates every 2 years by actuarial analysis.

Mr. Carter advised that the County should stay with VRS, which was more stable and provided less uncertainty.

September 10, 2013

Ms. Brennan noted that she thought that the cost differential was negligible between the two and she found it strange that the two plans offered the different options. She added that having a long term care option was going to be enormous.

Ms. McCann noted that now was the only time localities could opt out of the plan. Members and staff briefly discussed why some agencies would be considering opting out and Mr. Cater noted that some have taken the position that they would have more autonomy in doing this themselves; however finding a comparable product has proven difficult for others, such as Rockbridge County.

Ms. McCann advised that it would be easier to rely on VRS since the General Assembly could change the program requirements and VRS could monitor this. She added that current employees would have a onetime option to move from the current plan to the hybrid plan; however staff was not anticipating anyone changing. She explained that the VRS plan was a defined benefit plan and the other was more market based/driven. Ms. Brennan noted that there had been some concern about who would keep VRS going if employees moved to the hybrid plan.

Ms. McCann noted that she considered the hybrid plan to be a lower level benefit and that the schools would make their own decision to opt out or not.

Supervisors then agreed by Consensus to stay with the VRS plan and not opt out.

3. Board Reports

Ms. Brennan reported the following:

1. Attended the VACO summer meeting and devolution was discussed and may be coming. She noted that there was long discussion about farm activities and what kinds of activities should be allowed on farms. She added that VDACS had a working group on this and they thought that there could be unintentional consequences. She noted that Tim Padalino was following this.
2. Attended a Wintergreen swimming event at Lake Monacan that was held to promote water safety. She added that the County may be able to get support from the sponsoring group for a County pool. She noted that she also went to the Spartan event, which was like Tough Mudder but worse and she was interested in what Curtis Sheets could do with the safety aspects of these types of events.
3. Attended DSS Board meeting and reported that things were going well. She noted that there was not much increase in utilization of their programs; however they were concerned with Medicaid in October. She added that she went to court to see what happened in a termination of parental rights case.
4. Attended a Senior Council meeting and noted that they were having programming issues.

September 10, 2013

5. Attended the BZA meeting; where Mr. Padalino's zoning decision was upheld. She added that Phil Payne had done a good job explaining the complicated issues.

6. Attended Planning Commission meeting where they worked on ordinance changes. She noted that they had to postpone consideration of the Saddleback Distillery application due to its incompleteness. She added that Mr. Padalino would be meeting with them on it and she explained that this pertained to the Riggelman's Distillery on Route 151; and that they would be doing a variety of things there.

Mr. Hale suggested that the County Administrator advise the Board when these things occurred in their district and Mr. Harvey agreed but noted that the Planning Director should. Mr. Carter advised that Mr. Padalino may have reported on this in his monthly report; however it may not be very descriptive. Mr. Carter then noted that they only had to have site plan approval and if they met the zoning requirements, it would not come to the Board. He added that he had advised Mr. Padalino not to take incomplete plans to the Planning Commission.

Mr. Hale indicated that there was no by right use for a distillery in A-1 and Mr. Carter noted he would have to check on that. He then briefly discussed the Fletcher operation and noted that they could not be open to the public there. He then advised that Mr. Padalino could answer any of the Board's questions on this at the night session when he would be present.

7. Ms. Brennan then reported that the County flag had been ordered and the County should have it for the VACO conference.

Mr. Hale reported the following:

1. Attended the TJPDC meeting and noted that they were running at a significant deficit and he was not sure how quickly corrective measures could be taken. He added that it was a problem when they did work for Counties and then did not bill adequately to cover these costs. He reported that they were having a loss of \$30,000 per month and it was also due to them using grant funds to cover other costs and then coming up short financially on incomplete projects. He then noted that due to the County Administrator, the County was fortunate in avoiding these financial problems.

