

7 October, 2010

To: Board of Supervisors  
From: S. Carter  
Re: October 12, 2010 Meeting Agenda (Summary)

Transmitted herewith is the agenda and associated information for the Board's regular session on October 12<sup>th</sup>. A brief summary of pertinent items in the agenda includes:

### **Day Session**

**I. Call to Order:** The meeting will be opened by Chairman Brennan with the traditional moment of silence and pledge of allegiance.

**II. Consent Agenda:** The consent agenda includes resolutions for approval of meeting minutes (9-14 and 9-23); two refunds (2010 personal property taxes) certified by the Commissioner of Revenue and County Attorney, an FY 10-11 budget amendment and a change in the date of the regular session in November from 11-9 to 11-16.

**III. Public Comments and Presentations:** The Board will receive input from the public, a report from Blue Ridge Mass Appraisal Company (Matt Hickey) on the 2012 General Reassessment of Real Estate (currently in process) and a demonstration by County staff (S. Rorrer) on the local Geographical Information System (GIS). It is uncertain at this time whether or not VDOT staff will attend the 10-12 session (Mr. Don Austin has indicated he cannot attend and no input has been received to date from Mr. Randy Hamilton).

**IV. Unfinished/New Business:** Two job descriptions (Planner and Tourism and Economic Development Specialist) are re-presented for approval consideration. Approval of the Planner's position does not entail filling this position while the Tourism and ED position is recommended to be filled subsequent to the Board's approval of the job description. The objective of both positions is to strengthen the County's ability to effectively serve the community. Included with this subject is the current salary classification scale that provides the salary ranges for both positions.

The second item is an MOA for review/approval consideration. The MOA is a three party agreement (Nelson County, Nelson County Historical Society and VA Department of Historic Resources) that is an outcome of the environmental assessment for federal approval of the communications tower to be installed at the Courthouse. The intent of the MOA is to provide mitigation for the visual impact the tower will have at the Courthouse and to Lovingson. The MOA document presently included in the agenda is a draft, as negotiations with the local Historical Society are in process regarding the MOA's mitigation elements.

The third item is a correspondence requesting consideration of a zoning amendment to include within the local ordinance a provision(s) for composting. Should the Board's review of this subject be favorable then a resolution will be drafted for consideration at the 10-28 meeting to refer this matter to the Planning Commission.

**V. Reports, Appointments, etc.:** Reports from the Board and County Administrator will be presented. While not listed, the Board committee consisting of Messrs. Bruguiera and Hale will report on the status of a business expansion in the County and provision of local incentives to the business. The status of appointments will be presented by Ms. McGarry. A letter from the Schuyler Community Center requesting financial support from the County is also included in the agenda (it is noted in staff's discussion of this subject with the Center's representative, prior to receipt of the correspondence, that the request was being submitted for consideration in the County's FY 11-12 budget, however, this is not presented in the letter that was received). Lastly, Board directives will be addressed to staff.

### **Evening Session**

**I. Call to Order:** Ms. Brennan.

**II. Public Hearings and Presentations:** One public hearing, a Class II communications tower application from Verizon is scheduled. The Board will also receive a presentation from Ms. Jenny Patterson on the completed North Rockfish River Study (the study was previously provided to the Board for review).

**III. Public Comments:** Receipt of additional public input during the evening session.

**AGENDA**  
**NELSON COUNTY BOARD OF SUPERVISORS**  
**October 12, 2010**

**THE REGULAR MEETING CONVENES AT 2:00 P.M. IN THE BOARD OF SUPERVISORS ROOM AT THE COURTHOUSE IN LOVINGSTON**

- I. Call to Order**
  - A. Moment of Silence
  - B. Pledge of Allegiance
  
- II. Consent Agenda**
  - A. Resolution – **R2010 -63** Minutes for Approval
  - B. Resolution – **R2010 -64** COR Refunds
  - C. Resolution – **R2010 -65** FY10-11 Budget Amendment
  - D. Resolution – **R2010 -66** November Meeting Date Change
  
- III. Public Comments and Presentations**
  - A. Public Comments
  - B. VDOT Report
  - C. Presentation – 2012 Reassessment (Blue Ridge Mass Appraisal Company)
  - D. Presentation – GIS Demonstration (S. Rorrer)
  
- IV. Unfinished Business/New Business**
  - A. Approval of Job Descriptions (**R2010-61**)
  - B. Memorandum of Agreement, Courthouse Communications Tower (**R2010-67**)
  - C. Citizens Request for Zoning Ordinance Amendment (Compost Business)
  
- V. Reports, Appointments, Directives, and Correspondence**
  - A. Reports
    - 1. County Administrator’s Report
    - 2. Board Reports
  - B. Appointments
  - C. Correspondence
    - 1. Schuyler Community Center
  - D. Directives
  
- VI. Other Business (As May Be Presented)**
  
- VII. Recess and Reconvene for Evening Session**

**EVENING SESSION**

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

**I. Call to Order**

**II. Public Hearings & Presentations**

A. Public Hearing- Verizon Class II Communications Tower: application to erect a 91 foot metal communication tower with a 1 foot lightning rod on property identified as Tax Map #45-7, Parcel 1, Pine Trail owned by D. Thomas (SR 624), Myndus, and a waiver of Section 20-7-5(k) of the Zoning Ordinance. **(R2010-68 Approval) (R2010-69 Denial)**

B. Presentation – North Rockfish River Study (J. Patterson)

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

**IV. Public Comments**

**V. Adjournment**

**THE MEETING OF THE NELSON COUNTY BOARD OF SUPERVISORS WILL BE HELD IN THE CIRCUIT COURTROOM ON A BY REQUEST BASIS IF NECESSARY TO PROVIDE ACCESSIBILITY TO THE HANDICAPPED**

**RESOLUTION-R2010-63**  
**NELSON COUNTY BOARD OF SUPERVISORS**  
**APPROVAL OF MEETING MINUTES**  
**(September 14<sup>th</sup> and September 23rd 2010)**

**RESOLVED**, by the Nelson County Board of Supervisors that the minutes of said Board's meetings conducted on **September 14<sup>th</sup> and September 23rd 2010** be and hereby are approved and authorized for entry into the official record of the Board of Supervisors meetings.

Approved: October 12, 2010

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

September 14, 2010

**Virginia:**

AT A REGULAR SCHEDULED MEETING of the Nelson County Board of Supervisors at 2:00 p.m. in the Board of Supervisors Room located in the Nelson County Courthouse.

Present:

Allen M. Hale, East District Supervisor  
Constance Brennan, Central District Supervisor - Chair  
Thomas H. Bruguiera, Jr. West District Supervisor  
Joe Dan Johnson, South District Supervisor – Vice Chair  
Thomas D. Harvey, North District Supervisor  
Stephen A. Carter, County Administrator  
Candice W. McGarry, Administrative Assistant/Deputy Clerk  
Fred Boger, Director of Planning and Zoning  
Roger L. Collins, School Division Superintendent  
Betty Slough, School Division Clerk of the Works – RRES/TRES Projects

Absent: None

**I. Call to Order**

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

**A. Moment of Silence**

Members asked that the moment of silence be dedicated to remembering September 11, 2001 and also former County Administrator John Cutlip who had just passed away.

**B. Pledge of Allegiance –Mr. Bruguiera led the Pledge of Allegiance.**

Mr. Fred Boger introduced Ms. Wanda Staton, the new Planning and Zoning secretary who had been previously employed by VDOT for 14 years. Ms. Staton noted that she was happy to be with the County and would try to do a good job and then she was welcomed by the Board.

Ms. Brennan then polled the Board for any changes to the Consent Agenda and there were none. It was noted that the Board would hear the presentation on the TRES-RRES Roof/Window Replacement Project during the evening session, not in the afternoon as listed on the agenda.

Ms. Brennan then read each Consent Agenda item individually and noted that she had a couple of minor changes to the draft minutes that she would confer with Ms. McGarry on. Mr. Harvey then noted that October was National Breast Cancer Awareness Month and the Board agreed by consensus that a proclamation was needed for consideration at the next meeting.

Mr. Johnson then moved to approve the Consent Agenda and Mr. Harvey seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) to approve the motion and the following proclamations and resolutions were adopted:

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**II. Consent Agenda**

A. Proclamation – **P2010 – 03** October 2010, Domestic Violence Awareness Month

**P2010-03  
NELSON COUNTY BOARD OF SUPERVISORS  
PROCLAMATION DECLARING OCTOBER 2010  
DOMESTIC VIOLENCE AWARENESS MONTH**

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

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

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

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

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

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

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

**WHEREAS**, the Shelter for Help in Emergency commemorates its 30<sup>th</sup> year of providing unparalleled services to women, children and men who have been victimized by domestic violence;

**NOW THEREFORE, BE IT RESOLVED**, in recognition of the important work being done by the Shelter for Help in Emergency, that the Nelson County Board of Supervisors, does hereby proclaim the month of October 2010 as DOMESTIC VIOLENCE AWARENESS MONTH, urging all citizens to actively participate in the scheduled activities and programs sponsored by the Shelter for Help in Emergency, and to work toward the elimination of personal and institutional violence against women, children and men.

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B. Proclamation - **P2010 – 04** Adult Education and Family Literacy Week

**PROCLAMATION P2010-04  
NELSON COUNTY BOARD OF SUPERVISORS  
NELSON COUNTY ADULT EDUCATION  
AND FAMILY LITERACY WEEK  
(SEPTEMBER 13-19, 2010)**

**WHEREAS**, the literacy of its citizens is essential for the economic well-being of the United States, our society, Nelson County, and the individuals who can benefit from full participation therein; and

**WHEREAS**, literacy and education skills are a prerequisite to individuals reaping the full benefit of opportunities in the United States and in Nelson County; and

**WHEREAS**, our Nation and County reaps the economic benefits of those who raise their literacy, numeracy, and English language skills; and

**WHEREAS**, the education skills of parents and reading to children have a direct impact on the educational success of their children, parental involvement is a key predictor of a child's success, and the level of parental involvement increases as the education level of the parent increases; and

**WHEREAS**, parents in family literacy programs become more involved in their children's education and gain the tools necessary to obtain a job or find better employment; and

**WHEREAS**, Adult Education and Family Literacy week highlights the need for our government to support efforts to ensure each and every citizen has the necessary literacy skills to succeed at home, at work, and in society; and

**WHEREAS**, the week of September 13, 2010 has been proposed by the U.S. House of Representatives by passage of Resolution H. RES. 1472, as an appropriate date to designate as National Adult Education and Family Literacy Week;

**NOW, THEREFORE, BE IT PROCLAIMED** by the Nelson County Board of Supervisors, that the week of September 13 -19, 2010 be designated as Adult Education and Literacy Week in Nelson County.

C. Proclamation – **P2010-05** GED Lifelong Learning Awareness Campaign

**PROCLAMATION P2010-05  
NELSON COUNTY BOARD OF SUPERVISORS  
NELSON COUNTY GED/LIFELONG LEARNING WEEK**

**WHEREAS**, learning is defined as the gaining of knowledge, understanding or skill by study, instruction, or experience and is essential for the growth and success of every citizen of Nelson County in our ever changing world; and

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**WHEREAS**, lifelong learning pertains to the acquisition of knowledge in an outgoing, and lasting pursuit which does not end at a given goal or diploma, but is a lifestyle of recognizing needs and engaging in behaviors that result in accomplishing the learning desired; and

**WHEREAS**, in this information age and highly literate culture a good grasp of basic skills that includes reading, writing, math, and critical thinking is necessary for citizens to contribute to and participate in the life of our county; and

**WHEREAS**, voters, in our county need higher level skills in vocabulary, reading, listening, speaking, pronunciation, and writing of standard English in order to adequately understand adult news publications and to participate in discussions that lead to intelligent voting; and

**WHEREAS**, in this technological age the workforce of this county must constantly upgrade its skills to accommodate the increasing needs of employers, remain competitive, and attract economic development to the county, and

**WHEREAS**, parents who are lifelong learners are role models and their children's first teachers who instill a love for knowledge in their families; and

**WHEREAS**, Lifelong Learning Week will encourage and promote the opportunities that exist in the county for lifelong adult learning:

**NOW, THEREFORE BE IT RESOLVED**, that the Nelson County Board of Supervisors, do hereby proclaim October 18<sup>th</sup> through October 23, 2010, as Nelson County GED/LIFELONG LEARNING WEEK and we call this observance to the attention of all of our citizens.

D. Resolution – **R2010- 57** Minutes for Approval

**RESOLUTION-R2010-57  
NELSON COUNTY BOARD OF SUPERVISORS  
APPROVAL OF MEETING MINUTES  
(August 10<sup>th</sup> and August 26<sup>th</sup>, 2010)**

**RESOLVED**, by the Nelson County Board of Supervisors that the minutes of said Board's meetings conducted on **August 10<sup>th</sup> and August 26<sup>th</sup>, 2010** be and hereby are approved and authorized for entry into the official record of the Board of Supervisors meetings.

E. Resolution – **R2010 - 58** COR Refunds

**RESOLUTION-R2010-58  
NELSON COUNTY BOARD OF SUPERVISORS  
APPROVAL OF COMMISSIONER OF REVENUE REFUNDS**

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**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>
\$ 82.83	2010 Personal Property Tax	John Gordon Payne, Jr. 8990 Richmond Hwy. Gladstone, VA 24533
\$ 1,343.35	2008, 2009, and First Half 2010 Real Estate Tax	Steven J. Macik 1253 Monacan Drive Nellysford, VA 22958

F. Resolution – **R2010- 59** FY10-11 Budget Amendment

RESOLUTION R2010-59			
NELSON COUNTY BOARD OF SUPERVISORS			
AMENDMENT OF FISCAL YEAR 2010-2011 BUDGET			
NELSON COUNTY, VA			
September 14, 2010			
BE IT RESOLVED by the Board of Supervisors of Nelson County that the Fiscal Year 2010-2011 Budget be hereby amended as follows:			
<b>I. Appropriation of Funds (General Fund)</b>			
	<u>Amount</u>	<u>Revenue Account</u>	<u>Expenditure Account</u>
	\$ 20,000.00	3-100-002401-0002	4-100-093100-9201
	\$ 31,647.00	3-100-003303-0009	4-100-093100-9201
	<u>\$ 51,647.00</u>		
<b>II. Appropriation of Funds (VPA Fund)</b>			
	<u>Amount</u>	<u>Revenue Account</u>	<u>Expenditure Account</u>
	\$ 10,252.00	3-150-004105-0001	4-150-053210-5706
	\$ 41,395.00	3-150-004105-0001	4-150-053210-5710
	<u>\$ 51,647.00</u>		

**III. Public Comments and Presentations**

A. Public Comments

Ms. Brennan opened the floor for public comments and the following persons were recognized:

1. Mr. Kenneth White, Roseland & VTA

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Mr. White distributed and read aloud the following prepared statement:

Madam Chairman and members of the Board, my name is Kenneth White, 93 Shields Gap Road, Roseland, and I am President of the Virginia Taxpayers Association.

At the conclusion of my public Statement at the Board's last regular monthly meeting August 14, 2010, before I sat down, Supervisor Hale said to me (QUOTE) "Mr. White, I hope you will use your considerable talent to comment on matters closer to home, in this county." (UNQUOTE) My response was: (QUOTE) "Well, the United Nations is an international body and it is concerned with matters like land use planning and zoning, and their views come down here for implementation, and that is the reason for my comments." (UNQUOTE)

While those words are factually true, as far as they go, they failed to give the main reason for extended controversy between VTA and the Board, which is your failure to protect county citizens against uniformed Army soldiers if they are unlawfully used in Nelson County, as has already occurred elsewhere, for domestic law enforcement purposes because of pressure from U. S. Department of Homeland Security, in violation of the Posse Comitatus Act and the U. S. and Virginia Constitutions.

Right here I want to commend Mr. Hale for his recent public support of actions by the present congressman representing our Fifth Congressional District. While I don't happen to share Mr. Hale's political views, his action shows Mr. Hale recognizes that as an elected official in Nelson County, what he says makes a difference in what goes on in Washington. And that is the basic premise that I have been putting forth in 21 consecutive monthly meetings of this Board. A local matter that needs to be brought to your attention is the lack of any legal notice of the agenda of this meeting being published in the Nelson County Times. I am not aware that absence of such a legal notice has ever occurred before.

Because nowadays we hear so much about transparency in government, I went to the web page of Nelson County Board of Supervisors, hoping to find the missing agenda there. I did unexpectedly find minutes of some previous 2010 Board meeting minutes, which was welcome information, but there were only a few of such meeting minutes, chiefly for evening sessions, and not for the most recent Board meetings. And there was no agenda for this meeting, so the general public has not been duly informed what subjects the Board plans to take up this afternoon or this evening.

