

AGENDA
NELSON COUNTY BOARD OF SUPERVISORS
September 9, 2014
THE REGULAR MEETING CONVENES AT 2:00 P.M.
IN THE GENERAL DISTRICT COURTROOM
AT THE COURTHOUSE IN LOVINGSTON

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

- II. Consent Agenda**
 - A. Resolution – **R2014-60** Recognition of Service- Retiring Librarian, Tanith Knight
 - B. Resolution – **R2014-61** Minutes for Approval
 - C. Resolution – **R2014-62** COR Refunds
 - D. Resolution – **R2014-63** FY15 Budget Amendment

- III. Public Comments and Presentations**
 - A. Public Comments
 - B. Presentation – JAUNT Annual Report (D. Shaunesey)(**R2014-64**)
 - C. VDOT Report

- IV. New Business/ Unfinished Business**
 - A. Nelson Rescue Ambulance Funding Request
 - B. Local Business Expansion Economic Incentives (**R2014-65**)
 - C. Planning Commission Recommendation – Zoning Ordinance Amendment for Agricultural Operations (Authorization for Public Hearing **R2014-66**)
 - D. Schedule October Joint Meeting with Nelson County School Board

- V. Reports, Appointments, Directives, and Correspondence**
 - A. Reports
 - 1. County Administrator’s Report
 - 2. Board Reports
 - B. Appointments
 - C. Correspondence
 - 1.NCHS Senior FFA Request for Funding – National FFA Convention
 - 2.Nelson Middle School FFA Request for Funding – National FFA Convention
 - D. Directives

- VI. Adjourn and Reconvene for Evening Session**

EVENING SESSION

7:00 P.M. – NELSON COUNTY COURTHOUSE

- I. Call to Order**
- II. Public Comments**
- III. Public Hearings and Presentations**
 - A. Public Hearing - Consideration of Proposed Amendments to Code of Nelson County :** Proposed Amendment to Chapter 9, Planning and Development, Article III, Planning Commission, Section 9-27, Composition; general powers and duties, to add a Board of Supervisors member; increasing the Planning Commission Membership from five (5) to six (6). **(O2014-05)**
- IV. Other Business (As May Be Presented)**
- V. Adjournment**

RESOLUTION R2014-60
NELSON COUNTY BOARD OF SUPERVISORS
RESOLUTION RECOGNIZING RETIRING LIBRARIAN - TANITH KNIGHT

WHEREAS, after thirty-seven (37) years, Mrs. Tanith Knight is retiring from her position as Librarian of the Nelson Memorial Library; and

WHEREAS, the Nelson County Board of Supervisors wishes to honor Mrs. Knight's dedicated and exemplary service to Nelson County citizens; and

WHEREAS, since 1977, Mrs. Knight has successfully managed the Nelson Memorial Library and has facilitated the increase in annual circulation of library materials from less than 14,000 to over 58,000; and

WHEREAS, under Mrs. Knight's management, the Nelson Memorial Library entered into the digital age, offering library users online computer services only dreamed of in 1977; and

WHEREAS, Mrs. Knight utilized her knowledge of the people of Nelson County and her love of books to render Nelson Memorial Library an essential educational resource for residents of all ages.

NOW, THEREFORE, BE IT RESOLVED, that the Nelson County Board of Supervisors hereby recognizes, and extends their appreciation to Tanith Knight for her many years of dedicated public service and joins the community in wishing her health and happiness in the years to come.

Adopted: September 9, 2014

Attest: _____, Clerk
Nelson County Board of Supervisors

**RESOLUTION R2014-61
NELSON COUNTY BOARD OF SUPERVISORS
APPROVAL OF MEETING MINUTES
(August 12, 2014)**

RESOLVED, by the Nelson County Board of Supervisors that the minutes of said Board's meeting conducted on **August 12, 2014** be and hereby are approved and authorized for entry into the official record of the Board of Supervisors meetings.

Approved: September 9, 2014

Attest: _____, Clerk
Nelson County Board of Supervisors

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Virginia:

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

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

Absent: None

I. Call to Order

Ms. Brennan called the meeting to order at 2:03 PM, with all Supervisors present to establish a quorum.

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

II. Consent Agenda

Ms. Brennan asked if there were any changes or additions to the agenda and there being none, Ms. Brennan asked if there were any questions regarding the consent agenda items presented for consideration.

Mr. Bruguiera asked for an explanation regarding the requested extension of the final plat filing deadline for Elk Rock Meadow Subdivision and Mr. Padalino reported the following:

Mr. Padalino noted that the subdivision property was on Howardsville Turnpike in Afton and was on approximately eighty (80) acres. He noted that the final plat was approved January 2014 and then thereafter the party had a six (6) month deadline to record the final plat. He noted that in order to record the final plat, they had to have a bond or surety in place and until this was obtained, the final plat could not be recorded. Mr. Padalino then noted that their office had received the extension request one (1) day before the deadline. He noted that there was no problem with the subdivision and the bond was the only hurdle.

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Mr. Bruguiera then moved to approve the consent agenda and Mr. Saunders seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion and the following resolutions were adopted:

A. Resolution – **R2014-52** Minutes for Approval

**RESOLUTION R2014-52
NELSON COUNTY BOARD OF SUPERVISORS
APPROVAL OF MEETING MINUTES
(June 26, 2014 and July 8, 2014)**

RESOLVED, by the Nelson County Board of Supervisors that the minutes of said Board's meetings conducted on **June 26, 2014 and July 8, 2014** be and hereby are approved and authorized for entry into the official record of the Board of Supervisors meetings.

B. Resolution – **R2014-53** COR Refunds

**RESOLUTION R2014-53
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>
\$240.51	2012/2013 PP Tax & Vehicle License Fee	Raymond, M. Miller, Jr. 964 Horseshoe Rd. Arrington, VA 22922

C. Resolution – **R2014-54** Extension of Filing Deadline- Final Plat, Elk Meadows

**RESOLUTION R2014-54
NELSON COUNTY BOARD OF SUPERVISORS
APPROVAL OF EXTENSION OF THE FINAL PLAT FILING DEADLINE
ELK ROCK MEADOW SUBDIVISION**

WHEREAS, the Code of Nelson County, Virginia Appendix B, Subdivision Ordinance Article 5, Section 5-E requires that final subdivision plats be recorded in the Circuit Court Clerk's Office within six (6) months of final approval; and

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WHEREAS, the final plat for Elk Rock Meadow Subdivision was approved on January 22, 2014 and pursuant to the Subdivision Ordinance, Article 5, Section 5-E, the corresponding recordation deadline was July 22, 2014; and

WHEREAS, on July 21, 2014, Elk Mountain Land Company LLC requested a six (6) month extension of the filing deadline of the final subdivision plat for Elk Rock Meadow Subdivision in order to finalize the financing requirement for road construction; and

WHEREAS, the Nelson County Board of Supervisors has favorably considered the circumstances precipitating the request,

NOW THEREFORE BE IT RESOLVED, by the Nelson County Board of Supervisors that pursuant to Section 15.2- 2241.A.8 of the Code of Virginia, which provides that a longer period to file a final subdivision plat may be approved by the governing body, the request made by Elk Mountain Land Company LLC to extend the filing deadline of the final subdivision plat for Elk Rock Meadow Subdivision for six (6) months is hereby granted.

D. Resolution – **R2014-55** Local Board Concurrence with School Division Retirement Plan Contribution Rate Election

RESOLUTION R2014-55
NELSON COUNTY BOARD OF SUPERVISORS
LOCAL GOVERNING BODY CONCURRENCE WITH SCHOOL DIVISION
ELECTING TO PAY THE VRS BOARD-CERTIFIED RATE
(IN ACCORDANCE WITH THE 2014 APPROPRIATION ACT ITEM 468(H))

BE IT RESOLVED, that Nelson County, employer code 55162, does hereby acknowledge that the Nelson County Public School Division has made the election for its contribution rate to be based on the employer contribution rates certified by the Virginia Retirement System Board of Trustees pursuant to Virginia Code § 51.1-145(1) resulting from the June 30, 2013 actuarial value of assets and liabilities (the "Certified Rate"); and

BE IT ALSO RESOLVED, that Nelson County, employer code 55162, does hereby certify to the Virginia Retirement System Board of Trustees that it concurs with the election of the Nelson County Public School Division to pay the Certified Rate, as required by Item 468(H) of the 2014 Appropriation Act; and

NOW, THEREFORE, the officers of Nelson County, employer code 55162, are hereby authorized and directed in the name of Nelson County to execute any required contract to carry out the provisions of this resolution. In execution of any such contract which may be required, the seal of Nelson County, as appropriate, shall be affixed and attested by the Clerk.

III. Public Comments and Presentations

A. Public Comments

1. Anne Buteau, Shipman

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Ms. Buteau spoke in opposition to the proposed Dominion pipeline noting the Appomattox pipeline explosion. She added that the pipeline should be a safe distance from houses, she noted that corrosion occurs and pipes become compromised. She added that there was a lot of potential for corrosion and this was an important safety issue.

Ms. Buteau then noted her displeasure with the new Family Dollar building in Lovingson, noting it was not representative of a Historic District. She suggested that there should be some guidelines as to what businesses should look like if seen from Route 29.

2. Marion Kanour, Afton

Ms. Kanour thanked the Board for dealing with the proposed pipeline issues.

3. Charlie Weinberg, Afton

Mr. Weinberg noted that he felt that the public had not heard truth about LOCKN benefits to the County and he would like to. He then recommended Linda Russell and Phil Proulx for reappointment to the Planning Commission. Mr. Weinberg then asked the Board to dig with their questions on the proposed pipeline and he noted the community's unity on the issue.

4. Charlotte Rea, Afton – Friends of Nelson Representative

Ms. Rea thanked the Board for supporting them and for passing the resolution that they did in relation to the proposed Dominion pipeline. She noted that she was disappointed that the public would not be able to ask questions of Dominion; however she appreciated them being able to provide questions to the Board. She added that she believed that the proposed pipeline was not in character with Nelson County and she hoped they also come to that conclusion.

Following public comments, Ms. McCann introduced Anna Birkner, a new employee in the County Administrator's office. She noted that Ms. Birkner had an Associate's Degree from Kent State University and previously worked for Amherst County DSS. She added that her degree was in Information Technology for Administrative Professionals.

B. Presentation – 2015 Regional Legislative Program (D. Blount)

Mr. Blount noted that he was addressing the Board a month earlier than in the past so that the legislative program could be moved along more quickly and the issues could be put in front of the Legislators sooner before the General Assembly session. He added that he planned to draft the program and present it in early September and would come back in October for its approval by the Board.

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Mr. Blount then noted the following 2014 priorities:

Thomas Jefferson Planning District
2014 Legislative Priorities

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

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.
- We believe that unfunded liability associated with the teacher retirement plan should be a shared responsibility of state and local government.

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.
- We support efforts to improve and enhance the process for determining local fiscal impacts of proposed legislation.

TRANSPORTATION FUNDING and DEVOLUTION

- 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.

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.
- We support a one-year delay in the date by which local stormwater programs must be put into place and allowances for modified stormwater management plans for individual lots.
- 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.

LAND USE and GROWTH MANAGEMENT

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

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- We oppose efforts to unnecessarily expand and commercialize the definition of farm operations that would impede local abilities to protect the property values, health, safety and welfare of its citizens.

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 noted that they wished to expand the list of state agencies that could refer bills for analysis by the Commission on Local Government. He noted that they would be working with localities on the fiscal impacts of legislation.

Mr. Blount then noted that in 2015, they would like to take the next step by putting out there some tools, options etc. for localities to diversify their revenue bases and generate additional revenues needed. He noted that they may discuss equalizing taxing powers for counties that cities currently had and this may take the form of additional options for revenue sources. Mr. Blount then noted that he was hoping to have this dialogue at the upcoming legislative forum and they would also be working with VACO and VML on this.

Mr. Blount then noted that they had looked at studies done since the 1980s and he had provided information on that to the Board. He noted that this provided a history of some of the same issues that they were looking at today.

Mr. Blount then noted that they hoped to host the Legislative Forum in early fall and may utilize a different format that included hosting them at different venues.

Mr. Bruguere then questioned who had been blocking the equitable tax authority bills and Mr. Blount noted that the House Finance Committee had been the stumbling block over the years. He added that there had not been recognition by Legislators that Counties were providing a lot of services that were previously only found in cities. He added that the demand for services was there. Mr. Bruguere then noted he would send an email to those who sit on that Committee so he could voice their concerns and Mr. Blount noted he would get him that information.

Mr. Blount then added that for the Legislative Forum they may reach out to others across the region, such as school boards. He added that he had heard of some rumblings about giving school boards taxing authority and this may result in some funding for a study of this.

Ms. Brennan then questioned what type of fiscal impact bills had been considered and Mr. Blount noted that there was a bill killed that would have required bills with a fiscal impact to be introduced early in the session. He noted that the purpose was to allow as

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much time earlier in the process for things that affected local governments. He noted that this was even more of a problem in the shorter legislative sessions.

Ms. Brennan then thanked Mr. Blount and noted that until the State did tax restructuring on a grand scale, the efforts would be band aids.

C. VDOT Report

Mr. Don Austin in attendance reported the following:

Mr. Austin noted that in the Secondary Six Year Plan (SSYP), the unpaved road allocation was \$134,195 and had now been changed to \$69,093 due to changes in state revenue projections. He noted that the reduction should not impact construction this year and that the projection was that the County would get \$23,000 more than projected for next year.

Mr. Austin noted that the Route 623 Bridge replacement was due to be completed by the end of September.

Mr. Austin noted that for both of the Route 151 turn lane safety projects, VDOT was setting up design approval public hearings; which would probably be held at the Rockfish Valley Fire Department in mid-October.

Mr. Austin noted that they were working with the LOCKN project and were close to approving the related traffic plans etc. He noted that prior to the festival they would do cleanup of the guardrails and potholes etc. in that area.

Mr. Austin noted that VDOT would fix the pipes in the South District the following week.

Supervisors then discussed the following VDOT issues:

Mr. Hale noted that on Route 632 turning east towards Scottsville there was a VDOT sign that blocked visibility. He added that it may be a change in speed limit sign and it was located after crossing the bridge going West on Route 6.

Mr. Hale then noted he had left Mr. Austin a message about a logging operation on Route 6 and questioned whether or not they had to get a permit for their site entrance and maintain it according to standards. Mr. Austin then noted that they did; however some logging companies had a blanket permit; however they still had to notify VDOT when they used it. Mr. Hale noted that it seemed to be an existing road and Mr. Austin noted that they would still have to contact VDOT. Mr. Austin added that he thought that the Forestry Department had some regulations on this as well and Mr. Hale noted that he had been advised that the roads were dealt with by the State Police and VDOT.

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Mr. Bruguere noted that going West on Route 56 West, the other side of the guardrail was grown up and was impeding sight distance looking to the West. He added that the kudzu was taking over the guardrails near the State Shed in Roseland. Mr. Austin explained that the decision was made not to spray guardrails this year; however it would be done next year. He added that they would do some type of broadleaf spraying. He added that the funding for that was cut and VDOT has now decided that was not the best thing to do.

Mr. Saunders reported that on Route 655, the west side of Diggs Mountain Road, there were several houses in a curve there and citizens were concerned about turning on and off the road. Mr. Austin acknowledged this and noted he would check to see if the Diggs Mountain Road sign was up.

Mr. Saunders inquired about trash pickup on Route 29 and Mr. Austin noted it was happening that week.

Mr. Harvey then reported that on Route 151 and Route 29 there were ruts where the water was washing it out badly.

Ms. Brennan then reported seeing another driver going North in the Southbound lane at the Buck Creek and Route 29 intersection again. Mr. Austin noted that they had put up all of the sign-age they could there and he was not sure what to do even though what was there was not working. He added that maybe they could paint directional arrows in both lanes.

Ms. Brennan then noted that the historic sign at Cooperative Way was gone and Mr. Austin and Mr. Carter confirmed that it had been gone for some time. Mr. Austin noted he would check on this and also would check on the repainting of the historic sign at Nelson Wayside.

IV. New Business/ Unfinished Business

A. Sheriff's Department Request for Funding (Vehicles)

Mr. Carter noted that Captain Robertson was going to present the request; however he noted to staff that morning that he was unable to attend.

The Sheriff's Department's request noted the following:

The Nelson County Sheriff's Office has 5 vehicles that are out of service or should be out of service. The sheriff's office has no spare marked patrol vehicles at this time should another vehicles go down. Therefore the Nelson County Sheriff's Office is requesting funding for:

- 2 new 2014 Dodge Chargers at a cost of \$23,829.00 each for a total cost of \$47,658.

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- Requesting the cost of purchasing and installing new equipment for these two new vehicles at an estimated cost of \$7,250.00 per vehicle for a total cost of \$14,500.00
- Estimated cost for stripping each vehicle at \$565.00 each for a total cost of \$1,130.00
- Estimated cost of purchasing two new mobile radios at \$3,028.08 each for a total cost of \$6,056.16
- Total requested funding is \$69,344.16

Mr. Harvey noted that there should not be a shortage of radios for the cars and Mr. Carter agreed.

Mr. Bruguere then inquired as to whether or not they were going to fund the vehicle purchase using asset forfeiture funds. Mr. Carter noted that from the staffs' perspective, He and Ms. McCann met with the Sheriff who noted that if the Board would provide them funding for the vehicle equipment, then when they realized the substantial amount of asset forfeiture funds, they would purchase three (3) vehicles so staff did not include funding for vehicles in the budget. He added that the communication from the Sheriff did not indicate what would be done with the asset forfeiture funds and he noted that the seized house and acreage had been turned over for sale. Mr. Carter then noted that staff was not trying to be a road block to their efficient operation; however they could not get answers from them on the questions they had. He added that if their intent was to purchase the vehicles with County funds and then cover it with asset forfeiture funds he was unsure if they could do that because in looking at whether or not the County could be reimbursed for these, the asset forfeiture regulations indicated that these funds could not supplant other funds. Mr. Harvey suggested that if these vehicles were purchased using General Fund monies and the impending asset forfeiture funds used for the next round of vehicle purchases it would have the same effect. He agreed that they could not "loan" them the money.

In response to questions regarding the asset forfeiture fund balance, Ms. McCann noted that the Sheriff's Department currently had approximately \$14,000 in asset forfeiture funds and had submitted a request to purchase equipment that would use \$6,600 of that.

Ms. Brennan asked if these funds could be accumulated and Mr. Harvey noted that the funds were to be used to combat drugs not to balance their budget. It was noted by staff that yes, these funds could accumulate from year to year within the program guidelines.

Mr. Harvey noted his frustration that these cars coming out of service would not be able to be assumed by the School System for use as in the past and Ms. McCann then noted that only one of the five (5) cars mentioned as being out of service was assigned to someone. Mr. Harvey noted that the department needed to have backup vehicles that were ready to go and he did not think it was the job of the Board to manage the Sheriff's Department. He added that this had been the best administration in producing revenue and it ought to go back into fighting crime.

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Mr. Carter noted that the Sheriff's email to the Board exhibited a misunderstanding of the funds that fines and forfeitures generated. He then distributed a summary of these funds to the Board and briefly reviewed it. In summary he noted that even if they allocated all of the estimated revenue from fines and forfeitures for the current year, the County still provided approximately \$450,000 from the General Fund to the Sheriff's Department budget. Mr. Harvey then noted that if it weren't for these funds, the County would be paying more for the department from the General Fund. Mr. Carter agreed but emphasized that the Sheriff has said that they don't get the revenue that they generate; however they did. He then reiterated that he was not opposed to getting the vehicles it was just the unanswered question of the use of the asset forfeiture monies. It was reiterated that the Code did allow for the purchase of vehicles with asset forfeiture funds; however if the County paid for them upfront, it would be considered supplanting of funds. It was acknowledged that those monies could be used for future vehicle purchases and that perhaps there was a breakdown in communication between the two departments. Mr. Carter then reiterated that he and Ms. McCann had met with the Sheriff in person and he had committed those funds to purchase the vehicles.

Supervisors briefly discussed the request and the consensus was that it was not worth fixing any of the vehicles noted in the presentation even if some of the repair quotes may be inflated and the vehicles should be purchased. Mr. Harvey added that he did not want the radios taken out of the old cars and transferred to the new ones.

Mr. Harvey then moved that the Board of Supervisors approve the purchase of two (2) cars with the equipment needed and if needed radios provided under the umbrella of the radio program pricing.

Mr. Hale seconded the motion.

Supervisors added that they were to be advised to order the vehicles now and to use asset forfeiture money to buy other vehicles in the future. Mr. Harvey clarified that they were proposing to purchase two (2) cars and equipment as needed and they would know the cost when staff came back with the appropriation request. Mr. Bruguiera suggested that in next year's budget process, the Sheriff needed to be clear on how he would purchase vehicles.

Ms. McCann then questioned whether or not the \$14,800 currently in the asset forfeiture fund was to be used for vehicles and the Board noted it was not.

Supervisors inquired about the previously discussed ammunition purchase and staff noted they would purchase the ammunition with funds budgeted in the FY15 police supplies line item of their budget.

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

B. 2014 LOCKN Festival Special Events Permit Status Report

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Mr. Carter noted that Tim Padalino and Jean Payne would report on this. He noted that they had a good meeting the previous Friday with all of the entities addressing the approvals necessary to have the festival this year.

Mr. Padalino reported the following timeline related to the Special Event Permit:

- November 2013: Lockn' submitted SEP application for September 2014
- December 2013 – February 2014: Multiple meetings, phone calls, and correspondence between applicant and County staff to clarify permitting requirements and identify submission materials.
- March 17, 2014: “Kick-Off Meeting” at The Carriage House for all SEP review agencies coordinated by Dept. of Planning & Zoning staff; postponed due to winter storm.
- March 27, 2014: “Kick-Off Meeting” at The Carriage House for all SEP review agencies coordinated and facilitated Director of Planning & Zoning; attended by over 30 participants from Lockn' team, VDOT, Virginia State Police, Virginia Dept. of Health, Virginia ABC, Nelson County Sheriff's Office, County staff from County Administrator's Office, Dept. of Economic Development & Tourism, and Emergency Services, as well as South District Supervisor Larry Saunders.
- May 29, 2014: Meeting with Lockn' team to discuss progress-to-date since March “Kick-Off Meeting,” including status of Traffic Plan, Event Site Plan, and other ongoing coordination efforts with SEP review agencies.
- July 18, 2014: Meeting with Lockn' team and County Administrator to review recent changes to Event Site Plan and Traffic Plan; to receive updates on current status of applicant's ongoing coordination with SEP review agencies; and to continue resolving outstanding issues relating to Lockn' 2013 (and to identify best practices to avoid similar issues at Lockn' 2014).

He then reiterated that the group had met the previous Friday on August 8th at the Carriage House at Oak Ridge.

Mr. Padalino then noted that a point of emphasis was that the acquisition of the Loving Farm had changed things for them this year. He noted that there had been great feedback from all of the agencies present at the August 8th meeting and they were actively coordinating with all parties necessary. He added that at that meeting they identified all of the remaining steps to get approvals and once the other agencies sign off, then he would review everything with Mr. Carter and if it's in order, the County would give its approval. He clarified that there was a traffic plan, Health Department permits, and an internal communication plan etc. He added that they would have their own security team this year. Mr. Padalino then noted that he was impressed with the attention to details and lessons learned from last year. He added that they were working with VDOT to have flexible U-

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turn and cross over plans with the State Police emphasizing their goal of a safe continuation of traffic on Route 29 during the festival.

Mr. Padalino then noted that the LOCKN representative mentioned that they thought there would be a 10-20% increase in attendance so no more than 30,000 people. He added that they were seeing more day passes purchased this year.

Mr. Padalino then expanded on them having a new security team, and they would have the same members at the same gates throughout the festival to avoid lapses in security. He noted that they would have more cell on wheels available and that Verizon had gotten the first temporary tower permit under the new tower ordinance.

Mr. Hale inquired about the status of Oak Ridge Road and Mr. Padalino noted it would be open for public use. He noted that all camping would be located on the south side of Oak Ridge and that some of the VIP and camping would come in from Lovingson through Shipman on Thursday, with there being better fencing and walkways that would include color coded navigational beacons.

Mr. Padalino noted he would again meet with Dave Frey and the LOCKN team that Friday and they were striving for an August 22nd date for permit approval from agencies and then it would go to the County.