2. Reported that on Thursday, Bob Carter's class at the Architecture School at UVA would be coming to Lovingson and they would be studying the Lovingson Historic District.

Mr. Saunders reported the following:

Mr. Saunders reported that they were starting construction on the bleachers at NCHS. He noted that the concrete slab had been poured ten days ago and that the bleachers should be up before the end of the week. He added that they were currently taking bids for handicap railings etc. Mr. Saunders reported that they used temporary bleachers in the end zone for the football game against Page County the previous Friday. Mr. Harvey added that they had lowered the concrete pad and used raised bleachers; which would match the ones on the home side of the field. He added that they were also placed in the center of the field directly

across from the home bleachers. He noted that a local contractor had done the concrete work.

Mr. Harvey reported the following:

Mr. Harvey reported that he had attended the NCSA meeting and there was nothing to report.

Mr. Bruguere had no report.

B. Appointments

Ms. McGarry reported that Mr. Greg Kelley wanted to be reappointed to the EDA and that Mr. Jason Hatfield wanted to be reappointed to the Jefferson Area Disabilities Services Board. She noted that no other applications had been received for either of these seats. She then noted that the existing vacancies remained unchanged from the previous month.

Mr. Saunders then moved to approve Greg Kelley's reappointment to the EDA and Mr. Hale seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

Mr. Hale then moved to approve Jason Hatfield's reappointment to the Jefferson Area Disabilities Services Board and Ms. Brennan seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

Ms. Brennan then noted that the Board should consider Mr. Waterfield's appointment to the Keep Nelson Beautiful (KNB) Council and she then moved to approve his appointment to KNB and Mr. Harvey seconded the motion.

Mr. Hale noted that he was not supportive of this appointment due to his recent inaccurate remarks and out of place suggestions. Mr. Carter concurred and related that Mr. Waterfield had been threatening in his dealings with him. Mr. Harvey noted that he was involved in trash pickup etc.

Mr. Hale then noted it was his understanding that KNB was inactive and that Mr. Massie was going to report back to the Board on whether or not the Council should continue. Mr. Carter noted that Mr. Massie was in the process of scheduling a KNB meeting and that Ms. McSwain could not attend until October and the other members also could not meet. He added that there was not a lot of interest in KNB at this point; however he had instructed Mr. Massie to schedule the meeting and report back.

Ms. Brennan then inquired as to waiting until after the KNB meeting to make the appointment and Mr. Carter assured the Board that appointing Mr. Waterfield would be disruptive. Mr. Saunders suggested that the Board wait to see if KNB would continue to exist. Mr. Carter then suggested that if it did continue that the membership should be revised to consist of one member per district and meetings should be quarterly instead of monthly.

September 10, 2013

It was noted that there was a motion on the floor and there being no further discussion, Supervisors voted (3-2) by roll call vote to approve the motion with Mr. Hale and Mr. Saunders voting No.

Mr. Carter then reiterated that Mr. Waterfield has in the past been threatening to him when he has come into the office. Mr. Bruguere suggested that should he be that way, the Board could remove him and it may be that the whole Council would fold.

Mr. Saunders noted that he would have been more inclined to vote in favor of the appointment had Mr. Waterfield not made the remarks he did at the previous Board meeting and now it appeared that the Board has been bullied into putting him on KNB.

C. Correspondence

1. Nelson Middle School FFA and Senior FFA Funding Requests

Mr. Carter noted the funding requests made by the Nelson Middle School FFA and the Senior FFA for \$2,000 each.

Mr. Harvey moved to approve both of the requests for \$2,000 each and Mr. Hale seconded the motion. It was noted that the National FFA Convention would be held in Louisville, KY this year.

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

Staff then noted having provided the Board with a letter from Bob Carter and the Historical Society requesting that the Health Department not be demolished. Mr. Bruguere advised that the Board had already voted on the matter and no other action was taken.