Now in preparation for a 45-minute September 9, 2010 prime time radio interview of me as VTA president by John Stadtmiller, president of Republic Broadcasting Network, one of the two top alternative news networks, with our conversation being heard by some hundreds of thousands of listeners across the globe, I obtained the U. S. Government's 52-page National Security Strategy document. On page 2 of this official document are the following words: (QUOTE) "These steps complement our efforts to integrate homeland security with national security; including SEAMLESS COORDINATION AMONG FEDERAL, STATE, AND LOCAL GOVERNMENTS (*emphasis added*) to prevent, protect against, and respond to threats and natural distress." (UNQUOTE)

I submit to you that such "seamless coordination" is not only not provided for, but is expressly forbidden, by the Virginia and United States Constitutions, which establish clearly separate jurisdictions for state and federal governments. And since this National Security Strategy document unlawfully seeks

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to compel you to make decisions that agree with political decisions in Washington, you have a duty to declare that the Virginia Constitution, and not unlawful actions by alleged "higher-ups", will determine Nelson County decisions in event of disasters.

And so again I ask you a question that Chairman Brennan said on August 14, 2010 the Board had "not had time to consider": What have you decided with regard to VTA comments given you July 13, 2010. That concludes my Statement.

There being no other persons wishing to be recognized, the public comments session was closed. Ms. Brennan then noted to Mr. White that the Board had not taken up his question but would do so some time in the future. Ms. McGarry added that the Board's agenda was always sent to the paper and it was also posted on the website.

#### B. Presentation – JAUNT Annual Report (D. Shaunesey)

Ms. Brennan introduced Donna Shaunesey of JAUNT who reported on their success in Nelson County and stated that they were delighted with Janice Jackson, the County's JAUNT Board representative.

Ms. Shaunesey reported that they had a ridership decrease due to the harsh winter that was had and that ridership was now above what it was last year. She noted that the route from Charlottesville to Wintergreen and the reverse route were up and running and they needed to get the word out on this.

Additionally, she reported that the JAUNT Board Retreat was held, and that members had talked to passengers to get feedback to share. She stated that they had improved their on-time performance this past year and that over the past two (2) years there were 12% more trips provided with the same level of staffing.

Ms. Shaunesey reported that Annual Safety Awards had been given and that Nelson County drivers had received many of these awards; adding that Frances Toliver had received an award for fifteen (15) years of service.

She then reported that the Mobility Management Grant work was ongoing; which entailed a consultant working with each agency to see what their transportation needs are and how mutually beneficial collaboration can be established. She added that this grant was paying for bus stops and shelters that would be going up in the served counties and that the organization's first shelter was going up in Dillwyn, which was their most traveled route.

In addition to this grant, she reported that they had received a grant in partnership with JABA that was providing for shopping trips for seniors. She reported that the first trip to a farmer's market had been taken and was a huge success.

Ms. Shaunesey noted that JAUNT has worked out an arrangement to get fuel on an emergency basis from the school system in Albemarle County and was working with all localities on this. This was briefly discussed with Mr. Bruguere suggesting that they use private sources rather than public ones and Ms. Shaunesey confirmed that they did and that the drivers have debit cards that they use at the lowest cost provider in the area they are in.

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In conclusion, Ms. Shaunesey noted that the JAUNT Board has another County vacancy and she would love to have a second person on board. She then noted that she appreciated the Board's continued support and offered to take the Board's questions.

Ms. Shaunesey confirmed that their Board meets on second Wednesdays of the month from 10am-12pm at the JAUNT office off of Route 64 on Monticello Avenue in Charlottesville.

There being no other questions for Ms. Shaunesey, Ms. Brennan noted that she appreciated how much transportation could impact lives in rural areas.

C. Presentation - TJPDC 2011 Legislative Program (D. Blount)

Ms. Brennan noted that Mr. David Blount from the Planning District would be speaking to the Board on the 2011 Legislative Program. He then distributed and reviewed the following sheet that noted the 2010 priorities:

***Thomas Jefferson Planning District 2010 Legislative Priorities (Counties of Albemarle, Fluvanna, Greene, Louisa and Nelson & Charlottesville City)***

**TOP PRIORITY: Local/State Funding Obligations:**

**LOCAL and STATE FUNDING OBLIGATIONS**

- The state should honor its funding obligations to localities and resist cost-shifting and unfunded mandates on localities.
- In the face of continuing state budget woes and funding reductions to localities, the state should relax state requirements or provide flexibility for meeting requirements.

**PUBLIC EDUCATION FUNDING**

- The state should fully fund its share of realistic costs of the Standards of Quality (SOQ) without making formula changes that shift the funding burden to localities (e.g. cap on support personnel funding, reducing the 55% state share, not recognizing salary costs).

**LAND USE and GROWTH MANAGEMENT**

- We request additional tools to manage growth without preempting or circumventing existing local authorities in this area.
- We support approval of a broader impact fee and oppose attempts to weaken the current proffer system.

**TRANSPORTATION FUNDING**

- We request separate and dedicated state revenues for all transportation modes.
- The state should continue to be responsible for road maintenance/construction.

**COMPREHENSIVE SERVICES ACT**

- We urge a better partnership between the state and localities in containing the costs of CSA, and in

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balancing CSA responsibilities.

- We support additional state funding for administering CSA, as localities foot the bill for most of these costs.

Mr. Blount noted that the annual process entailed him coming back in October with the proposed program and then again in November for the Board's final approval.

He added that state budget and revenue challenges were expected and that FY11 revenues for the state were less than in FY06 and FY12 revenues were expected to be less than FY07; noting that he thought this issue would be with us for several years. He noted that he hoped that education funding would not be cut more and that there were more challenges ahead.

Mr. Blount noted that TMDLs was a hot topic and they would add a priority statement on this; however he was not sure what it would look like at this point. He noted that they would have a meeting set up with Legislators to discuss these priorities and would notify the jurisdictions of the date etc.

Mr. Bruguere asked if Mr. Blount could email him the DCR requirements on the TMDLs that had been pulled back and stated that he thought these requirements should be enacted for all of Virginia and not just select counties and that if it was mandated that they needed to fund it. Ms. Brennan added that Board members were attending focus groups etc. and that the Agricultural producer's one was well attended.

Mr. Harvey noted that there had been legislation from 2008 that had changed entrance requirements for commercial entrances, possibly as part of access management. Mr. Blount noted that VDOT had probably been directed by the General Assembly to look at access management and Mr. Harvey noted that he understood that no commercial entrance could be located within 1350 ft of another one and noted that this would be discussed in the meeting later. Mr. Blount noted that he would try to track this legislation down.

Ms. Brennan inquired as to what recourse a locality has when regulations are not applicable to some cases and Mr. Blount suggested that maybe some appeal procedures could be added in those cases.

Mr. Johnson commented that he would like to see the State look forward and not backward, fund transportation, and look at areas of the state separately.

Ms. Brennan inquired as to whether or not the proposed 3% bonus at the state level was at the Governor's discretion and Mr. Blount reported that it has been included in the budget, was initiated by Governor McDonnell, and was conditional upon the State meeting certain revenue numbers. He noted that it was designed to be one time and could not be undone; however it could be prevented again if a fuss was raised. He added that State employees did take furlough days as part of the compromise. Ms. Brennan suggested issuing a proclamation to the Governor directly and Mr. Blount suggested stating that the County was disappointed in this course of action when the State was cutting aid to localities.

Ms. Brennan inquired as to the statute of limitations being five (5) years for negligence on school buildings and Mr. Blount noted that he would look into this.

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Ms. Brennan noted that the Board was struggling with the idea of revising the County's dog ordinance, and questioned the language in the statute that gives dogs priority over people. Mr. Blount noted that this Legislation was overhauled due to incidences and he would have to go back and look at this.

In conclusion, Mr. Carter asked about state revenue reports and Mr. Blount noted that they would be forthcoming and he would email this back.

#### D. VDOT Report

Mr. Carter noted that Mr. Hamilton or Mr. Austin would attend next month's meeting. He then reviewed the five (5) follow up questions from the Board and their responses as follows:

1. Route 56 (Rt. 752 & Rt. 680) Bridge Rehab – Can the project be completed earlier (much) than VDOT's estimated completion date of 11-12-10? The request from the BOS member was to complete the project by 9-1. The additional comment related to this request was the fall apple production and tourist season in this area of the County. There are two of the County's largest apple growers located off Route 56 west (i.e. in this project area) which can be impacted by the project not being completed asap and, of course, with the fall season rapidly approaching this area of the County is well traveled by tourists going to not only the orchards but also to see the scenery, etc.

*Response: Route 56 project is complete except for signal removal, asphalt curb and clean up. This work should be completed by Tuesday August 31. There are no lane restrictions in place and as soon as I get verification from the Inspector that this items have been taken care of it will remove from VaTraffic and have T&E stripe. Zach has scheduled to final inspect on Friday September 3.*

2. Rumble Strip installed in the center of Route 151: The Board of Supervisors commended VDOT for the installation of the center rumble strip on Route 151. A Supervisor did, however, ask why the rumble strip was not installed in the entire roadway, particularly in the area of a) 9605 Critzer Shop Road, Afton (this is the address of a dental practice in Afton) – the concern being there is a long curve in this area where sight distance from south to north is very limited; particularly at Sycamore Lane (a private street on the west side of Rt. 151 just south of 9605 Critzer Shop Road) and, b) Route 840 (Tanbark Drive) – another long curve just below Afton Service Center where sight distance is limited.

*Response: Funding was limited for completing the entire corridor. We tried to put as much rumble strip down between Route 664 (Glenthorne Loop) and Route 250 as possible eliminating areas that were in passing zones, bridge decks and intersections. Even after eliminating those areas there was still not enough funding to complete the rest of that entire stretch of road so I looked to do the longest areas that could be completed that was not broken by a passing zone, etc. I expect that these two areas fall into that category.*

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3. Route 617 (Buck Creek Lane) – the crossover and median area, particularly looking north, have substantial plant growth; can this be removed/cleared?

*Response: Grass and Brush has been cut back.*

4. Route 653 at Oak Ridge Lane – the turn off and cross over lanes – trim the bank of vegetation and the median area.

*Response: Grass and Brush has been cut back.*

5. Route 635 – Rockfish School Lane – Clear the trees that have been cut in the vicinity of the County’s solid waste collection site (which is located adjacent to the former Rockfish Valley Elementary School now Rockfish Valley Community Center; the collection site is on the east side of the roadway that serves RVCC and the collection site and on the north side of Rockfish School Lane as you are approaching RVCC).

*Response: Maintenance Superintendent has talked to the property owner at the Rockfish School Lane scheduling the chipping of the debris within the next 30 -45 days.*

Mr. Carter also reported that Mr. Austin had noted resolution to some other items that were verbally brought up at a previous meeting as follows:

1. Route 626 Norwood Road – Washed out area on shoulder has been repaired
2. Route 648 Deer Run – Washed out area /Damaged Pipe - Pipe replacement to start September 15<sup>th</sup> – Road to be closed / Detour in place
3. Massies Mill Sign that was attached to Route 666 post has been relocated
4. Route 670 – New Transfer Site – Brush has been cut and pavement repaired
5. Started mowing primary Routes on September 7<sup>th</sup> and some secondary routes have been mowed.

Mr. Bruguere, Mr. Hale, and Mr. Johnson had no VDOT issues to report.

Mr. Harvey announced that the turn lanes on Route 151 were completed on Saturday. He noted that VDOT did a wonderful job and that the County needed to send a letter of gratitude to Ashley's Market who lost business during the construction process. He added that the roads had been made safer over there with the installation of rumble strips etc. He then suggested that the Board pursue the commercial entrance requirements from a legislative standpoint, stating that it was not a VDOT thing, but was rather a state code problem.

Ms. Brennan noted that the intersection at Buck Creek that she previously mentioned was looking South from the North. She further explained that one cannot see the left lane until you pull way out of Buck Creek Lane into the median to go north, but looking south the view was obstructed.

#### IV. Unfinished Business/New Business

##### A. TRES-RRES Roof/Window Replacement Project

This item of business was considered during the evening session and there was no new business presented.

#### V. Reports, Appointments, Directives, and Correspondence

##### 1. Reports

##### 1. County Administrator's Report

Mr. Carter distributed and reviewed his report as follows:

**A. Courthouse/Government Center Project:** Construction is proceeding. Estimated completion date is now mid-March 2011 (for occupancy of new court and public safety facility). Wiley Wilson is working on completion of design of the second floor bridge between 1940s and 1970s additions to Courthouse building. Contract executed with Wiley Wilson for design of renovation of the "Health Department" building. Staff is working on acquisition of new radio communication equipment to be presented for approval on 9-23. **Question: Does the Board wish to consider not painting the new court/public safety building; leaving the brick exterior, as is?**

Mr. Carter noted that Mr. David Thompson had sustained an injury that would require some recuperation and that there were no real construction issues to report. He noted that Blair was still projecting mid-March occupancy of both floors of the building.

Members and staff then discussed whether or not to paint the brick exterior of the building. Ms. Brennan and Mr. Harvey indicated they would like to leave it unpainted and Mr. Carter noted that it could be painted at some point in the future. In response to the Board's questions, Mr. Carter noted that when something changes with the project a change order is submitted which goes through Wiley & Wilson to check for legitimacy and then the County would receive a credit in this case, if the brick was not going to be painted. He noted that per Randy Vaughan the credit for this would be approximately \$30,000. Following this discussion, the Board's consensus was to not paint the exterior brick of the new building.

**B. Broadband Project:** Icon is initiating field work for fiber optic network routing the week of 9-13. Notices have been mailed to 300+ properties to advise of Icon personnel working in the County along CVEC tower grid. Meeting with Icon, Advisory Committee and County staff is scheduled for 9-17 at 2 p.m. Receipt by the 9-1 due date of the project's Environmental Assessment report has been confirmed and discussed with NTIA and FCC staff and will be finalized within the auspices of FCC. Application for CDBG-Local Innovation Grant funding (approximately \$200,000) was submitted to DHCD the week of 8-30 (a decision is pending).

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**C. Blue Ridge Medical Center – CDBG Project:** Completion of pre-contract requirements to provide for contract execution for \$700,000 CDBG grant is in process and anticipated for completion within ensuing 30+/- days.

**D. TRES/RRES Roof & Window Repair Project:** Report from Superintendent Collins and and Mr. Chuck Wray, AIA, of BCWH to be presented to Board at 9-14 meeting.

**E. Blue Ridge Tunnel & Blue Ridge Railway Projects: (Tunnel)** – Sixty-five (65%) design drawings have been received from Woolpert (9-13) and are pending review by County staff. Tiger II grant application for construction funding of the project has been submitted to FHA/HUD. **(Railway)** – Contract pending receipt for VDOT for 2010-11 TEP award.

Mr. Carter noted that he would have David Thompson and Fred Boger review the 65% drawings for comments etc. He reported that the County is close to completing negotiations with property owners in acquiring easements to be purchased with grant funds, unless the appraisals come up substantially higher. He noted that VDOT Engineers would also review the plans. He then noted that the County was waiting for VDOT to get the new Blue Ridge Trail grant contract.

**F. Radio Tower Project (PSIC):** Application in process for federal approval authorizing tower construction and operation. County and consultant staff met on 8-5 with VDEM staff to work towards final approval of the overall PSIC project. Completion of the overall project is currently mandated by March 2011, which is achievable. County staff is working with WPOA and AT&T/Cingular on the proposed construction of a new tower at Devils Knob within the Wintergreen community. Negotiations are in process.

Mr. Carter added that DHR was requiring the County to complete a historical mitigation plan to offset the visual impacts that the tower would have and staff had discussed doing a story board of historic buildings etc. to be placed in the Courthouse entryway. He noted that the County would be doing a programmatic agreement with DHR on this. He noted that staff had mentioned fixing up the old Magistrates office, which could be a mini-museum and staff was looking at the building's preservation needs. Mr. Bruguere noted that he disagreed with having to do this when the tower was for public safety.

Mr. Carter then reported that at Devil's knob, the County was to construct one new tower that the County would own. He stated that he was hopeful that the PSIC grant match money that was set aside would be recovered for something else if the County was reimbursed by AT&T for the tower. He noted the concerns expressed over the Wintergreen Architectural Review Board (ARB) approving all of the tower attachments. Mr. Harvey added that they would be doing two (2) eight foot (8 ft) dishes now and then possibly two (2) more fifteen (15) years later and most would not even see it. He noted that the tower would be where the water tank is at the top of the mountain and Mr. Carter reiterated that the tower there was critical to the County's public safety efforts and noted that AT&T would be in touch on September 14th.