Mr. Bruguiere noted he did not want to see the crossovers on Route 29 closed in front of major businesses, such as Blue Ridge Medical Center, the Exxon, or the Dairy Isle in Colleen. Mr. Carter advised that they would still use the U-turn method for traffic and would try to be flexible in opening the crossovers. He added that they would monitor traffic and adjust these accordingly. Mr. Saunders added that VDOT and the State Police felt more comfortable this year with the traffic plan.

Mr. Padalino noted that in terms of the timeframe in them getting the permit, the acquisition of the farm made them have to significantly revise their plans so they were not able to meet the earlier July timeframe for permitting that was planned.

Mr. Ben Thompson of Oak Ridge in attendance addressed the Board and noted that there would be some event staff traffic north of Oak Ridge Road but no patron traffic, so there would be no containment issues as were had last year. He noted that his impression was that everyone involved was comfortable with the permitting timeline and that most of the elements were 1% to 5% away from being approved. He added that the general parameters from the Health Department had been set and there were no imminent issues with sign offs. He then noted that he thought the festival permitting should occur sooner with each year.

Mr. Hale noted that he appreciated the fact that they and LOCKN had reached out to answer the questions of the Board and Mr. Thompson noted that he hoped that extended to the community because their goal was identifying concerns early while there was time to address them.

Ms. Jean Payne, Commissioner of Revenue noted that her office felt much better about this year than last. She noted that Mr. Thompson had been helpful with the vendors coming and

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they were getting in business license fees daily. She added that her office had also gotten over \$7,000 in meals taxes from last year remitted. Ms. Payne then noted that she would go Tuesday or Wednesday to the festival and make sure that once the vendors were set up that everyone had their license and understood the meals tax part of it. In response to questions, she noted that the \$30 for business licenses was collected by her office and then the meals tax would be remitted afterwards.

C. Authorization to Execute Contract with Architectural Partners (Historic Courthouse Renovation **R2014-56**)

Mr. Carter noted that he had provided specific information from Architectural Partners related to their retention. He then noted that the County had received six (6) proposals from firms in response to its RFP solicitation and Architectural Partners was determined by the committee to be the firm to negotiate with. He added that in the next step, staff worked with them to come up with options ranging from the least amount of work to the most as follows:

Option 1 – Minimum Scope of Work

- Address needs of the Circuit Court and Clerk only
- Include restoration efforts and thermal envelope upgrades for original Courthouse
- Building upgrades (Mechanical, Electrical, Plumbing, finishes etc.) for all affected areas

Option 2 – Addressing all Space Needs and Restoration Efforts for Courthouse and Additions Prior to 2011.

- Option 1 plus...
- Updated Space Needs Study for all Departments currently within the Courthouse complex in pre-2011 spaces (with the possible exception of the Sheriff)
- Address identified needs with relocations and/or additions
- Include Restoration efforts and building upgrades for all spaces built prior to 2011.

Option 3 – Consolidation and Relocation of Offices

- Option 1 and 2 plus...
- Updated Space Needs Study for all remote Departments currently NOT within the Courthouse complex.
- Address identified needs with relocation and/or additions and /or new facilities

Mr. Carter noted that staff and Mr. Hale and Mr. Saunders met with Architectural Partners to discuss the options in order to derive a cost of services estimate. He noted that there was a lot to be determined as far as the final scope that would be proposed and it was agreed at the committee level that they draft a letter agreement to narrow down the scope to include Option 1 and some aspects of Option 2. He added that this was because in addressing the needs of the Circuit Court and Clerk there may be implications for the existing spaces and they may need to revisit the old space needs study as these implications became apparent.

Mr. Carter then noted that the firm would complete a study/evaluation and make recommendations for an hourly rate not to exceed amount of \$70,000. He noted that he was

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comfortable with what was proposed and he recommended approval of the resolution to proceed and accept the not to exceed amount of \$70,000.

Mr. Hale noted that he felt very comfortable with the principals and he thought that they had a clear understanding of what the County's needs were and would be fair. He also recommended they approve the resolution. He added that there was no way to determine the exact time it would take so \$70,000 was an estimate.

Mr. Saunders reported that he had expressed concern to them about having a lot of change orders and they made him feel better about that. He added that he was more comfortable dealing with a smaller firm and they were certainly qualified to do the job. He noted that they had great references and he had seen some of their work in person.

Ms. Brennan clarified that this was just for architectural services and Mr. Carter noted that the full scope would be developed and then the Board would have to decide how to proceed with the project. He added that this was to be determined as they moved forward with the preliminary work. He noted that they had a goal of January 1 to have the work ready for bid.

Mr. Hale noted that this was for a design package that would include a construction estimate and then the Board would make decisions which would then lead to a % of construction fee to continue. He added that Wiley Wilson's fee was 7-9% for the Courthouse project. He noted that they would evaluate the current HVAC systems and would do a written evaluation of all mechanical and electrical systems inclusive of providing written note of their deficiencies.

Mr. Hale then moved to approve resolution **R2014-56**, Resolution Authorizing the Award and Execution of a Contract for Architectural Design and Construction Services Related to the Renovation of the Historic Courthouse. 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 resolution was adopted:

RESOLUTION-R2014-56
NELSON COUNTY BOARD OF SUPERVISORS
RESOLUTION AUTHORIZING THE AWARD AND EXECUTION OF A
CONTRACT FOR ARCHITECTURAL DESIGN AND CONSTRUCTION
SERVICES RELATED TO THE RENOVATION OF
THE HISTORIC COURTHOUSE

WHEREAS, in accordance with the Virginia Public Procurement Act, §2.2-4300 of the Code of Virginia, Competitive Negotiation Process, proposals for project RFP#2014-NC01, Professional Architectural, Engineering and Planning Services Nelson County Courthouse Design and Construction Services were solicited and received on May 28, 2014; with interviews of the top ranked firms conducted on July 11, 2014; and

WHEREAS, the selection committee ranked Architectural Partners as the most qualified firm based on the selection criteria,

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NOW THEREFORE BE IT RESOLVED, by the Nelson County Board of Supervisors, the County Administrator, Stephen A. Carter, is hereby authorized to negotiate said services with Architectural Partners and upon successful negotiation, award and execute a contract on behalf of Nelson County.

BE IT FURTHER RESOLVED, that should negotiations with Architectural Partners be unsuccessful, the County Administrator, Stephen A. Carter is hereby authorized, pursuant to the Virginia Public Procurement Act, §2.2-4300 of the Code of Virginia, to proceed with negotiations with the second most qualified firm as determined by the selection committee.

D. Closed Session Pursuant to Virginia Code §2.2-3711(A) (5) Discussion concerning the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in expanding its facilities in the community.

Members agreed by consensus to consider this matter as the last order of business.

Mr. Hale moved that the Nelson County Board of Supervisors convene in closed session to discuss the following: as permitted by Virginia Code § 2.2-3711(A) (5), discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community.

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

Supervisors conducted the closed session and upon its conclusion, Mr. Bruguiere moved to come out of closed session and Mr. Hale seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion and reconvened in open session.

Upon reconvening in open session, Mr. Hale moved that the Nelson County Board of Supervisors certify that, in the closed session just concluded, nothing was discussed except the matter or matters specifically identified in the motion to convene in closed session and lawfully permitted to be discussed under the provisions of the Virginia Freedom of Information Act.

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

There was no action taken by the Board following closed session certification.

V. Reports, Appointments, Directives, and Correspondence

A. Reports

1. County Administrator's Report

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1. Courthouse Project Phase II: Interviews conducted on 6-11-14 with four AE firms resulting in Committee's decision to select Lynchburg based Architectural Partners to provide architectural and engineering services to the County for the project. A work session with the firm is scheduled for 2:30 p.m. on 8-8 to develop a scope of work to be endorsed by the Board, including contract approval, as may be completed, on 8-12.

2. Lovington Health Care Center: Staff has sent background/informational communications to four companies that own/operate assisted living and memory care facilities, in an effort to identify a potential development partner for a future re-use of the LHCC. To date, this effort has not been productive. Additional contacts with other potential partners will be made.

Mr. Carter added that MFA would relocate in September 2015.

3. BR Tunnel and BR Railway Trail Projects: **A) BRRT** – Construction complete with VDOT close out in process. Retainage pending payment. **B) BRT** – The project bid date for Phase 1 was delayed a second time to 2 p.m. on 8-8, due to a realignment of sections of the eastern trail (Nelson County side) to comply with a 50" separation requirement from the CSX/BBRR active rail line that is adjacent to the eastern trail and to address the presence of bedrock that was encountered due to the trail realignment. Both issues, separation from the active rail line and the presence of bedrock have been addressed. However, a licensing agreement with CSX that addresses the track/trail separation is pending and the presence of bedrock may have a strong influence on whether or not an acceptable bid is received. Related to the overall project, as previously reported, Phase 2 grant funding has been formally approved by Commonwealth Transportation Board and, County staff attending a July 22nd Transportation Alternatives (Grant) Program workshop were encouraged by VDOT staff that the County should apply for funding for the project's Phase 3 (final phase – western trail and parking area) with applications due in November 2014.

With respect to the Blue Ridge Tunnel, Mr. Carter noted that the low bid of \$636,044.80 was received from Fielder's Choice and their bid submittal had been sent to Woolpert for evaluation. He noted that they advised that the County send all three (3) bids to VDOT to get their review and approval. He added that the County was in position to move forward with the company with final work to be done with CSX and Buckingham Branch Railroad.

Mr. Carter then noted that the trail realignment between bids put the trail in the path of a major rock outcropping and now the trail has been realigned again so that the trail was not in the path of rock so much.

Supervisors discussed Fielder's Choice, with Mr. Saunders noting they were a firm based out of Charlottesville and they had done a couple of \$5 million dollar projects that he was aware of. He noted they had done the work in widening Route 340 in Waynesboro and were currently doing work in Lynchburg.

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Mr. Carter noted that during the first bid process, it was noted that the firm was capable of doing the work however they would prioritize the larger jobs. It was advised that the County have liquidated damages in the contract with them to ensure that he job would be completed in a timely manner. Mr. Saunders added that the company had a number of employees that lived in the County.

Mr. Carter then noted that the County had been awarded \$749,040 for Phase I and the County had \$718,000 in available funding less Woolpert's cost. He added that this would build the trailhead and trail to the tunnel which would be usable; however access would be restricted in order to do Phase II construction in the tunnel. He then reported that the County had been encouraged by VDOT to apply for Phase III funding and staff was working on how to make this go forward. Mr. Hale added that Phase I included the parking area in Afton, 3,400 foot of trail to the east portal, and improvement of the drainage there. He noted that this phase did not get into the tunnel, which happened in Phase II. Mr. Hale then added that the General Assembly had allocated an additional \$90,000 for removal of the bulkheads.

Mr. Saunders noted that some Contractors were concerned with blasting near the tunnel etc. but he felt good in getting started. Mr. Hale added that there was a lot of interest in the project and the foundation was involved.

Mr. Bruguiere noted not having seen no trespassing signs at the site and suggested that these be reposted. Mr. Carter noted that these typically get taken down over time and then the County reposts them.

Mr. Hale then inquired as to how long it would take to get under Contract with Fielder's Choice and Mr. Carter noted it depended upon the time it took for VDOT's review and approval.

4. 2014 Lockn Festival: A project planning meeting with all state, local and related entities is scheduled for 10 a.m. on 8-8 at Oak Ridge Estate. The purpose of the meeting is to move towards completion of final plans and approvals for the 2014 Festival. The 2014 Festival is also an agenda item for the Board 8-12 meeting during which staff will report on the status of approval of the required Special Events Permit, including receipt of input from the Board.

5. Broadband: Network operation is ongoing. County staff conducted a conference call with VA-DHCD staff on 8-5 to discuss the County applying for \$200,000 in CDBG grant funding through the CDBG program's Innovation Project component. A 50% local match is a program requirement (i.e. \$200,000 CDBG grant requires a \$100,000 local match). The conference call was very productive and County staff have begun development of the preliminary application for this grant funding, which would be used to extend the fiber optic backbone (network) south on Route 151 to Route 664, north on Route 151 to the County line with Albemarle and west from Route 151 on Route 6 to a TBE termination point. A cost estimate is pending and the proposed expansion areas will be revises, as necessary, to adjust for potential funding constraints. The central consideration for the Board is to endorse provision of the local match, which will provide authority to submit the grant proposal to VA-DHCD, etc.

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Mr. Carter advised that the County would need to say that it has committed to the local match in the preliminary application letter. He added that this was a consideration of the Board since the County owned the broadband network, not the Broadband Authority.

Mr. Carter noted that staff was still evaluating how far it could be taken on the proposed routes and that the preliminary estimate from BRI showed that all three expansion legs could be accomplished within the available funding.

Mr. Carter noted that this build had the potential to generate revenue that could be used to build out on this side of the county. Mr. Hale noted he would like to see a cost/benefit analysis of doing this. Ms. Brennan inquired as to the investigation of potential customers and Mr. Carter noted that BRI has looked at this and there was the probability of significant connections as they had the potential to lateral out into the Stoney Creek area. He added that there was also business interest in getting fiber in that area.

Mr. Saunders and Mr. Harvey noted that they thought the County needed to move forward with this and asked when the application had to be made. Mr. Carter noted that the County needed to apply prior to September 30, 2014.

Mr. Harvey then moved that the Board of Supervisors commit to the \$100,000 match of the \$200,000 grant for the CDBG program to expand broadband.

Mr. Bruguiere seconded the motion and Mr. Hale and Ms. Brennan reiterated that they would like to see BRI's numbers by the next meeting to see the potential benefit there. Mr. Carter then advised that until the County signed the grant contract, they were not fully committed to do the project.

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

6. Radio Project: Network testing was completed by County, Motorola, Clear Communications and RCC staff in July 2014. The testing program was successful in achieving a 96% verification rate (95% was the required acceptance rate). Please see the Information Systems Department's report for 8-12 for a complete summary of the status of this initiative.

Mr. Carter noted that County staff worked on the testing and noted that there were frequency issues to be worked out with the FCC; however the County would move forward with the cutover in September or October. He added that people could now communicate with every radio in the county and Mr. Harvey noted that they could also work a scene on a dedicated channel. Mr. Carter then described the simulcast function of the signals.

7. Rockfish Valley Area Plan: Contract completed with TJPDC for project assistance. Project status is very preliminary.

8. Roseland/Ferguson's Store PER: Staff from Draper Aden Associates advised on 8-4 that they had obtained all information necessary to complete the PER and were working to do so. A date for submittal of the report to the County was not specifically discussed but is anticipated by not later than 8-30.

9. Sturt Property Plan: Site visit by VT-Community Design Assistance Center completed on 6-25. CDAC has submitted a \$25,532 proposal to assist the County with a plan of outdoor development for the property, which will require approval and funding by the Board.

Mr. Carter noted that there was potentially some DCR grant funding that would cover the proposal cost. Mr. Hale noted the possibility that the Sturt heirs would also contribute.

10. Rockfish Valley Rural Historic District: The VA Department of Historic Resources notified the County on 6-23 of a \$10,000 Cost Share Grant awarded to the County for the completion of a reconnaissance survey of 105 properties for the proposed Rockfish Valley Rural Historic District. A \$5,000 local match is required and will be provided by the Rockfish Valley Foundation.

11. Lovington Revitalization: Staff has conferred and met (7-9) with TJPDC staff to discuss a second effort towards a Lovington Revitalization Project. No progress has been made to date on this subject.

Mr. Carter noted that the County had to have an economic development strategy and would have to have an idea of how many jobs would be created. He noted that the County was looking at it with the Planning District Commission's help.

12. Personnel: Ms. Anna Birkner has accepted the Secretary 3 position in the County Administrator's office and will begin work on 8-11. Anna holds a degree in Information Technology from Kent State University. Sara Turner has moved to the Department of Finance and HR. Staff are presently working to fill Shelter Attendant (part-time) and Dispatcher (full time) positions with interviews in process for both.

Ms. McCann explained that there was a part-time Dispatcher position open due to that person accepting a full time Security Officer position with the County.

Mr. Carter then noted that a resignation was received from an Animal Control Officer that week with a two (2) month notice given. He noted the resignation was for personal reasons etc.; however he would talk to him to see if could turn it around. He added that the ACO just got certified and this would be a setback for the department.

Ms. Brennan inquired as to whether or not Dispatchers got paid a shift differential and Mr. Carter noted they did not. He added that this had been looked at but had not been developed and could be revisited if the Board wanted. Mr. Bruguere noted that the ACO had approached him about them carrying firearms and Mr. Carter noted that his response to that had been to incorporate other protective provisions in the Animal Control policy leading up

to use of a firearm. He added that he had noted to them that if firearms were approved that the policy for their use would be very descriptive and training would be involved etc. to prevent something bad from happening.

13. Staff Reports: Will be provided in the 8-12 Agenda

Mr. Saunders then inquired as to what had become of the Norwood Historic District project and Mr. Carter noted that the study had been done and a report should be forthcoming.

Mr. Carter then reported that the demolition of the house at the intersection of Route 56 East and Findlay Mountain Road was done; however there may be some additional clean up to do.

2. Board Reports

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

Mr. Hale reported that he had not yet seen the CDAC report on the Sturt property and Mr. Carter noted he would send it to him. He then reported that they had to postpone the meeting on the Rockfish Valley Area Plan; however several people involved did make the rounds of the area.

Ms. Brennan then asked Mr. Robert McSwain in attendance to report on the Service Authority. Mr. McSwain noted that he did not have much to report and he would like to see the Draper Aden report on the water line extension when it was ready. He noted that the Board was discussing the policy issue on laterals for sewer and water and were trying to decide who was responsible for payment of the laterals based on where the line was drawn.

Ms. Brennan reported that Angie Rose was hired as the new Director of Social Services and that they were pleased with that; however they were in the process of negotiating her salary. She added that she has worked there for thirty (30) some years.

Ms. Brennan reported that she attended the LOCKN meeting and the Friends of Nelson meetings. She noted that she also attended the High School convocation and advised the group that education was the Board's top priority. She added that the Smyth awards were given out and Dr. Comer made a nice presentation to staff.

B. Appointments

Ms. Brennan noted that the Board had discussed re-instituting the Board member on the Planning Commission and Mr. Carter distributed a resolution authorizing a public hearing on the County Code amendment to this effect and a copy of the draft ordinance.

Ms. Brennan then noted that with everything that was going on, she thought this would be a good idea. In response to questions, Mr. Carter advised that the Board could appoint its representative upon adoption of the ordinance.

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Mr. Bruguere then moved to approve resolution **R2014-57**, Authorization for Public Hearing to Amend the Code of Nelson County, Virginia – Chapter 9, Planning and Development, Article III, Planning Commission, Section 9-27, Composition; general powers and duties to add a Board of Supervisors member to the Planning Commission.

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

RESOLUTION R2014-57
NELSON COUNTY BOARD OF SUPERVISORS
AUTHORIZATION FOR PUBLIC HEARING
TO AMEND THE CODE OF NELSON COUNTY, VIRGINIA - CHAPTER 9,
PLANNING AND DEVELOPMENT, ARTICLE III PLANNING COMMISSION
SECTION 9-27 COMPOSITION; GENERAL POWERS AND DUTIES

BE IT RESOLVED, that pursuant to §15.2-1427 of the Code of Virginia 1950 as amended, the County Administrator is hereby authorized to advertise a public hearing to be held on Tuesday, September 9, 2014 at 7:00 p.m. in the General District Courtroom in the Courthouse in Lovingson, Virginia. The purpose of said public hearing is to receive public input on an ordinance proposed for passage to amend Chapter 9, Planning and Development, Article III, Planning Commission, Section 9-27, Composition; general powers and duties, to add back the Board of Supervisors member; increasing the Planning Commission Membership from five (5) to six (6).

Ms. McGarry then presented the following summary table of pending appointments for the Board's consideration.

Nelson County Service Authority:

Ms. McGarry indicated that Mr. Harvey's reappointment was pending and Mr. Harvey noted he was ready to be reappointed.

Ms. Brennan then moved to reappoint Mr. Harvey to the Service Authority Board representing the North District and Mr. Hale seconded the motion.

There being no further discussion, Supervisors voted unanimously (4-0-1) by roll call vote to approve the motion, with Mr. Harvey abstaining.

Mr. Harvey then noted that there had been a disconnect on the Roseland project and he was not happy with the letter from Mr. Miller stating that the Service Authority was not interested in doing it. Mr. Bruguere added that if the State was willing to pay to extend the water line, then it should be done.

Mr. Harvey noted that the disconnect was on the Engineering consultants. Mr. Carter explained that he would have deferred to the Service Authority except that Draper Aden had done the original report in the past and it seemed reasonable to retain them again.

(1) New Vacancies/Expiring Seats & New Applicants :					
Board/Commission	Term Expiring	Term & Limit Y/N	Incumbent	Re-appointment	Applicant (Order of Pref.)
Nelson County Service Authority	6/30/2014	4Years/No Limit	Tommy Harvey - North	Pending	William Cupo Justin Shimp
Planning Commission	6/30/2014	4Years/No Limit	Phillipa Proulx - North	Y	William Cupo Justin Shimp
			Emily Hunt - East	Pending	
			Linda Russell - Central	Y	Shelby R. Bruguere *Daniel L. Rutherford
<i>* Registrar Has Re-checked and Confirmed Central District Residency</i>					
JABA Board of Directors	7/15/2014	2 Years/No Limit	Diane Harvey	Y - Verbal	
<i>* term limit does not apply if noone else is qualified</i>					
(2) Existing Vacancies:					
Board/Commission	Terms Expired	Term & Limit Y/N	Number of Vacancies		
JABA Advisory Council	12/31/2013	2 Year/No Limit	Deborah Harvey	N	No Applications Received
Library Advisory Committee	6/30/2014	4Years/No Limit	Nancy K. Kritzer - East	N	No Applications Received

Planning Commission:

Ms. McGarry advised the Board that the Registrar had relooked at Mr. Rutherford’s District and had noted he was indeed in the Central District.

Mr. Hale noted that he had an applicant for the East District; however he had not gotten in the paperwork for their consideration and therefore he would like defer its consideration.

Members then agreed by consensus to defer all appointments to the Planning Commission until September.

JABA Board of Directors:

Mr. Hale moved to appoint Ms. Diane Harvey for a two (2) year term on the JABA Board of Directors and Mr. Bruguere 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 the existing vacancies on the JABA Advisory Council and the Library Advisory Committee and Mr. Hale questioned the need for these. Ms. Brennan noted that these smaller boards served in an advisory capacity to the agencies’ Board of Directors.

C. Correspondence

Mr. Harvey noted that he had been approached by Stevie Ashley from Nelson Rescue Squad who said they were in dire need of another vehicle. He added that she had said that they were planning to do a re-chassis and would do it without going through the grant cycle. He supposed that their cost may be approximately \$120,000 for this and that they were going to get a Dodge chassis and put one of their units on it. He noted that this would take about ninety (90) days or so. Supervisors and staff discussed the OEMS grant cycles and it was noted that Gladstone had gotten their approval in June and that the second round was coming up in the fall. Mr. Harvey then noted that Roseland Rescue needed to be getting back on track with the grant cycle.

It was noted that Nelson Rescue was not running that many calls, however the county was with their vehicle. He noted that the Board needed to look at their request and give them guidance before they signed a contract and they did not have the funds to pay half of the grant.

Mr. Carter then advised that he had reviewed the grant program with OEMS and they discouraged applying for grants for re-chassis of vehicles.

Mr. Harvey noted that Rockfish Valley Rescue had only done one re-chassis and have had no problems other than it took longer to get done. He added that Nelson Rescue may be able to file an emergency request and he would check on that. He added that the County would be supporting half of the cost anyway. Ms. McCann advised that \$83,000 was the County's part for the Gladstone Ambulance. She added that the total cost was \$167,000 and was fully funded with the 50/50 OEMS grant. She noted that the contract had been signed by Gladstone and the County had paid its half this month.

Mr. Harvey noted he would come back with more information and would work with Stevie Ashley of Nelson Rescue on it.

Ms. Brennan noted it was a question of re-chassis or getting a new vehicle and Mr. Harvey stated they would need to see the difference in cost. He explained that with a re-chassis all that was used was the shell and everything else was redone.

Following discussion, no action was taken by the Board on this matter.

D. Directives

Mr. Hale directed staff to provide him with the Sturt property proposal from the Virginia Tech CDAC for his review.

Mr. Hale directed staff to have Woolpert provide a new addendum to replace #11 to incorporate changes made to the scope of the work and forward this to him and Mr. Saunders for review.