D. Directives

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

Ms. Brennan:

Ms. Brennan inquired as to the County's participation in the Move 2 Health initiative and staff noted that the County has registered and employees could access the portal under Nelson County Government and log in minutes of activity.

Ms. Brennan inquired as to the status of High Top Tower and Mr. Carter noted that the tower was deficient and needed to be replaced. He added that it could take \$100,000 to do that and it would have to go back to the Nature Conservancy for approval. He noted this was based on a report done by Shenandoah Tower. Mr. Bruguere added that it was rusting around the base the last time he had visited the site.

September 10, 2013

Mr. Bruguiere:

Mr. Bruguiere asked that staff let him know when the bids went out for demolition of the Health Department as he knew a couple of people who would be interested in bidding on the work.

VI. Recess and Reconvene for Evening Session

At 5:10 pm, Mr. Hale moved to adjourn and reconvene at 7:00 pm and Mr. Saunders 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. Bruguiere called the meeting to order at 7:04 pm with all Supervisors present to establish a quorum.

II. Public Comments

1. Robert Canody, Lovington

Mr. Canody spoke in opposition to the LOCKN Festival for the following reasons. He noted that School should not have been closed for Thursday and Friday of the Festival as the SOL scores were already low. He noted that the noise levels at 2.5 miles away at his home were unacceptable and the noise ordinance was violated past 1:00 am. He noted that comfort should not be superseded by profit. He noted that he heard that local businesses suffered and revenues were down 40% from regular revenue and that LOCKN had encouraged them not to sell to Festival goers. He added that local residents either left the County or did not go out. He noted that there was no public opportunity to speak out about the Festival or public forum about it prior to its happening and the public should have been engaged. He added that he would like to see it on a future agenda to be addressed in public. He concluded by noting that only two people benefitted from the Festival, Reagan Thompson and Dave Frey.

2. Trey Yeagle, Trinity Church

Mr. Yeagle spoke in favor of the LOCKN Festival and thanked the Board for allowing the event to take place. He noted that Trinity Episcopal Church made significant funds that would help them to achieve their outreach objectives. He added it was a nice venue and the police did a nice job. He concluded by acknowledging that challenges had occurred, but could be worked out.

3. Adam Wilson, Arrington

Mr. Wilson spoke in favor of the LOCKN Festival and noted that his property was surrounded by the Oak Ridge Estate and he was proud to see the LOCKN Festival there. He added that he was also a Festival attendee and that he thought the snags that occurred would be worked out and he hoped it would be reoccurring. Mr. Wilson noted that he had spoken to those that came to the Festival at varying times prior to the festival and that he had met a lot of professionals and others who had come. Mr. Wilson noted that it was favorable that Crabtree Falls was booked and the Nellysford area was heavily visited. He then thanked the Board for having the festival. Mr. Wilson noted that there were a lot of mix ups on the business side of things and that most businesses had unrealistic expectations because they did not research the nature of this type of event to know that most attendees did not leave the venue. He noted that business picked up on Sunday night and Monday morning and that to his knowledge; the Colleen businesses were favorably impressed. Mr. Wilson added that local businesses were represented at the festival and that a lot of food was brought in for the Nelson Food Pantry. He concluded that he lived a mile away from the Festival and did not experience any inconveniences and he thought it was a wonderful event.

4. Rick Larkin, Arrington

Mr. Larkin spoke in favor of the LOCKN Festival. He noted that his wife was a member of Trinity Episcopal Church and that they had provided a wonderful service called Sober LOCKN; holding meetings twice per day. He noted that the feedback was very positive and that people said it was the nicest thing they'd been to, it was a good experience, and was a beautiful place. He also acknowledged that while there were some problems, they were doing a wonderful job of cleaning up. He spoke favorably regarding the food that was donated to the Nelson Food Pantry. He noted that there were problems with attendees not knowing they could get out and go to the Barrel House. Mr. Larkin added that Trinity Episcopal Church took folks to Tye River at the Yeagle place to swim and that a portion of funds were donated to the Church programs. He noted that there were problems to work out but that overall he thought the Festival was a good thing. He noted that the bands were great and the attendees were very respectful. He added that he thought it could bring in money to the county; however it could promote local businesses and give locals a discount. He concluded by noting he thought the Festival was really good overall and the organizers were really respectful as well.