**G. Regional Artisan Trail Project:** In process.

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**H. Equipment Grant:** Application submitted to USDA-RD for \$200,000 in Equipment Grant funding (vehicle and communication equipment). Funding decision is pending.

**I. Personnel:** The County's Building Official, David Thompson, has suffered a broken pelvis from a fall at his residence and will be incapacitated for at present an indeterminate period of time. To address this status, staff is requesting approval to advertise for either part or full time building inspection position (see attachment). Additionally, staff anticipates submittal of job descriptions for updated Economic Development and Tourism and staff Planner positions at the regular session on 9-23.

Mr. Carter noted his idea of using Betty Slough, the Clerk of the Works on the school projects, as well as the number two selection from the School's hiring of the clerk of the works to help with the inspections workload. Mr. Carter then noted the workload report provided by the Building Inspections department. After brief discussion, the consensus of the Board was for Mr. Carter to handle it. Mr. Carter added that Paul Truslow would also help out as needed and that Mr. Thompson could still do some things, although the County did need a Clerk of the Works on site for the courthouse project.

**J. Retreat:** Staff is working with Ms. Brennan towards a Board retreat in October.

Mr. Carter suggested that they possibly look at dates in November.

## 2. Board Reports

Mr. Johnson reported that the DSS Board had lifted the Director's probationary status and that he had attended a TMDL focus group with Mr. Hale.

Mr. Harvey reported that the NCSA was doing well right now, was spending money, has had some surprises, and that George Miller had been made the Director. He also reported that he attended a radio communications meeting and Mr. Carter added that they had met with Motorola and Clear and their proposal for radio equipment was very attractive. He noted that the County could purchase the equipment from the state contract and would need to hire an installer. He added that this information would be brought back to the Board next Thursday.

Mr. Bruguere reported that he had attended the TMDL Agricultural producer focus group and it was well attended.

Ms. Brennan noted that there may be one more TMDL focus group to meet and that they were compiling remarks for attendees to review. She noted that she would check on this with Allyson Sappington. Ms. Brennan also reported that Ms. Patterson was to report in October on the Rockfish River Study and thought that river readings should be done during all seasons, not just in June.

Mr. Hale stated that he recognized that action taken by the state in regards to TMDLs was a result of litigation and was necessary and he thought it was useful that the TJPDC was looking at this and hopefully would provide guidance. He added that changes that improve water quality were a good thing, but that he had no idea what would have to be done.

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Mr. Hale reported that the Board had talked about coming up with a way of dealing with community centers, and that Schuyler Community Center was in need of a new heating system. He also noted that Ms. Roberts was at TRES when it was built and she said that the Clerk of the Works never left the office.

Mr. Hale reported that volunteer appreciation day was at Lake Monacan on September 12, 2010 and Curtis Sheets, Ray Uttaro, and Eddie Embrey spoke and indicated their appreciation for the Board's support.

Mr. Hale also noted his attendance of a Courthouse Committee meeting with staff, Judge Gamble, and Judy Smythers in which they discussed how the vacated space would be used. He reported that the Judges future plans include building a County Office building in the long term and then renovation of the current building for the Circuit Court. He noted that he and Ms. Brennan had indicated that they did not foresee the County being able to build any new buildings in the next five (5) years.

Members then discussed what might happen in rearranging the space. It was suggested that Judy Smyther's office could occupy the lower floor of the courthouse over to and possibly including the Commissioner of Revenue's office. It was noted that adequate storage space for the Circuit Court Clerk's office was their main problem. If this were done, the Clerk's office entrance could be off of the main collector and the Commissioner of Revenue and Treasurer could be kept on the same entrance level. It was noted that the Circuit Court Clerk's record room area was fireproof and needed to stay in its current location. They noted that Finance and the County Administrator's office may move upstairs into the current Commonwealth's Attorney space and the Board Room and then the Commonwealth's Attorney Offices would use the vacated Juvenile and Domestic Courts area. In conclusion, they noted that they needed to give Mr. Vaughan some direction on this.

Ms. Brennan then reported that she was proud that all Supervisors were attending TMDL focus groups and noted that the County would reap the benefits of cleaning up its own streams. She reported that September 23rd was the next meeting, October 7<sup>th</sup> was the Homebuilders Association meeting and the committee would report back to the Board.

Ms. Brennan note that the Board needed to set the November meeting date and suggested November 16<sup>th</sup>.

Ms. Brennan reported attending the following:

- JABA Board meeting and 35th anniversary celebration. She noted that the Board's commemoration resolution was displayed. She noted that JABA may bring in a company that would set up a system of healthcare for seniors, a one stop shop coordinating their care, with JAUNT being a player.
- Mayors and Chairs meeting held at Blue Mountain Brewery. She noted that they toured the brewery and noted that they were putting their beer in cans, which are recyclable and keep out the light. She noted that they would be expanding their operation there and currently had forty (40) employees.

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- Planning District Commission meeting.

Mr. Hale added that he had attended a Senior Advisory Committee meeting, where they discussed troubles with Verizon on repairing land lines and that it would take 2-3 weeks for a service call to be made. He noted that they operate under an FCC rule that required them to respond within 24 hours.

## 2. Appointments

Ms. McGarry noted that the letter received from Mr. Turpin regarding his interest in serving on the EDA was included in the packet and that the vacancies had been advertised at least twice in the Nelson County Times and on the County's website. Ms. McGarry noted that Ms. Jackson had indicated in an email that she would like to be reappointed to the JAUNT Board.

Mr. Hale then moved to reappoint Ms. Janice Jackson to the JAUNT Board and Mr. Harvey seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion and the reappointment.

Members then discussed the EDA vacancy and the current applicant and indicated that they would like to defer consideration of this appointment until they had other applicants. Members discussed the desire to diversify the EDA's membership, requested that Ms. McGarry send them the current list of EDA members, and no action was taken.

## C. Correspondence

Two (2) Future Farmers of America (FFA) letters requesting funding were noted as received and Mr. Harvey moved to approve funding of \$2,000.00 for each chapter. Mr. Hale seconded the motion and there being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

Ms. Brennan noted having received a letter from Matthews County requesting that the Board do a resolution that would ask for the reduction of unfunded State mandates for K-12 education. Mr. Hale noted that he was not in favor of doing this and that the Board should use proper channels such as VACO etc. to make this statement. Members then agreed by consensus to have staff draft a resolution for the Board's consideration at the next meeting.

Ms. Brennan noted having received VA Dept. of Taxation SCC assessed values used to collect taxes and passed it along to Mr. Carter for staff use.

Members and staff briefly discussed Verizon's poor cell service within the County and their poor response to service calls.

## D. Directives

Mr. Johnson and Mr. Harvey had no Directives.

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Mr. Hale suggested that the County include in its tax bills, a statement that dogs were required to have licenses in Nelson County.

Mr. Bruguere reiterated that he was not in favor of JAUNT using fuel reserves from the Schools. Mr. Carter clarified that this had been reported last year as a problem by JAUNT, they had asked him about such an agreement, and he had noted to them that the County did not have its own fuel tanks and referred them to the Schools. Mr. Hale noted that the need for emergency fuel was a very unlikely occurrence anyway. Mr. Bruguere noted that he would speak to Dr. Collins about it.

Mr. Bruguere then inquired as to what Mr. Carter had found out about the possibility of an insurance recovery on the TRES/RRES construction issues. Mr. Carter reported that Dr. Collins had followed up and that staff was waiting for an answer. Mr. Carter then reported that Blair staff had looked at the building and the site superintendents thought that if they rework the frames and seal and install the windows, it should be fine. He noted that Jason Richardson and Eugene had said that seemingly when the school was finished and pending opening, they were notified by Appomattox Glass that those were the wrong windows and a decision was made to caulk them up and move on. He noted that the project record did not have anything to substantiate this though. Members and staff briefly discussed the role of the architect in inspecting these things. Mr. Carter concluded by stating that the best deduction from what Eugene said was that the determination about the windows was at the end of the project and that it was so close to school opening that they proceeded and that there was no follow up thereafter. He noted that the Architect would have been the one who specified the windows.

Mr. Bruguere then noted receiving correspondence from Steve Crandall.

Ms. Brennan then inquired about him meeting with the Heritage Center and Mr. Johnson asked that this be delayed so he could speak to them about things and that the Board may need to wrap things going on there into any future financing.

Ms. Brennan then inquired about the Courthouse trees, and Mr. Carter noted that two (2) firms looked at them, their proposals were received, and he needed to review them with Paul Truslow.

#### **VI. Other Business (As May Be Presented)**

There was no other business considered by the Board.

#### **VII. Recess and Reconvene for Evening Session**

At 4:45 PM, Mr. Harvey moved to continue the meeting until 7 PM, and Mr. Hale seconded the motion. There being no further discussion, Supervisors voted unanimously by voice vote to approve the motion and the meeting recessed.

### **EVENING SESSION**

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

## I. Call to Order

Ms. Brennan called the meeting to order at 7:05 PM, with all Supervisors present to establish a quorum.

## II. Public Hearings & Presentations

### A. Rezoning #2010-003 – Mary Wolf, Tax Map #22-A-29 :

Consideration of a rezoning request, with proffers, by Ms. Wolf pursuant to Zoning Ordinance Article 16, Section 16.1, *Procedures for amendment*, to rezone 4.79 ac. from R-2 Conditional/B-1 to B-1 Conditional and 2.15 acres from B-1/R-2 Conditional to A-1 for the purpose of building a brewpub (restaurant and brewery). Property is located at 4300 Rockfish Valley Highway, Nellysford, Tax Map #22-A-29 and is owned by Al and Sharon Stacey. (O2010-08)

Mr. Boger overviewed Ms. Wolf's rezoning request and noted that the Planning Commission acknowledged that the front area of the property was already zoned B1 and that the owner could build the brewpub there anyway. He noted that there had been proposed commercial entrance changes since July 1, 2010 and also for entrance distances requirements. He noted that the applicant could address her neighbor's concerns with screening to keep the lights out of the residence's windows and that VDOT has approved the entrances.

Ms. Wolf, the applicant, addressed the Board and noted that the previous owner, Al Stacey, did have approval on his entrances there and that the timeframe has passed to work from that. She noted that she would try to appeal the VDOT entrance location and noted that Tuckahoe Antiques was open 4-5 days per week and closed at 5pm. She stated that she would like to go forward with the rezoning and then work on this aspect of the project. She stated that she had assured her neighbor that she would screen etc. to be a good neighbor. She then showed architectural renderings of the building and design of the lots, building etc.

Mr. David Collins, present as project Engineer, noted a letter from VDOT that said that they would have to have a 725 ft sight distance which would have to be viewed from fourteen feet (14 ft) off of the pavement, and that the project had over this site distance requirement.

Mr. Bruguiere asked about the possibility of curving the entrance away from the neighbor's house and Mr. Collins noted that they would be in a steep fill area and that VDOT required a ninety (90) degree turn area.

Ms. Brennan suggested using the existing roadway while waiting for a determination on this during construction, noting that they could put this aspect of the project off until near the end of the project and could maybe have a change in the entrance by then. Mr. Collins indicated that the entrance would need to be graded regardless.

Ms. Brennan then inquired as to whether there was sufficient water on site and Ms. Wolf noted that there were three (3) wells on the property and that they had done 48 hr drawdown tests on them. She noted that they would use two (2) of the wells and a drawdown tank system. She noted that these were public

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use type wells and she felt more comfortable now. She added that a soils study had been done and that the property perked.

Mr. Boger noted the proffers submitted as part of the conditional rezoning which was removal of the uses of auto and home appliance sales and recreational facilities.

Ms. Brennan noted that she agreed that the VDOT entrance requirements were unreasonable for a rural area. Mr. Boger noted that VDOT regulations were part of a state statute but that they regulate and implement them. He suggested that they could appeal to the Lynchburg Engineer who previously said no exceptions or could go to the Commonwealth Transportation Board (CTB). Mr. Harvey supposed that this would take legislative action and Mr. Collins confirmed that the VDOT site distance and entrance requirement standards had to be met on the one side of the road and the other side did not matter. Members noted the Board's support for efforts to have this changed.

Ms. Brennan then opened the public hearing and there being no one who wished to be recognized, the public hearing was closed.

Mr. Harvey noted for the public that the rezoning was the Board's consideration and not the entrance.

Mr. Hale then moved to approve the rezoning request and Mr. Johnson seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion and the following Ordinance, O2010-08, was adopted:

**ORDINANCE – O2010-08**  
**NELSON COUNTY BOARD OF SUPERVISORS**  
**AN ORDINANCE TO REZONE 4.79 ACRES FROM RESIDENTIAL, R-2**  
**(CONDITIONAL) TO BUSINESS, B-1 (CONDITIONAL); 2.5 ACRES FROM**  
**BUSINESS, B-1 AND RESIDENTIAL, R-2 (CONDITIONAL) TO**  
**AGRICULTURAL, A-1; AND TO AMEND TO OFFICIAL ZONING MAP**  
**FOR NELSON COUNTY.**

**WHEREAS**, Ms. Mary Wolf, contract purchaser, has submitted a rezoning request, with proffers, pursuant to Zoning Ordinance Article 16, Section 16.1, *Procedures for amendment*, to rezone 4.79 acres from R-2 Conditional/B-1 to B-1 Conditional and 2.15 acres from B-1/R-2 Conditional to A-1 for the purpose of building a brewpub (restaurant and brewery), being located at 4300 Rockfish Valley Highway, Nellysford, Virginia, Tax Map #22-A-29, currently owned by Alan and Sharon Stacey; and

**WHEREAS**, a notice of Public Hearing for the review of the rezoning request by the Nelson County Planning Commission was published in the Nelson County Times on August 5 and 12, 2010; and

**WHEREAS**, the Nelson County Board of Supervisors also considered Staff comments, the recommendation of the Planning Commission and reviewed all documentation submitted for this rezoning request; and

**WHEREAS**, adjoining property owners were notified of the review of this rezoning request by letter dated August 13, 2010; and

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**WHEREAS**, on September 14, 2010, the Nelson County Board of Supervisors held the required public hearing on said rezoning request;

**BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF NELSON, VIRGINIA:**

1. Approves the rezoning request #2010-003 for Mary Wolf, contract purchaser, to rezone 4.79 acres from R-2 Conditional/B-1 to B-1 Conditional and 2.15 acres from B-1/ R-2 Conditional to A-1 as shown on the site plan is dated 6/14/10, revised 8/16/10 for the purpose of building a brewpub (restaurant and brewery) on property located at 4300 Rockfish Valley Highway, Nellysford, Tax Map #22-A-29, currently owned by Alan and Sharon Stacey with the following proffers:
  - 8-1-2 Retail drugstores, feed and seed stores, food sales and restaurants, wearing apparel shops, ~~auto and home appliance services~~, banks, barber and beauty shops, hardware stores, offices and personal and professional services. Wholesale and processing activities that would be objectionable because of noise, fumes, or dust are excluded.
  - 8-1-8 Public and semi-public uses, such as churches, church adjunctive graveyards, libraries, museums, schools, hospitals, post offices ~~and recreational facilities~~
  - 8-1-9 Schools of special instruction.
  - 8-1-10 Veterinarian hospital
  - 8-1-13 Off-street parking as required by this ordinance.
  - 8-1-15 Public utilities: Wooden poles with a maximum height of eighty (80) feet, lines, distribution transformers, pipes, meters and other facilities necessary for the provision and maintenance of public utilities, including water and sewerage facilities and water storage tanks.
  - 8-1-16 Business signs advertising for sale or rent of premises only, up to fifty (50) square feet in total area
  - 8-1-17 Business signs, up to one hundred fifty (150) square feet in total area. One sign less than five (5) feet beyond building.
  - 8-1-18 Directional signs, up to two (2) square feet in total area
  - 8-1-19 Location signs, up to one hundred fifty (150) square feet in total area.

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- 8-1-23 Small wind energy system, per requirements in Article 22 of these regulations.