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Mr. Bruguere directed staff to remove two dead pine trees along the fence line at the Massie's Mill school demolition site.

Mr. Bruguere then inquired about whether or not Stewart Computer Services (SCS) had signed the Massie's Mill tower lease and Mr. Carter advised that he had signed the contract.

Mr. Hale then asked Mr. Charlie Weinberg in attendance to report on the Dominion Presentation to Buckingham that he attended.

Mr. Weinberg noted that there were two people present and their Board only had four questions. He added that Highland County had more questions. He noted that Dominion had indicated that they were going to interconnect the new proposed pipeline with the Transco line and the compressor station would be there in Buckingham. He added that the line would cross the James River at Wingina and go up from there crossing the Transco line. Mr. Hale added that this was a 200 ft., wide strip.

Mr. Carter confirmed that Emmett Toms of Dominion had told the County the day before that the compressor station would not be at the James River now. He added that the construction right of way width would be 150 ft. for construction and 75 ft. for the final easements.

Mr. Weinberg noted that Buckingham asked if the gas would be distributed locally and Dominion said that they had sold that right to Columbia gas and they would have to talk to them about that.

Ms. Brennan directed staff to ask Legislators' Offices to send notification to the County when their representatives would be holding meetings in the County.

Ms. Brennan directed staff to provide her with a copy of the Amherst County Comprehensive Plan and Transportation Plan.

Ms. Brennan directed staff to set up a 2x2 with Wintergreen and she and Mr. Saunders would attend.

Mr. Saunders noted that he had seen a bucket truck for sale at Brockman's in Amherst and directed staff to look into it.

VI. Adjourn and Reconvene for Evening Session at the Nelson Middle School Auditorium

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

EVENING SESSION

7:00 P.M. – NELSON COUNTY MIDDLE SCHOOL AUDITORIUM

I. Call to Order

Ms. Brennan called the meeting to order at 7:03 PM, with all Supervisors present to establish a quorum. Ms. Brennan thanked the public for coming and she then advised how the meeting would progress. She explained that the Board would hold two public hearings, Dominion would make their presentation, afterwards the Board would ask questions of Dominion, and then there would be public comments. She emphasized that the public hearings were for the two items listed specifically, however public comments was open to any subject.

II. Public Hearings and Presentations

A. Public Hearing – Special Use Permit #2014-005 – Adial Cabins:

Special Use Permit application, submitted by property owners Duane and Lisa Blakeslee, seeking approval to operate a Motel pursuant to §4-1-25a of the Zoning Ordinance. The subject property located at 2781 Adial Road, Faber is a 200.4 acre parcel Zoned Agricultural (A-1) and is identified as Tax Map Parcel #33-A-8.

Mr. Tim Padalino reported the following:

The Department of Planning & Zoning received an application on June 26th from Mr. Duane and Mrs. Lisa Blakeslee, seeking approval for Special Use Permit #2014-005, to utilize their property on Adial Road for a “Motel” land use. The applicants own the property and have both signed the affidavit (item #5) on the application. The property is located on the south side of Adial Road (Rte. 634), opposite of Synchronicity. The western boundary of the property also has frontage along Gullysville Lane. The approximately 200-acre property is zoned Agricultural (A-1).

He noted that the application seeks approval for, “construction of six (6) new single family dwellings for purpose of vacation rentals.” The Site Plan, which was submitted in May and reviewed by the Site Plan Review Committee in June, further identifies the proposed project as “Adial Cabins.” This project (as proposed) requires a Special Use Permit (SUP) for “Motels, hotels” pursuant to §4-1-25a and pursuant to the definition of “Motel,” which is defined in the Nelson County Zoning Ordinance as follows:

Motel: One (1) or more buildings containing individual sleeping rooms designed for or used temporarily by automobile tourists or transients, with garage or parking space conveniently located to each unit. Cooking facilities may be provided for each unit.

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Mr. Padalino then noted that there were no public speakers present at the Planning Commission public hearing and one letter was addressed by the property owner. He noted that the Planning Commission had voted 4-0 in favor of recommending the application's approval.

Mr. Padalino then showed an enlarged view of the site plan noting the location of the proposed cabins.

Ms. Brennan then invited the applicant, if present to address the Board and Mr. Dwayne Blakeslee noted to the Board that he did not have anything to add, they were happy to be in Nelson County, and he thanked the Board for their service.

There being no questions of the applicant from the Board, Ms. Brennan opened the public hearing and the following persons were recognized:

1. Robert Goubisch, Afton

Mr. Goubisch spoke in favor of approving the Special Use Permit, noting he thought this would be good for Nelson County.

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

Mr. Bruguiere then moved to approve Special Use Permit #2014-005 – Adial Cabins and Mr. Hale seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

B. Public Hearing – Amendment to the Nelson County Comprehensive Plan, Addition of a Transportation Chapter. Proposed revisions include a new summary of the 2013 Route 151 Corridor Study in the “Existing Plans and Studies” section; a revised description of Route 29 and Route 151 and other minor modifications in the “Existing Roadway Inventory” section; and the introduction of a new principle, relating to greenways, in the “Recommendations and Vision” section.

Mr. Padalino reported the following:

The Virginia Department of Transportation (VDOT) requires Comprehensive Plans to contain a Transportation Chapter that is reviewed and approved by VDOT for consistency with VDOT's Regional Long-Range Plans for Transportation. That requirement is codified in Code of Virginia §15.2-2223-(B.1).

In response to that state requirement, Nelson County staff partnered with Thomas Jefferson Planning District Commission (TJPDC) staff and worked diligently with the Nelson County

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Planning Commission (PC) to prepare an initial Transportation Chapter during 2011 and 2012. The Planning Commission held a public hearing and subsequently recommended that the Board of Supervisors (BOS) adopt that initial Transportation Chapter document in 2012. However, at their November 20th, 2012 meeting, the Board determined that the document contained inaccurate descriptions of local roads in the “Existing Roadway Inventory” section, and that it was not fit for adoption; and accordingly requested that County staff make specific revisions.

The revision process was then postponed during 2013 while VDOT undertook the *Route 151 Corridor Study*, in order for the analysis and recommendations from that plan to be incorporated into the proposed (revised) Transportation Chapter. County staff also incorporated additional revisions to improve the Transportation Chapter.

Specifically, the proposed Transportation Chapter that is being reviewed at this public hearing includes the following revisions, relative to the original version reviewed in 2012:

- A revised description of Route 29 and Route 151 and other minor modifications in the “Existing Roadway Inventory” section;
- A new summary of the 2013 *Route 151 Corridor Study* in the “Existing Plans and Studies” section; and
- A proposed new Principle in the “Recommendations and Vision” section stating that the County will, “Support the development of strategically-located greenways...,” as it relates to the County’s existing Goal to, “Promote a safe, efficient and diverse transportation system to serve both local and regional traffic.”

The Planning Commission then reviewed the revised Transportation Chapter, and conducted a properly-advertised public hearing on November 20th, 2013. They then formally recommended that the Board of Supervisors consider adoption of the proposed document on April 23rd, 2014. A complete copy of the Transportation Chapter recommended by the PC was then provided to the BOS in the Meeting Packet for the June 10th, 2014 regular meeting.

Mr. Padalino reiterated that the Transportation chapter of the Comprehensive Plan was a State requirement. He also reiterated that there were three elements in the addition, which was the addition of the VDOT Route 151 corridor study done in 2013; which looked at Beach grove Rd. up to Route 250 in Albemarle County, language revisions made to the descriptions of Route 151 and Route 29 on pages 10 and 13-18, and a proposed new principle to promote greenways under the existing goal. He added that he had suggested it because it emphasized the transportation value of greenways and non-motorized transportation.

Ms. Brennan then noted that the Board and Staff had been looking at the Transportation chapter for three years now and they appreciated Mr. Padalino’s work on it.

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

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Mr. Hale then moved to approve resolution **R2014-58**, Board of Supervisors Action, Comprehensive Plan Update, Addition of Transportation Chapter. He then read aloud the resolution noting that the Board did hereby approve and adopt the proposed addition to the Comprehensive Plan.

Mr. Saunders 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 resolution was adopted:

RESOLUTION R2014-58
NELSON COUNTY BOARD OF SUPERVISORS
BOARD OF SUPERVISORS ACTION - COMPREHENSIVE PLAN UPDATE,
ADDITION OF TRANSPORTATION CHAPTER

BE IT RESOLVED, that pursuant to §15.2-2226 of the Code of Virginia 1950 as amended and following proper notice and conduct of a public hearing on August 12, 2014, the Nelson County Board of Supervisors does hereby approve and adopt the proposed addition to the Comprehensive Plan.

C. Presentation – Dominion Transmission, Inc. Southeast Reliability Project

Mr. Emmett Toms, introduced himself as the State and Local Affairs Manager and then introduced Chet Wade, Vice President of Corporate Communications noting that they would be the primary presenters. He then noted the attendance of a team of employees from Dominion Transmission, Inc. who were present to help answer more specific questions.

Mr. Toms then turned the presentation over to Mr. Wade who then introduced a team of employees from Dominion Transmission, Inc. noting the expertise of each. He then referenced the map of the proposed route in Nelson County and then the entire proposed route. He then noted the Fact Sheet provided to citizens on the Southeast Reliability Project. He explained that the back side had FERC information and he encouraged public participation in the process. Additionally, he noted an available booklet on the FERC website that would be helpful to landowners affected by the proposed route.

Mr. Wade then noted that the project was proposed and the decision to build the pipeline had not been made. He added that the route would be built to meet the energy needs of West Virginia, Virginia, and North Carolina and would not be built to export the natural gas; which had been assumed because a leg of the line went to Norfolk. He reiterated that the line would not be used to transport natural gas for export. He noted that it would be an underground build in Nelson County and they would have crews out surveying that had landowner's permission because they were trying to find the best route with the least impact to the environment and cultural and historic resources. He noted that after having received some information in Augusta County regarding the George Washington National Forest, they had reconsidered some portion of the route there. He noted that they wanted to work with the community, landowners, and local government in order to make it the best possible

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project if it went through. He added that they employed the three Cs: Communication, Consideration, and Conduct.

Communication: Mr. Toms then noted that they wanted to supply as much information as early as they could. He added that they took the tack of putting the information out to landowners first even though they knew it was incomplete. He noted that they may not be able to answer all of the public's questions due to the fact that they may not know the answer and some of it may be covered under confidentiality agreements regarding potential customers of the project; however wherever possible, they would provide information. He reiterated that they were in negotiations on agreements with customers, none of which were for exports and were expected to be completed in the next sixty days. Mr. Wade then noted that the meeting that night was not part of the required regulatory process and that if or when they got Federal Regulatory approval they would plan a series of open houses starting next month. He added that they wanted to give people time and would advertise them and they would be open and transparent. Mr. Wade then advised the public to use website tools to become informed and he encouraged the public to use the public comment avenues available to them under the FERC regulatory process.

Consideration: Mr. Wade noted that they believed in making adjustments to the route as they saw fit as they gathered information and assessed the route's potential impacts.

Conduct: Mr. Wade noted that they would meet the letter and spirit of the law and would build the pipeline to the highest legal and quality standards.

Mr. Wade noted some facts about Dominion primarily that they were based in Richmond and were more commonly known in the area as Dominion Power. He noted that they operated 1800 miles of pipeline on the East Coast and served 1.4 million gas utility customers in Virginia. He noted that the Company's Core Values were: Safety, Ethics, Excellence, and One Dominion

Mr. Wade noted that safety was the most important core value. He then noted that Ethics meant doing the right thing. He noted that they would make mistakes; however their mission was to correct them as soon as possible. He noted that excellence meant that they did the best job possible. He concluded by noting one Dominion meant promoting teamwork with the understanding of every employee's contribution.

Mr. Wade then noted some statistics about the company noting that they were ranked second overall in a most admired company poll and ranked first in: people management, use of corporate assets, quality of management, financial soundness and long-term investment. He went on to note that Dominion ranked No. 71 among Russell 1000 companies, spent five straight years in the top 100 based on the criteria of : environment, climate change, employee relations, human rights, corporate governance, philanthropy, and financial. He noted that they had received the No. 1 ranking in corporate governance.

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Mr. Wade then noted they were very proud of their environmental record and since the late 1990s had invested approximately \$2 billion in new power stations to reduce emissions, that served their customers in Virginia. He noted through these they had been able to reduce emissions of Sulfur Dioxide SO₂ and Nitrous Oxide NO₂. He added that NO₂ emissions had been reduced from -84% to -95%. He noted that Carbon intensity had gone down 24% since 2009, mostly through the conversion of coal power plants to utilize solar power, wind power, biomass, and natural gas. He noted that natural gas burned about half of the carbon of coal when it was burned.

Mr. Wade noted that they were proceeding with the project in order to take advantage of abundant natural gas and to make the Country more energy independent. He added that the EPA was requiring every state to reduce its Carbon intensity and Virginia must reduce this by 40%. He noted that this facilitated the need for pipelines because as with other sources of energy, it was produced in one area and must be transported to reach customers. He noted a second reason was that potential customers would like to have more sources of natural gas in order to meet the needs of their customers. He noted that another reason was to fuel the economy.

Mr. Wade then showed a map of Virginia that showed the existing pipelines in the state as of 2010. These were those of Columbia Gas, East Tennessee Natural Gas, Transcontinental Gas Transmission, and Virginia Natural Gas Co. He added that in Virginia, there were 2.5 times as many miles of pipelines than there were roads. He noted that the map depicted that Virginia's gas comes from the west and the south. He added that they see the project as one that could fuel economic growth in the commonwealth.

Mr. Emmett Toms continued the presentation noting the following project details:

He advised that the proposed compressor station would now be located in Buckingham County so they could tap into the Transco line there. He noted that the entire length of the proposed pipeline was approximately 550 miles, the pipe would be 42-inches in diameter in West Virginia and Virginia; there would be a 20-inch lateral to Hampton Roads; and it would be 36-inches in diameter in North Carolina. He added that the line's capacity would be 1.5 billion cubic feet/day and there would be three compressor station locations, one in West Virginia, near the beginning of the route, one in Central Virginia in Buckingham County, and one near the Virginia/North Carolina state line. Mr. Toms then reiterated that the final pipeline route has not been selected and that dominion was conducting surveys and would determine the best route based on landowner input and an assessment of environmental, historic and cultural impacts.

Mr. Toms then noted the following potential benefits of the pipeline: property tax revenues, economic development activity, near term employment opportunities, and economic activity for local businesses during construction and operation. Mr. Toms noted that their tax group was in the process of determining what the potential tax revenue to Nelson County would be.

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Mr. Toms then noted the following slide showing the regulatory process and expected timeline:

He noted that The Federal Energy Regulatory Commission (FERC) was the lead agency if Dominion decided to move forward with the proposed project:

<u>Activity</u>	<u>Timing</u>
Survey/route planning	May-Dec. 2014 FERC Pre-Filing
Request	Fall 2014
FERC Application	Summer 2015
FERC Certificate	Summer 2016
Construction	2017-2018
In-service	Late 2018

Mr. Toms then noted that the natural gas industry was one of the safest and was regulated by the Dept. of Transportation.

Mr. Toms then advised that there would be open houses held for public input as part of the FERC process and noted the following project activity schedule:

<u>Pre-filing activity</u>	<u>Timing</u>
Survey notification letters to landowners within the 400-foot study area	Mid-May 2014
Local officials informed about surveying Letters	May-June 2014
Meetings with Boards of Commissioners/Supervisors and Municipal Governments	Aug.-Sept. 2014
Open houses	2014-2016
Construction	2017-2018
In-service	Late 2018

Mr. Toms then noted the website for the project: www.dom.com/SEpipeline and advised that an 800 number would be established for use by citizens after the open houses.

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Mr. Toms then noted that Dominion was already involved in the Community at the North Branch School with their solar greenhouse gardening project with Blue Ridge Medical Center's Rural Health Outreach Program.

He then related that in Nelson County, they proposed to build 35.1 miles of pipeline over 225 parcels. He noted that 25% of landowners had given them their approval to survey and they would be ready to survey at the end of the month. He added that if a landowner had denied them access they would respect that until the very last opportunity. He noted that in terms of the right of way, they would take the best route with the least impact and he showed several pictures of established right of ways. He noted that the landowner would receive a one-time payment for the easement and short of building something permanent, the landowner could do anything on it. He noted that a 125 ft. construction right of way was needed and the final right of way would be 75 ft. wide. He added that the trench would be 9-10 feet deep, the pipe would be 42 inches with a minimum of 3 feet of soil on top; however they liked to have at least 4 feet of soil on top. He noted that if they had to blast, they used the minimum blast needed and tried to do it horizontally.

In conclusion, Mr. Toms noted the following relative to questions they had previously received:

They have done the route on GIS maps and did not know the particulars of the properties until the surveyed which would go into the next year. He noted that they had four types of survey teams consisting of about 10-12 people. He noted that they would do civil surveying and then environmental and the work would be done on foot.

He noted that they had evaluated conservation easements and have tried to avoid these whenever possible. He added that in regards to stream and river crossings, these were the most regulated and they would have to get permits. He noted that these would be evaluated on a case by case basis. He added that they had to locate any water source within 150 ft. of either side of the route and were required to use Erosion and Sediment (E & S) controls during construction.

With regards to Eminent Domain, Mr. Toms noted that this was used as a last resort and they were able to negotiate successfully with 95% of property owners. He added that they only gained this ability with the issuance of the FERC Certificate.

Mr. Toms then noted that he and the team would take the Board's questions.

Q: Mr. Saunders noted that there were concerns about leaks and he asked if they could go into the testing methods used and how this would be monitored.

A: Dominion noted that natural gas was nontoxic and nonpoisonous. It was noted that they did x-ray all wells and did tests. They noted that they had certain requirements that they had to test the pressure to. They noted that they did various leak surveys and patrolled the line by foot and air. It was noted that the level of testing depended upon the class and location of the pipeline and they did these tests at various times during the year.

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Q: Ms. Brennan noted that she had learned that they did the testing with water under pressure and she asked where they would get the water for this, how it would be disposed of, and would it contain chemicals or be of a higher than normal temperature at disposal.

A: Dominion: It was noted that they would get the water for testing out of streams through withdrawal permits and after testing, they were not allowed to discharge the water into certain watersheds, so they would propose to do it on the ground through a water filter structure. It was noted that they did have to test the water while discharging it and the discharge locations would be negotiated with the State and the Feds. They noted that the water would be tested to ensure that oil, grease, and solids and ph met strict standards. They added that they would do a full analysis of the pipeline to determine where the water would come from. They noted that they could reuse the same water to test certain sections of the line and from section to section and this would have to be hashed out. They noted that this was yet to be determined, it was part of the permitting process, and could not be pinpointed until the final route was determined.

Q: Mr. Harvey asked how long of a section could be tested at a time. He noted that a 42 inch pipe took a lot of water per foot and he was not aware of any source in the county that could accommodate this unless it was only done in segments.

A: Dominion: They noted that it depended on the class of pipe, the topography of the line, and water availability. Dominion reiterated that this would all be studied as part of the permitting process.

Q: Mr. Saunders asked what the operating pressure of the gas line would be and then that of pipeline testing.

A: Dominion: It was noted that the operating pressure was 750-1440 psi and testing would exceed that depending on the class of pipe: Class I would be at 1.1 times the operating pressure, Class II would be at 1.25 that, and Class III would be at 1.5 times that. They noted that the class of pipe was determined by the density of people within a certain distance of the line. The higher number of people, the higher the class and they were creating a larger safety factor. They added that this was on a sliding mile and was a Department of Transportation requirement.

Q: Mr. Bruguere asked if they planned to work with each landowner to facilitate the best location according to them and what was the minimum distance between a home and the pipeline.

A: Dominion: It was noted that this was their intention; however they needed to get on the ground and survey in order to evaluate this and 25 feet was the minimum federal requirement; however they usually went more than that.

Q: Mr. Hale noted that he would like a written copy of Dominion's remarks. He then noted that the map had circles designated that said milepost 150, 160, 180 and asked what these

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symbolized. He also noted that the easement widths had been confusing and he asked what size easement they were requiring.

A: Dominion: It was noted that these were mile markers along the way and represented designated sections along the pipeline. It was reiterated that a 125 ft. temporary easement was needed during construction and a final easement of 75 ft. was needed and would be maintained. It was noted that legally, they could be 25 ft. from a home; however their goal was to not be that close to structures and they noted that it was not likely it would happen with this project. They added that the permanent right of way would be 75 ft. so they could not be closer than that.

Q: Ms. Brennan noted that the Nature Conservancy had noted that Nelson County had some of the least fragmented forests in the Piedmont and would they be able to provide funds to minimize the negative effects on species and habitats especially for those that would be affected and if so, how would those funds work.

A: Dominion: They noted that it would be part of their permitting process and could not really answer that in detail that night.

Q: Ms. Brennan asked if and how they would monitor invasive vegetative growth on easements and if the pipeline was abandoned in the future, would the corridor be replanted with native species. She followed up by asking if they would use herbicides or pesticides for this and if so, would the landowners have any say in it.

A: Dominion: They noted that they would be patrolling the pipeline for invasive species and would be doing maintenance frequently at least every three (3) years and they would require that certain seed mixes be used to minimize invasive species. They noted that they would not use either herbicides or pesticides and would use manual cutting. They added that in many cases, the land was being farmed again and they did not have to do anything.

Q: Mr. Hale asked for the milepost location of the proposed compressor station and what the diameter was of the Transco pipeline.

A: Dominion: They noted that the compressor station was around milepost 190 and the Transco pipe was 36 inches in diameter.

Q: Ms. Brennan asked if there would be other metering or regulating stations in Nelson and if so how many and where would they be.

A: Dominion: They noted that there would not be any and people would only see the riser of the valves above ground. They noted that they were required by the Department of Transportation to have them every so many miles and they would not make noise on a daily basis under normal operating procedures. They noted that the number of miles in between these varied based upon the pipeline classification.

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Q: Mr. Bruguere asked who would pay the property taxes on this and what this estimate was.

A: Dominion: They noted that they would obtain an easement for the use of the property; however the property owner would own the property and pay taxes on the property and Dominion would pay taxes on the value of the pipeline underground. It was noted that Dominion would have this estimate in September as they were working on this now for each County.

Q: Mr. Saunders asked if there was any future opportunity for a local company to hook on to the pipeline to serve the local area and Ms. Brennan asked if they could guarantee that this could happen.

A: Dominion: They noted that Dominion was a wholesaler in this case and a local distributor would have to do this. They added that they could not guarantee this; however a distributor could tap the line if it was feasible for them and that would be allowed by Dominion.

Q: Ms. Brennan asked if the easement payments would be based solely on linear foot of pipe going through the property and did they have a standard easement document that could be made available.

A: Dominion: They noted that the easement values would be determined on a case by case basis and would be based on the value of the surrounding properties, much like property values and would be negotiated with each property owner. They then noted that the easement documents were developed with each project and they had not developed these yet. It was noted that each document could differ slightly for each party. They added that the main document may be the same; however there would be amendments attached for each instance. They then noted that the basic document would not be made public and they reiterated that these documents had not yet been developed.

Q: Mr. Harvey inquired if there were any weight restrictions on the easements that were on land used for agricultural purposes.

A: Dominion: They noted that there could be; however typically tractors, hay wagons etc. were fine; however a large combine may have to be analyzed based on information provided to them. They added that they would work with logging operations on these and they typically buried the pipe 4 ft. deep. They noted that they worked with the landowner on these cases as long as they were aware of it and had stabilized pipeline crossings that they could plan for during construction if so advised. They added that during construction, they could also work with landowners on avoiding certain areas where weight restrictions might be a problem.

Q: Ms. Brennan asked if landowners could construct fences along the easement.

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A: Dominion: They noted that they could and if a fence was there prior to construction, they would work with the landowner to replace this or relocate it; however they preferred that the fence not cross it.

Q: Mr. Saunders asked why Dominion did not consider using other utility company's existing right of ways.

A: Dominion: They noted that they were evaluating these and they had found that a lot of them were electric transmission lines and they had to follow the terrain differently than a gas utility route would. They added that they preferred to use collocation, had evaluated all collocation opportunities, and would continue to do so throughout evaluation of the study area for the pipeline.

Q: Mr. Hale asked if the utility right of way that went through Jarmon's Gap was a Dominion Transmission line.

A: Dominion: They noted that it was however the terrain there was not conducive to a gas pipeline build.

Q: Ms. Brennan then asked if Dominion could provide a list of streams, wetlands, conservation easement properties, and historic properties that would be crossed.