5. Todd Wrath, Owner of Blue Toad in Afton

Mr. Wrath spoke in favor of the LOCKN Festival; however he noted that no festival should inhibit peoples' lives and there was no need to cancel school on Thursday and Friday. Mr. Wrath reported that he was a vendor at the festival and he had heard a lot of complaints from people that didn't even go. He added that what had caused the lack of business on Route 151 was the negative press from local papers. He added that he had no traffic issues traveling to and from the Festival on Friday, Saturday, and Sunday so he felt that the traffic complaints were unfounded. He did agree that they needed to be sure that the Festival was low impact.

September 10, 2013

Mr. Wrath then noted that there were other areas that would pay to have something like this in their area and that the County needed to grab hold of the opportunity. He then noted that the beer distributor had told him that \$900,000 was sold in beer at the festival and he noted that the tax revenue was amazing just from this. Mr. Wrath acknowledged that the Blue Toad restaurant probably lost 30% of its normal revenue that week; however they made 4.5 times the loss at the festival and they were the smallest vendor there. He added that businesses that were not a part of it needed to get involved now and that the Local tent should be the biggest tent there next time. Mr. Wrath noted that fifty Nelson County residents were employed in the Local tent at the Festival. He added that the County should understand the type of festival that this is; he noted it was a camping festival and the County and organizers needed to make sure that the local businesses were ready to participate.

6. Joanie Saunders, Lovington

Ms. Saunders spoke in opposition to the LOCKN Festival. She noted that she and her husband had a landscape business in Freshwater Cove and did not plan to benefit from this Festival. She noted that they were trying to live a quiet life and be respectful of their neighbors and Oak Ridge had bowled them over. She described how they could not accept deliveries and were inconvenienced by having to drive south to go north and their trucks could not make the turn at the cones. She added that her family lived 1/4 mile away and her young child could not get to sleep during the 4 day Festival that she deemed excessive. She noted that she would like to see how much the local tax revenues were from the Festival and how these funds would be allocated. Ms. Saunders reiterated that she had employees that had to drive out of their way to get to work and there needed to be better provisions for this. She noted that her neighbors were upset as well and she would prefer to see smaller events or ones that were not as loud if for an extended period of time.

7. Charlie Weinberg, Ennis Mtn Rd.

Mr. Weinberg spoke in favor of the LOCKN Festival. He noted that he was a past president of the Nelson County summer festival and that all of the complaints, except those related to the closing of school, were nothing new. He added that he attended the Festival and it was well run, safe, secure, and was great.

8. Mike Carwile, Shipman

Mr. Carwile spoke in favor of the LOCKN Festival. He noted that while he did not attend, he spoke to some that went. He noted that while he lived in Shipman, he had no issues coming or going during the Festival. He acknowledged some of the internal issues with businesses in the County; however he had taken up blacksmithing and had gotten orders from talking to people who were looking for the Festival and were turning around in his yard. He reported that he had made an estimated \$3,000 in profit from talking to people. He added that these people told him that they had fallen in love with the County and would come back with more people. He noted that the County should not be hidden from the world but rather it should be shared.

September 10, 2013

9. Joanie Saunders, Lovington

Ms. Saunders readdressed the Board and noted that she would also like to see the costs that the County incurred for the Festival.

Mr. Carter then noted that the County had not really paid for anything. He noted that the State Police were obligated to do what they did and that the primary expense for the County was the staff time taken in working with the Festival staff and VDOT in meetings to make sure things went smoothly.