2. That this Ordinance shall become effective upon passage.

B. **Zoning Ordinance Amendments – Combining Conditional Use Permit and Special Use Permit Uses:**

Proposed amendment of the current Zoning Ordinance to combine Conditional Use and Special Use Permit uses in Articles 2, 3, 4, 5, 6, 8, 8A, 8B, 9, 12, 18 and 22. **(O2010-09)**

Mr. Boger noted that since conditional use permits and special use permits are basically treated the same in the zoning ordinance, the Planning Commission initiated amendments to merge uses permitted by conditional use permit into “uses permit by Special Use Permit”. He noted that the intent was to clear up confusion on the difference between the two permits and have only one category for special uses that may be permitted by the Board. He reported that on August 25, 2010, the Planning Commission held a public hearing on the proposed amendments, no comments were received during the public hearing, and following it, the Commission voted 5-0 to recommend to the Board approval of the proposed amendments.

Ms. Brennan then opened the public hearing and there being no one who wished to be recognized, the public hearing was closed.

Mr. Hale then moved to approve Ordinance O2010-09 an Ordinance to Amend Appendix A, of the Code of Nelson County, 1989, Articles 2, 3, 4, 5, 6, 8, 8A, 8B, 9,12,18,22 Relating Generally to Zoning. Mr. Bruguiere seconded the motion and there being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion and the following Ordinance, O2010-09, was adopted:

**ORDINANCE 02010-09  
NELSON COUNTY BOARD OF SUPERVISORS  
AN ORDINANCE TO AMEND APPENDIX A,  
OF THE CODE OF NELSON COUNTY, 1989,  
ARTICLES 2, 3, 4, 5, 6, 8, 8A, 8B, 9, 12, 18, 22  
RELATING GENERALLY TO ZONING**

**BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF NELSON, VIRGINIA:**

1. That Appendix A, Zoning, Articles 2, 3, 4, 5, 6, 8, 8A, 8B, 9, 12, 18, 22 of the Code of Nelson County, Virginia, 1989, be, and the same is hereby amended as follows:

**ARTICLE 1. INTRODUCTION**

**\*Editor's note-** This appendix contains the zoning ordinance adopted on January 11, 1977, as amended through ~~July 13~~ **September 14**, 2010. Style and capitalization have been made uniform. Obvious misspellings have been corrected without notation and material in brackets [ ] has been added for clarity.

ARTICLE 2. DEFINITIONS

*Inoperative motor vehicle:* An inoperative motor vehicle shall mean one or more of the following: (i) any motor vehicle which is not in operating condition; (ii) any motor vehicle which for a period of 60 days or longer has been partially or totally disassembled by the removal of tires and/or wheels, the engine, or other essential parts required for operation of the vehicle; or (iii) any motor vehicle on which there are displayed neither valid license plates nor a valid inspection decal. However, this definition shall not apply in connection with properties: (i) lawfully used as an automobile dealership, public garage, automobile salvage operation or scrap processor; or (ii) when a **Special or Conditional Use Permit** provides for the storage of inoperative vehicles.

*Site Plan Review Committee:* The Site Plan Review Committee shall consist of, but is not limited to, representatives from Federal, State, and local governments, utility companies, other agencies and departments, and other professionals as necessary to review, but not limited to, the site plan, subdivision plat, Special Use Permit and Conditional Use Permit application, Rezoning application, zoning amendment, in preparation of the Planning and Zoning Director’s comments and recommendations.

**O2010-5**

ARTICLE 3 – CONSERVATION DISTRICT C-1

~~3-1 a Uses Permitted by Conditional Use Permit only.~~

~~3-1 1a Borrow pit~~

~~3-1 2a Camp, day~~

~~3-1 3a Camp, summer~~

~~3-1 4a Campgrounds~~

~~3-1 5a Cemeteries~~

~~3-1 6a Country clubs~~

~~3-1 7a Golf courses (except driving ranges and miniature courses)~~

~~3-1 8a Hunting clubs~~

~~3-1 9a Lodges, fraternal~~

~~3-1 10a Sawmills, permanent~~

~~3-1 11a Private airstrips~~

~~3-1 12a Cabin~~

**O2009-05**

~~3-1 13a Additional small wind energy system(s), per requirements in Article 22 of these regulations.~~

**O2009-12**

~~3-1 14a Lattice structure used to support a wind turbine.~~

**O2009-12**

~~3-1 b Uses Permitted by Special Use Permit only.~~

~~3-1 1b Sawmills, temporary~~

~~3-1 2b Location signs, up to fifteen (15) square feet in total area~~

**3-1-a Uses – Permitted by Special Use Permit only**

**3-1-1a Additional small wind energy system(s), per requirements in Article 22 of these regulations.**

**O2009-12**

**3-1-2a Borrow pit**

**3-1-3a Cabin**

**O2009-05**

**3-1-4a Camp, day**

**3-1-5a Camp, summer**

**3-1-6a Campgrounds**

**3-1-7a Cemeteries**

**3-1-8a Country clubs**

**3-1-9a Golf courses (except driving ranges and miniature courses)**

- 3-1-10a Hunting clubs
- 3-1-11a Lattice structure used to support a wind turbine O2009-12
- 3-1-12a Location signs, up to fifteen (15) square feet in total area
- 3-1-13a Lodges, fraternal
- 3-1-14a Private airstrips
- 3-1-15a Sawmills, permanent
- 3-1-16a Sawmills, temporary
- 3-1-17a *Reserved for future use*
- 3-1-18a *Reserved for future use*
- 3-1-19a *Reserved for future use*

ARTICLE 4 – AGRICULTURAL DISTRICT A-1

~~4-1 a Uses Permitted by Conditional Use Permit only.~~

- ~~4-1-1a Banquet hall~~
- ~~4-1-1a(1) Borrow pit~~
- ~~4-1-2a Camp, day~~
- ~~4-1-3a Camp, summer~~
- ~~4-1-4a Campgrounds~~
- ~~4-1-5a Cemeteries~~
- ~~4-1-5a(1) Conference center~~
- ~~4-1-6a Labor camp facilities~~
- ~~4-1-7a Landfill, sanitary~~
- ~~4-1-8a Mobile home parks~~
- ~~4-1-9a Motels, hotels~~
- ~~4-1-10a Quarrying, borrow pits~~
- ~~4-1-11a Restaurants~~
- ~~4-1-12a Sawmills, permanent~~
- ~~4-1-13a Private airstrip~~
- ~~4-1-14a Automobile graveyards, class C~~
- ~~4-1-15a Natural resource extractions~~
- ~~4-1-16a Multifamily dwellings~~
- ~~4-1-17a Fraternal lodges and community buildings~~
- ~~4-1-18a Commercial sale of agricultural equipment~~
- ~~4-1-19a Outdoor firing range in conjunction with the County noise control ordinance~~
- ~~4-1-20a Offices, professional, and services~~
- ~~4-1-21a Golf Courses~~
- ~~4-1-22a Vegetative rubbish recycling facility~~
- ~~4-1-23a Wood yard O2008-10~~
- ~~4-1-24a Cabin O2009-05~~
- ~~4-1-25a Additional small wind energy system(s), per requirements in Article 22 of these regulations. O2009-12~~
  
- ~~4-1-26a Lattice structure used to support a wind turbine. O2009-12~~
- ~~4-1-27a Corporate Training Center (Res. 05/11/04)~~
- ~~4-1 b Uses Permitted by a Special Use Permit only.~~
- ~~4-1-1b Antique, craft, or gift shops~~
- ~~4-1-2b Blacksmith shop~~

- 4-1-3b Dairy plant
- 4-1-4b Garage, public
- 4-1-5b Retail store, neighborhood
- 4-1-6b *Reserved*
- 4-1-7b Sawmill, temporary
- 4-1-8b Veterinary hospital
- 4-1-9b *Reserved*
- 4-1-10b Open storage area with or without gates
- 4-1-11b Location signs, up to twenty-five (25) square feet in total area
- 4-1-12b Sale of new and/or used cars
- 4-1-14b Race track  
~~(Res. of 8-8-89; Res. of 9-11-90; Res. of 9-14-93; Res. of 2-14-95; Res. of 6-18-99)~~
- 4-1-15b Farm winery permanent remote retail establishment
- 4-1-a Uses – Permitted by Special Use Permit only.**
- 4-1-1a Additional small wind energy system(s), per requirements in Article 22 of these regulations. O2009-12**
- 4-1-2a Antique, craft, or gift shops**
- 4-1-3a Automobile graveyards, class C**
- 4-1-4a Banquet hall**
- 4-1-5a Blacksmith shop**
- 4-1-6a Borrow pit**
- 4-1-7a Cabin O2009-05**
- 4-1-8a Camp, day**
- 4-1-9a Camp, summer**
- 4-1-10a Campgrounds**
- 4-1-11a Cemeteries**
- 4-1-12a Commercial sale of agricultural equipment**
- 4-1-13a Conference center**
- 4-1-14a Corporate Training Center (Res. 05/11/04)**
- 4-1-15a Dairy plant**
- 4-1-16a Farm winery permanent remote retail establishment**
- 4-1-17a Fraternal lodges and community buildings**
- 4-1-18a Garage, public**
- 4-1-19a Golf Courses**
- 4-1-20a Labor camp facilities**
- 4-1-21a Landfill, sanitary**
- 4-1-22a Lattice structure used to support a wind turbine. O2009-12**
- 4-1-23a Location signs, up to twenty-five (25) square feet in total area**
- 4-1-24a Mobile home parks**
- 4-1-25a Motels, hotels**
- 4-1-26a Multifamily dwellings**
- 4-1-27a Natural resource extractions**
- 4-1-28a Offices, professional, and services**
- 4-1-29a Open storage area with or without gates**
- 4-1-30a Outdoor firing range in conjunction with the County noise control ordinance**
- 4-1-31a Private airstrip**

- 4-1-32a **Quarrying**
- 4-1-33a **Race track**  
(Res. of 8-8-89; Res. of 9-11-90; Res. of 9-14-93; Res. of 2-14-95; Res. of 6-18-99)
- 4-1-34a **Restaurants**
- 4-1-35a **Retail store, neighborhood**
- 4-1-36a **Sale of new and/or used cars**
- 4-1-37a **Sawmills, permanent**
- 4-1-38a **Sawmill, temporary**
- 4-1-39a **Vegetative rubbish recycling facility**
- 4-1-40a **Veterinary hospital**
- 4-1-41a **Wood yard** **O2008-10**
- 4-1-42a *Reserved for future use*
- 4-1-43a *Reserved for future use*
- 4-1-44a *Reserved for future use*

4-9 *Oil and gas exploration and extraction.*

The Board of Supervisors may authorize the issuance of a ~~conditional~~ **Special Use Permit** for the exploration and extraction of oil and gas provided the Board of Supervisors determines that natural resource exploration and extraction are appropriate in the area in which the activity is to be located. In addition to the guidelines and standards concerning compatibility with existing uses in the neighborhood of the activity as set forth in Section 12-3-6 of this ordinance, the Board of Supervisors shall determine that the proposed activity will not constitute a significant threat to the environment. In order to insure that the proposed activity will be carried out in a manner which will minimize any environmental impact, the applicant shall have prepared an Environmental Management Plan. This plan, to be prepared at the applicant's expense, shall address, at a minimum, the following areas:

4-10 *Multifamily dwellings.*

The Board of Supervisors may authorize the issuance of a ~~conditional~~ **Special Use Permit** for multifamily housing units of up to six (6) units and not more than two (2) stories, provided that the gross density is not greater than one (1) unit per acre for the first four (4) units and one-half acre for units thereafter up to six (6) units. Multifamily buildings shall be located seventy-five (75) feet or more from any street or highway right-of-way which is fifty (50) feet or greater in width or one hundred (100) feet or more from the centerline of any street less than fifty (50) feet in width. The minimum frontage shall be two hundred fifty (250) feet along a road built to County or State standards.

ARTICLE 5. RESIDENTIAL DISTRICT R-1

~~5-1 a Uses Permitted by Conditional Use Permit only.~~

~~5-1 1a Additional small wind energy system(s), per requirements in Article 22 of these regulations.~~

**O2009-12**

~~5-1 1b Lattice structure used to support a wind turbine.~~

**O2009-12**

~~5-1 b Uses Permitted by Special Use Permit only.~~

~~5-1 1b Double wide mobile home mounted on a permanent concrete or block foundation~~

**5-1-a Uses – Permitted by Special Use Permit only.**

**5-1-1a Additional small wind energy system(s), per requirements in Article 22 of these regulations.**

**O2009-12**

**5-1-2a Double-wide mobile home mounted on a permanent concrete or block foundation**

**5-1-3a Lattice structure used to support a wind turbine.**

**O2009-12**

5-1-4a *Reserved for future use*

5-1-5a *Reserved for future use*

5-1-6a *Reserved for future use*

ARTICLE 6. RESIDENTIAL DISTRICT R-2

~~6-1-a Uses—Permitted by Conditional Use Permit Only~~

~~6-1-1a Additional small wind energy system(s), per requirements in Article 22 of these regulations.  
O2009-12~~

~~6-1-2a Lattice structure used to support a wind turbine. O2009-12~~

**6-1-a Uses – Permitted by Conditional Special Use Permit Only**

**6-1-1a Additional small wind energy system(s), per requirements in Article 22 of these regulations. O2009-12**

**6-1-2a Lattice structure used to support a wind turbine. O2009-12**

6-1-3a *Reserved for future use*

6-1-4a *Reserved for future use*

6-1-5a *Reserved for future use*

ARTICLE 8. BUSINESS DISTRICT B-1

~~8-1-a Uses—Permitted by Conditional Use Permit only.~~

~~8-1-1a Borrow pit~~

~~8-1-2a Hospitals, special care~~

~~8-1-3a Commercial amusement parks, theaters, commercial assembly halls, public billiard parlors and pool rooms, bowling alleys, dance halls and similar forms of public amusement~~

~~8-1-4a Fraternal lodges and community buildings~~

~~8-1-5a Single family dwelling units, two family dwelling units, and multi-family dwelling units~~

~~8-1-6a Group homes~~

~~8-1-7a Additional small wind energy system(s), per requirements in Article 22 of these regulations.  
O2009-12~~

~~8-1-8a Lattice structure used to support a wind turbine. O2009-12~~

~~8-1-b Uses—Permitted by Special Use Permit only.~~

~~8-1-1b General advertising signs.~~

~~8-1-2b Farm winery permanent remote retail establishment~~

~~8-1-a Uses—Permitted by Conditional Special Use Permit only.~~

**8-1-1a Additional small wind energy system(s), per requirements in Article 22 of these regulations. O2009-12**

- 8-1-2a Borrow pit
- 8-1-3a Commercial amusement parks, theaters, commercial assembly halls, public billiard parlors and pool rooms, bowling alleys, dance halls and similar forms of public amusement
- 8-1-4b Farm winery permanent remote retail establishment
- 8-1-5a Fraternal lodges and community buildings
- 8-1-6b General advertising signs.
- 8-1-7a Group homes
- 8-1-8a Hospitals, special care
- 8-1-9a Lattice structure used to support a wind turbine. O2009-12
- 8-1-10a Single family dwelling units, two family dwelling units, and multi-family dwelling units
- 8-1-11a *Reserved for future use*
- 8-1-12a *Reserved for future use*
- 8-1-13a *Reserved for future use*

**ARTICLE 8A. BUSINESS DISTRICT B-2**

~~8A-1 a Uses—Permitted by Special Use Permit only.~~

~~8A-1 1a—Restaurants~~

~~8A-1 2a—Retail sales (structure to be limited to four thousand (4,000) square feet or less).~~

~~8A-1 3a—Gasoline filling stations and/or the servicing and minor repairs of motor vehicles in an enclosed structure~~

~~8A-1 4a—Personal and professional services~~

~~8A-1 b Uses—Permitted by Conditional Use Permit Only~~

~~8A-1 1b—Additional small wind energy system(s), per requirements in Article 22 of these regulations.—~~  
**O2009-12**

~~8A-1 2b—Lattice structure used to support a wind turbine.———O2009-12~~

~~8A-1-a Uses—Permitted by Special Use Permit only.~~

**8A-1-1a Additional small wind energy system(s), per requirements in Article 22 of these regulations. O2009-12**

**8A-1-2a Gasoline filling stations and/or the servicing and minor repairs of motor vehicles in an enclosed structure**

**8A-1-3a Lattice structure used to support a wind turbine. O2009-12**

**8A-1-4a Offices, professional, and services**

**8A-1-5a Restaurants**

**8A-1-6a Retail sales (structure to be limited to four thousand (4,000) square feet or less).**

**8A-1-7a *Reserved for future use***

**8A-1-8a *Reserved for future use***

**8A-1-9a *Reserved for future use***

**ARTICLE 8B. SERVICE ENTERPRISE DISTRICT SE-1**

~~8B-1 a Uses—Permitted by Special Use Permit only.~~

~~8B-1 1a—Amusement park, theater, bowling alleys, dance halls, and similar forms of public amusement~~