A: Dominion: They noted that they would be compiling a list of all water bodies crossed as they did the surveys and noted that one of the survey crews did wetland delineations etc. They added that right now they were using GIS data and they needed to field verify these.

Q: Mr. Bruguiere asked if wooded land had to be cleared, would the landowner get the benefit of this.

A: Dominion: They noted that yes they would and was part of the easement process where they could negotiate being able to keep proceeds from any associated timbering of the easement area.

Q: Ms. Brennan asked if the route in Nelson had been changed and when a map of affected properties would be provided.

A: Dominion: They noted that yes they had made a change based on the Naked Mountain Preserve being discovered. They added that as they surveyed, they would be able to better determine reroutes.

Q: Mr. Harvey asked if they would try to avoid large contiguous conservation easement areas.

A: Dominion: They noted that yes they did try to avoid these areas and reroutes may come in to play.

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Q: Mr. Bruguere asked what the plan would be in addressing Ag Forrestral Districts.

A: Dominion: They noted that they would look at these with the landowner on a case by case basis and they noted that during construction through agricultural land, topsoil was segregated and put back on top.

Q: Mr. Hale asked who oversaw the Erosion and Sediment Controls on the project. He noted that the County had an E & S ordinance that governed this and he asked if the County Would be responsible for making sure they complied with this. He added that this may entail more County staff.

A: Dominion: They noted that the E&S responsibilities would be overseen by the County, State, and FERC. They added that they would have to install controls and monitor them and would work diligently to comply during all phases of construction. They noted that they would pay whatever fees were associated with this.

Q: Mr. Saunders asked if giving them permission to survey the property meant that gave them the right to put the pipeline in.

A: Dominion: They noted that the survey process was to evaluate the land and it was an advantage for them to get on the property to talk with the landowner to see what was on the ground that might facilitate re-routes. They reiterated that the property owner did not give up their rights by letting them survey.

Q: Ms. Brennan asked if Dominion had a plan to provide clean water if water sources were contaminated by the pipeline.

A: Dominion: They noted that they would have to evaluate all water crossings and all water sources within 150 ft. of any disturbed area and this would be done for the entire length of the pipeline. They added that no contaminated fracking water would be used to test or would be discharged onto land or into waterways in Nelson County. They reiterated that no fracking water would be used in Nelson County.

Q: Ms. Brennan asked what their plans were for the abandonment of the pipeline when it was no longer needed.

A: Dominion: They noted that they expected it would be in place for many decades and noted that one Columbia pipeline had been in place for 80 years. They added that there was no specific plan for this and they would work to maintain it while it was in operation.

Q: Ms. Brennan asked if Dominion would build, own, and operate the pipeline or would another company do that.

A: Dominion: They noted that they would use good qualified contractors to build the pipeline and they would be the operator.

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Q: Ms. Brennan asked Dominion to describe the pipeline design with respect to earthquakes.

A: Dominion: They noted that they would have to evaluate seismic activity. They added that there were no safety issues reported after the last and strongest earthquake in Virginia and they would make sure it was designed accordingly to the area's seismic activity.

Q: Ms. Brennan asked what they would do if they had to blast in some situations.

A: Dominion: They noted that prescribed blast procedures would be followed and if there was any damage to property, the owner would be compensated; however they took every precaution to keep that from happening.

Q: Ms. Brennan asked if local EMS providers would have to undergo any special training related to the pipeline or secure special equipment and would they be paying for that. She followed up with asking if there would be an EMS response plan put together once it had been built.

A: Dominion: They noted that potentially, there would be trench rescue and backboard rescue type situations and they had been able to work with local EMS providers and have organized training. They added that they were open to discussing covering any additional costs associated with this if need be. Additionally, they noted that there would be an EMS response procedure and local response plan that would be reviewed annually and was an EMS requirement. They added that there would be community outreach programs that addressed these things.

Q: Mr. Saunders asked if they had their own safety officers.

A: Dominion: They noted that yes they did and the contractors would as well. They added that the contractors usually brought a medic unit with them and that when they evaluated contracts with contractors, they looked at safety ratings and this was the number one thing they evaluated as they took safety very seriously.

Q: Mr. Harvey asked if there were points of shut off in the line if something major happened and would they be automatically or manually shut down.

A: Dominion: They noted that yes there were valve settings along the line and they would be evaluating whether or not they would be automatic or manual during the design process.

Q: Mr. Saunders asked about the size of the construction ditch.

A: Dominion: They noted that the width of the ditch was 15 ft. at the top and 6 ft. at the bottom and 9-10 feet deep. They noted it may be deeper in streams and the bigger the pipe, the wider the ditch had to be and they had to follow all OSHA safety standards.

Q: Mr. Harvey asked what the odds were that the pipeline would not come through Nelson County and what other alternative routes did they have.

A: Dominion: They noted that they could not give those odds. They added that while they had not committed to the project, their potential customers had shown a lot of interest. They noted that the sooner they could be on properties to survey, the sooner they could understand any special circumstances. They noted that the route being considered was the one that was shown; however it could be modified based on what they found.

Q: Ms. Brennan asked if they had heard that insurance or mortgage companies had raised rates or dropped coverage entirely for landowners that had a pipeline running through their property and would financial compensation be provided to these homeowners. Mr. Harvey added that he had heard rumors that financial institutions had sent letters to people that had received the Dominion letters that they would not continue their loans on these properties.

A: Dominion: They noted that they had never heard of this situation and had no knowledge of it but would be glad to look at a letter if they were provided one. They added that there were about 200,000 miles of natural gas pipelines in the country and if that were the case it would have happened elsewhere and they were not aware of it.

There being no further questions from the Board, Mr. Toms noted that they could submit any additional questions to them directly and they added that their goal was to better educate the public. He noted that they would have a meeting in September at which the public could participate. He noted that they would have stations set up where individuals could visit them and speak with representatives on all topics and on specifics of individual properties. Ms. Brennan suggested that they begin these by opening the meeting with general questions and answers and then moving to the stations. Mr. Toms noted that they were there to share information and their proposed format provided this opportunity.

III. Public Comments

Ms. Brennan then opened the floor for public comments noting that she had a signup sheet and she would call those signed up in order to speak. She then asked the public to state their name and address and to limit their comments to three minutes or less. She also advised the public to keep their comments directed to the Board and that it would not be an interactive session where they would answer questions or engage in a dialogue. Ms. Brennan then called the names of those that had signed up to speak and the comments of the following persons recognized are summarized below:

1. Ed Ely, Roseland

Mr. Ely thanked Dominion for their participation and noted that he thought that Dominion's citizenship was pretty good; however he questioned whether or not the current route was the most cost effective as it covered some of the hardest ground. He encouraged Dominion to look at alternatives with fewer impacts.

2. Philip Purvis, Shipman

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Mr. Purvis questioned what rights an easement gave Dominion and were they able to do anything they wanted in the 75 ft. He added that if they did use dynamite, it could damage wells and would they be responsible for that. He then noted that Virginia was currently not a place for fracking; however would they have the right to drill on that easement and perform fracking.

3. Robert “Denny” Goubisch, Afton

Mr. Goubisch quoted Thomas Jefferson noting that “Rightful liberty is unobstructed action according to our will within limits drawn around us by the equal rights of others. I do not add 'within the limits of the law' because law is often but the tyrant's will, and always so when it violates the rights of the individual.” He added that he thought that nothing should happen without 100% consent from every landowner involved. He noted that Dominion came there to defend making money as a corporate citizen and that ethics would demand that they not consider eminent domain. He then commended the Board for holding the meeting and asking questions.

4. Bernie McGinnis, Shipman

Mr. McGinnis thanked the Board for the meeting and asked that the Board make sure that none of the County’s citizens were hurt, they were protected, and they helped them survive this crisis. He added that they should follow his grandfather’s advice and beware of the big boys from the city.

5. Ms. Bo Holland, Faber did not come forward to speak.

6. Mr. Carlton Ballowe, Faber did not come forward to speak.

7. Ernie Reed, NC property owner

Mr. Reed thanked the Board for the meeting and their questions. He then suggested that the open houses held by Dominion not be limited to one on one discussions so the wisdom of the people could be shared with all attending. In follow up he requested that the public be able to ask questions of them in a public forum.

8. Morgan Barker, Crawford’s View Road

Mr. Barker noted that he wanted the Board to represent the County’s citizens and he thought that wind and solar powered energy was a more viable solution. He added that he thought that landowners should decide if it was feasible for them to be here and he wanted more information from them the next time they came.

9. Sapphyre Miria, Louisa VA

Ms. Miria noted that Dominion was the same company that knowingly built an under designed power plant in collusion with the Feds on top of a fault line in Louisa County that

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went into a hot shut down during the 2011 earthquake. She urged the Board not to trust Dominion, to listen to the people, and to tell Dominion no.

10. Deirdre Skogen, Wild Virginia did not come forward to speak.

11. Charlotte Rea, Afton

Ms. Rea noted that she had heard more unanswered questions than answered questions especially on how they would handle leaks and how the line was monitored for leaks. She noted that Dominion said that the pipeline was preliminary; however they said they would file with FERC next month. To her this meant they had already decided to do the pipeline. She then noted that 99% of these filings were approved. She noted that Dominion did not care about the citizens of Nelson and the 25% approval rating by citizens was probably inflated. She noted that they had spoken about compensation for blasting damages, however they did not say anything about compensating adjacent properties that were negatively affected by the pipeline. She added that they had refused to provide maps to landowners and that was unacceptable. She noted that she would like to see how this would be used for economic development, jobs, and industrial development. She noted that this did not define public use and citizens needed to stand up and be recognized.

12. Gwen Casale, Shipman, did not come forward to speak.

13. Nicholas Oppenheimer, Nellysford

Mr. Oppenheimer noted that he had been in the construction business for 40 years and he noted that every job would take longer and cost more than thought and things would go wrong. He added that a pipeline this long would be fraught with things going wrong. He noted that Dominion had stated a reason for the pipeline was there was no access to the northern supply of gas; whereas the map showed that the natural gas was coming from the West and Dominion was not being honest about this. He added that they should know how much water to the cubic inch should be needed to pressure test the pipeline and that they knew exactly what kind of easements they would use etc. He noted that they needed to do their homework and that they were doing things backwards namely they should survey first and then determine the route. He then described the rocky terrain that they would encounter in building the pipeline on its current proposed route.

14. Mitch Fleisher, MD. Nellysford did not come forward to speak.

15. Toni Ranieri, Afton

Ms. Ranieri noted that about 2/3 of the world's existing reserves of fossil fuels could not be burned before 2050 without increasing global temperatures by 2%, the threshold beyond which the climate change was expected to be catastrophic and it seemed to her that the pipeline was already outdated.

16. Tom Lever, Louisa VA

Mr. Lever noted he had a series of questions that related to accountability, externalities, and economics. He noted he was concerned about the lack of standardization or oversight in the signing of easements and whether that consent would be properly informed and he was interested in developing a legal mechanism to enforce mitigation and in avoiding the exportation of the natural gas. He then noted he had other questions such as: what was the rate of leakage in other pipelines, what was the rate of degradation of the pipes, what were the negative externalities of pipe damage, how could the topsoil excavated be preserved from the clay that was dug up, what would be the impact to the continuity of forests and wild lands, and what mitigation efforts would be made and how would these be enforced, what would be the compensation to homeowners for decreased home values, would Virginia's population increase and would the demand for Natural gas in Virginia and North Carolina really increase and should this increase be promoted, what quantity of natural gas comes to Virginia annually now, would present sources slow down production and could Virginia just keep bringing this in and lower our demand as the supply decreased, What were the present sources for Virginia and North Carolina and what quantity remained, why ship it from Pennsylvania when present infrastructure was here, how many decades of use remained from the northern shale, would this be used domestically and not exported and would the proceeds be returned to Virginia and North Carolina communities.

17. Jane Taylor, Afton

Ms. Taylor noted she did not receive a letter from Dominion; however she wrote them to tell them to stay off of her property. She noted that she was concerned about Eminent Domain laws and the use of it for private gain, private enterprise, and increasing tax revenues etc. She added that Dominion Power knew all about those things and she questioned what just compensation was. She questioned the non-exportation of natural gas noting that there would be a glut of natural gas in the nation and Dominion would not overlook the fact that they would make more money if they sold it overseas. She questioned what would keep them from changing their minds and exporting it. She then noted that she did not see a benefit to Nelson County. She added that 74% of Virginians and more than 74% of Nelson County voters voted to include in the State code an amendment that only public institutions use eminent domain and could take property.

18. Lincoln Brower, Roseland

Mr. Brower thanked the Board for the meeting. He noted that he was involved when a gas line exploded in California alongside an interstate and it was an incredible inferno. He noted that the proposed pipeline would ship 1.5 billion cubic ft. of gas per day and it would take a long time to turn it off should something happen. He then questioned where the gas was coming from and what the impact was to the environment. He also questioned what they would do with the pipeline when the gas ran out and he thought they should consider alternative power sources such as wind and solar power in order to keep the rural character of the county.

19. Wisteria Johnson, Shipman

Ms. Johnson thanked the Board for getting Dominion there and for representing Nelson County so well. She then asked what it would take to get the Board to jointly oppose the pipeline even if it did nothing but let the world know that they wanted to preserve the integrity of Nelson County. She added that she saw no benefit of the pipeline to Nelson County. She noted that the word eminent domain was Nelson's biggest concern given that people have worked hard for their land and did not want the pipeline to happen. She then asked if there was anything that could be done to keep Dominion from acquiring the FERC certificate. She noted she understood that eminent domain was not available to them until they got the certificate from FERC; however she questioned whether or not citizens could do anything to prevent them from getting it.

20. Added: Kurt Bowers, Pipeline Committee Chair for the Sierra Club, Albemarle County

Mr. Bowers noted that for a 30 inch line, the revenue would be about \$7,500 per mile and if this were extrapolated out, it was about \$350,000 per year. He noted that Rappahannock County had a pipeline coming through and the Board of Supervisors opposed it by resolution. He noted that the Washington County Board approved fracking in the county because they believed they would have access to the gas transmission lines. He noted that there were 3 pipelines and one, the Spectra pipeline had been put on hold and it was now down to two options for the pipeline. He noted that the state could not use fossil fuels anymore and there was enough offshore wind power to power the whole state of Virginia and they did not need transmission pipelines. He noted a Stanford study that noted we were on the brink of the sixth mass extinction in the earth's history and he added that they needed to use wind power. He concluded by noting that the Sierra Club was opposed to the pipeline and would fight it the whole way.

21. Added: Mike Jones, Waynesboro County and NC Property Owner

Mr. Jones noted that to protect the Country's natural resources, the Country's borders should be protected and the answer to lowering the Country's dependence on any kind of energy was to stop breeding.

There being no other persons wishing to be recognized, Ms. Brennan closed the public comments session and the Board had the following comments:

Mr. Bruguiere noted he would reserve comment until after Dominion held the next public meetings. He explained he wanted to gather more information before making a judgment.

Mr. Hale noted that he had not been persuaded that the pipeline was in the interest of Nelson County and he was opposed to it. He then added that the County's responsibility was going to be to do everything possible to assist citizens as the process went forward. He noted he had no doubt that it would be built and the County should assist people to protect their property and they should examine the County's ordinances to evaluate for areas where they could impose additional requirements.

August 12, 2014

Ms. Brennan noted she was opposed to the pipeline and was frustrated that many questions asked were not answered and she would send them more and ask for written answers. She noted that she was concerned with the format of the upcoming Dominion public meetings and that they should do what Ernie Reed suggested because she thought their format was a divide and conquer technique. She added that she thought they should do whatever they could to assist in mitigating the negative impacts if the pipeline was built. She concluded by stating that she still hoped that they could get them to move the pipeline and she thanked the public for coming and expressing their views.

IV. Other Business (As May Be Presented)

There was no other business considered by the Board.

V. Adjournment

At 9:45 PM, Mr. Hale moved to adjourn the meeting 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.

**RESOLUTION R2014-62
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>
\$222.00	2014 PP Tax & Vehicle License Fee	Chase Bank, USA N.A. Attn: Kim Ford NY2-S503 P.O. Box 9211 Garden City, NY 11530-9891
\$189.88	2011-2014 PP Tax & Vehicle License Fee	Timothy D. Truslow 2280 Tye River Rd. Amherst, VA 24521
\$156.96	2014 Disabled Veteran Refund	Shelton L. Root 1917 Greenfield Rd. Afton, VA 22920

Approved: September 9, 2014

Attest: _____, Clerk
Nelson County Board of Supervisors

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

Telephone: 434-263-7076
Fax: 434-263-7074
Email: jpayne@nclsoacounty.org

August 11, 2014

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

Re: Chase Bank, USA, N.A.
Attn: Kim Ford NY2-S503
P. O. Box 9211 Garden City, NY 11530-9891

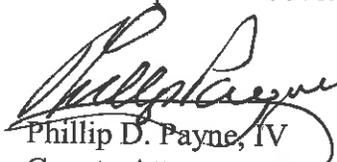
This letter shall serve as written request that a 2014 personal property and vehicle license fee refund of **\$222.00** be issued to the above referenced taxpayer. The vehicle was registered in the state of North Carolina. Please use the enclosed envelope for mailing.

Supporting data is available in this office for you review.

Respectfully requested,


Jean W. Payne
Commissioner of Revenue

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


Phillip D. Payne, IV
County Attorney

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

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

August 13, 2014

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

Dear Connie,

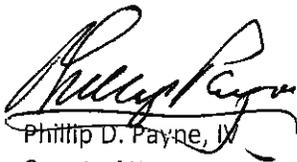
This letter shall serve as a written request that a refund of \$156.96 be issued to Mr. Shelton L. Root, 1917 Greenfield Rd, Afton, Va. 22920. Mr. Root is a disabled veteran and has completed the application for the exemption. This refund is for the taxes that have already been paid for the 2nd half of 2014.

Sincerely,



Jean W. Payne
Commissioner of the Revenue

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



Phillip D. Payne, IV
County Attorney

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

Telephone: 434-263-7076
Fax: 434-263-7074
Email: ipayne@nelsoncountv.org

August 18, 2014

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

Re: Truslow, Timothy Dale
2280 Tye River Rd. Amherst, VA 24521
1997 Dodge1500 Pickup #1944 – disposal date 06/15/11

This letter shall serve as written request that a 2011/2013/2014 personal property and vehicle license fee refund of **\$189.88** be issued to the above referenced taxpayer.

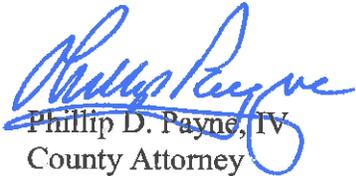
Supporting data is available in this office for you review.

Respectfully requested,



Jean W. Payne
Commissioner of Revenue

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



Phillip D. Payne, IV
County Attorney

**RESOLUTION R2014-60
AMENDMENT OF FISCAL YEAR 2014-2015 BUDGET
NELSON COUNTY, VA
September 9, 2014**

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

I. Appropriation of Funds (General Fund)

<u>Amount</u>	<u>Revenue Account (-)</u>	<u>Expenditure Account (+)</u>
\$ 5,496.00	3-100-009999-0001	4-100-031020-5419
\$ 1,104.00	3-100-002404-0002	4-100-031020-5419
\$ 985.00	3-100-003303-0025	4-100-31020-7044
\$ 109.00	3-100-009999-0001	4-100-031020-7044
\$ 10,000.00	3-100-002404-0041	4-100-091050-7011
\$ 5,000.00	3-100-001901-0045	4-100-091050-7011
\$ 5,100.00	3-100-002404-0031	4-100-091050-7097
\$ 2,400.00	3-100-009999-0001	4-100-091050-7097
\$ 30,194.00		

II. Transfer of Funds (General Fund)

<u>Amount</u>	<u>Credit Account (-)</u>	<u>Debit Account (+)</u>
\$ 6,609.00	4-100-999000-9905	4-100-031020-3003
\$ 47,658.00	4-100-999000-9901	4-100-043040-7005
\$ 15,630.00	4-100-999000-9901	4-100-043040-5409
\$ 69,897.00		

Adopted: September 9, 2014

Attest: _____
Clerk, Nelson County Board of Supervisors

EXPLANATION OF BUDGET AMENDMENT

- I. The **General Fund Appropriation** reflects an appropriation request by the Sheriff's Department for asset forfeiture funds in the amount of **\$6,600**. The department plans to purchase police supplies. The request is backed by \$5,496 in asset forfeiture funds received in the prior year and \$1,104 in asset forfeiture funds received in the current year. These funds must be spent in accordance with the Virginia Forfeited Asset Sharing Program guidelines. Also requested is an appropriation of **\$1,094** for the 2014 Byrne Justice Assistance Grant. Grant funding is \$985 and the local match requirement is \$109. Also requested is **\$15,000** for the Historic District Cost Share Grant (South Rockfish). Grant funding is \$10,000 and match funding is \$5,000 provided by the Rockfish Valley Foundation. Additionally, there is a request of **\$7,500** for a feasibility study regarding extension of public water to the Ferguson's store area in Roseland. This request was previously approved by the Board on April 8, 2014. DEQ has agreed to reimburse the county for \$5,100 of this expense making the total local expense \$2,400.

- II. The **Transfer of Funds** includes a transfer from General Fund Contingency for **\$6,609** to pay for court ordered burial expense. Additionally, a transfer is requested for purchase of 2 additional police vehicles (**\$47,658**) and another request for equipping the vehicles (**\$15,630**). These requests were previously approved by the Board on August 12, 2014. After these requests, \$1,719,390 remains in the General Fund Contingency of which \$1,148,601 is recurring revenue.

VIRGINIA:

IN THE CIRCUIT COURT OF NELSON COUNTY

In Re: Barbara Innes

)
)
)

FINAL ORDER /

CL14000339.00

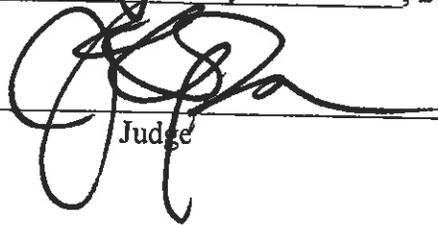
THIS matter came on to be heard on the presentation of the statement of Wells/Sheffield Funeral Chapel, Inc. for the costs incurred for the burial of the remains of Barbara Innes.

The statement in the amount of \$6,608.85 is approved and the County of Nelson is hereby directed to pay such amount to Wells/Sheffield Funeral Chapel, Inc. as required by Section 32.1-309.2 of the Code of Virginia.

The clerk shall forthwith provide Mr. Payne with a copy of this order.

This matter is ended.