Mr. Harvey added that he thought the festival was run smoothly and that the barrels in the crossovers would be addressed. He added that he thought they went to extremes this time around; however the through traffic was not affected.

Board members then noted that there would be a debriefing meeting to assess all aspects of the Festival logistics prior to it happening again. It was noted that this was a learning experience and mistakes were made that would be addressed. It was also noted that there were things that could be done to minimize citizens being inconvenienced.

Ms. Saunders then reiterated that she would prefer to see smaller things happening in the County that were more in keeping with the concept of Agri-tourism.

8. Judy Barnes, Lovington – Owner of Blue Moon Antiques

Ms. Barnes spoke primarily in opposition to the LOCKN Festival. She noted that she did not know what to expect; however their business was down 75% and they could not afford to go to the Festival or go away. She noted that it was not good for their business, Vito's Restaurant, or Lovington. She added that they had heard the Festival music from their place and it was wonderful. She noted that she thought it was a great event but it was not good for local businesses and there was no way for them to be involved in the event because they sold books and antiques.

9. Adam Wilson, Arrington

Mr. Wilson re-addressed the Board and noted that he had not expected Trinity Episcopal Church and the Police to support the event; however every member of these two groups that he encountered had nothing but good things to say about the Festival and the people that came to it.

10. Todd Wrath, Owner of Blue Toad

Mr. Wrath re-addressed the Board and noted that the State Troopers were at the crossovers because they were trying to avoid the Kenny Chesney concert nightmare.

September 10, 2013

Mr. Bruguere noted that there was heavier traffic on Thursday and that they could try to do something to improve the involvement of local businesses. He added that it was a learning experience and that the results were yet to come in completely and that the County would inform the public of these results.

Mr. Hale then noted that he would like to reiterate that the County did not run or control the LOCKN Festival event. He noted that he did think that the Festival operator and property owner would work with the County to alleviate the concerns that had been expressed. He added that they were interested in doing what they could to increase local business involvement and that there was opportunity for this.

Ms. Brennan then thanked all of the public for attending. She related that she had waited for four hours herself to get in the Festival and she understood that this was not an inordinate amount of time to wait for these things. She added that the Board was taking in all of the concerns everyone had expressed and she was making a list herself on ways to improve the experience. She added that everyone she knew had a great time.

Mr. Harvey noted that his business did not change much but they saw a lot of new people stopping in. He added that it was much like Camp Jeep in that they would lose some business but would also gain some. He added that he had yet to hear one complaint from anyone that attended the Festival. He noted that there were many attendees from out of state and that one had said it was the best music lineup she'd seen in twenty years. Mr. Harvey added that the County had been working with LOCKN on this for six months and that thoughtful planning had been involved.

Mr. Carter then assured the public that the Festival promoters wanted to be more engaged with the community and wanted the local population to be as happy as the Festival attendees. He noted that the promoters would have to roll up their sleeves and work out some of the bugs if they wanted to do it again.

Mr. Harvey noted he was disappointed that the news was highlighting the trash left behind and he noted that it would all be cleaned up to the degree or better than it was before the Festival. Mr. Saunders noted that they were employing a lot of people to pick up the trash.

Mr. Saunders added that he had ridden up and down the road during the Festival and he could go anywhere he wanted to and there was no traffic. He acknowledged that some crossovers being blocked was a little inconvenient. He noted that he thought that the decrease in revenues for local businesses was due to the media broadcasting that traffic would be bad in the County for four days. He added that the media could have helped the situation. He noted that the Festival was new for citizens, was a great experience, and now the County was known all over the world. Mr. Saunders noted that his home place backed up to Oak Ridge and he thought the Festival was a great thing, that the problems would be worked out, and things would be improved upon every time.

Mr. Harvey then reported that the Board had gotten some preliminary figures on the outcomes of the Festival as follows: 2,000 jobs were created, all rooms in the County were

September 10, 2013

at 90% occupancy; all 480 rooms at Wintergreen had been sold, there were 25,000 attendees and 80% of them were not from Virginia.