- ~~8B-1-2a Convenience store~~  
~~8B-1-3a Gasoline filling stations and/or servicing and minor repair of motor vehicles in an enclosed structure~~  
~~8B-1-4a Any hotel and motel~~  
~~8B-1-5a Wayside stands~~  
~~8B-1-6a Blacksmith shop (Res. of 9-11-90)~~  
~~8B-1-7a Multi-family dwelling~~  
~~8B-1-8a Farm winery permanent remote retail establishment~~  
~~8B-1-b Uses Permitted by Conditional Use Permit Only~~  
~~8B-1-1b Additional small wind energy system(s), per requirements in Article 22 of these regulations. O2009-12~~  
~~8B-1-2b Lattice structure used to support a wind turbine. O2009-12~~  
~~8B-1-a Uses Permitted by Special Use Permit only.~~  
**8B-1-1a Additional small wind energy system(s), per requirements in Article 22 of these regulations. O2009-12**  
**8B-1-2a Amusement park, theater, bowling alleys, dance halls, and similar forms of public amusement**  
**8B-1-3a Blacksmith shops (Res. of 9-11-90)**  
**8B-1-4a Convenience store**  
**8B-1-5a Farm winery permanent remote retail establishment**  
**8B-1-6a Gasoline filling stations and/or servicing and minor repair of motor vehicles in an enclosed structure**  
**8B-1-7a Hotel and motel**  
**8B-1-8a Lattice structure used to support a wind turbine. O2009-12**  
**8B-1-9a Multi-family dwelling**  
**8B-1-10a Wayside stands**  
**8B-1-11a Reserved for future use**  
**8B-1-12a Reserved for future use**  
**8B-1-13a Reserved for future use**  
**ARTICLE 9. INDUSTRIAL DISTRICT M-2**  
~~9-1-a Uses Permitted by Conditional Use Permit only.~~  
~~9-1-1a Abattoir~~  
~~9-1-2a Airport~~  
~~9-1-3a Borrow Pit~~  
~~9-1-4a Food or meat packing or processing plant~~  
~~9-1-5a Quarrying~~  
~~9-1-6a Automobile graveyard, class C~~  
~~9-1-7a Public and/or private penal, detention facilities~~  
~~9-1-8a Small wind energy system(s), per requirements in Article 22 of these regulations. O2009-12~~  
~~9-1-9a Lattice structure used to support a wind turbine. O2009-12~~  
~~9-1-b Uses Permitted by Special Use Permit only.~~  
~~9-1-1b General advertising signs~~  
~~9-1-2b Restaurant~~  
~~9-1-a Uses Permitted by Special Use Permit only.~~  
**9-1-1a Abattoir**

- 9-1-2a **Airport**
- 9-1-3a **Automobile graveyard, class C**
- 9-1-4a **Borrow Pit**
- 9-1-5a **Food or meat packing or processing plant**
- 9-1-6a **General advertising signs**
- 9-1-7a **Lattice structure used to support a wind turbine.** O2009-12
- 9-1-8a **Public and/or private penal, detention facilities**
- 9-1-9a **Quarrying**
- 9-1-10a **Restaurant**
- 9-1-11a **Small wind energy system(s), per requirements in Article 22 of these regulations.** O2009-12
- 9-1-12a *Reserved for future use*
- 9-1-13a *Reserved for future use*
- 9-1-14a *Reserved for future use*

ARTICLE 12. GENERAL PROVISIONS

12-8 *Permanent mobile home parks.*

The location of mobile home parks shall require in addition to the zoning permit and certificate of occupancy a ~~Conditional~~ **Special** Use Permit issued by the governing body. Owners and/or operators of such parks shall comply with the building code adopted by the State of Virginia.

12-10 *Temporary mobile home parks.*

~~Conditional~~ **Special** Use Permits for temporary mobile home parks may be issued by the governing body subject to the following conditions:

- 12-10-6 *Bond.* The governing body, in granting such a ~~Conditional~~ **Special** Use Permit, shall require the posting of a bond to assure that the temporary trailer court will be removed and the site left in good order at the expiration of the permit.

ARTICLE 18. LIMITED INDUSTRIAL M-1

~~18-3 Uses—Permitted by Conditional Use Permit only.~~

The following uses should be permitted as conditional use permit in Limited Industrial Districts:

- ~~18-3-1 Any use requiring outside storage or displays.~~
- ~~18-3-2 Any television antennas, radio antennas, microwave towers, and other public communication facilities which exceed thirty five (35) feet in height.~~
- ~~18-3-3 Heliports, helistops, provided that such facilities meet all federal, state and local regulations and are located at least one-half (1/2) mile from any residential district or use.~~
- ~~18-3-4 Automobile service stations.~~
- ~~18-3-5 Motels.~~
- ~~18-3-6 Retail drug and food stores, wearing apparel shops, banks, barber shops, beauty shops, hardware stores, printing shops for paper goods and newspapers, professional offices, personal and professional services.~~
- ~~18-3-7 Small wind energy system(s), per requirements in Article 22 of these regulations.~~

O2009-12

- ~~18-3-8 Lattice structure used to support a wind turbine.~~ O2009-12

~~18-3 Uses—Permitted by Conditional-Special Use Permit only.~~

The following uses should be permitted as ~~conditional~~ **Special** Use Permit in Limited Industrial Districts:

- 18-3-1 Any use requiring outside storage or displays.**

- 18-3-2 Any television antennas, radio antennas, microwave towers, and other public communication facilities which exceed thirty-five (35) feet in height.
- 18-3-3 Automobile service stations.
- 18-3-4 Heliports, helistops, provided that such facilities meet all federal, state and local regulations and are located at least one-half (1/2) mile from any residential district or use.
- 18-3-5 Lattice structure used to support a wind turbine. O2009-12
- 18-3-6 Motels.
- 18-3-7 Retail drug and food stores, wearing apparel shops, banks, barber shops, beauty shops, hardware stores, printing shops for paper goods and newspapers, professional offices, personal and professional services.
- 18-3-8 Small wind energy system(s), per requirements in Article 22 of these regulations. O2009-12
- 18-3-9 *Reserved for future use*
- 18-3-10 *Reserved for future use*
- 18-3-11 *Reserved for future use*

ARTICLE 22. SMALL WIND ENERGY ORDINANCE

22-4 Permitted Use

A small wind energy system shall be permitted in all zoning districts, subject to certain requirements as set forth below:

- (1) Number of small wind energy systems permitted by right:
  - (a) Parcels less than one acre in size – one (1) building-mounted small wind energy system.
  - (b) Parcels one (1) acre or greater in size – one (1) permitted. ~~Conditional~~ **Special Use** Permit required for additional system(s).

2. That this Ordinance shall become effective on September 14, 2010.

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

This item of business was considered after public comments and included the presentation from the afternoon agenda on the TRES-RRES Roof/Window Replacement Project.

Dr. Collins, Superintendent, reported that he had Chuck Wray, BCWH architect, do more analysis and calculations and that he had reported these results to the School Board at their last meeting.

In response to the Board's questions, Dr. Collins noted that they were still waiting on a response regarding insurance coverage for this and that he would have to check to see what might be in the School Board's minutes related to these issues. He noted that he had found some information relating to this that he previously reported.

Mr. Wray then noted that it had been requested that he do more evaluation and develop cost estimates as related by Dr. Collins, however he first wanted to report on the status of the TRES roof. He noted that he had worked with the contractor to provide shop drawings in order for them to comply with contract

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and that they should be able to install the roof by the end of the week. He noted that the Contractor had indicated that they would work nights Monday-Friday in order to get this done.

He then reported the following recommendations for each school project as follows:

TRES:

Mr. Wray reported the following options for corrective action at TRES:

Original Scope of Work: Do nothing short term, but monitor building envelope and develop a preventative maintenance plan.

Option 1:

- Selective brick repair @ base of wall (approximately 1'-4" high)
- NCPS must still monitor and maintain the building envelope

Option 2:

- Complete window replacement
- Brick veneer replacement
- Metal wall panel replacement

OPINION OF PROBABLE COSTS:

Original Scope of Work: \$110,500

Option 1 - Selective: \$120,100

Option 2 - Complete: \$1,644,000

Mr. Wray reiterated that the sheathing was in good shape and Option 1 would be okay if the envelope was monitored. He noted that Option 2 would need to be considered and there may be the need to eventually do Option 1 over again in five to fifteen (5-15) years from now. He indicated that another driver in the decision was when the windows would need to be replaced, because they were still the wrong windows for an exterior application. He added that he did a detailed assessment of the options including some contingencies and the original scope of work, excluding the roofing, was shown. He noted that these costs did not include estimates for unforeseen circumstances. Additionally, he noted that there would be some contractual issues to iron out in delaying the project.

Members and staff questioned the role of Appomattox Glass and it was supposed that they did not necessarily install the frames, but rather may have put the glass in the frames per Betty Slough, Clerk of the Works for the projects.

Mr. Harvey and Mr. Bruguire both ruled out Option 2, the more extensive and expensive option. Mr. Johnson suggested that they could do more investigation in the meantime of when the work would be done.

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Mr. Wray suggested that the prudent course of action would be to investigate the envelope further to see what was going on. He added that there was no indication there were problems with the insulation at the bottom level of the wall, where the sheathing had deteriorated, although with no window replacement at TRES, water could still get in. He noted that the water was in the wall cavity from seeping through the brick, the Gypsum core was remaining, and the insulation was behind that. He reiterated that the brick work was very good, but was still getting moisture migrating into the cavity which was condensing and puddling at the cavity bottom. He agreed that it may be prudent to do more detailed analysis.

Ms. Brennan noted that she was still concerned about the insulation in there and Dr. Collins assured her that the back side of the wall looked to be in excellent shape where they looked.

Mr. Wray related that Option 1, costing \$120,100 would fix around the bottom of the windows. He noted that there was flashing in some places but not in others and related that the flashing should be exposed to daylight if installed correctly. He explained that plastic flashing would deteriorate in sunlight; however new polymers of flashing were used now.

Members discussed needing to address the bigger issues and that the new roof was needed on the building first. It was noted that if there was no water getting through the gypsum board and beyond, then it was not as big of a problem.

Dr. Collins explained that they had done more analysis out of concern for the building envelope long term and Mr. Wray noted that he was obligated to report nonconforming work as a matter of professional ethics and indicated that it was a matter of substandard construction there. He added that the eyebrow window had been fixed, flashed, and was properly tied in now. He noted that the covered window areas on the front of the school were not a problem but were included in worst case Option 2 fix. He added that the Options presented were scalable.

Mr. Wray reiterated that further analysis would give a baseline status at more locations for which to monitor and he would provide the cost to do the further analysis in order to do this. He noted the possibility that they could do different things in different areas. He added that he had every reason to be hopeful that the poor construction conditions did not exist in the entire building.

In response to whether or not anyone had spoken to the former architect about all of this, Dr. Collins indicated that he had not.

In conclusion, Ms. Brennan noted that she was inclined to do further investigation.

RRES:

Mr. Wray reported the following options for corrective action at RRES:

Original Scope of Work: We do not recommend ignoring the existing conditions, therefore remedial action is necessary.

Option 1 – Selective:

- Selective brick veneer repairs @ windows & 2nd floor rowlock
- Removal & reinstallation of metal wall panels

Option 2 - Complete:

- Complete window replacement
- Brick veneer replacement
- Metal wall panel replacement

OPINION OF PROBABLE COSTS:

Original Scope of Work: \$374,230

Option 1 - Selective: \$303,500

Option 2 - Complete: \$1,398,000

Mr. Wray went over the presented option and stated that he did not recommend taking a managed care approach here and that some remediation would be required. He noted that there was \$374,230 in the contract now so the total scope recommended would be the original scope plus Option 2 for a total cost of \$1,772,230.

He noted the Selective Course of action, Option 1 and stated that they were ready to go with this option right now and that the cost of \$303,500 was an estimate from the Contractor. He noted that this would involve removing the windows and brick, and then reflashing and rebricking to the window. He noted that on the second floor, they would remove the metal panels and reflash and reinstall the windows properly. He added that these have the Tyvek moisture barrier; however it was not properly installed in all cases around the windows.

Mr. Hale inquired as to the timeframe for this option and Mr. Wray noted that it would be done as the windows were removed and reinstalled. He noted that twelve (12) were removed upstairs and one (1) was removed downstairs. Mr. Wray noted that a perimeter redo was not needed at RRES.

In response to questions, Mr. Wray noted that they could do the upper windows immediately, but that in order to do this, they would need to remove the roll lock along the entire building. Dr. Collins added that the top priority was getting the thirteen (13) removed windows closed up by winter and he noted that the eyebrow windows had been replaced and the storefront ones needed to be replaced.

Ms. Brennan noted that Option 1 seemed reasonable and Mr. Johnson suggested doing the upper layer now and the lower one later. Members agreed with Dr. Collins on the project priorities.

Mr. Hale suggested that if possible, they should do the original scope and the selective option, Option 1 and then let the Contractor work out the time frames etc.

Mr. Wray clarified that the Board wanted to do Option 1 at RRES and do more evaluation at TRES. Mr. Carter added that staff could report back on how to pay for this and Dr. Collins reported that the School Board took no action, but asked him to share the information with the Board of Supervisors.

Mr. Wray then noted the following for both schools:

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TYE RIVER & ROCKFISH RIVER ELEMENTARY SCHOOLS NOTES FOR OPINIONS OF PROBABLE COST

- Cost models exclude abatement and/or remediation of potentially hazardous conditions and the associated additional removal and replacement of building components.
- Unforeseen conditions not readily known at this time may be discovered that would increase the cost of repairs. It is recommended the Owner carry additional project contingencies equaling 10% of the total approved scope of work.
- Cost models do not at this time include professional architectural and engineering fees.

Mr. Wray reiterated that the costs provided were estimates and did not include the abatement of any hazardous materials, replacement of insulation or sheetrock, or professional architectural and engineering fees. The Board indicated that the architect fee estimates were needed and Mr. Harvey suggested that the Schools may have to cover these costs.

Mr. Hale indicated that at least now there was a clear direction to pursue and the Board agreed by consensus to do the contracted work on TRES and RRES along with further evaluation of the building envelope at TRES and proceeding with Option1 at RRES. It was noted that this included patching of what was removed at TRES.

**IV. Public Comments**

This item of business was considered prior to Other Business. Ms. Brennan opened the floor for public comments and there being no one wishing to be recognized, the public comments session was closed.

**V. Adjournment**

Prior to adjournment, Mr. Hale noted that he would not be at the next meeting. Mr. Johnson then moved to adjourn at 8:32 PM and Mr. Harvey seconded the motion. There being no further discussion, Supervisors voted unanimously by voice vote to approve the motion and the meeting adjourned.

September 23, 2010

**Virginia:**

AT A REGULAR MEETING of the Nelson County Board of Supervisors at 7:00 p.m. in the Board of Supervisors Room located in the Nelson County Courthouse.

Present: Constance Brennan, Central District Supervisor – Chair  
Joe Dan Johnson, South District Supervisor – Vice Chair  
Thomas D. Harvey, North District Supervisor  
Stephen A. Carter, County Administrator  
Candice W. McGarry, Administrative Assistant/Deputy Clerk  
Susan Rorrer, Director of IS

Absent: Thomas H. Bruguire, Jr. West District Supervisor  
Allen M. Hale, East District Supervisor

**I. Call to Order**

Ms. Brennan called the meeting to order at 7:07 PM with three (3) Supervisors present to establish a quorum and Mr. Bruguire and Mr. Hale being absent.

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

Ms. Brennan inquired as to there being any changes to the agenda and there were none.

**II. Consent Agenda**

- A. Proclamation –**P2010-06** October 2010, Breast Cancer Awareness Month

Mr. Harvey moved to approve the Consent Agenda and Mr. Johnson seconded the motion. There being no further discussion, Supervisors voted unanimously (3-0) by roll call vote to approve the motion and the following Proclamation was adopted:

**PROCLAMATION P2010-06  
NELSON COUNTY BOARD OF SUPERVISORS  
OCTOBER 2010 - BREAST CANCER AWARENESS MONTH**

**WHEREAS**, National Breast Cancer Awareness Month (NBCAM) educates women about the importance of early detection for breast cancer, and

**WHEREAS**, since NBCAM’s inception, mammography use has doubled, and breast cancer death rates have declined; however many women do not utilize mammography at regular intervals, and

**WHEREAS**, in recognition of the fact that mammography is the best available method of detecting breast changes that may be cancer, long before physical symptoms can be seen or felt, and that breast

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cancer deaths could decline further if all women age 40 and older received mammograms at regular intervals;

**NOW, THEREFORE BE IT RESOLVED**, that the Nelson County Board of Supervisors, does hereby proclaim October 2010, as Breast Cancer Awareness Month and calls this observance to the attention of all of its citizens; urging all women and their families in Nelson County to get the facts about mammography.