ENTER this August 26, 2014



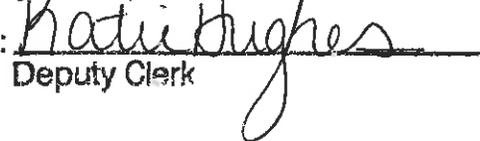
Judge

I ASK FOR THIS:



Phillip D. Payne IV
County Attorney for Nelson County

A Copy, Teste:
NELSON COUNTY CIRCUIT COURT
Judy S. Smythers, Clerk

By: 

Deputy Clerk

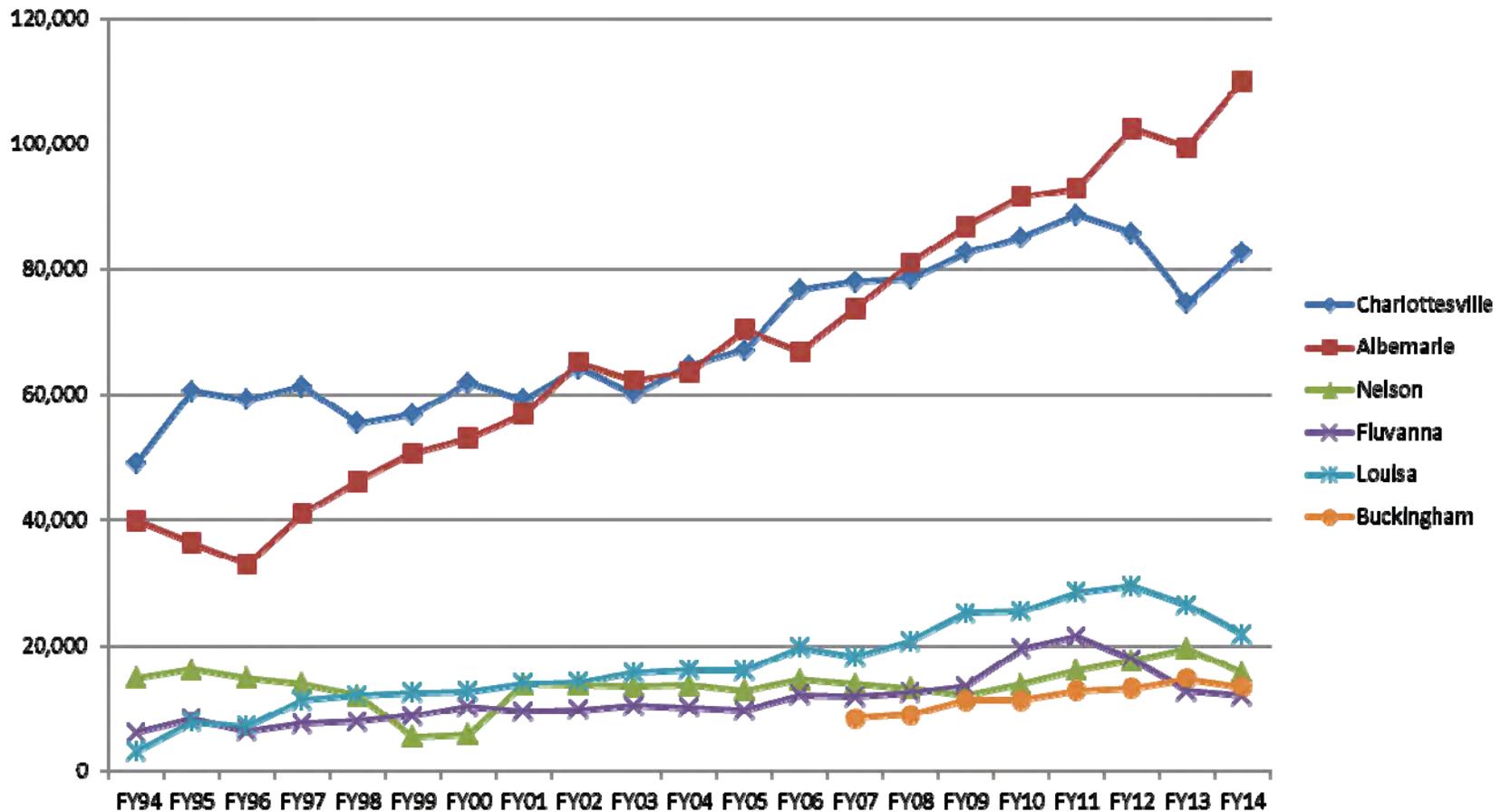
FY14 ANNUAL REPORT: Nelson County



TOTAL ANNUAL RIDERSHIP



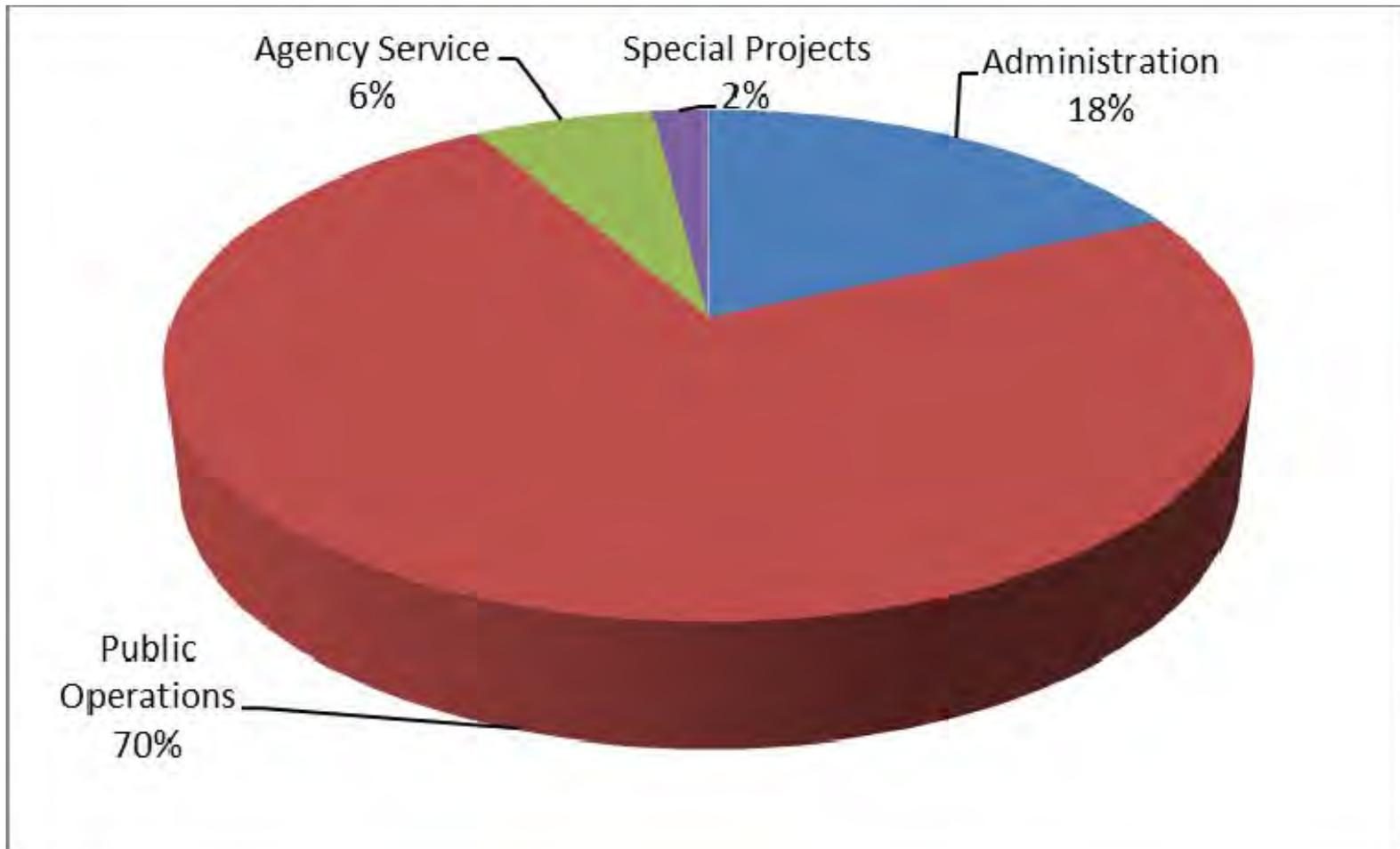
PUBLIC RIDERSHIP FY93 TO FY14



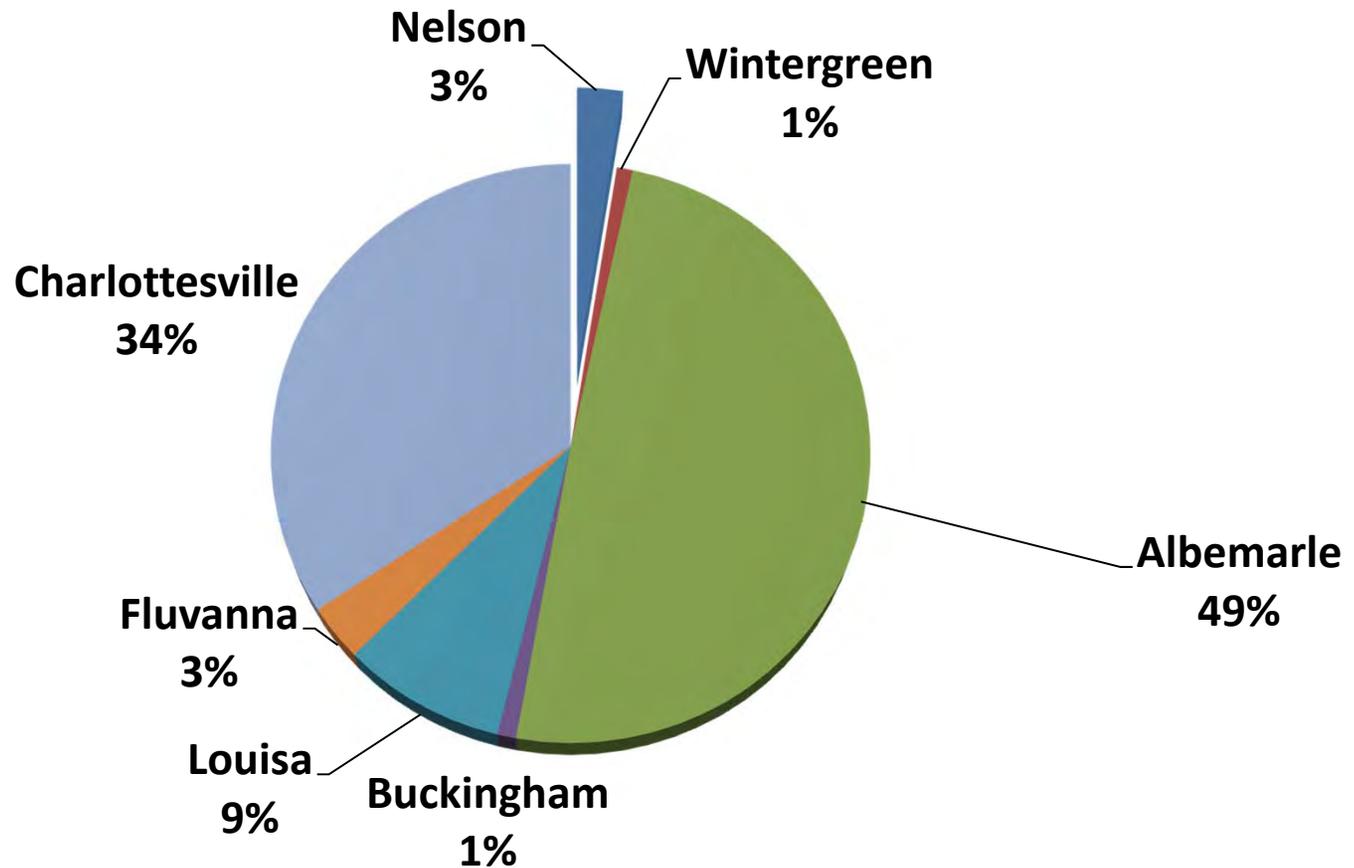
OVERALL FINANCIAL PICTURE: Revenue



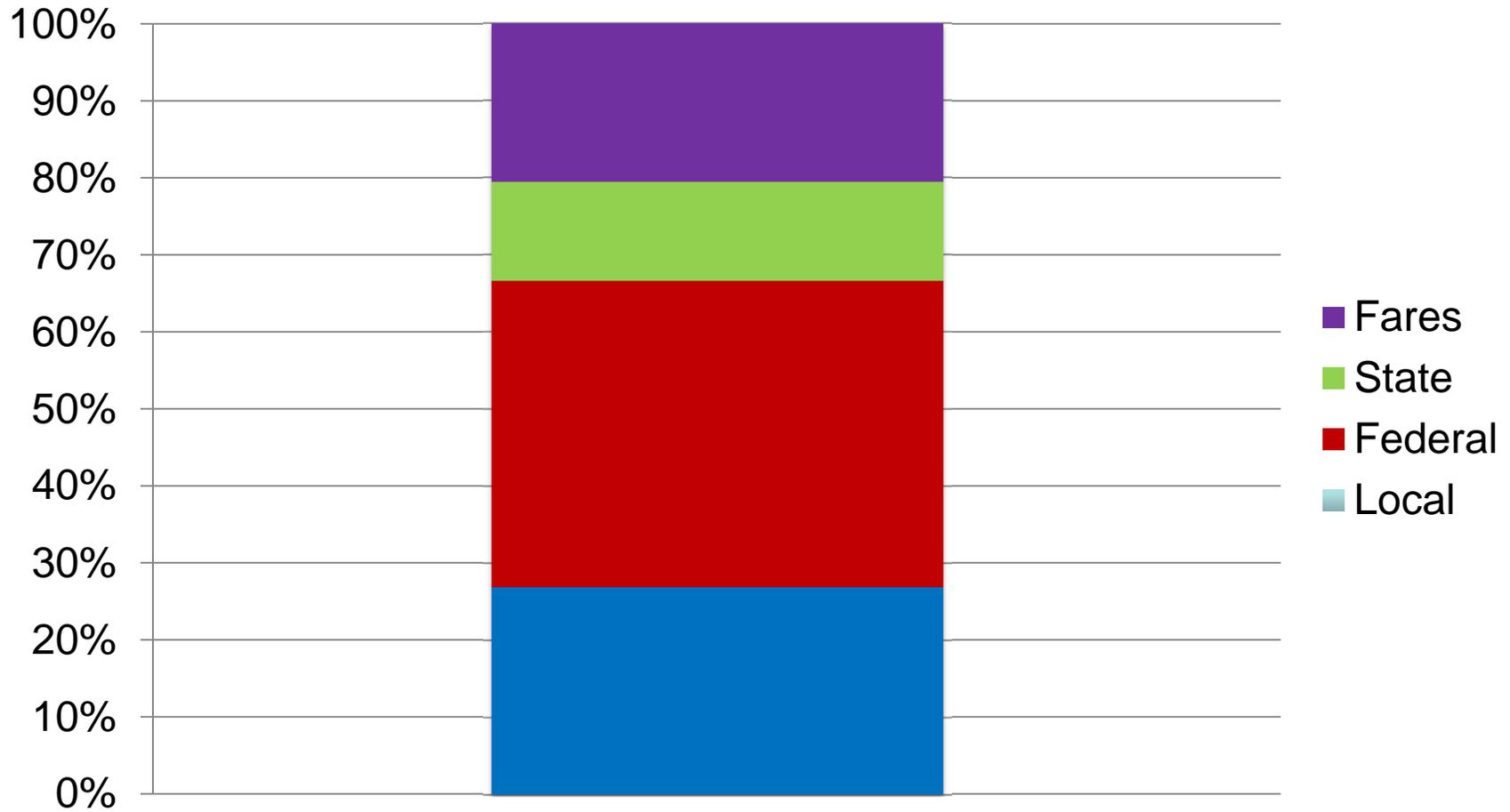
OVERALL FINANCIAL PICTURE: Expenses



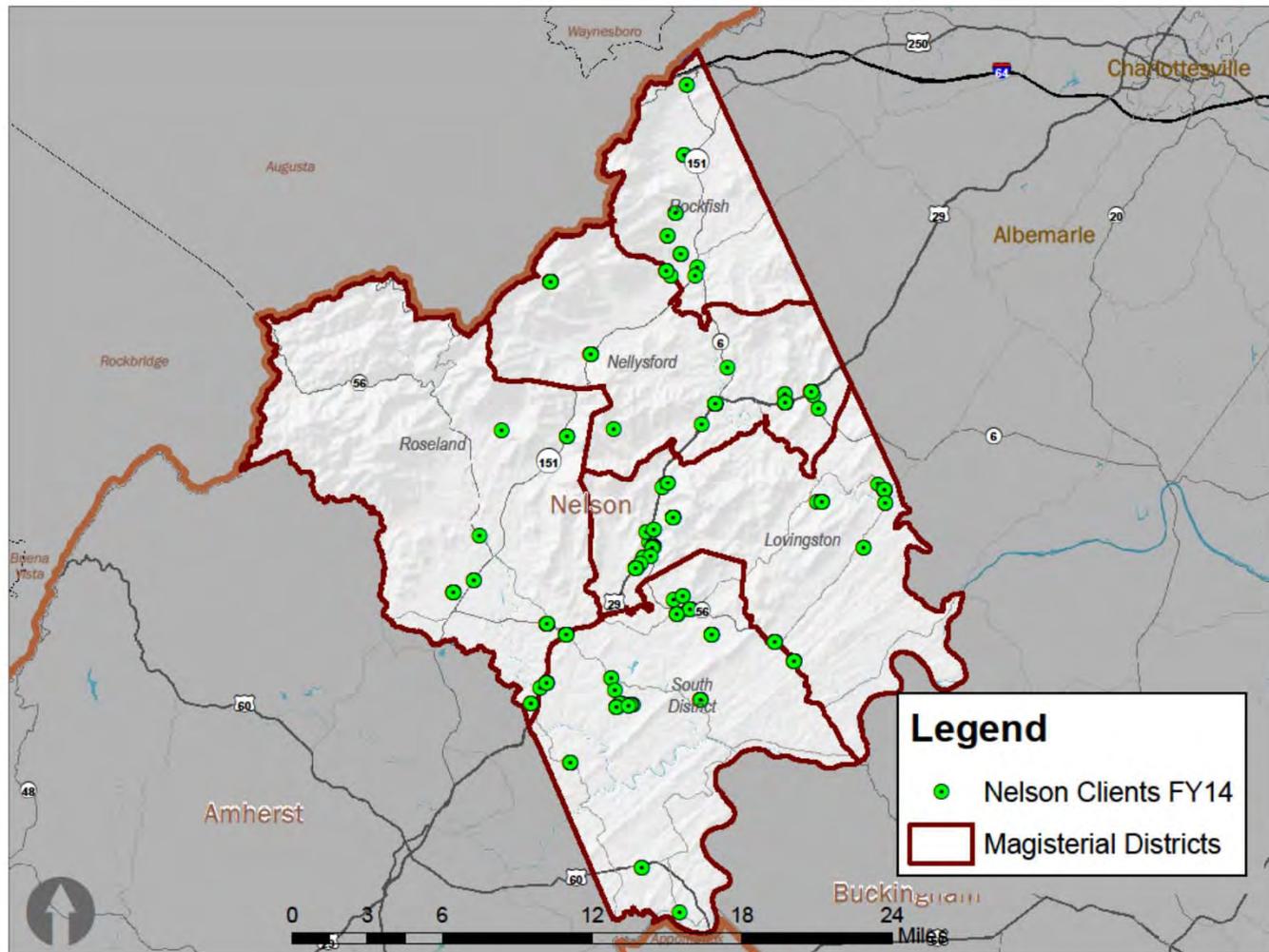
LOCAL FUNDING SHARES



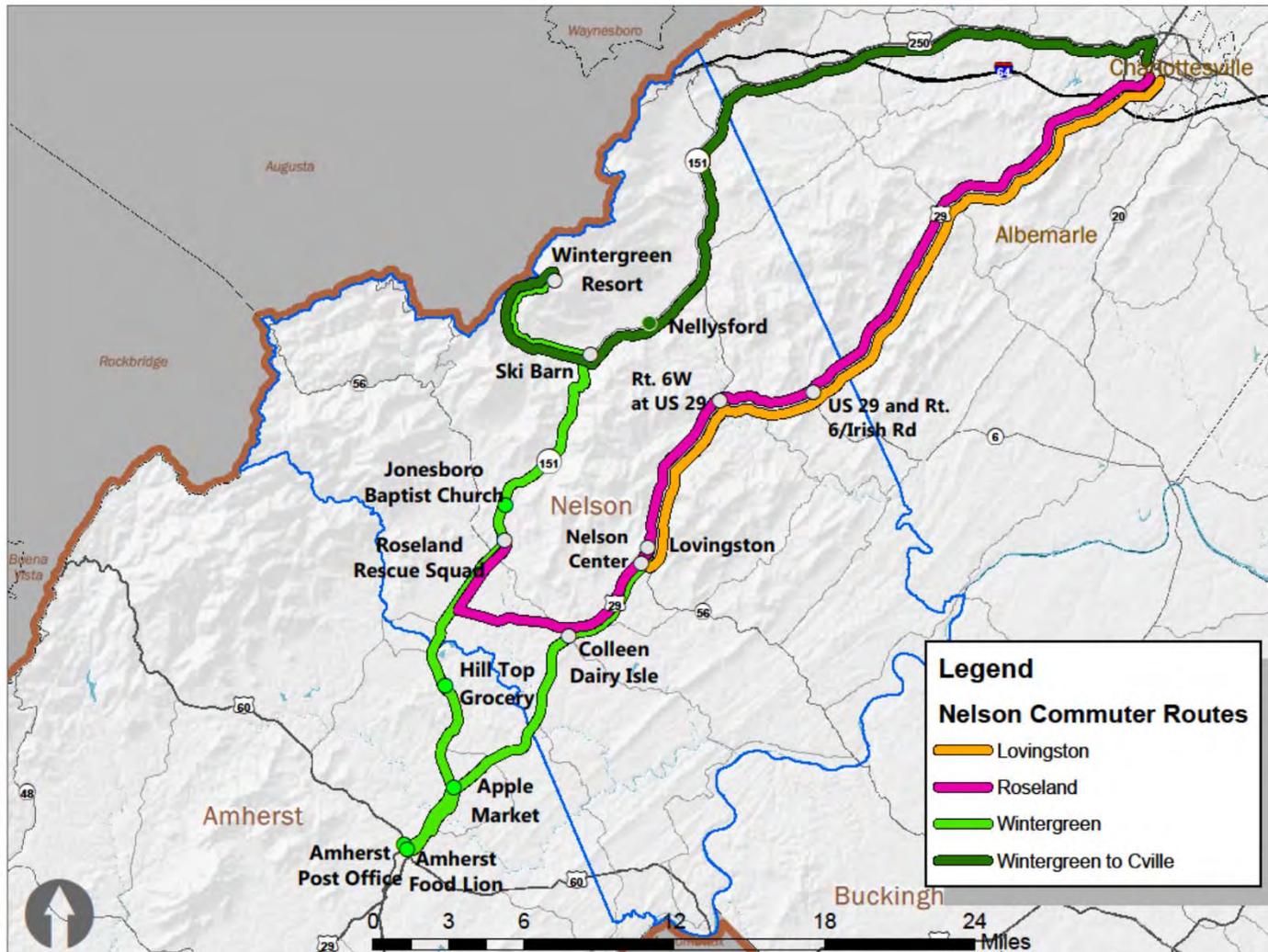
COUNTY TRANSIT FUNDING



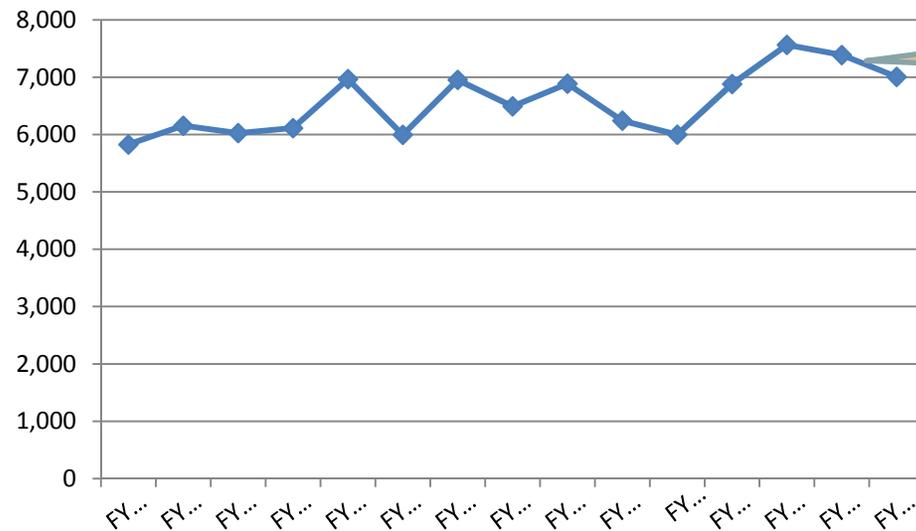
RIDERS THROUGHOUT THE COUNTY



COMMUTER ROUTES



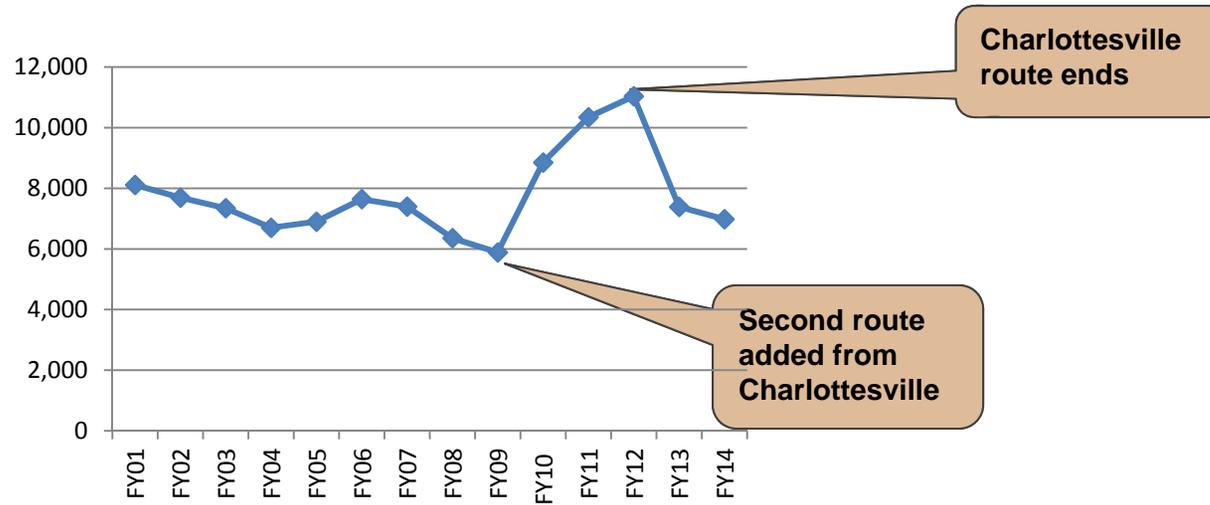
COMMUTER ROUTES to Charlottesville



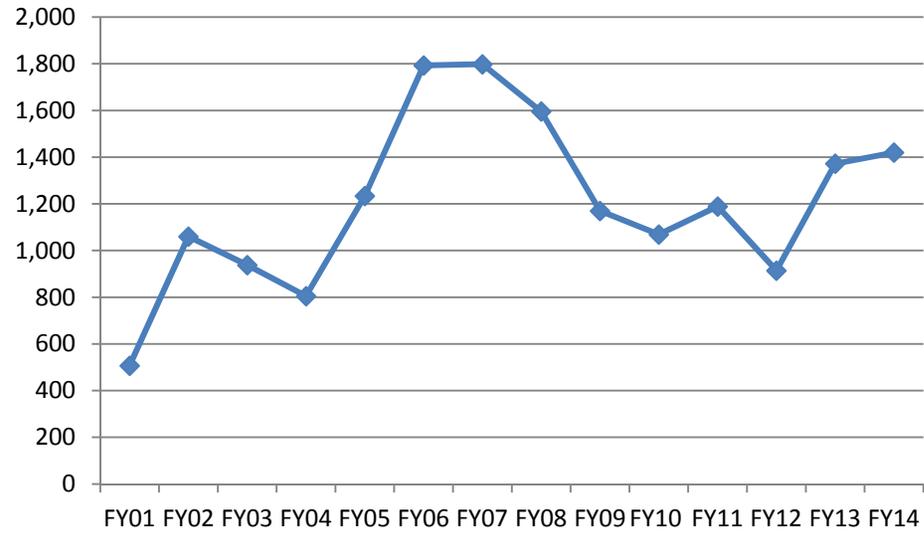
Nelson Express added to provide later return, but failed for lack of ridership