Mr. Carter added that the Festival was at or above \$50,000 that would be contributed to local nonprofits and that number may rise.

III. Public Hearings

- A. Proposed Amendments to the Code of Nelson County CH. 9 Planning and Development, Article III, Planning Commission. To remove the Board of Supervisors member and associated references; reducing the Planning Commission Membership from six (6) to five (5) and to update State Code section references. **(O2013-06)**

Mr. Bruguere noted that the Board was not required to have a Board of Supervisors member on the Planning Commission and that they proposed the change.

Ms. Brennan added that she had proposed the change, not because she wanted to come off of the Planning Commission, but rather because few other localities had a Board of Supervisors member on it. She noted that it had been a good experience and she had learned a lot; however she did not think it was necessary. She added that she intended to attend meetings if there was anything happening in her district or there was something being considered that was exceptionally controversial.

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

1. Susan McSwain, Shipman

Ms. McSwain spoke in favor of the proposed amendment since having a voting Supervisor on the Planning Commission meant that they got to vote twice on the same item. She noted that it would be beneficial to have an ex officio liaison that was rotating unofficially so that they could take part in the dialogue. She noted that she thought this would be useful for the Planning Commission, the public, and the Board of Supervisors. She added that while she was in favor of the amendment, she would like to see the Board send one Supervisor to every meeting but not vote.

2. Kim Cash, Montebello

Ms. Cash noted that she thought that the Board did a wonderful job and that the Planning Commission was often not appreciated for their depth of knowledge in land use. She added that she thought that where the Board of Supervisors missed the boat was when they did not agree with the Commission, they did not always go back to the Planning Commission to find out why they voted the way they did. She noted that she did not think that the Board liaison worked though. She reiterated that she agreed with not doing the liaison; however if they were not going to do it, they owed it to the Planning Commission and applicants to have

September 10, 2013

better communication with them. She added that the Board should take the time to find out why a vote was made if they disagreed or were unsure of why they voted the way they did.

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

Mr. Hale then moved to approve Ordinance **O2013-06**, Amendment and Reenactment of the Code of Nelson County, Virginia Chapter 9, Planning and Development, Article III, Planning Commission, Section 9-26, and 9-27; Repeal of Section 9-27 (C) removing the Board of Supervisors member from the Planning Commission.

Ms. Brennan seconded the motion and Mr. Hale noted that he speaks to Planning Commission members regularly and he noted that the recommendation that they all do was a good idea. He noted that open lines of communication would benefit both the Board and the Commission. He then suggested that when items were referred to the Planning Commission by the Board, a Board member should go to the Planning Commission and give their thoughts on the matter.

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 O2013-06
NELSON COUNTY BOARD OF SUPERVISORS
AMENDMENT AND REENACTMENT OF THE CODE OF
NELSON COUNTY, VIRGINIA CHAPTER 9, PLANNING AND
DEVELOPMENT, ARTICLE III PLANNING COMMISSION,
SECTION 9-26, AND 9-27; REPEAL OF SECTION 9-27 (C)

BE IT HEREBY ORDAINED, that the Code of Nelson County, Chapter 9, Planning and Development, Article III, Planning Commission be amended as follows:

Sec. 9-26. - Created.

In order to promote the orderly development of the county and to plan for community centers with adequate highway, utility, health, educational and recreational facilities, and to provide for the needs of agriculture, industry and business in future growth, the board of supervisors does hereby create a local planning commission, as provided for in Chapter 22 (Section 15.2- 2200 et seq.) of Title 15.2 of the Code of Virginia. Such commission shall be known as the county planning commission.

Sec. 9-27. - Composition; general powers and duties.

- (a) The planning commission shall be comprised of five (5) members, one (1) appointee from each election district. Except as hereinafter provided, each election district member shall be appointed for a four-year term. Members may be re-appointed without limitation.