### **III. New/Unfinished Business**

#### **A. Resolution – R2010-60 Reducing Unfunded State Mandates for K-12 Education**

Ms. Brennan noted that the Matthews County Administrator had sent a letter requesting the Board's support via passage of the same or similar resolution as theirs; regarding reducing unfunded state mandates for public education. Mr. Carter noted that the one presented for consideration was the same resolution that Matthews County had sent over, minus specific dollar amounts.

Mr. Harvey then moved to approve Resolution R2010-60 and Mr. Johnson seconded the motion. There being no further discussion, Supervisors voted unanimously (3-0) by roll call vote to approve the motion and the following resolution was adopted:

**R2010-60**  
**NELSON COUNTY BOARD OF SUPERVISORS**  
**RESOLUTION IN SUPPORT OF REDUCED UNFUNDED MANDATES**  
**FOR PUBLIC EDUCATION IN VIRGINIA**

**WHEREAS**, it is the responsibility of the County of Nelson, Virginia, through its Board of Supervisors and its School Board, to construct a balanced budget within the confines of available federal, state and local funds; and

**WHEREAS**, the Commonwealth of Virginia provides direction to and imposes requirements on the public schools within the state; and

**WHEREAS**, the FY 2011 Nelson County School budget required cuts from the previous year's budget to achieve a balanced budget; and

**WHEREAS**, according to James Regimbal, Jr., reporting to the Virginia Association of Counties on June 17, 2010, "adopted FY 2011 K-12 state distribution from all funding sources is \$512 million lower than this year's adopted FY 2010 distribution;" and

**WHEREAS**, Nelson County has no reason to believe that state funding for K-12 education in FY 2012 will increase and may in fact decline; and

**WHEREAS**, despite making substantial cuts in services and positions, the Nelson County School Board is faced with the difficult choice of reducing educational programs or facing non-compliance with state regulations in this current difficult economy; and

September 23, 2010

**WHEREAS**, there is substantial need to ease burdens placed on all localities by Commonwealth-imposed unfunded mandates which force difficult choices between untenable tax increases or cuts in educational services for our children;

**NOW, THEREFORE, BE IT RESOLVED** that the Nelson County Board of Supervisors requests that the Virginia Department of Education substantially reduce the current number of unfunded mandates.

**BE IT FURTHER RESOLVED** that the Virginia Department of Education delay implementation of all new unfunded mandates until the economy has substantially recovered.

**BE IT FURTHER RESOLVED** that the Virginia Department of Education place a moratorium on penalties for noncompliance until the substantial recovery of the economy.

**BE IT FURTHER RESOLVED** that the Department of Education shall reduce the need for locally-generated paperwork and statistics which do not provide actual benefit to students.

**BE IT FURTHER RESOLVED** that careful consideration be given to the impact of mandates on small school systems, such as Nelson County.

**BE IT FURTHER RESOLVED** that the Virginia Department of Education align SOL testing schedules with federally-mandated testing in order to minimize the time students spend testing rather than learning.

**BE IT FURTHER RESOLVED** that in agreement with the 2010 Legislative Policies of the Virginia Association of School Superintendents, “the state should assume a role of support and direction rather than one of punitive enforcement in accountability and accreditation.”

**BE IT FURTHER RESOLVED** that a copy of this Resolution shall be presented to Robert McDonnell, Governor of Virginia; State Senator R. Creigh Deeds; Delegate Watkins M. Abbitt Jr.; U. S. Senator Mark Warner; U. S. Senator James Webb; Congressman Tom Perriello; the Virginia Board of Education; and the Virginia Department of Education.

#### B. Resolution – **R2010-61** Approval of Job Descriptions

Mr. Carter advised the Board that the County’s pay scale was not included in the Board’s packet and he suggested that they defer their approval of the job descriptions. Ms. Brennan indicated that they could discuss the other aspects of the job descriptions individually and then re-consider them at the next meeting when they have the pay scale.

The Board and staff then briefly discussed each job description as follows:

##### Planner Position:

Mr. Carter reported that the proposed resolution does not provide for the advertisement of the position and the approval would be to only include it in the County’s classification system. He noted that

September 23, 2010

conversely, the Tourism position approval would provide for advertising and filling the position and he noted that funds for this were already in the current budget.

Mr. Carter then noted that the Planner position would be subordinate to Mr. Boger and was a staff position. Mr. Johnson stated that he understood that the position would be in line with the previous discussions had with the Board and Mr. Carter confirmed that the Board had decided to refill the Planning Secretary position upon Ms. Fortune's retirement and this would be an additional planning position which may or may not be filled. He added that the Board had thought it preferable to retain the clerical position and then they could decide to fill the position based on budgetary decisions in the future.

Mr. Harvey noted that it would be more of a field position and Mr. Carter added that it would be akin to a Building Inspector.

Ms. Brennan questioned if the position would only fit into one of the categories pertaining to the level of decision making on policies and Mr. Carter noted that only one box could be checked under making recommendations on policies. Ms. Brennan indicated that she would like to see all employees able to make recommendations to the Board and Mr. Carter clarified that the goal was to strengthen the office.

Ms. Brennan questioned the essential responsibility ratings and Mr. Carter noted that this was related to the allocation of time and a rating of the importance of each listed responsibility. He noted that this was somewhat subjective and there was room for additional duties. Ms. Brennan noted that GIS was important to her and she would like to see it more highly rated, but overall she was good with it to be brought back in October with the pay scale. There was no other discussion and no action was taken.

#### Tourism:

Mr. Carter explained that this position had been strengthened and would be the aid to the Director, being able to step up if necessary and would hopefully make a major contribution to the office.

He added that he agreed that the Office & Clerical classification did not seem to fit perfectly but he noted that the office was staffed to perform these duties all of the time.

Mr. Johnson added that the position would allow for the splitting of duties between this person and Ms. Kelley who was out of the County a lot; noting the office would have this flexibility. Mr. Carter agreed and noted that added flexibility was a goal for all positions.

There being no further discussion, Mr. Carter suggested that the Board table its action until they could see the pay scale and the Board agreed by consensus to defer action until the next meeting.

#### C. Resolution – **R2010-62** Procurement Exception for Motorola (Installation of ECC Radio Equipment)

Mr. Carter reported that he, staff and the Board committee had attended a meeting with Motorola regarding the ECC radio equipment. He noted that the County would get reduced pricing on the equipment for using the state contract but that the state contract did not provide for installation, but

September 23, 2010

rather gave a method for evaluating these costs. He noted that Motorola had installation representatives in regional areas and that the County had Clear Communications as its representative and has been working with them for years.

He further reported that the original cost projections were higher than the costs that have come in, the current ECC equipment was nearing its life expectancy, and that the proposal to buy the new equipment now was in County's best interest.

Mr. Harvey indicated that he had nothing to add and Mr. Carter noted that he was comfortable in recommending to the Board that this purchase be made. Ms. Rorrer, in attendance added that now was the time to purchase new equipment since they had issues with varying windows platforms and it would make for a quicker cutover when the ECC got moved into the new center.

Mr. Harvey then moved to approve resolution R2010-62 and Mr. Johnson seconded the motion. There being no further discussion, Supervisors voted unanimously (3-0) by roll call vote to approve the motion and the following resolution was adopted:

**RESOLUTION R2010-62  
NELSON COUNTY BOARD OF SUPERVISORS  
PROCUREMENT EXCEPTION**

**WHEREAS**, the Nelson County Purchasing Manual effective January 1, 1996 prescribes procurement by a formal bidding procedure of competitive sealed bidding or competitive negotiation for contracts \$15,000 or greater;

**WHEREAS**, Title 2.2-4303 of the Code of Virginia requires the local governing body to make written determination and documentation that competitive sealed bidding or competitive negotiation is either not practicable or not fiscally advantageous;

**WHEREAS**, the County may purchase certain Motorola equipment to interface with existing public safety systems in the Emergency Communications Center pursuant to the Commonwealth of Virginia Statewide Agencies Radios System contract (VA Contract #2001-035);

**WHEREAS**, installation may not be purchased pursuant to VA Contract #2001-035 and they said Motorola equipment can only be installed by a certified Motorola installer to maintain the equipment warranty and not compromise the county's maintenance agreement for its existing equipment;

**WHEREAS**, the VA Contract #2001-035, Appendix 23, establishes a reasonable value for installation services and these man-day rates have been utilized to determine the proposed upgrade installation cost;

**NOW, THEREFORE, BE IT RESOLVED** by the Nelson County Board of Supervisors that the formal bidding process is not practicable or fiscally advantageous as related to installation services because only a Motorola authorized installer may provide this service and the proposed installation rates have been determined to be fair and reasonable on the basis of service rates established in Appendix 23 of VA Contract #2001-035;

September 23, 2010

**BE IT FINALLY RESOLVED** by the Nelson County Board of Supervisors to authorize the County Administrator to award a contract to Motorola for a 3 position dispatch console, control station and net clock pursuant to VA Contract #2001-035 and to allow a procurement exception to also award the contract to Motorola for installation of the noted equipment in the newly constructed Nelson County Emergency Communications Center.

Introduced: Verizon Service:

Mr. Johnson noted that he had been in contact with his Verizon wireless representative who would call the wired services person to get a conference call regarding the recent service delays. He noted that the representative was happy to help solve these issues.

Introduced: Wintergreen Towers:

Mr. Harvey reported that there was a possibility that there would be two (2) towers built at Devil's Knob and that there was a meeting Monday on site with Shenandoah Tower. He noted that this would double the capability as far as space and they could put one (1) microwave dish on each tower. He added that he did not like having the phone company on the County's tower. Mr. Johnson added that this may allow for wireless capabilities in the future.

Introduced: New Business Incentives:

Ms. Brennan noted that staff was evaluating a proposal for incentives for a new business and the Board needed a committee to assist in its evaluation. She noted that Mr. Hale had indicated that he was willing to serve and that Mr. Bruguere would also be appointed to the committee.

Introduced: November Meeting Date:

Ms. Brennan noted that the Board needed to confirm an alternate date for the first November meeting so that a presentation on the Chesapeake Bay could be scheduled. She then proposed November 16th at 2pm and the Board agreed by consensus to this date. Mr. Carter suggested that staff bring back a resolution to that effect to the next Board meeting for approval.

Introduced: VDOT Issues:

Mr. Harvey reported that he had met with Ms. Wolf and VDOT on site regarding the entrance location at Ms. Wolf's place, that she should have an answer regarding the entrance in ten (10) days and that VDOT was likely to accept the current entrance.

Mr. Harvey also noted that there were quirks to work out at the new turn lane onto Greenfield Rd. in Afton. He reported that the stop bar was back too far and that they were coming back to do more paving in the curve there.

Mr. Johnson reported that work had been done on Tye River Rd and it was wider now, there was gravel edging on the road, and it was much better. He indicated that he was pleased that the three (3) places that he had complained about have been worked on recently.

September 23, 2010

Ms. Brennan noted that she had read about a VDOT audit that showed that there was unused money sitting there with VDOT and there may be opportunities now to fund some things.

#### **IV. Public Comments**

Ms. Brennan opened the floor for public comments and there being no persons wishing to be recognized, the public comments session was closed.

#### **V. Adjournment**

At 7:35 PM, Mr. Johnson moved to adjourn and Mr. Harvey seconded the motion. Mr. Harvey then noted that there would be a mud bog held on October 9<sup>th</sup> which would be in conjunction with a yard sale to benefit Relay for Life and in honor of Breast Cancer Awareness Month.

There being no further discussion, Supervisors voted unanimously by voice vote to approve the motion and the meeting adjourned.

**RESOLUTION-R2010-64**  
**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>
\$ 8.85	2010 Personal Property Tax	Nelson County Volunteer Fireman's Association Lovingson Volunteer Fire Dept. P.O. Box 6 Lovingson, VA 22949
\$ 90.35	2010 Personal Property Tax	Cheryl Borgman 92 Bull Pine Rd. Afton, VA 22920

Approved: October 12, 2010

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

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

Telephone: 434-263-7070  
Fax: 434-263-7074  
Email: [jpayne@nelsoncountv.org](mailto:jpayne@nelsoncountv.org)

September 14, 2010

Connie Brennan, Chairperson  
Nelson County Board of Supervisors  
Lovington, VA 22949

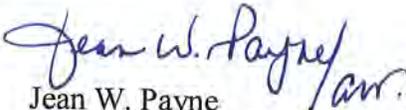
Dear Mrs. Brennan,

This letter shall serve as written request that a 2010 personal property tax refund of \$8.85 be issued to:

Nelson County Volunteer Fireman's Association  
Lovington Volunteer Fire Department  
P. O. Box 6 Lovington, VA 22949

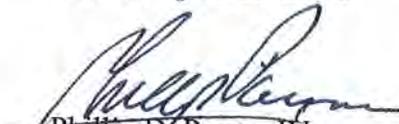
This emergency services provider was billed in error. Supporting data is included.

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

NELSON10 9/14/10 Tax Abatement Entry Display

14:25:01 AUDREY

Co# 001 Dept PP2010 Tckt 0007437 0001 Cls P1  
Name NELSON CT VOLU FIREMANS ASSOC

Original Tax History  
Mths Taxed 6 #Bills 2  
Value 200  
Tax 2.95  
Late Filing  
Total Tax 2.95

Addr 1 LOVINGSTON VOLUNTEER FIRE DEPT  
Addr 2 PO BOX 6  
Addr 3 LOVINGSTON VA 229490006

Transaction Summary

Desc 1 1984 MACK  
Desc 2  
Desc 3 1M2A131C8EM002229  
Soc# 1/2 541-76-8857 /  
NetValue 200 Net Tax Amt  
Net Start Date 1/01/2010 Net End Date 12/31/2010  
Net Mths Taxed 12

Taxpayer Tax 2.95  
Abatements  
Payments 2.95  
Taxpayer LF Pen  
Adjusted LF Pen  
In Process  
Ttl Taxpayer Tx  
Commonwealth Tx  
Adj Commwlth Tx  
In Process  
Ttl Commwlth Tx

Date 9/14/2010 (MMDDYYYY)  
Tax Abatement LF Abatement

\*Value  
PPTRA (Y/N) N Abate both halves? Y  
Comnt 1  
Comnt 2

PRORATION ONLY  
Adj Start Date  
Adj End Date  
Adj Mths Taxed

\*If VALUE keyed w/NO TAX Abatement, will auto calc  
F3=Exit F23=Delete F5=Refresh F9=Abatement

Hist Comments PgUP/PgDn

NELSON10 9/14/10 Tax Abatement Entry Display

14:25:37 AUDREY

Co# 001 Dept PP2010 Tckt 0007437 0003 Cls P1  
Name NELSON CT VOLU FIREMANS ASSOC

Original Tax History  
Mths Taxed 6 #Bills 2  
Value 200  
Tax 2.95  
Late Filing  
Total Tax 2.95

Addr 1 LOVINGSTON VOLUNTEER FIRE DEPT  
Addr 2 PO BOX 6  
Addr 3 LOVINGSTON VA 229490006

Transaction Summary  
Taxpayer Tax 2.95  
Abatements  
Payments 2.95-

Desc 1 1981 SEAGRAVE  
Desc 2 ENGINE  
Desc 3 1F9EN28P8BCST2018  
Soc# 1/2 541-76-8857 /  
NetValue 200 Net Tax Amt  
Net Start Date 1/01/2010 Net End Date 12/31/2010  
Net Mths Taxed 12

Ttl Taxpayer Tx  
Commonwealth Tx  
Adj Commwlth Tx  
In Process  
Ttl Commwlth Tx

Date 9/14/2010 (MMDDYYYY)  
Tax Abatement Lf Abatement

\*Value  
PPTRA (Y/N) N Abate both halves? Y  
Comnt 1  
Comnt 2

PRORATION ONLY  
Adj Start Date  
Adj End Date  
Adj Mths Taxed

\*If VALUE keyed w/NO TAX Abatement, will auto calc  
F3=Exit F23=Delete F5=Refresh F9=Abatement

Hist Comments PgUP/PgDn

NELSON10 9/14/10 Tax Abatement Entry Display

14:26:38 AUDREY

Co# 001 Dept PP2010 Tckt 0007437 0005 Cls P1

Original Tax History

Name NELSON CT VOLU FIREMANS ASSOC

Mths Taxed 6 #Bills 2

Addr 1 LOVINGSTON VOLUNTEER FIRE DEPT

Value 200

Addr 2 PO BOX 6

Tax 2.95

Addr 3 LOVINGSTON VA

229490006

Late Filing

Total Tax 2.95

Desc 1 1974 FORD

Transaction Summary

Desc 2 ENGINE

Taxpayer Tax 2.95

Desc 3 D80CVT34592

Abatements

Soc# 1/2 541-76-8857 /

Payments 2.95

NetValue 200

Net Tax Amt

Taxpayer LF Pen

Net Start Date 1/01/2010 Net End Date 12/31/2010

Adjusted LF Pen

Net Mths Taxed 12

In Process

Date 9/14/2010 (MMDDYYYY)

Ttl Taxpayer Tx

Tax Abatement LF Abatement

Commonwealth Tx

\*Value

PPTRA (Y/N) N Abate both halves? Y

Adj Commwlth Tx

Comnt 1

In Process

Comnt 2

Ttl Commwlth Tx

PRORATION ONLY

Adj Start Date

Adj End Date

\*If VALUE keyed w/NO TAX Abatement, will auto calc

Adj Mths Taxed

F3=Exit

F23=Delete

F5=Refresh

F9=Abatement

Hist Comments

PgUP/PgDn

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

Telephone: 434-263-7070  
Fax: 434-263-7074  
Email: [jpayne@nelsoncountv.org](mailto:jpayne@nelsoncountv.org)

September 22, 2010

Connie Brennan, Chairperson  
Nelson County Board of Supervisors  
Lovington, VA 22949

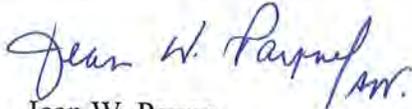
Dear Mrs. Brennan,

This letter shall serve as written request that a 2010 personal property tax refund of \$90.35 be issued to:

Cheryl Borgman  
92 Bull Pine Road Afton, VA 22920

Ms. Borgman paid first half 2010 personal property taxes for a business that dissolved in 2008. Supporting data is included for your review.