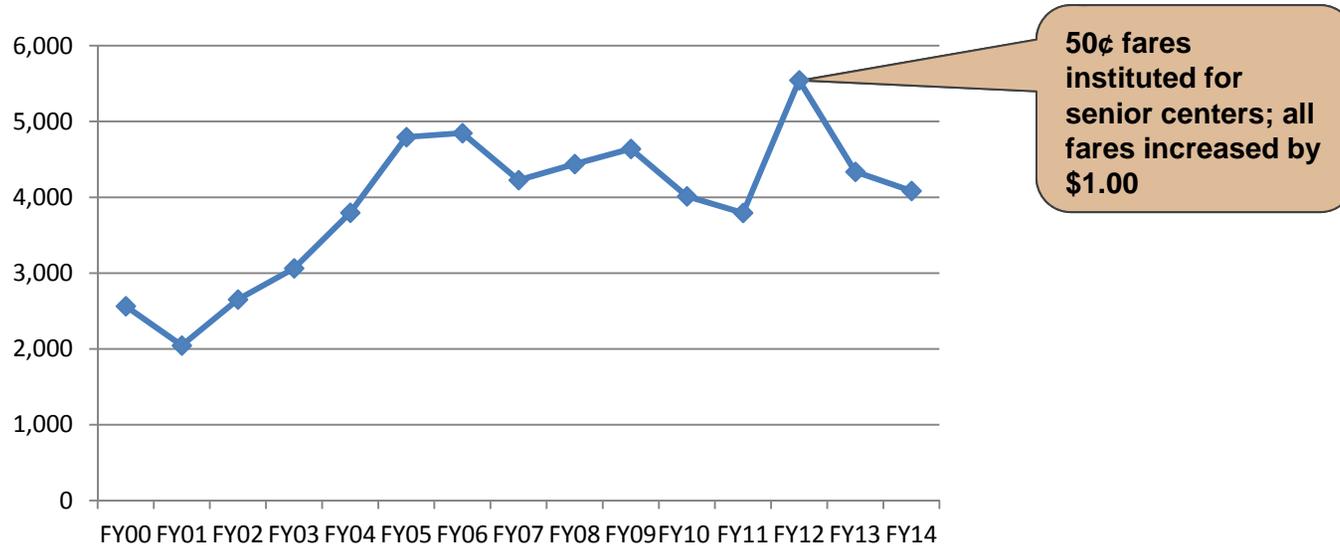
COMMUTER ROUTES to Wintergreen



MIDDAY ROUTE



INTRACOUNTY SERVICE



SOME HIGHLIGHTS

- Senior Shopping Grant provided nearly 375 field trips for seniors
- A federal grant continues to provide one additional day of midday service



MORE HIGHLIGHTS

- Five Nelson drivers won safe driving awards this year
- Our nonprofit, JAUNT Friends, distributed 1,600 tickets to passengers in need



FY15 Preview

- We expect to hit a cumulative total of 8 million trips in October – a significant milestone!
- Staffing Changes





Questions?

JAUNT in Nelson County FY14

	Nelson		
	FY12	FY13	FY14
Public Service			
Piney River Route	3,261	3,029	3,188
Lovingston Route	4,303	4,359	3,518
Nelson Express			300
Wintergreen Route	3,413	2,616	3,145
Midday to Ch'ville	914	1,372	1,420
Intracounty & Misc.	5,543	4,337	4,083
TOTAL Public	17,434	15,713	15,654
Agency	1,074	3,531	2,440
TOTAL	18,508	19,244	18,094

Number of Trips by Age Category

Children	0%
Adults	72%
Seniors	28%
People with Disabilities (all ages)	32%

Highlights of the Year in Nelson County

- Public ridership held steady in the County with increases on the Piney River and Wintergreen routes, as well as the midday service to Charlottesville.
- When additional state funds became available mid-year, we responded to citizen requests and launched the Nelson Express, which was intended to provide an option for commuters who worked until 5 PM (the other routes leave at 4:15 and 4:30). Unfortunately, we found only a couple of riders for this route and, in light of a tight FY15 budget, eliminated the route as of June 30th.
- We also provided 375 trips under the Senior Shopping Grant and 138 under the Nelson Midday Grant.



Annual Report FY13-14



JAUNT'S VISION

Central Virginians get where they need to go safely, efficiently and affordably while respecting the environment.

JAUNT'S MISSION

JAUNT safely, courteously and promptly provides public and specialized services to meet community mobility needs.

BOARD OF DIRECTORS FY13-14

Ray Heron, President, Charlottesville
Clifford Buys, Vice President, Albemarle
David Feisner, Secretary, Fluvanna
Fran Hooper, Treasurer, Albemarle
Ray East, Albemarle
Juandiego Wade, Albemarle
Karl Carter, Buckingham
Philip Jones, Charlottesville
Katherine Pickett, Charlottesville
John Jones, Charlottesville
Pat Thomas, Fluvanna
Willie Gentry, Louisa
Janice Jackson, Nelson
Mercedes Sotura, Nelson



FROM THE EXECUTIVE DIRECTOR AND THE PRESIDENT

We're proud to report that JAUNT had another very successful year! Thanks to some additional state funding, we expanded services to meet some long-standing community needs. We were able to restore some services in Louisa and Fluvanna that had been hit hard by the recession as well as providing access to jobs for folks in Charlottesville and Albemarle. With the expansion of service for HeadStart and after-school programs in Charlottesville and Albemarle we were able to improve access for children, too.

JAUNT took a huge step forward in reaching out to the Hispanic community with a new Spanish-speaking staff member and we improved our efficiency in maintaining our vehicles by becoming a certified state inspection facility. During the snowy winter we were impressed that our dispatching staff spent the night to ensure that service could continue no matter what the weather. We also began serving the Blue Ridge PACE Center, which provides services for elderly folks at risk of moving into nursing homes. And despite the increasing frailty of many of the people who ride with us, we improved our superior safety record once again.

We are also proud of our fare scholarship program available through our nonprofit division, JAUNT Friends. Thanks to the incredible support of people in our local communities and the efforts of our dedicated fundraising committee, we have been able to help JAUNT passengers across our service area. We also received a grant from BAMA Works of Dave Mathews Band in the Charlottesville Community Fund, which has allowed us to offer larger fare scholarships for the first time.

We continue to be dedicated to our communities and the passengers we serve. Come ride with us to experience that dedication first-hand!

Ray Heron, President

Donna Shaumese,

Executive Director

"Keep up the good work!
By your example you make
C'Ville a better place to
live! And grow up!

A JAUNT rider



JAUNT IN BRIEF

JAUNT, Inc. is a regional transportation system providing service to Charlottesville, Albemarle, Louisa, Nelson, Fluvanna and Buckingham. The 75 vehicle fleet carries the general public, agency clients, senior citizens and people with disabilities throughout Central Virginia; most of the fleet is lift-equipped. Organized in 1975, JAUNT maintains an exemplary record of safety, cost efficiency, and high quality service, and is recognized both statewide and nationally for its performance record. In FY14 we provided over 300,000 trips to work, agency programs, doctors' offices, and retail businesses. JAUNT is owned by the local governments that it serves and uses federal, state, and local funding to supplement fares and agency payments.



FY13-14 RIDERSHIP

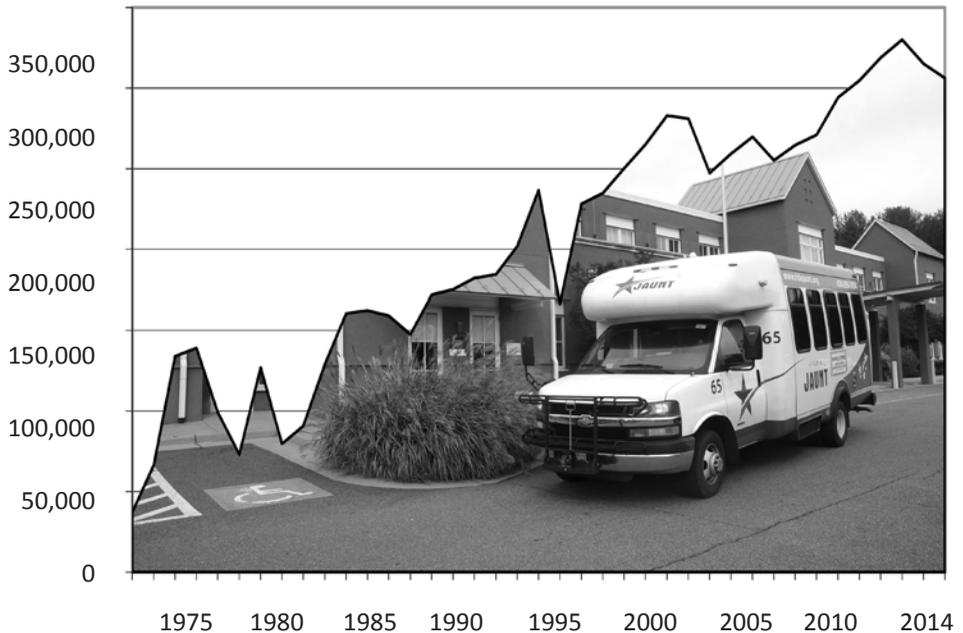
“To my drivers-
Part of my disability
is to become anxious
and confused. You
are all so patient and
understanding.
Thank you!”

from annual
Passenger Survey

PASSENGER ORIGIN	
Charlottesville	103,821
Albemarle	127,083
Nelson	18,054
Fluvanna	12,161
Louisa	26,335
Buckingham	13,433
Other	5,202
TOTAL	306,089

TRIP CATEGORIES	
Medical	73,580
Elderly and Disabled	102,225
Children & Youth	16,926
Senior Meal Programs	14,122
Rural Routes	79,521
Other	19,715
TOTAL	306,089

TOTAL ANNUAL RIDERSHIP

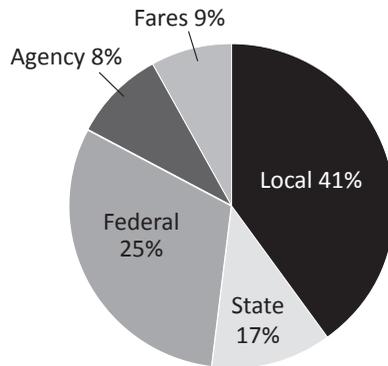
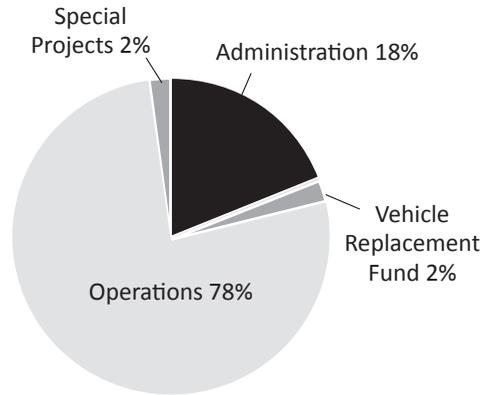


OPERATING BUDGET SUMMARY

(unaudited figures)

EXPENSES	
Administration	\$1,009,616
Operations	\$4,455,155
Special Projects	\$112,982
Vehicle Replacement Fund	\$145,715
TOTAL	\$5,723,468

Revenue	
Local	\$2,333,945
State	\$996,203
Federal	\$1,435,127
Agency	\$448,570
Fares	\$509,623
TOTAL	\$5,723,468





JAUNT, Inc.
104 Keystone Place
Charlottesville, VA 22902
(434) 296-3184
(800) 36-JAUNT
www.ridejaunt.org
Email: info@ridejaunt.org



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RESOLUTION R2014-64
NELSON COUNTY BOARD OF SUPERVISORS
RESOLUTION RECOGNIZING THE SERVICE OF
DONNA SHAUNNESEY-RETIRING EXECUTIVE DIRECTOR OF JAUNT

WHEREAS, after thirty (30) years, Ms. Donna Shaunesey is retiring from her position as Executive Director of JAUNT; and

WHEREAS, the Nelson County Board of Supervisors wishes to honor Ms. Shaunesey's dedicated and exemplary service to the JAUNT organization and to the citizens of Nelson County; and

WHEREAS, in her thirty years, Ms. Shaunesey has grown the JAUNT organization from a fleet of twelve (12) vehicles that ran Monday through Friday and served one small city, Charlottesville, and two counties to an organization that now has an eighty (80) vehicle fleet, services five counties, including Nelson, and the City of Charlottesville and now operates seven days a week; and

WHEREAS, Ms. Shaunesey, a former Nelson County resident, began JAUNT's service in Nelson County in 1978 which has provided for over 18,000 trips in FY14 for Nelson County residents,

NOW, THEREFORE, BE IT RESOLVED, that the Nelson County Board of Supervisors hereby recognizes, and extends their appreciation to Donna Shaunesey for her many years of dedication to the JAUNT organization and citizens of Nelson County and wishes her much health and happiness in the years to come.

Adopted: September 9, 2014

Attest: _____, Clerk
Nelson County Board of Supervisors

NORTHWESTERN EMERGENCY VEHICLES

PO BOX 790

JEFFERSON, NORTH CAROLINA 28640

PHONE: (800) 536-8488

FAX: (336) 246-8978

Steve Carter

IV A

5/17/14

RECEIVED

NELSON COUNTY RESCUE

SEP - 4 2014

COUNTY ADMINISTRATOR'S
OFFICE

TOTAL DELIVERED PRICE IS \$112,453.00

Dodge
**2015 ~~FORD~~ F-450 4x4 WITH LIQUID SPRING
SUSPENSION**

- NEW MOUNTING HARDWARE
- INSPECTION OF UNDER STRUCTURE OF BOX
- NEW CAB TO BOX ACCORDIAN GASKET
- NEW RUNNING BOARDS
- ALUMIAM WHEELS ORDER ON CHASSIS
- NEW DIAMOND PLATE RUBRAILS
- NEW FENDERETTE
- NEW REAR BUMPER
- GAS FILL MODIFICATION
- NEW 20 AMP SHORELINE (AUTO-EJECT)
- NEW CAB TO BOX WIRING HARNESS
- NEW ELECTRICAL SYSTEM
- NEW FRONT CONSOLE
- NEW SWITCH PANEL (FRONT AND REAR)
- NEW WHELEN 295 HFSA7 SIREN
- NEW (2) 100 WATT SIREN SPEAKERS
- NEW BATTERY SWITCH
- NEW BACK UP ALARM
- NEW FRONT LEDS ACROSS FRONT (7)
R/C/R(R/C)R/C/R

- NEW WARNING LIGHTS (LED'S)
- NEW FLOOD LIGHTS (LED'S)
- NEW REAR LOAD LIGHTS (LED'S)
- NEW CLEARANCE LIGHTS (LED'S)
- NEW GRILLE LIGHTS (700 LED'S)
- NEW INTERSECTION LIGHTS (700LED'S)
- STEPWELL LIGHT (LED)
- NEW UPHOLSTERY IN PATIENT
COMPARTMENT
- NEW ATTENDANT SEAT CHILD SAFETY SEAT
- NEW LEXAN
- NEW FLOOR COVERING (421 MICA)
- NEW COMPLETE FLOOR TRIM
- MINOR CABINET WORK
- NEW AC/HEAT UNIT
- NEW AC/HEAT HOSES
- COMPLETE O2 LINE CHECK
- COMPLETE PAINT JOB (PER YOUR SPECS)
- LETTERING (PER YOUR SPECS)
- NEW COT MOUNT
- NEW 20-1050 VANNER INVERTER
- HIDDEN UNLOCK SWITCH
- REBUILD ALS CABINET (PER YOUR SPECS)



March 1, 2014

Steve Carter
Nelson County Administrator
Nelson County, Virginia

Confidential and Proprietary

Dear Mr. Carter,

Mountain View Brewery, LLC trading as Devils Backbone Brewing Company is considering do a major distilling and beer garden project at one of our two locations in Virginia. This project will create at least 15 new good paying jobs over 5 years and we expect to invest a total of \$2,500,000.00 in this project. The distillery will have 50 seats and 150 outside seats in a beer garden concept we are considering.

Our concept is to move the existing "Depot" structure that is on lot "5" to Lot "2" with an enlarged kitchen and seating for 100, build a 4,500 square foot Distillery with inside cocktail lounge with 50 seats around two stone fireplaces and retail space to showcase Devils Backbone branded items and create an outside beer garden to seat 100 people with outside beer bar and heavy landscaping to hide traffic and maximize the views of the surrounding mountains.

As you know we have never received incentives for our projects in Nelson County. In considering our Nelson County location next to our existing Brewery we would submit, for your review, a request to grant us a 100% tax credit for five years on Real Property for land tax map number 31 12 2 consisting of 2.73 acres, 100% tax credit for land and improvements lot 31 12 5 consisting of 4 acres, 100% tax credit for new improvements on lot 31 12 2 and 100% tax credit for machinery and tools associated with improvement on lot 31 12 2 and 100% tax credit for tangible Personal Property on improvements on lot 31 12 2.

We are hopeful to locate this new business in Nelson County and hope you will partner with us to create one of the great destination locations in the Commonwealth of Virginia. Please feel free to contact me.

Steve Crandall
CEO
Mountain View Brewery, LLC

Nelson County Economic Development Authority

August 21, 2014

Present: Natt Hall, Carlton Ballowe, Mark Robinette, Alphonso Taylor

Chairperson Natt Hall called the meeting to order.

There was no public comment.

Judy Smythers, Nelson County Clerk of the Circuit Court, gave the group an update on the Virginia Supreme Court secure remote access system. This subscription service allows businesses and individuals such as real estate, title insurance professionals and attorneys access to recorded documents. The office staff is prohibited by law to do research. New scanning equipment is scheduled to be delivered in October.

Motion: To end regular session and move into closed session to discuss a business not yet announced under the Virginia Freedom of Information Act. Taylor-Ballowe (4-0). Roll Call Vote: Robinette, aye; Taylor, aye; Ballowe, aye; Hall, aye.

Motion: To end closed session. Taylor-Ballowe (4-0). Roll Call Vote: Robinette, aye; Taylor, aye; Ballowe, aye; Hall, aye.

Motion: To return to regular session. . Taylor-Ballowe (4-0). Roll Call Vote: Robinette, aye; Taylor, aye; Ballowe, aye; Hall, aye.

Motion: To adopt the following resolution: Be it hereby resolved, the Economic Development Authority of Nelson County does hereby return to regular session having only discussed a business not yet announced. . Taylor-Ballowe (4-0). Roll Call Vote: Robinette, aye; Taylor, aye; Ballowe, aye; Hall, aye.

Motion: To recommend to the Nelson County Board of Supervisors approval for the incentive offer for Mountain View Brewery, LLC. The Economic Development Authority will serve as the agent for the financial transaction.

There was no public comment.

There being no further business, the meeting was adjourned.

RESOLUTION R2014-65
NELSON COUNTY BOARD OF SUPERVISORS
RESOLUTION APPROVING LOCAL BUSINESS EXPANSION ECONOMIC
INCENTIVES – MOUNTAIN VIEW BREWERY, LLC

WHEREAS, Mountain View Brewery, LLC intends to expand its current operation and has requested that Nelson County provide economic incentives consisting of: 100% tax credit for five (5) years on real property for tax map parcel 31-12-2 and 100% tax credit for land and improvements on tax map parcel 31-12-5, 100% tax credit for new improvements on tax map parcel 31-12-2, and 100% tax credit for five (5) years on machinery and tools and tangible personal property associated with improvements on tax map parcel 31-12-2; and

WHEREAS, Mountain View Brewery LLC plans to invest a total of \$2,250,000 in capital improvements over a two-year period and create ten jobs over a five-year period; and

WHEREAS, at the August 21, 2014 Economic Development Authority (EDA) meeting, the EDA recommended the Board of Supervisor's approval of the proposed economic incentives for Mountain View Brewery, LLC and resolved to serve as the agent for the financial transaction,

NOW, THEREFORE, BE IT RESOLVED, that the Nelson County Board of Supervisors does hereby approve the following economic incentives for Mountain View Brewery, LLC's business expansion in Nelson County: 100% tax credit for three (3) years on the improved value of real property for tax map parcel 31-12-2 and tax map parcel 31-12-5, and 100% tax credit for three (3) years on machinery and tools and tangible personal property associated with improvements on tax map parcel 31-12-2.

Adopted: _____, 2014

Attest: _____, Clerk
Nelson County Board of Supervisors

DEPARTMENT OF
PLANNING & ZONING



PLANNING COMMISSION
BOARD OF ZONING APPEALS

To: Madame Chair and Members, Nelson County Board of Supervisors, and
Mr. Stephen A. Carter, County Administrator and Clerk of the Board of Supervisors

From: Tim Padalino | Planning & Zoning Director

Date: September 3, 2014

Subject: Planning Commission recommendations for proposed Zoning Ordinance amendments contained in Board of Supervisors Resolution R2014-31 – “Agricultural Operations”

The Department of Planning & Zoning recently assisted Mr. Phillip D. Payne IV, County Attorney, with his development of several proposed amendments to the Nelson County Zoning Ordinance, regarding the definitions and regulations of agricultural operations, breweries, distilleries, and restaurants. The proposed amendments would affect the following zoning districts: Agricultural (A-1), Business (B-1), Service Enterprise (SE-1), Industrial (M-2), and Limited Industrial (M-1).

These proposed amendments were initiated by the County Attorney and County Administrator primarily in response to two factors:

1. Recently adopted provisions in the Code of Virginia that directly affect (restrict) the ability of localities to regulate agricultural operations and agri-tourism land uses and activities; and
2. The absence of sufficient Zoning Ordinance provisions and/or regulations regarding agritourism and agribusiness land uses and activities in Nelson County, which are currently a substantial and important sector of overall land use, and which are expected to continue to increase and expand throughout the County.