(b) Each member shall serve from July 1 until four (4) years hence on June 30 when his term shall expire. Any person appointed to fill a vacancy shall serve the unexpired term of the member being replaced. At the request of the board of supervisors, a serving member may continue to sit beyond the expiration of his term until such time as his successor may be appointed; however, the successor's term shall not be extended by such delay.

(c) Repealed.

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

B. Proposed Amendments to the Code of Nelson County Appendix A Sections 2; 3-1; 4-1; 8-1, 8A-1; 8B-1; 9-1; and 11-1 Relating Generally to Zoning. Proposed definitions include: Banquet Hall, Conference Center, and Activity Center. The definition of Cabin is proposed to be removed. **(O2013-07)**

Mr. Padalino noted that the amendment consisted of a collection of amendments referred to the Planning Commission. He noted that there was a delay because of meetings on the cabin issue. He noted that the amendment contained three additional definitions to be included.

Mr. Padalino then overviewed each of these as follows:

1. The definition of “Cabin” was proposed to be deleted. Mr. Padalino noted that this definition caused there to be a discrepancies between the Zoning Ordinance and the Uniform Building Code. He noted that the Zoning Ordinance should be deferential to the Building Code and the “Cabin” definition should be removed; with the Zoning Ordinance treating them as dwellings from a land use perspective and deferring to the Building Inspections Department.
2. Proposed new use in M2, residential quarters for “Bona fide Caretaker”.
3. Provision for “Office” as a permitted accessory use in an Industrial District M2. Mr. Padalino noted that the Board wanted it to be a by right use; however it did not make sense to have this. He added that it was an appropriate accessory use to a permitted industrial use.
4. Proposed New Use – “Activity Center”. Mr. Padalino noted that there was nothing that provided for this in the County. He then read the definition as follows: “Activity center”: An indoor facility used for athletic, recreational, therapeutic, and wellness activities, including but not limited to a gym, health club, fitness club, racquet sports, aquatics, yoga studio, dance studio, or martial arts studio. He noted that his recommendation was to provide for this as a special use in a Conservation District, Agricultural District, and Service Enterprise District and as a by right use in a Residential District or in Residential Planned Community areas and in Business Districts.

September 10, 2013

5. Proposed New Uses “Conference Center” and “Banquet Hall”. Mr. Padalino noted that the need for these uses was growing in the County due to weddings being held etc. He noted that the “Conference Center” use may include overnight lodging and if not, then an applicant could apply for a “Banquet Hall”. He clarified that the main difference was whether or not lodging was included.

6. Nonconforming Uses: Mr. Padalino noted that this was a request of the Planning Commission stemming from a suggestion made by Phil Payne. He noted that there was some ambiguity on discontinued uses and how they could be extended or renewed. He added that this language resulted in a total of 4 years for a grandfathered use to be reinstated.

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

Mr. Bruguere noted that he would like to digest the information and consider it at the next meeting. Mr. Harvey disagreed noting it was fairly straightforward and has been lingering for a while.

Mr. Bruguere asked Mr. Padalino to clarify why the Banquet Hall and Conference Center would not be the same and Mr. Padalino stated that one included a lodging component while the other did not. Mr. Hale noted that if the County had things without definition, it caused trouble and could leave the Zoning Administrator in a difficult position; therefore he thought that anytime the Board could clarify the rules that the Zoning Ordinance enforced, it would improve the situation.

Mr. Hale then suggested that in regards to the proposed, M2 District “office” , he would suggest changing it to conform with the M1 “office” which was a permitted accessory use; however there was offices built or planned etc. He clarified that the same language should be used as was in 18-2-6 so it was uniform.

Members and staff briefly discussed this with Mr. Padalino supposing that definition would preclude expansion offices. Mr. Hale noted he was unsure; however in an M1 you could have a by right office.