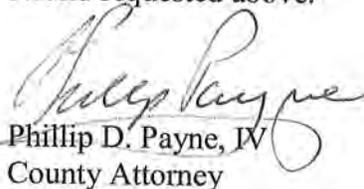
Respectfully requested,



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

Co# 001 Dept PP2010 Tckt 0008045 0001 Cls P1  
Name PLANTS UNLIMITED  
CHERYL BORGMAN  
Addr 1 92 BULL PINE ROAD  
Addr 2  
Addr 3 AFTON VA 229200000

Original Tax History  
Mths Taxed 6 #Bills 2  
Value 345  
Tax 5.09  
Late Filing  
Total Tax 5.09

Desc 1 2010 BUSINESSPP  
Desc 2  
Desc 3 BUSINESS EQUIPMENT  
Soc# 1/2 18-48-9988 /  
NetValue 345 Net Tax Amt  
Net Start Date 1/01/2010 Net End Date 12/31/2010  
Net Mths Taxed 12

Transaction Summary  
Taxpayer Tax 5.09  
Abatements  
Payments 5.09-  
Taxpayer LF Pen  
Adjusted LF Pen  
In Process  
Ttl Taxpayer Tx  
Commonwealth Tx  
Adj Commwlth Tx  
In Process  
Ttl Commwlth Tx

Date 9/22/2010 (MMDDYYYY)  
Tax Abatement LF Abatement  
\*Value  
PPTRA (Y/N) N Abate both halves? Y  
Comnt 1  
Comnt 2

Co# 001 Dept PP2010 Tckt 0008045 0003 Cls P1

Original Tax History  
Mths Taxed 6 #Bills 2  
Value 5780  
Tax 85.26  
Late Filing  
Total Tax 85.26

Name PLANTS UNLIMITED  
CHERYL BORGMAN  
Addr 1 92 BULL PINE ROAD  
Addr 2  
Addr 3 AFTON VA 229200000

Desc 1 1997 JOHN DEERE  
Desc 2 1070 TRACTOR  
Desc 3

Transaction Summary  
Taxpayer Tax 85.26  
Abatements  
Payments 85.26  
Taxpayer LF Pen  
Adjusted LF Pen  
In Process  
Ttl Taxpayer Tx  
Commonwealth Tx  
Adj Commwlth Tx  
In Process  
Ttl Commwlth Tx

Soc# 1/2 18-48-9988 /  
NetValue 5780 Net Tax Amt  
Net Start Date 1/01/2010 Net End Date 12/31/2010  
Net Mths Taxed 12

Date 9/22/2010 (MMDDYYYY)

Tax Abatement LF Abatement

\*Value

PPTRA (Y/N) N Abate both halves? Y

Comnt 1

Comnt 2

\*If VALUE keyed w/NO TAX Abatement, will auto calc

**Audrey Wimer**

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**From:** Jean Payne  
**Sent:** Monday, September 20, 2010 12:56 PM  
**To:** Audrey Wimer  
**Subject:** FW: Personal Property Tax

Jean W. Payne  
Commissioner of the Revenue  
Nelson County  
434-263-7070  
434-263-7074 (fax)

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**From:** Erma Harris  
**Sent:** Monday, September 20, 2010 11:55 AM  
**To:** Jean Payne  
**Subject:** FW: Personal Property Tax

Jean  
Can you take care of this?

---

**From:** Borgman, Cheryl (cab9e) [mailto:cab9e@eservices.virginia.edu]  
**Sent:** Monday, September 20, 2010 11:25 AM  
**To:** Erma Harris  
**Subject:** Personal Property Tax

September 20, 2010

To: Erma Sue Harris  
Nelson County Treasurer

From: Cheryl Borgman  
92 Bull Pine Road  
Afton, VA 22920  
434-960-4957, [cab9e@virginia.edu](mailto:cab9e@virginia.edu)

Re: Plants Unlimited Personal Property Tax bill

I am writing to inform you that Plants Unlimited is no longer in business. The corporation was dissolved in 2008. There have been no business transactions in 2010. I understand that I may be refunded the PP tax that I paid in June 2010 and am no longer obligated to pay PP tax on the remaining equipment. The JD tractor and Ford Ranger (registered and insured) will be used for personal farm maintenance activities. Other equipment has been depreciated and is no longer in use.

Please let me know if you need further information or a signed copy of this notice.

Thank you,

Cheryl Borgman

9/21/2010

**RESOLUTION R2010-65  
NELSON COUNTY BOARD OF SUPERVISORS  
AMENDMENT OF FISCAL YEAR 2010-2011 BUDGET  
NELSON COUNTY, VA  
October 12, 2010**

BE IT RESOLVED by the Board of Supervisors of Nelson County that the Fiscal Year 2010-2011 Budget be hereby amended as follows:

**I. Appropriation of Funds (General Fund)**

<u>Amount</u>	<u>Revenue Account</u>	<u>Expenditure Account</u>
\$ 5,522.00	3-100-009999-0001	4-100-021040-3025
\$ 356.00	3-100-009999-0001	4-100-022010-5504
\$ 6,219.00	3-100-002404-0007	4-100-082050-6008
<u>\$ 12,097.00</u>		

Adopted: October 12, 2010

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

EXPLANATION OF BUDGET AMENDMENT

- I. The **General Fund Appropriation** includes an appropriation request for **\$5,522** of unexpended FY10 VJCCCA (Virginia Juvenile community Crime Control Act) funds that must be repaid to the state. The second request is made by the Commonwealth Attorney for use of Asset Forfeiture Funds (**\$356**) to pay for an airline ticket relative to a computer fraud investigation. These funds were received and allocated to the Commonwealth Attorney in a prior fiscal year and must be spent in accordance with Virginia Forfeited Asset Sharing Program guidelines. The final request reflects the award of a Litter Prevention and Recycling Grant in the amount of **\$6,219**. These funds are utilized for various litter prevention and recycling expenses.

**RESOLUTION-R2010-66**  
**NELSON COUNTY BOARD OF SUPERVISORS**  
**RESCHEDULING OF FIRST NOVEMBER 2010 REGULAR MEETING**

**WHEREAS**, the Nelson County Board of Supervisors hereby establishes that alternate dates for the Board's regular monthly meeting on **November 9, 2010** is necessary due to the attendance of the members of said governing body at the annual conference of the Virginia Association of Counties on November 7-9, 2010;

**NOW THEREFORE BE IT RESOLVED**, by the Nelson County Board of Supervisors pursuant to §15.2-1416 (Regular meetings) of the Code of Virginia that the regular meeting of the Board on **November 9, 2010** be and hereby is rescheduled to **November 16, 2010** with the place and time(s) of said meeting to continue to be as established at the Board's annual meeting in January 2010;

**BE IT LASTLY RESOLVED**, that the regular meetings of the Board of Supervisors after the regular meeting on **January 11, 2011** shall be in accordance with the schedule of regular monthly meetings established by the Board at its annual meeting in January 2011, unless otherwise approved, and, that, the County Administrator shall post notice of the rescheduling of the Board's November 9, 2010 regular meeting in accordance with the requirements of §15.2-1416 of the Code of Virginia.

Adopted: October 12, 2010

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

**From:** [Austin Sr., Donald L.](#)  
**To:** [Steve Carter](#); [Hamilton, Randy L.](#)  
**Cc:** [Candy McGarry](#)  
**Subject:** RE: Nelson County BOS Meeting on 10-12  
**Date:** Thursday, October 07, 2010 8:48:36 AM

---

Steve:

I will not be able to attend. Let me know if any maintenance items come up.

Route 648, Deer Run, damaged pipe has been replaced and road reopened to traffic.

Don

---

**From:** Steve Carter [mailto:SCarter@nelsoncounty.org]  
**Sent:** Thursday, October 07, 2010 8:31 AM  
**To:** Austin Sr., Donald L.; Hamilton, Randy L.  
**Cc:** Candy McGarry  
**Subject:** Nelson County BOS Meeting on 10-12

Don/Randy,

I'm checking in with you to inquire whether or one of you plans to attend the Board of Supervisors meeting on 10-12 (at 2 p.m.).

Please respond to Candy and me. I don't believe its critical that you attend this month but do one to present this to you and be able to advise the BOS.

Thanks,

Steve

Stephen A. Carter  
Nelson County Administrator  
P. O. Box 336  
Lovington, VA 22949  
(434) 263-7000 (P)  
(434) 263-7004 (F)

**Nelson County: Don Austin, Residency Maintenance Manager**

Route 6 @ Cove Creek (632-639) – Bridge rehabilitation project. Signs, signals and barriers used to direct traffic. One lane of traffic restricted to 9' width. Comp. date 10/21.

Route 29 North @ Tye River – Contractor has started to mobilize to location for reconstruction of northbound bridge and approaches. The inside lanes of existing Route 29 will be closed soon for construction of temporary crossovers.

Route 60 over CSX Railway @ Bent Creek – Crews will patch concrete and repair bridge decks. Flaggers will assist motorists during temporary lane closures.

Route 648 (56 – 719) – Road closed to through traffic beginning 9/15/10 for approx. 3 weeks. Crews will replace a damaged drainage pipe. A signed detour will be in place.

**RESOLUTION R2010-61**  
**NELSON COUNTY BOARD OF SUPERVISORS**  
**APPROVAL OF JOB DESCRIPTIONS**  
**PLANNER and**  
**ECONOMIC DEVELOPMENT & TOURISM SPECIALIST**

**WHEREAS**, the County of Nelson has a position classification plan that includes job descriptions for full and part-time employment positions;

**NOW THEREFORE, BE IT RESOLVED**, that the Nelson County Board of Supervisors hereby incorporates the job descriptions for Planner and Economic Development & Tourism Specialist into the County of Nelson position classification plan and that the noted job descriptions as attached are hereby made a part of this resolution.

**NOW THEREFORE, BE IT FURTHER RESOLVED**, that the Planner position remain vacant until such time as funds may be budgeted and that the Economic Development and Tourism Specialist position be advertised and filled.

Adopted: \_\_\_\_\_, 2010

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

## NELSON COUNTY JOB DESCRIPTION

Job Title **Planner**

Grade **15**

Supervisor's Title **Director of Planning and Zoning**

FLSA Status **Non-Exempt**

Department **Planning and Zoning**

Date \_\_\_\_\_

**Purpose of the Job:** To provide professional support relative to zoning/subdivision applications, long range planning projects, and other work as may be required by the Department of Planning and Zoning.

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

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

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

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

	Essential Responsibility	% of Time	Importance Rating
1	Assists with maintaining the Comprehensive Plan and other planning and zoning ordinances inclusive of studies, analysis and recommendations.	10%	5
2	Conducts site plan and subdivision plat reviews for compliance with subdivision and other regulations, performing research and field review as needed.	25%	5
3	Reviews and processes zoning applications. Investigates complaints on zoning violations.	25%	5
4	Performs GIS analysis using mapping and other related software tools.	10%	3
5	Attends Planning Commission, Board of Zoning Appeals, and Board of Supervisor meetings.	5%	3
6	Explains planning problems and procedures to the general public.	10%	4
7	Prepares or assists with other planning or GIS related projects.	10%	3

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

## NELSON COUNTY JOB DESCRIPTION

Job Title of Direct Reports	Number of FTE Employees In The Job
None	

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

Examples Of Specific Decisions Routinely Made
Accurate interpretation of zoning and subdivision ordinance to determine citizen compliance.
Decides if all permit applications are accurate and complete and if not, what information needs to be provided to be able to process them in a timely manner.
Decides when and how to answer routine questions or forward them to the appropriate person.
Decides which policies are applicable to a particular application.

**Formal Policy-Setting Responsibilities.**

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

**Required Knowledge.**

Knowledge Or Information Required For Completely Satisfactory Performance
Knowledge of planning and zoning principles
Knowledge of state and local codes relating to zoning and subdivision of land
Knowledge of practices and principles of erosion and sediment control
General knowledge of County geography, road systems and landmarks

## NELSON COUNTY JOB DESCRIPTION

Working knowledge of PC applications including word processing, spreadsheets, data base, and GIS
Knowledge of local and state government practices relating to planning and zoning

**Required Skills or Abilities.**

Skills And Abilities Required For Completely Satisfactory Performance
Ability to communicate courteously and effectively with the public in oral and written form.
Ability to understand and interpret state and local ordinances
Ability to read, understand, and interpret site plans and maps
Ability to multi-task and meet strict deadlines
Ability to legally operate a motor vehicle

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

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

**Working Conditions.**

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

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

## NELSON COUNTY JOB DESCRIPTION

**Officials and managers.** Occupations requiring administrative and managerial personnel who set broad policies, exercise overall responsibility for execution of these policies, and direct individual departments or special phases of a firm's operations. Includes: officials, executives, middle management, plant managers, department managers, and superintendents, salaried supervisors who are members of management, purchasing agents and buyers, railroad conductors and yard masters, ship captains, mates and other officers, farm operators and managers, and kindred workers.

**Professionals.** Occupations requiring either college graduation or experience of such kind and amount as to provide a comparable background. Includes: accountants and auditors, airplane pilots and navigators, architects, artists, chemists, designers, dietitians, editors, engineers, lawyers, librarians, mathematicians, natural scientists, registered professional nurses, personnel and labor relations specialists, physical scientists, physicians, social scientists, teachers, surveyors and kindred workers.

**Technicians.** Occupations requiring a combination of basic scientific knowledge and manual skill which can be obtained through 2 years of post high school education, such as is offered in many technical institutes and junior colleges, or through equivalent on-the-job training. Includes: computer programmers, drafters, engineering aides, junior engineers, mathematical aides, licensed, practical or vocational nurses, photographers, radio operators, scientific assistants, technical illustrators, technicians (medical, dental, electronic, physical science) and kindred workers.

**Sales.** Occupations engaging wholly or primarily in direct selling. Includes: advertising agents and brokers, stock and bond salesworkers, demonstrators, salesworkers and sales clerks, grocery clerks, and cashiers/checkers, and kindred workers.

**Office and Clerical.** Includes all clerical-type work regardless of level of difficulty, where the activities are predominantly non-manual through some manual work not directly involved with altering or transporting the products is included. Includes: bookkeepers, collectors (bills and accounts), messengers and office helpers, office machine operators (including computer), shipping and receiving clerks, stenographers, typists and secretaries, telegraph and telephone operators, legal assistants, and kindred workers.