As Mr. Payne noted in his earlier memo (dated May 14, 2014), *“The present dilemma is that the Zoning Ordinance (i) has no provision for breweries, distilleries, cideries, etc. which have an agricultural component; and, (ii) does not address the food sale and processing conducted in connection with limited or token farming. In order to have the tools and resources necessary for doing a better job at interpreting these types of proposed uses, and in order to review and process these types of projects more consistently, the ordinance needs some new language and rules.”*

Review of Amendment Process To-Date

May 13th, 2014: The original proposed amendments were introduced to the Board of Supervisors (BOS). The Board then referred those proposed amendments to the Planning Commission (PC) for the Commission’s review and eventual recommendations, in compliance with Code of Virginia §15.2-2285 (which requires the PC to conduct a public hearing and provide recommendations back

to the BOS within 100 days of the first PC meeting after the Board has referred the proposed amendments.) The PC's initial review of this referral material occurred at the regularly scheduled May 28th meeting, which set the deadline for providing recommendations to the Board of Supervisors at Friday, September 5th.

June 25th, 2014: The Planning Commission conducted a public hearing. Public comments were received from Mr. Al Weed, a resident of Lovington and owner and operator of Mountain Cove Vineyards, regarding the proposed new definition of "Agricultural Processing Facility, Major." The recommendations contained in this report incorporate Mr. Weed's suggestion to restrict the criteria for calculating the "amount of enclosed space" only to the enclosed space that is specifically "devoted to agricultural operations." Mr. Weed also provided comments regarding the proposed redefinition of restaurant, which would include "mobile food vendors" in the definition of restaurant, and which would then require a Special Use Permit for food trucks and other mobile food vendors. Mr. Weed's comments about restaurants and mobile food vendors have also been reflected in the recommendations contained in this report. *(See comment #2 on page 5.)*

July 23rd, 2014: The Planning Commission again reviewed the referred amendments and continued the discussion. Chair Proulx indicated that the PC would greatly benefit from receiving insight and legal guidance from Mr. Payne, in his roles as author of the referred amendments and as the County Attorney.

August 6th, 2014: The PC conducted a Work Session on to further review the referred amendments with Mr. Payne in attendance, and to refine their recommendations.

August 27th, 2014: The Planning Commission reviewed the draft recommendations as contained in a staff report dated August 20. After a final review, the PC voted 4-0 (with Commissioner Russell absent) to forward those final recommendations to the Board of Supervisors.

The following section of this report contains the Planning Commission's recommended amendments, as determined through diligent review, consideration of public comments, revisions during the Work Session, and formal resolution with a unanimous vote.

Planning Commission Recommendations

➤ Article 2. Definitions:

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

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

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

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

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

Distillery: a facility for the production of distilled spirits.

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

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

Restaurant. (remains unchanged)

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

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

4-1-29 **Farm Brewery, Limited**

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

4-1-7a Agricultural Processing Facility, Major

4-1-45a Distillery

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

8-1-11a Distillery

8-1-12a Brewery

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

8B-1-24 Farm Brewery, Limited

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

8B-1-12a Distillery

8B-1-13a Brewery

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

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

9-1-30 Distillery

9-1-31 Brewery

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

18-1-6 Distillery

18-1-7 Brewery

Staff Comments on PC Recommendations

1. Please note that the existing definition of “Agricultural” would be deleted and replaced with three different definitions and uses:
 - Agricultural Operation, which allows for the “preparation, processing, or sale of food products in compliance with [applicable state laws and regulations], as long as 20% or less of those products for sale are not produced “on an agricultural operation on the same or adjacent parcel(s) owned or operated by the operator of the facility.”
 - This is a “traditional” agricultural operation / facility, such as a packing shed or on-farm market, which provides for the “direct-to-consumer” sale of agricultural products that

were produced on the farm (with up to 20% of the agricultural products for sale being sourced from off the farm).

- In other words, this allows for on-site sales of agricultural products that are primarily produced on-site.
- Agricultural Processing Facility, which allows for the “preparation, processing, or sale of food products, or accumulation for shipment or sale of crops and animals, when more than 20% but less than 50% of such crops or animals are not produced on an agricultural operation on the same or contiguous parcel(s) owned or controlled by the operator of the facility.”
 - This is an agricultural operation / facility which provides for the “direct-to-consumer” sale of agricultural products that were partially produced on the farm (with more than 20% but less than 50% of the agricultural products for sale being sourced from off the farm).
 - In other words, this allows for on-site sales of agricultural products only partially produced on-site.
- Major Agricultural Processing Facility, which allows for the “preparation, processing, or sale of food products, or accumulation for shipment or sale of crops and animals, when more than 50% of such crops or animals are not produced on an agricultural operation on the same or contiguous parcel(s) owned or controlled by the operator of the facility.”
 - This is an agricultural operation / facility which provides for the “direct-to-consumer” sale of agricultural products that were primarily produced off the farm (with more than 50% of the agricultural products for sale being sourced from off the farm).
 - In other words, this allows for on-site sales of agricultural products, the majority of which are produced off-site.

Please note that these amendments would not affect the definitions or regulations for “Farm Wineries” (including cideries).

Separately, the PC also recommended that “Agricultural Processing Facility” and “Agricultural Processing Facility, Major” be removed from Industrial (M-2) and Limited Industrial (M-1), since those uses are by definition associated with an on-site (or contiguous) agricultural operation, which is not likely to occur in either of the Industrial zoning districts; and because the Industrial (M-2) District currently provides for food processing in Article 9, Section 1-6 as a by-right use and for abattoir / meat processing as a Special Use in Article 9, Section 1-1a.

Additionally, retail sales are not typically considered to be a compatible or appropriate use in industrial zoning districts, which is another reason to not provide for APF or Major APF in those districts.

2. Regarding the issue of “restaurants” and “mobile food vendors,” the Planning Commission felt that mobile food vendors should not be regulated in the same way as restaurants, which require a Special Use Permit in the Agricultural (A-1) District. After proposing to remove the clause about restaurants “including mobile points of service” from the referred amendments, the PC did not find any remaining purpose for redefining the “restaurant” use.

The PC then discussed the potential to separately recommend an administrative permitting process for mobile food vendors or “food trucks,” but decided not to identify any recommendations (at this time) that would seek to establish new regulations specifically for food trucks or other mobile food

vendors. Therefore, the PC's recommended amendments do not contain any revisions to the restaurant definition or use.

3. Regarding various types of "brewery" land uses, the PC included in their recommendations the Code of Virginia language about "Limited Farm Breweries," which are facilities in the Agricultural (A-1) District that include an agricultural operation and which brew a maximum limit of 15,000 barrels per year. The PC recommendations also suggest placing the same 15,000 barrels per year limit on "Micro-breweries," which would only be permitted as an accessory use to permitted restaurants (in any zoning district). "Breweries" would not have any production limits, and would not be permissible in the Agricultural (A-1) District. "Breweries" would be permissible by-right in the Industrial (M-2) and Limited Industrial (M-1) Districts, and would be permissible with a Special Use Permit in the Business (B-1) and Service Enterprise (SE-1) Districts.
4. The PC recommendations do not include any proposed new definitions regarding the phrase "bona fide agricultural production," which is contained in the proposed "agricultural operations" definition (which itself is found in the Code of Virginia §3.2-300 "Right to Farm" language). This term does not seem to be defined by the State; it appears that the act of defining (or interpreting) that phrase is left to the County.

After extensive review and discussion, the Planning Commission and County staff agreed that it would be virtually impossible to define the term "bona fide agricultural production" in a way that properly accounts for all the different production scenarios that are possible. Rather, it may simply need to be interpreted on a case-by-case basis. Leaving the term open to interpretation allows for the consideration of scale to be a factor when determining whether or not an agricultural operation should be considered "bona fide production," or if it is simply a novel display meant to circumvent the rules and conditions found elsewhere in the Zoning Ordinance.

Conclusion

Thank you for your ongoing attention and efforts with this important set of proposed amendments; and please contact me with any questions you may have regarding the information contained in this report.

BOARD OF
SUPERVISORS

THOMAS D. HARVEY
North District

LARRY D. SAUNDERS
South District

ALLEN M. HALE
East District

THOMAS H. BRUGUIERE, JR.
West District

CONSTANCE BRENNAN
Central District



STEPHEN A. CARTER
Administrator

CANDICE W. MCGARRY
Administrative Assistant/
Deputy Clerk

DEBRA K. McCANN
Director of Finance and
Human Resources

RESOLUTION R2014-31
NELSON COUNTY BOARD OF SUPERVISORS
REFERRAL OF AMENDMENT TO NELSON COUNTY ZONING ORDINANCE
TO NELSON COUNTY PLANNING COMMISSION
(AGRICULTURAL OPERATIONS)

WHEREAS, the Nelson County Board of Supervisors wishes to refer proposed amendments to Appendix A-Zoning (Nelson County Zoning Ordinance) of the Code of the County of Nelson, Virginia regarding land uses associated with Agricultural Operations;

NOW, THEREFORE, BE IT RESOLVED by the Nelson County Board of Supervisors, pursuant to the applicable provisions of Title 15.2 (Counties, Cities, and Towns) Chapter 22 (Planning, Subdivision of Land and Zoning) of the Code of Virginia, 1950 that the draft amendments attached be referred to the Nelson County Planning Commission for review and public hearing and subsequent report of the Commission's findings and recommendations to the Board, in accordance with Chapter 22 of the Code of Virginia.

BE IT FURTHER RESOLVED, that the Planning Commission is directed to complete its review and conduct of a public hearing and submit its recommendation(s) to the Board; pursuant to §15.2-2285 (B).

Adopted: May 13, 2014

Attest: Stephen A. Carter, Clerk
Nelson County Board of Supervisors

STAFF MEMORANDUM

In re: ZONING, distillery, food processing, etc.

Date: May 14, 2014

State definitions and limitations:

Va. Code § 3.2-300:

"Agricultural operation" means any operation devoted to the bona fide production of crops, or animals, or fowl including the production of fruits and vegetables of all kinds; meat, dairy, and poultry products; nuts, tobacco, nursery, and floral products; and the production and harvest of products from silviculture activity.

"Production agriculture and silviculture" means the bona fide production or harvesting of agricultural or silvicultural products but shall not include the processing of agricultural or silvicultural products or the above ground application or storage of sewage sludge.

Va. Code § 3.2-301:

Right to farm; restrictive ordinances. — In order to limit the circumstances under which agricultural operations may be deemed to be a nuisance, especially when nonagricultural land uses are initiated near existing agricultural operations, no county shall adopt any ordinance that requires that a special exception or special use permit be obtained for any production agriculture or silviculture activity in an area that is zoned as an agricultural district or classification. Counties may adopt setback requirements, minimum area requirements, and other requirements that apply to land on which agriculture and silviculture activity is occurring within the locality that is zoned as an agricultural district or classification. No locality shall enact zoning ordinances that would unreasonably restrict or regulate farm structures or farming and forestry practices in an agricultural district or classification unless such restrictions bear a relationship to the health, safety, and general welfare of its citizens. This section shall become effective on April 1, 1995, and from and after that date all land zoned to an agricultural district or classification shall be in conformity with this section.

Va. Code § 35.1-1. Definitions:

9. "Restaurant" means any one of the following:
 - a. Any place where food is prepared for service to the public on or off the premises, or any place where food is served. Examples of such places include but are not limited to lunchrooms, short order places, cafeterias, coffee shops, cafes, taverns, delicatessens, dining accommodations of public or private clubs, kitchen facilities of hospitals and nursing homes, dining accommodations of public and private schools and colleges, and kitchen areas of local correctional facilities subject to standards adopted under § 53.1-68. Excluded from the definition are places manufacturing packaged or canned foods which are distributed to grocery stores or other similar food retailers for sale to the public.

- b. Any place or operation which prepares or stores food for distribution to persons of the same business operation or of a related business operation for service to the public. Examples of such places or operations include but are not limited to operations preparing or storing food for catering services, push cart operations, hotdog stands, and other mobile points of service. Such mobile points of service are also deemed to be restaurants unless the point of service and of consumption is in a private residence.

§ 15.2-2288.6. *Agricultural operations; local regulation of certain activities.* (“SB 51” passed by General Assembly in 2014):

A. No locality shall regulate the carrying out of any of the following activities at an agricultural operation, as defined in § 3.2-300, unless there is a substantial impact on the health, safety, or general welfare of the public:

1. Agritourism activities as defined in § 3.2-6400;

2. The sale of agricultural or silvicultural products, or the sale of agricultural-related or silvicultural-related items incidental to the agricultural operation;

3. The preparation, processing, or sale of food products in compliance with subdivisions A 3, 4, and 5 of § 3.2-5130 [note: inspections to operate food establishments] or related state laws and regulations; or

4. Other activities or events that are usual and customary at Virginia agricultural operations.

Any local restriction placed on an activity listed in this subsection shall be reasonable and shall take into account the economic impact of the restriction on the agricultural operation and the agricultural nature of the activity.

B. No locality shall require a special exception, administrative permit not required by state law, or special use permit for any activity listed in subsection A on property that is zoned as an agricultural district or classification unless there is a substantial impact on the health, safety, or general welfare of the public.

C. Except regarding the sound generated by outdoor amplified music, no local ordinance regulating the sound generated by any activity listed in subsection A shall be more restrictive than the general noise ordinance of the locality. In permitting outdoor amplified music at an agricultural operation, the locality shall consider the effect on adjoining property owners and nearby residents.

D. The provisions of this section shall not affect any entity licensed in accordance with Chapter 2 (§ 4.1-200 et seq.) of Title 4.1. Nothing in this section shall be construed to affect the provisions of Chapter 3 (§ 3.2-300 et seq.) of Title 3.2, to alter the provisions of § 15.2-2288.3, or to restrict the authority of any locality under Title 58.1.

2. That the Virginia Department of Agriculture and Consumer Services shall continue the On-Farm Activities Working Group.

Comments

Senate Bill 51, above, makes this clear: The sale of agricultural products and the sale or processing of food products is permitted by-right on a bona fide farm (“agricultural operation”) *unless there is a substantial impact on the health, safety, or general welfare of the public*. This is no real change for how Nelson operates in A-1.

On the edges, however, two problems exist. First, alcohol, which has an obvious agricultural component, but which is not “food.” Two, the sale and processing of food which can “impact ... the health, safety, or general welfare of the public.”

The present dilemma is that the Zoning Ordinance has no provision (i) for breweries, distilleries, cideries, etc. which have an agricultural component, and, (ii) does not address the food sale and processing conducted in connection with limited or token farming. In order to have the tools and resources necessary for doing a better job at interpreting these types of proposed uses, and in order to review and process these types of projects more consistently, the ordinance needs some new language and rules.

Below is the current County definition for agriculture:

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

The recommendation below is that the County simply use the state definition with an additional phrase from Senate Bill 51.

(As an aside, for purposes of the USDA agricultural census, a farm is any place from which \$1,000.00 or more of agricultural products were annually produced and sold, or normally sold.)

Amendment Recommendations

Definitions:

Delete: *Agricultural*

Add:

Agricultural operation: any operation devoted to the bona fide production of crops, or animals, or fowl including the production of fruits and vegetables of all kinds; meat, dairy, and poultry products; nuts, tobacco, nursery, and floral products; and the production and harvest of products from silviculture activity. The preparation, processing, or sale of food products in compliance with subdivisions A 3, 4, and 5 of Virginia Code § 3.2-5130 or related state laws and regulations

are accessory uses to an agricultural operation unless otherwise specifically provided for in this ordinance. When used in this ordinance, the words *agricultural* or *agriculture* shall be construed to encompass the foregoing definition.

Agricultural Processing Facility: the preparation, processing, or sale of food products, or accumulation for shipment or sale of crops and animals, when more than 20% of such crops or animals are not produced in a co-located agricultural operation owned or controlled by the operator of the facility.

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

Brewery: a facility for the production of beer.

Distillery: a facility for the production of distilled spirits.

Micro-brewery: a brewery which is housed within and operated in connection with a restaurant. A micro-brewery is an accessory use to a restaurant. [note: "Restaurant" is currently a permissible use in the Agricultural (A-1) District which requires a Special Use Permit]

Restaurant: Any place where food is prepared for service to the public on or off the premises, or any place where food is served. Mobile points of service are also deemed to be restaurants, unless the point of service and of consumption is in a private residence. ~~Any building in which for compensation, food or beverages are dispensed for consumption on the premises, including among other establishments cafes, tea rooms, confectionery shops, or refreshment stands. Dancing by patrons shall be considered as entertainment accessory to a restaurant, provided the space made available for such dancing shall not be more than one eighth of that part of the floor area available for dining. Provisions for dancing made available under this definition shall be subject to the permit requirements of Nelson County.~~

"Restaurant" is currently a permissible use as follows:

Permissible with Special Use Permit:	Agricultural (A-1), Business (B-2), Industrial (M-2)
Permissible By-Right:	Business (B-1), Service Enterprise (SE-1), Res. Plan. Comm. (RPC)

Agricultural (A-1):

Permitted by right

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

Special Use Permit

4-1-7a Agricultural Processing Facility, Major

4-1-45a Distillery

[note: "Restaurant" is currently provided as a permissible use requiring a Special Use Permit pursuant to § 4-1-34a]

Business (B-1):

Special Use Permit

8-1-11a Distillery

8-1-12a Brewery

Service Enterprise (SE-1):

Special Use Permit

8B-1-11a Distillery

8B-1-12a Brewery

Industrial (M-1):

Permitted by right

Distillery, when the use complies with Section 18-4

Brewery, when the use complies with Section 18-4

Agricultural Processing Facility, when the use complies with Section 18-4

Agricultural Processing Facility, Major, when the use complies with Section 18-4

Limited Industrial (M-2):

Permitted by right

Distillery

Brewery

Agricultural Processing Facility

Agricultural Processing Facility, Major

**RESOLUTION R2014-66
NELSON COUNTY BOARD OF SUPERVISORS
AUTHORIZATION FOR PUBLIC HEARING
TO AMEND THE CODE OF NELSON COUNTY, VIRGINIA
APPENDIX A, ZONING ORDINANCE, ARTICLE 2 DEFINITIONS AND
ARTICLE 4 AGRICULTURAL DISTRICT A-1
TO INCLUDE AGRICULTURAL OPERATIONS**

WHEREAS, the Planning Commission has completed its review, held a public hearing, and has made its recommendation to the Board of Supervisors regarding proposed amendments to the Code of Nelson County, Appendix A, Zoning Ordinance, Article 2 Definition and Article 4 Agricultural District A-1 to include items regarding agricultural operations, breweries, distilleries, and restaurants,

NOW THEREFORE BE IT RESOLVED, that pursuant to §15.2-1427 and §2.2-2204 of the Code of Virginia 1950 as amended, the County Administrator is hereby authorized to advertise a public hearing to be held on Tuesday, October 14, 2014 at 7:00 p.m. in the General District Courtroom in the Courthouse in Lovingston, Virginia to receive public input on an ordinance proposed for passage to amend Appendix A, Zoning Ordinance, Article 2 Definition and Article 4 Agricultural District A-1 to include items regarding agricultural operations, breweries, distilleries, and restaurants.

Adopted: _____, 2014

Attest: _____, Clerk
Nelson County Board of Supervisors

3 September, 2014

To: Board of Supervisors
From: S. Carter
Re: County Administrator's Report (September 9, 2014 Meeting)

1. Courthouse Project Phase II: Architectural Partners and its subcontractor, Masters Engineers and Designers have proceeded expeditiously with an initial assessment of the pre-2011 Courthouse structures, including completing interviews with the project committee, County and School Division staffs. A meeting is scheduled with the project committee at 2 p.m. on 9-11 to discuss AP's findings to date and to review initial project options the firm has developed.

2. Lovingson Health Care Center: A DC based marketing firm, Love Funding Corporation, contacted by JABA staff, has been working on the project towards potential re-use of the facility as a memory care/assisted living operation. Based on limited review, LFC has the expertise and experience necessary to assist the County on this initiative. Nothing definite at present with regard to a new end user and there is also the question of procure to be resolved with LFC.

3. BR Tunnel and BR Railway Trail Projects: **A) BRRT** – VDOT notified County staff on 9-2 of its acceptance of final close out documents enabling the project to move to administrative and financial close out (within the ensuing 30 – 45 days, est.). **B) BRT** – Three bid proposals were received at 2 p.m. on 8-8 for the project's Phase 1(western trail). The low bidder at \$636,049.80 was Fielder's Choice Enterprises, Inc. (Charlottesville). A bid summary documentation package was subsequently submitted on 8-18 to VDOT (Lynchburg) to secure formal approval for the acceptance of the low bid, which was receive (via email) on 9-2. CSX, Inc. also has approved license agreements necessary for the project's completion (following much negotiation). Next steps are issuance of contract documents to FCE and the conduct of a pre-construction meeting, inclusive of VDOT staff participation (anticipated within the ensuing 10-15 business days). The County is also in process with re-appraisal of the ROLC property for the parking lot and western trail (Phase 3) with funding made available by VA-DCR for the acquisition, which also requires the consent from ROLC. Phase 2 (Tunnel rehabilitation) contract documents are pending receipt from VDOT which will be followed by bidding of Phase 2 later in 2014 or in early 2015 (TBD). The County will also apply to VDOT in November for TAP funding for the project's Phase 3 construction (funding decisions announced May-June 2015).

4. 2014 Lockn Festival: Special Events Permit finalized and issued on 9-2. Festival opens for campers on 9-3 (evening) and concludes on 9-7 (evening). 30,000 attendees projected.

5. Broadband: County staff are working to complete Innovation CDBG Grant application to VA-DHCD (due by 9-30 with submittal of pre-app anticipated by 9-22). Funding decision by the Department is expected within 3 weeks, approximate, of application submission.

6. Radio Project: Letter of Concurrence for frequency licensing received from NRAO (National Radio Astronomy Observatory). Final frequency (approval) application filed with FCC on 8-29. Cut over to new radio system projected for October 2014 (a specific date is TBD).

7. Rockfish Valley Area Plan: A project kick-off meeting was completed on 8-20, inclusive of County and TJPDC staff. Work is in its very early beginnings.

8. Roseland/Ferguson's Store PER: Draper Aden has completed informational gathering and, as of, 9-2, is analyzing the data for completion of the update of the previous PER (anticipated within 2 weeks) for expansion of the PR3Water System in potential partnership with VA-DEQ.

9. Sturt Property Plan: Site visit by VT-Community Design Assistance Center completed on 6-25. CDAC has submitted a \$25,532 proposal to assist the County with a plan of outdoor development for the property. Status pending.

10. Norwood-Wingina Rural Historic District: Work on the proposed historic district (through a state cost share grant from VA-DHR) has been completed and DHR staff will present the report and recommendation to the State Review Board on 9-18. DHR staff have advised that the proposed district "appears to meet National Register of Historic Places criteria", which if so endorsed by the State Review Board then nominations will be completed to formally place the district on state and national historic registries (i.e. official designation). Local recognition is an additional consideration, which can be done following state and federal registries.

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

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

NELSON COUNTY BOARDS AND COMMISSIONS APPLICATION FORM

Subject: Appointments - Statement of Interest Form

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

Please complete and mail this form to:

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

or fax to (434) 263-7004

Date June 30, 2014

Mr. _____ Mrs. X Ms. _____

Name: Shelby R. Bruguere

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

1. Planning Commission
2. _____
3. _____

Home Address:

1339 Stoney Creek West, Nellysford, Va 22958

Occupation: REALTOR Employed by: self

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

Fax No.: _____ E-Mail Address: ShelbyBruguere@gmail.com

Do you live in Nelson County? Yes X No _____

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

If yes, list the Board(s):

Board of Equalization

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

I have been a licensed REALTOR since 2006, and am not only familiar with ordinances throughout Virginia, but have a working knowledge of the regulatory influences they have on other counties and their residents.

As a successful business owner, parent, spouse and lifelong resident of Nelson County, I am devoted to helping Nelson achieve balanced success between government, residential life, farming and business development.

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

As an owner of properties in the North, Central and West Districts of Nelson County, I am conscious of the ever-changing ordinance regulations Nelsonians find themselves grappling with on a daily basis. I believe my perspective can well serve the county and her residents via appointment to the Planning Commission

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

Although Nelson does not have term limits, there does come a time when a fresh perspective should be welcomed. Nelson County is changing and growing with residential and business diversification.

Nelson's Boards and Commissions should reflect diversification and fresh perspectives as well.