Mr. Hale noted that they ought to look at this a little more and that he was not prepared to settle on what was presented. Mr. Padalino noted that the Planning Commission had discussed a permitted accessory use to both by right and permitted in M2 and if it were a special use permit activity in a M2 District, then the office would go with it; which was true for all accessory uses.

Mr. Harvey suggested pulling out the items in question and Mr. Hale moved to approve **O2013-07**, Amendment of the Code of Nelson County, Virginia Appendix A Relating Generally to Zoning §2; 3-1; 4-1; 8-1; 8A-1; 8B-1; 9-1; AND §11-1 covering the proposed definitions except for “Office” in a M2 District.

September 10, 2013

Mr. Harvey 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 O2013-07
NELSON COUNTY BOARD OF SUPERVISORS
AMENDMENT OF THE CODE OF NELSON COUNTY, VIRGINIA
APPENDIX A RELATING GENERALLY TO ZONING
§2; 3-1; 4-1; 8-1; 8A-1; 8B-1; 9-1; AND §11-1

BE IT HEREBY ORDAINED that the Code of Nelson County, Appendix A, relating generally to Zoning §2; 3-1; 4-1; 8-1; 8A-1; 8B-1; 9-1; AND §11-1 is amended as follows:

Article 2, “Definitions”:

Banquet hall: A facility for hosting public and/or private events, including but not limited to weddings, receptions, social events or parties, and/or workshops, which is used as a venue for social, cultural, recreational, and/or educational activities. Banquet halls do not include lodging accommodations.

Cabin: (This definition is deleted.)

Conference center: A facility for hosting public and/or private events, including but not limited to weddings, receptions, social events or parties, workshops, and/or conferences, which is used as a venue for social, cultural, recreational, and/or educational activities. Conference centers may include lodging accommodations.

Activity center: An indoor facility used for athletic, recreational, therapeutic, and wellness activities, including but not limited to a gym, health club, fitness club, racquet sports, aquatics, yoga studio, dance studio, or martial arts studio.

Article 3, “Conservation District C-1”, and Article 3-1a, “Uses-Permitted by Special Use Permit only:

3-1-3a Cabin: (This use is deleted) *Reserved for future use*

Article 4, “Agricultural District A-1,” and Article 4-1a, “Uses Permitted by Special Use Permit only”:

4-1-7a Cabin: (This use is deleted) *Reserved for future use*

4-1-44a Activity Center

Article 8, “Business District B-1”, and Article 8-1, “Uses –Permitted by right”:

September 10, 2013

8-1-24 Activity Center

Article 8A, “Business District B-2,” and Article 8A-1, “Uses-Permitted by right”:

AA-1-14 Activity Center

Article 8B, “service Enterprise district SE-1”, and Article 8B-1a, “Uses-Permitted by Special Use Permit only”:

8B-1-11a Activity Center

Article 9, “Industrial District M-2” and Article 9-1a, “Uses-Permitted by Special Use Permit only” and Article 9-1b “Permitted accessory uses”:

9-1-14a Residential quarters for bona fide caretaker

Article 11, “Non-Conforming Uses,” and Article 11-1 “Continuation”:

11-1-3 “ If any nonconforming use (structures or activity) is discontinued for a period exceeding two (2) years after the enactment of this ordinance, it shall conform to the requirements of this ordinance, except that, when a written notice of intent to continue the use of said structure or activity after the expiration of the two (2) year period shall be submitted by the owner of the property before the two (2) year discontinuance period shall expire, which notice shall state that the use will be continued within the next two-year period, the nonconforming activity may continue for an additional two years. The additional two-year discontinuance period permitted by this subsection may neither be extended nor renewed.”

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

IV. Other Business (As May Be Presented)

There was no other business considered by the Board.

V. Adjournment

At 8:20 pm, Mr. Saunders moved to adjourn and Ms. Brennan seconded the motion. There being no further discussion, Supervisors voted unanimously by voice vote to approve the motion and the meeting adjourned.