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

ATTENDANCE REQUIREMENTS

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

Yes No

NELSON COUNTY BOARDS AND COMMISSIONS APPLICATION FORM

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

or fax to (434) 263-7004

Date 29 June 2014

Mr. Mrs. Ms.

Name: William Cupo

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

1. Planning Commission
2. Social Services Board
3. Nelson County Service Authority

Home Address: 1701 Tanbark Dr.

Afton VA 22920

Occupation: Physician Employed by: AEP

Home Phone No.: 229-669-2614 Business Phone No.: 540-332-4423

Fax No.: _____ E-Mail Address: cuposmail@mac.com

Do you live in Nelson County? Yes No

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

If yes, list the Board(s):

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

These Board in Absentia for two years. Are also in several states. Living in so many places has given me the opportunity to see successful civic planning in a variety of environments.

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

I currently work at Augusta Health and have family connections to the area.

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

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

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

Yes No

NELSON COUNTY BOARDS AND COMMISSIONS APPLICATION FORM

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

or fax to (434) 263-7004

Date 6/30/2014

Mr. X Mrs. _____ Ms. _____

Name: Justin Shimp, P.E.

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

1. Planning Commission
2. Nelson County Service Authority
3. _____

Home Address: 148 Tanbark Drive

Afton, VA 22920

Occupation: Civil Engineer Employed by: Self Employed

Home Phone No.: 434-953-6116 Business Phone No.: 434-953-6116

Fax No.: 804-302-7997 E-Mail Address: justin@shimp-engineering.com

Do you live in Nelson County? Yes No

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

If yes, list the Board(s):

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

~~Please refer to attached letter for details/qualifications~~

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

~~Please refer to attached letter for details/qualifications~~

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

~~Please refer to attached letter for details/qualifications~~

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

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

Yes No

Nelson County Board of Supervisors
C/O Stephen A. Carter, Clerk of the Board
P.O Box 336
Lovington, VA 22949

RE: Application for Planning Commission Vacancy

Dear Members of the Board,

My name is Justin Shimp; I am a resident of the North District of the County and a licensed Professional Engineer. I understand that the Board is considering nominating residents of the County for the Planning Commission and I am pleased to offer this letter and the application to be considered for service to the County. I have lived in the Afton area for just over two years now, but have always considered Nelson my home County as I spent my teenage years living in Lowesville and visiting friends in Lovington and Shipman. My Father, John Shimp, retired from teaching automechanics at Nelson High school and we have always considered our family to be part of the Nelson Community.

The application asks three specific questions, which I have answered below:

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

As a Professional Engineer practicing land planning and design, I have worked in many localities with Planning Commissions, Supervisors and planning staff and have a thorough understanding of the purposes of a planning commission. I understand how a commission can best help implement zoning policies and procedures to guide localities in the right growth patterns that both protect the rural qualities and beauty of the County. This can be done while encouraging businesses and entrepreneurs to invest in the County to provide jobs and improved quality of life for all citizens. I have extensive experience in zoning, engineering, storm water management, utility planning and infrastructure design, construction, and long term comprehensive planning. In addition to my engineering related experience, I have been self-employed since 2010 and understand the challenges facing those wanted to start their own businesses and believe that responsive government in the planning and zoning realm is vital to giving new businesses a chance to succeed.

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

I believe my most valuable contribution to the County would be my knowledge of development and zoning coupled with my desire to propagate and encourage the way I was raised on a small family farm. I believe that the most important thing for our County to do is to continue to encourage the agro-tourism and agricultural businesses that have done so well over the past ten years. My knowledge of the business of development will help the Commission and the County staff work with applicants to achieve their goals while protecting the goals and interest of the County.

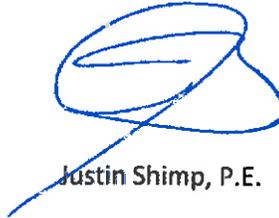
Please use this space for any additional information that you would like to provide:

As noted above, I am a Professional Engineer and run my own business. Of the hundreds of projects I've looked at over the last 4 years, two of them have been in Nelson County and I do not actively look for work in this area. If I am appointed to the Planning Commission instances where I might need to recuse myself from a vote or discussion would be very rare.

I have previously served on the Louisa County Water Authority Board of Directors when I lived in Louisa County, prior to 2012, and am familiar with the time commitments required to participate in local government. I have indicated on the application that I am interested in the Service Authority Board as well, that would be my second choice as I believe my greatest strengths are in planning and zoning. I am however also well versed in the operations of small municipal utilities and would not be opposed to being a part of that board in addition to the planning commission if that were permitted and the time commitments were not unreasonable or in conflict.

Zoning and planning work has been my career for the past ten years, I would very much appreciate the opportunity to serve my County in a capacity in which my knowledge of the process can help our County continue to stay rural and provide the right sort of growth and opportunities for its citizens in a way that protects our way of life for generations to come.

Sincerely Yours,

A handwritten signature in blue ink, appearing to read "Justin Shimp", with a stylized flourish extending from the end of the name.

Justin Shimp, P.E.

Candy McGarry

From: Jacqueline Britt
Sent: Tuesday, July 08, 2014 4:41 PM
To: Candy McGarry; Connie Brennan
Subject: Daniel Rutherford

Categories: BOS Agenda

Ladies,

Daniel Rutherford is registered at 1026 Hickory Creek Road, Faber and is in the Central District.

Jacqueline C. Britt, VREO, CERA
General Registrar
County of Nelson
PO Box 292
Lovingson, VA 22949
Phone: 434-263-4068
Fax: 434-263-8601

NELSON COUNTY BOARDS AND COMMISSIONS APPLICATION FORM

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Please complete and mail this form to:

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

or fax to (434) 283-7004

Date June 28, 2014

Mr. Mrs. Ms.

Name: Daniel L. Rutherford

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

1. Planning Commission

2. _____

3. _____

Home Address:

1026 Hickory Creek Road, Faber, VA 22938

Occupation: Attorney Employed by: Rutherford Law Group, PC

Home Phone No.: (434) 263-4831 Business Phone No.: (434) 263-8009

Fax No.: (800) 947-0389 E-Mail Address: Dan@DLRutherfordLaw.com

Do you live in Nelson County? Yes No

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

If yes, list the Board(s):

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

As an attorney, I have extensive experience reading and understanding complex codes and law as well as applying certain facts and circumstances to the applicable code or law section in question.

Please see my attached Resume.

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

In addition to my legal knowledge, I have extensive ties with the community as a volunteer.

Please see my attached Resume

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

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

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

Yes No

Daniel L. Rutherford

1026 Hickory Creek Rd, Faber, Virginia, 22938
434-987-4820 (mobile) Dan@DLRutherfordLaw.com

LEGAL EXPERIENCE

Bar Admission: Commonwealth of Virginia

October 17, 2007

Rutherford Law Group, PC, Lovingsston, Virginia

President/Senior Litigator

October 2007 -Present

Conduct civil and criminal litigation with a bench or jury trials, legal research and settlement negotiations. Represent clients in family law matters, serve as Guardian *ad litem* for children and incapacitated adults. Provide assistance regarding debt re-negotiation and debt collection. Assist client's needs with applicable wills and trusts and estate administration. Perform real estate transactions and title examinations. Provide counsel to corporations and nonprofit organizations.

Nelson Title Agency, Limited Liability Company

Member/Manager

June 2007-Present

Provide title insurance, underwriting and closing services to residential, commercial and industrial clients, lenders, developers, attorneys, real estate professionals and consumers.

United States Army Judge Advocate General Corps Reserve Component – Captain

Chief of Military Justice for the 415th Chemical Brigade

March 2014 – Present

Serves as Chief of Military Justice for the 415th CBRN BDE, its staff, and its more than 23 subordinate units consisting of more than 2400. Represents the Government as Recorder (Prosecutor) and serves as Legal Advisor for administrative separation actions. Manages and monitors sexual assault cases and other serious offenses in the 415th CBRN BDE. Reviews for legal sufficiency: Investigations, Operations, proposals, plans, and command initiatives. Serves as legal advisor for 15-6 investigations, Financial Liability Investigations for Property Loss, EO investigations, and Congressional Complaints.

Trial Defense Counsel, 154th Legal Organization Detachment

May 2010-March 2014

Represent Soldiers at trials by court-martial, administrative separations (actions to discharge soldiers prior to the end of their service), non-judicial punishments, and summary courts-martial.

EDUCATION

United States Army Judge Advocate Officer Basic Course, Charlottesville, Virginia

Judge Advocate

July-September 2010

Regent University School of Law, Virginia Beach, Virginia

Juris Doctor

May 2007

GPA: 3.37 / 4.0; Class Rank: Top 20%

Activities: SBA 3L Class Senator; Mentor in the SBA Mentor-Mentee Program;

Federalist Society: Chief Activity Coordinator; Business Transaction Law Society;

International Law Society; ABA Law Student Member;

Awards: *Making the Commitment*; 2005-2006 & 2006-2007

Yearly worked over 35 hours of community volunteer projects during law school career

University of Virginia, Charlottesville, Virginia

Bachelor of Arts in Foreign Affairs

May 2003

Honors: Dean's List: Spring 2003

Recognized as Class of 2003 youngest graduate, awarded B.A. at the age of nineteen

Activities: Jefferson Leadership Foundation: Secretary

****Held a job throughout undergraduate education***

COMMUNITY

Nelson County Food Pantry Volunteer; Counsel of Nelson County Salt-Triad – Organization providing assistance to seniors; Director of Lions Club; Director of Nelson County Chamber of Commerce, Counsel for the Nelson Senior Advisory Committee, and Judge Advocate for American Legion Post 17.

INTERESTS

Scuba-Diving, Civil War Re-enacting, Martial Arts (2nd degree black belt), Hiking, Tennis, Spelunking and Genealogy.

Daniel L. Rutherford

1026 Hickory Creek Rd, Faber, Virginia, 22938
434-987-4820 (mobile) Dan@DLRutherfordLaw.com

About Daniel Lee Rutherford

I was born and raised in Shipman, Virginia. Growing up I enjoyed taking hikes in the mountains, helping my family around the farm. Upon graduating high school, I attended Piedmont Virginia Community College, where I earned my Associates in Arts; I then transferred to the University of Virginia where I earned a Bachelor's in Arts with the Major in Foreign Affairs at the age of nineteen. After taking a year off from school, I attended Regent University School of Law, and it was during this time that I married my wife Kathryn C. Rutherford in July 2005. I graduated Regent University in May 2007 and my wife and I moved back to Nelson County and we now live in Faber. After passing the bar I began my practice in October 2007 in the old building on the corner of Front and Main Street, once the old Lovingston Baptist Church, then a Boutique. In 2008, my wife and I were blessed with the birth of our first son, Elijah. Seventeen short months later in 2009 Llewelyn, our second son, was born. In October 2013, we welcomed the birth of our daughter Adalyn Grace Rutherford.

About Daniel Rutherford's Community Involvement

Upon beginning my practice I immediately became connected with local organizations within Nelson County. Throughout my life, I have strived to serve those in my community who are in need. After being admitted to practice in the Commonwealth of Virginia, I became a volunteer at the Nelson County Food Pantry; Counsel of Nelson County Salt-Triad – Organization providing assistance to seniors; volunteer at Rockfish River Elementary in Nelson County; Director of Nelson County Chamber of Commerce; Director of Lions Club; Member of the Nelson County Rotary Club, Member of the Nelson Senior Advisory Committee; Nelson County Home Builders Association and most recently Judge Advocate for American Legion Post 17. In addition to serving my community, I also serve my country, on May 3, 2010 I was sworn in as a First Lieutenant in as a Captain in the United States Judge Advocate Generals Corps, Army Reserves. On October 17, 2011, I was promoted to the rank of Captain, where I continue to serve my Country.

RECEIVED

SEP - 2 2014

COUNTY ADMINISTRATOR'S OFFICE

NELSON COUNTY BOARDS AND COMMISSIONS APPLICATION FORM

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

or fax to (434) 263-7004

Date August 27, 2014

Mr. Mrs. Ms.

Name: David Holub

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

- 1. Jefferson Area Board for Aging
- 2. _____
- 3. _____

Home Address: 1229 Berry Hill Road
Nellysford, Virginia 22958

Occupation: Retired Employed by: _____

Home Phone No.: 434 361 1737 Business Phone No.: _____

Fax No.: _____ E-Mail Address: _____

Do you live in Nelson County? Yes No

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

If yes, list the Board(s):

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

Soon to achieve Sixty years of aging

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

Interest in the wellness of our people and environment

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

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

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

Yes No

JEFFERSON AREA BOARD FOR AGING ADVISORY COUNCIL

2 Members

Term

Pastor Pamela Baldwin
1601 Rock Spring Rd
Faber, VA 22938
H (434) 263-4603
Pj_888@yahoo.com
pjharpist@gmail.com

January 1, 2014-December 31, 2015
(Appointed April 8, 2014)

(VACANT)

Constance Brennan (At Large Member)
524 Buck Creek Lane
Faber, VA 22938
H (434) 263-4690
connie@cstone.net

Term(s) of Office: 2 years: January 1st to December 31st

Summary of Duties: The Council Member acts with other Advisory Council members to provide input on the development and administration of JABA's Area Plan, participate in public hearings, represent the interests of older persons, and review and comment on all community policies, programs and actions affecting the senior citizen's and elder caregivers of Planning District Ten.

Meetings: Meets the first Thursday of each month at The Woods Edge in Charlottesville. Members serve on a volunteer basis. Contact: Kay Jenkins, Assistant to the CEO. kjenkins@jabacares.org, ph 434-817-5238

Jefferson Area Board for Aging (JABA) JOB DESCRIPTION

JOB TITLE: Advisory Council Member

REPORT TO: Advisory Council to the Jefferson Area Board for Aging

TERM: Two years.

I. JOB SUMMARY

The Council Member acts with other Advisory Council members to provide input on the development and administration of JABA's Area Plan, participate in public hearings, represent the interests of older persons, and review and comment on all community policies, programs and actions affecting the senior citizen's and elder caregivers of Planning District Ten.

II. GOALS AND DUTIES

A. Assisting with the development and administration of JABA's Area Plan

Duties include:

1. Becoming familiar with the scope of services provided by JABA.
2. Assure that the Area Plan describes the management and administration, service systems development, service delivery, and advocacy of JABA during the planning period.
3. Assure that the Area Plan address one or more of the national goals of the Older Americans Act.
4. Review and recommend the proposed JABA annual budget for the Area Plan.

B. Participate in public hearings.

Duties include:

1. Attend the annual public hearings to hear comments from the public on programs administered under JABA's Area Plan, as well as the needs of older persons and their caregivers.
2. Take the input from the public hearings to inform elected officials.
3. Utilize the input from the public hearings to assist community leaders and organizations with the establishment of priorities and program planning, as well as educate the general public

regarding the needs, wants and desires of the elderly and those who serve the elderly.

C. Represent the interests of older persons.

Duties include:

1. Full-fill the duties of an Advisory Council member and attend Council and committee meetings on a regular basis.
2. Represent other community organizations, businesses or groups, keeping them abreast of JABA's mission and reporting pertinent information at Advisory Council meetings.
3. Act as liaison between elected officials and the Advisory Council.

D. Review and comment on all community policies, programs and actions that pertain to JABA's Area Plan, mission or aging issues in general.

Duties include:

1. Review and comment on jurisdictional, regional, state and/or national policies, programs and actions.
2. Make recommendations to staff and/or Board of Directors.

E. Provide council to the Senior Community Service Employment Program (SCSECP).

Duties include:

1. Give assistance and counsel on planning, programmatic and/or financial decisions.
2. Assist in the development of unsubsidized jobs in the private Sector.
3. Assist with related public information activities.
4. Assess the progress of the program.

Nelson Senior FFA



Nelson County High School
6919 Thomas Nelson Highway
Lovingson, VA 22949
(434) 263 -8317 Fax: (434) 263-5987

August 27, 2014

Mr. Steve Carter
County Administrator-Nelson County
P.O. Box 336
Lovingson, VA 22949

Dear Mr. Carter,

It is with a great deal of pride and satisfaction that I write to you and the Nelson County Board of Supervisors. This past spring the Nelson County High School FFA teams did very well competing against the best teams from across the state.

This past spring the students on the State winning Nelson Senior FFA Farm Business Management Team were recognized in Blacksburg, at VA Tech, during the State FFA Convention. The students that will be competing in Louisville Kentucky Indianapolis are Deightian McClellan, Noah Fitzgerald, Zach Barnes, and Phillip Saunders.

While at the national FFA Convention, Nelson County High School FFA will be recognized in front of over 50,000 FFA members as being a 2 star chapter, as one of the top programs from our state and nation. This is the second highest degree of recognition our FFA chapter can receive.

In past years, the Nelson County Board of Supervisors has money budgeted for state winning teams that are traveling to compete in Nation Competitions. The past trips would not have been possible without the Nelson County School Board's support.

These children have spent most of the summer preparing to go to the National FFA Convention and compete in Louisville, Kentucky October 27 – November 1, 2014.

The months, and yes for some the years, of preparation has paid off for these young citizens of our county. These students will be representing Nelson County and Virginia in the National contests.

The chapter has been working hard to raise the funds necessary to send the two teams for the high school and the chapter delegates to Louisville. The anticipated cost for this team alone is of over \$6,000. We will be holding the Eighth Annual Nelson County FFA Blue Grass Festival at Nelson County High School on October 11th. We recently started of our 28th annual Apple Butter sale. Unfortunately due to the current state of the economy, I am afraid this will not be enough to fund the trip. I feel that with the chapter's hard work and community support we can raise over half of the expected costs by the time the national contest begins on October 28, 2014.

My request is to ask the Board if they would once again assist me with the transportation cost of my students to the National Contest and the convention for this state winning team that is competing in the national finals. In past years, when needed, the Nelson County Board of Supervisors has provided up to \$2,000.00 to assist my teams in their travel expenses to competitions that they had earned the right to compete in by becoming the state champions. On behalf of the chapter members, I would like to ask you to consider assisting the High School FFA chapter with their travel expenses in the amount of \$2,000.

I appreciate any assistance that you and the Board members can provide me in this matter. The Board's tradition, of rewarding students that distinguish themselves and the County of Nelson above all other localities in the State, is a key motivating factor for these students. I appreciate the Board's generosity in the past and look forward to working with you in the future.

Sincerely,

Edward W. McCann
FFA Advisor, NCHS



NELSON MIDDLE SCHOOL FFA

RECEIVED

Nelson Middle School
6925 Thomas Nelson Highway
Lovingson, VA 22949
Phone 434-263-4801
Fax 434-263-4483

SEP - 2 2014

COUNTY ADMINISTRATOR'S
OFFICE

August 27, 2014

Nelson County Board of Supervisors
Mr. Steve Carter, County Administrator
PO Box 336
Lovingson, VA 22949

Dear Mr. Carter and Members of the Nelson County Board of Supervisors,

I would like to know if it would be possible for you to consider assisting the Nelson Middle School FFA with our expenses to the National FFA Convention again this year. We appreciate your generous support of \$2,000 for our chapter in the past.

This year we had five Nelson Middle FFA teams win their State Career Development Events. Seven of these individuals will be attending the National FFA Convention in Louisville, Ky. representing Nelson County and the State of Virginia. Four of these students will be competing against senior high teams from across the nation in the Agronomy CDE. In addition, Nelson Middle School will be recognized as a National Two Star Chapter at the second general convention session. These individuals will participate in the National FFA Leadership activities, hear motivational speakers, and attend leadership workshops. They will have the opportunity to visit the FFA Career Show, one of the largest in the world. Also, they will experience several educational tours relating to agriculture and agricultural entrepreneurship.

We will need to finish raising the money for the students to fund this opportunity.

I would like to know if it would be possible for you to provide financial assistance to the Nelson Junior FFA Chapter's state winning teams. The National FFA Contests will be held in Louisville, KY October 27-Nov 1, 2014.

Additionally, The FFA members will be holding a Bluegrass Music Show and Silent Auction fundraiser at Nelson Middle School on Saturday, October 11, 2014, beginning at 3:00 P.M. If you are a bluegrass fan, we would like to invite you to attend this show to hear four great bands.

Working to raise the funds for this year's convention contestants and delegates' expenses is no easy task. Any assistance and support that you could provide will be appreciated.

Sincerely,

Scott Marsie

Nelson Middle School FFA Advisor

Nelson FFA Bluegrass Benefit



Saturday, October 11, 2014



4:00 - 9:00 PM

Location: Nelson Middle School Auditorium



In The Tradition



Little Mountain Boys



Mark Templeton & Pocket Change



Deep Blue Express

**8
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H

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A
L**

Bands Subject to Change

Come and Support the Nelson FFA !

There will be food and drinks available as well as silent auction, bake sale, 50-50's raffle. All proceeds will be used to offset trip costs for the FFA teams.

Doors Open at 3:00 p.m.

**Admission: Adults \$10.00
Children 6 -12 \$5.00
Children under 6 - Free**

**Location: Nelson Co. Middle School Auditorium
6925 Thomas Nelson Hwy (Rt 29 South)
Lovingson, VA 434-263-4801**

September 9, 2014 BOS Punch List

V D

<u>Directives</u>	<u>Member</u>	<u>Status</u>	<u>Progress/Comments</u>
<u>Directives from March 12, 2013</u>			
<i>Relook at Ways of Doing Reassessments Including In-House</i>	C. Brennan	Pending	
<u>Directives from May 14, 2013</u>			
<i>Have Parks & Rec Department Prepare a Plan for Use of the Sturt Property</i>	A. Hale	Pending	VT-CDAC has developed a proposal for completing a plan which is pending BOS approval & funding of \$25,532
<u>Directives from February 11, 2014</u>			
<i>Create Computer Interaction Between COR, Clerk, P&Z , and TR Offices</i>	T. Bruguire	Pending	
<u>Directives from August 12, 2014</u>			
<i>Provide Mr. Hale with the CDAC proposal on the Sturt Property</i>	A. Hale	Complete	
<i>Have Woolpert provide an updated Addendum #11 & distribute to AH & LS</i>	A. Hale	In Process	
<i>Remove 2 dead pine trees along fenceline at Massies Mill Demo Site</i>	T. Bruguire	Complete	
<i>Ask Legislator's to inform County staff of their local site visits</i>	C. Brennan	Complete	
<i>Provide Ms. Brennan with a copy of Amherst County's Comp Plan & Transportation Chapter</i>	C. Brennan	Complete	
<i>Set up a 2x2 with Wintergreen including Ms. Brennan & Mr. Saunders</i>	C. Brennan	Complete	
<i>Investigate the bucket truck for sale in Amherst at Brockman's</i>	L. Saunders	Complete	

ORDINANCE O2014-05
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 9-27, COMPOSITION; GENERAL POWERS AND DUTIES

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

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

(a) The planning commission shall be comprised of ~~five six~~ (56) members, one (1) appointee from each election district ~~appointed by the Board of Supervisors-~~ and one (1) appointee from the membership of the Board of Supervisors. Except as hereinafter provided, each election district member shall be appointed for a four-year term. Members may be re-appointed without limitation. The member from the Board of Supervisors shall have a one year term and shall be appointed each year at the first regular meeting of the Board of Supervisors.

(b) Except as provided in connection with the member from the Board of Supervisors, ~~E~~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.

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

Adopted: _____, 2014

Attest: _____, Clerk
Nelson County Board of Supervisors

PUBLIC HEARING NOTICE
NELSON COUNTY BOARD OF SUPERVISORS
TO AMEND THE CODE OF NELSON COUNTY, VIRGINIA - CHAPTER 9,
PLANNING AND DEVELOPMENT, ARTICLE III PLANNING COMMISSION
SECTION 9-27 COMPOSITION; GENERAL POWERS AND DUTIES

Pursuant to §15.2-1427 of the Code of Virginia 1950 as amended, the Nelson County Board of Supervisors will hold a public hearing on Tuesday, September 9, 2014 at 7:00 p.m. in the General District Courtroom of the Courthouse in Lovingston, Virginia. The purpose of said public hearing is to receive public input on an ordinance proposed for passage to amend Chapter 9, Planning and Development, Article III, Planning Commission, Section 9-27, Composition; general powers and duties, to add a Board of Supervisors member; increasing the Planning Commission Membership from five (5) to six (6). A full copy of the proposed ordinance is available for inspection from 9am to 5pm in the Office of the County Administrator, 84 Courthouse Square, Lovingston VA and on www.nelsoncounty-va.gov.

BY AUTHORITY OF THE NELSON COUNTY BOARD OF SUPERVISORS