**Craft Workers (skilled).** Manual workers of relatively high skill level having a thorough and comprehensive knowledge of the processes involved in their work. Exercise considerable independent judgment and usually receive an extensive period of training. Includes: the building trades, hourly paid supervisors and lead operators who are not members of management, mechanics and repairers, skilled machining occupations, compositors and typesetters, electricians, engravers, painters (construction and maintenance), motion picture projectionists, pattern and model makers, stationary engineers, tailors and tailoresses, arts occupations, handpainters, coaters, bakers, decorating occupations and kindred workers.

## NELSON COUNTY JOB DESCRIPTION

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

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

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

## NELSON COUNTY JOB DESCRIPTION

Job Title **Economic Development & Tourism Specialist**

Grade 14

Supervisor's Title **Director of Economic Development and Tourism**

FLSA Status Non-Exempt

Department **Economic Development and Tourism**

Date \_\_\_\_\_

**Purpose of the Job:** To assist the Director in promoting Nelson County as a tourist destination and recruiting and retaining businesses in Nelson County.

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

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

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

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

	Essential Responsibility	% of Time	Importance Rating
1	Manages daily operations of the visitor's center to include staff scheduling, maintaining brochure displays, sales stock, and the center's public relations responsibilities.	10	4
2	Serves as staff researcher, prepares and maintains marketing, demographic and related economic development information inclusive of maintaining an inventory of business and industrial properties; compiles and distributes information packets for citizens, tourists and business/industry representatives.	20	5
3	Assists in developing and implementing economic development and marketing strategies and plans; assists in coordination of special projects and events.	15	5
4	Works with the Director to increase business and tourism investment in the County.	10	5
5	Prepares budget forms, prepares requests for proposal/invitations for bid and obtains price quotes for procurement of goods and services needed by the department, works with the Finance Department to secure needed purchase orders, verifies accuracy of invoices and completes submittal form to forward to appropriate department for payment, and maintains correspondence records and files.	10	5
6	Assists in the development, review and distribution of brochures; Prepares and develops articles and press releases to promote tourism, economic development, special events, and public relations.	10	5
7	Research grant programs and potential funding sources for county projects, prepare funding applications, and facilitate programmatic requirements for successful grant projects.	20	5

## NELSON COUNTY JOB DESCRIPTION

**Formal Supervisory Responsibility.** Employees in the following positions report directly to the Economic Development and Tourism Specialist.

Job Title of Direct Reports	Number of FTE Employees In The Job
None	

**Routine Decision-Making.**

Examples Of Specific Decisions Routinely Made
Determines visitor center scheduling in order to maintain visitor center status (open 7 days/week).
Decides how to analyze and organize data for presentation.
Decides when office supply inventory needs replenishing and selects vendors for ordering.
Decides which grant resources are appropriate for a particular project.
Decides what brochure locations need new supplies of brochures and when to update visitor center displays.

**Formal Policy-Setting Responsibilities.**

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

**Required Knowledge.**

## NELSON COUNTY JOB DESCRIPTION

<b>Knowledge Or Information Required For Completely Satisfactory Performance</b>
Knowledge of general marketing and advertising principles, business plans and principles of economic development.
Working knowledge of PC applications including word processing, publisher, internet navigation and web-page design.
General knowledge of regional and state tourism and economic development agencies and organizations such as the Virginia Tourism Corp. and the Virginia Department of Business Assistance programs.
General knowledge of Nelson County's Comprehensive Plan, land use and zoning ordinances.
Working knowledge of geography, roadways, landmarks and history of the County.
Knowledge of basic budget principles
Knowledge of federal and state grant programs, grant application processes, and writing of applications.

### **Required Skills or Abilities.**

<b>Skills And Abilities Required For Completely Satisfactory Performance</b>
Ability to communicate courteously and effectively with the public in oral and written form
Ability to develop, write and prepare grant applications
Ability to research, analyze and evaluate large amounts of data
Ability to problem solve independently without constant supervision
Creative design skills for all types of media
Ability to multi-task and meet strict deadlines
Ability to interact with local, state, and regional business/industry/government/community representatives regarding tourism and economic development subjects.

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

## NELSON COUNTY JOB DESCRIPTION

- Less than a high school education                       Four-year college education
- High school education     Graduate level education
- Technical or vocational school education               Professional school (e.g., law, medicine, etc.)
- Junior college/two-year college training               Other (Please specify): \_\_\_\_\_

### Working Conditions.

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

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

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

## NELSON COUNTY JOB DESCRIPTION



**Craft Workers (skilled).** Manual workers of relatively high skill level having a thorough and comprehensive knowledge of the processes involved in their work. Exercise considerable independent judgment and usually receive an extensive period of training. Includes: the building trades, hourly paid supervisors and lead operators who are not members of management, mechanics and repairers, skilled machining occupations, compositors and typesetters, electricians, engravers, painters (construction and maintenance), motion picture projectionists, pattern and model makers, stationary engineers, tailors and tailoresses, arts occupations, handpainters, coaters, bakers, decorating occupations and kindred workers.



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



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



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

	SALARY SCALE						2008/2009	3% COLA			
	2.5% STEPS										
GRADE	STEP1	STEP 2	STEP 3	STEP4	STEP 5	STEP 6	STEP 7	STEP 8	STEP 9	STEP 10	STEP 11
1	\$15,877	\$16,274	\$16,681	\$17,098	\$17,525	\$17,963	\$18,412	\$18,873	\$19,345	\$19,828	\$20,324
2	\$16,673	\$17,090	\$17,517	\$17,955	\$18,404	\$18,864	\$19,335	\$19,819	\$20,314	\$20,822	\$21,343
3	\$17,509	\$17,946	\$18,395	\$18,855	\$19,326	\$19,809	\$20,304	\$20,812	\$21,332	\$21,866	\$22,412
4	\$18,384	\$18,844	\$19,315	\$19,797	\$20,292	\$20,800	\$21,320	\$21,853	\$22,399	\$22,959	\$23,533
5	\$19,299	\$19,782	\$20,276	\$20,783	\$21,303	\$21,835	\$22,381	\$22,941	\$23,514	\$24,102	\$24,705
6	\$20,254	\$20,760	\$21,280	\$21,811	\$22,357	\$22,916	\$23,489	\$24,076	\$24,678	\$25,295	\$25,927
7	\$21,249	\$21,780	\$22,325	\$22,883	\$23,455	\$24,041	\$24,642	\$25,258	\$25,890	\$26,537	\$27,200
8	\$22,323	\$22,881	\$23,453	\$24,040	\$24,641	\$25,257	\$25,888	\$26,535	\$27,199	\$27,879	\$28,576
9	\$23,438	\$24,023	\$24,624	\$25,240	\$25,871	\$26,517	\$27,180	\$27,860	\$28,556	\$29,270	\$30,002
10	\$24,591	\$25,206	\$25,836	\$26,482	\$27,144	\$27,823	\$28,519	\$29,232	\$29,962	\$30,711	\$31,479
11	\$25,825	\$26,471	\$27,132	\$27,811	\$28,506	\$29,219	\$29,949	\$30,698	\$31,465	\$32,252	\$33,058
12	\$27,098	\$27,776	\$28,470	\$29,182	\$29,912	\$30,659	\$31,426	\$32,211	\$33,017	\$33,842	\$34,688
13	\$28,451	\$29,163	\$29,892	\$30,639	\$31,405	\$32,190	\$32,995	\$33,820	\$34,665	\$35,532	\$36,420
14	\$29,884	\$30,631	\$31,397	\$32,182	\$32,986	\$33,811	\$34,656	\$35,522	\$36,411	\$37,321	\$38,254
15	\$31,396	\$32,181	\$32,985	\$33,810	\$34,655	\$35,522	\$36,410	\$37,320	\$38,253	\$39,209	\$40,189
16	\$32,948	\$33,772	\$34,616	\$35,481	\$36,368	\$37,277	\$38,209	\$39,165	\$40,144	\$41,147	\$42,176
17	\$34,579	\$35,444	\$36,330	\$37,238	\$38,169	\$39,123	\$40,101	\$41,104	\$42,132	\$43,185	\$44,264
18	\$36,290	\$37,198	\$38,128	\$39,081	\$40,058	\$41,059	\$42,086	\$43,138	\$44,216	\$45,322	\$46,455
19	\$38,121	\$39,074	\$40,051	\$41,052	\$42,078	\$43,130	\$44,208	\$45,314	\$46,446	\$47,608	\$48,798
20	\$40,031	\$41,032	\$42,057	\$43,109	\$44,187	\$45,291	\$46,423	\$47,584	\$48,774	\$49,993	\$51,243
21	\$42,020	\$43,071	\$44,148	\$45,251	\$46,383	\$47,542	\$48,731	\$49,949	\$51,198	\$52,478	\$53,790
22	\$44,129	\$45,233	\$46,363	\$47,523	\$48,711	\$49,928	\$51,177	\$52,456	\$53,767	\$55,112	\$56,489
23	\$46,318	\$47,476	\$48,663	\$49,879	\$51,126	\$52,404	\$53,715	\$55,057	\$56,434	\$57,845	\$59,291
24	\$48,626	\$49,842	\$51,088	\$52,365	\$53,674	\$55,016	\$56,391	\$57,801	\$59,246	\$60,727	\$62,245
25	\$51,053	\$52,330	\$53,638	\$54,979	\$56,353	\$57,762	\$59,206	\$60,686	\$62,203	\$63,758	\$65,352
26	\$53,600	\$54,940	\$56,313	\$57,721	\$59,164	\$60,643	\$62,159	\$63,713	\$65,306	\$66,939	\$68,612
27	\$56,266	\$57,673	\$59,114	\$60,592	\$62,107	\$63,660	\$65,251	\$66,883	\$68,555	\$70,268	\$72,025
28	\$59,091	\$60,568	\$62,083	\$63,635	\$65,226	\$66,856	\$68,528	\$70,241	\$71,997	\$73,797	\$75,642

		PAGE 2 OF 2			2008/2009	3% COLA							
GRADE	STEP 12	STEP 13	STEP 14	STEP 15	STEP 16	STEP 17	STEP 18	STEP 19	STEP 20	STEP 21	STEP 22	STEP 23	
1	\$20,832	\$21,353	\$21,887	\$22,434	\$22,995	\$23,569	\$24,159	\$24,763	\$25,382	\$26,016	\$26,667	\$27,333	
2	\$21,876	\$22,423	\$22,984	\$23,558	\$24,147	\$24,751	\$25,370	\$26,004	\$26,654	\$27,320	\$28,003	\$28,704	
3	\$22,973	\$23,547	\$24,136	\$24,739	\$25,358	\$25,991	\$26,641	\$27,307	\$27,990	\$28,690	\$29,407	\$30,142	
4	\$24,121	\$24,724	\$25,342	\$25,976	\$26,625	\$27,291	\$27,973	\$28,673	\$29,389	\$30,124	\$30,877	\$31,649	
5	\$25,322	\$25,955	\$26,604	\$27,269	\$27,951	\$28,650	\$29,366	\$30,100	\$30,853	\$31,624	\$32,414	\$33,225	
6	\$26,575	\$27,240	\$27,921	\$28,619	\$29,334	\$30,067	\$30,819	\$31,590	\$32,379	\$33,189	\$34,018	\$34,869	
7	\$27,880	\$28,577	\$29,292	\$30,024	\$30,775	\$31,544	\$32,333	\$33,141	\$33,970	\$34,819	\$35,689	\$36,582	
8	\$29,290	\$30,022	\$30,773	\$31,542	\$32,331	\$33,139	\$33,968	\$34,817	\$35,687	\$36,579	\$37,494	\$38,431	
9	\$30,752	\$31,521	\$32,309	\$33,117	\$33,945	\$34,793	\$35,663	\$36,555	\$37,468	\$38,405	\$39,365	\$40,349	
10	\$32,266	\$33,073	\$33,900	\$34,747	\$35,616	\$36,506	\$37,419	\$38,354	\$39,313	\$40,296	\$41,303	\$42,336	
11	\$33,885	\$34,732	\$35,600	\$36,490	\$37,402	\$38,337	\$39,296	\$40,278	\$41,285	\$42,317	\$43,375	\$44,460	
12	\$35,555	\$36,444	\$37,355	\$38,289	\$39,247	\$40,228	\$41,233	\$42,264	\$43,321	\$44,404	\$45,514	\$46,652	
13	\$37,331	\$38,264	\$39,220	\$40,201	\$41,206	\$42,236	\$43,292	\$44,374	\$45,484	\$46,621	\$47,786	\$48,981	
14	\$39,210	\$40,190	\$41,195	\$42,225	\$43,281	\$44,363	\$45,472	\$46,609	\$47,774	\$48,968	\$50,192	\$51,447	
15	\$41,194	\$42,224	\$43,280	\$44,362	\$45,471	\$46,607	\$47,773	\$48,967	\$50,191	\$51,446	\$52,732	\$54,050	
16	\$43,230	\$44,311	\$45,419	\$46,554	\$47,718	\$48,911	\$50,134	\$51,387	\$52,672	\$53,989	\$55,339	\$56,722	
17	\$45,371	\$46,505	\$47,668	\$48,860	\$50,081	\$51,333	\$52,616	\$53,932	\$55,280	\$56,662	\$58,079	\$59,531	
18	\$47,616	\$48,806	\$50,027	\$51,277	\$52,559	\$53,873	\$55,220	\$56,601	\$58,016	\$59,466	\$60,953	\$62,476	
19	\$50,018	\$51,268	\$52,550	\$53,864	\$55,210	\$56,591	\$58,005	\$59,455	\$60,942	\$62,465	\$64,027	\$65,628	
20	\$52,524	\$53,837	\$55,183	\$56,562	\$57,977	\$59,426	\$60,912	\$62,434	\$63,995	\$65,595	\$67,235	\$68,916	
21	\$55,134	\$56,513	\$57,926	\$59,374	\$60,858	\$62,379	\$63,939	\$65,537	\$67,176	\$68,855	\$70,577	\$72,341	
22	\$57,902	\$59,349	\$60,833	\$62,354	\$63,913	\$65,510	\$67,148	\$68,827	\$70,547	\$72,311	\$74,119	\$75,972	
23	\$60,773	\$62,292	\$63,850	\$65,446	\$67,082	\$68,759	\$70,478	\$72,240	\$74,046	\$75,897	\$77,795	\$79,740	
24	\$63,801	\$65,396	\$67,031	\$68,707	\$70,425	\$72,185	\$73,990	\$75,840	\$77,736	\$79,679	\$81,671	\$83,713	
25	\$66,986	\$68,661	\$70,377	\$72,137	\$73,940	\$75,789	\$77,683	\$79,626	\$81,616	\$83,657	\$85,748	\$87,892	
26	\$70,328	\$72,086	\$73,888	\$75,735	\$77,629	\$79,569	\$81,559	\$83,598	\$85,687	\$87,830	\$90,025	\$92,276	
27	\$73,826	\$75,671	\$77,563	\$79,502	\$81,490	\$83,527	\$85,615	\$87,756	\$89,950	\$92,198	\$94,503	\$96,866	
28	\$77,533	\$79,471	\$81,458	\$83,494	\$85,582	\$87,721	\$89,914	\$92,162	\$94,466	\$96,828	\$99,248	\$101,730	

GRADE	STEP 24
1	\$28,017
2	\$29,421
3	\$30,896
4	\$32,440
5	\$34,055
6	\$35,741
7	\$37,496
8	\$39,392
9	\$41,358
10	\$43,394
11	\$45,571
12	\$47,818
13	\$50,206
14	\$52,733
15	\$55,402
16	\$58,140
17	\$61,019
18	\$64,038
19	\$67,268
20	\$70,639
21	\$74,150
22	\$77,871
23	\$81,733
24	\$85,806
25	\$90,089
26	\$94,583
27	\$99,287
28	\$104,273

**RESOLUTION-R2010-67**  
**NELSON COUNTY BOARD OF SUPERVISORS**  
**AUTHORIZATION TO ENTER INTO MEMORANDUM OF AGREEMENT**  
**WITH THE NELSON COUNTY HISTORICAL SOCIETY AND DEPARTMENT**  
**OF HISTORIC RESOURCES TO PROVIDE FOR MITIGATION OF THE**  
**VISUAL IMPACT OF THE COURTHOUSE COMMUNICATIONS TOWER**

**WHEREAS**, an outcome of the Environmental Assessment for federal approval of the installation of the courthouse communications tower is that the County is required by the Department of Historic Resources to provide for mitigation of the visual impact the tower will have at the Courthouse and to Lovingston,

**THEREFORE BE IT RESOLVED**, by the Nelson County Board of Supervisors that the County Administrator is hereby authorized to enter into a three party Memorandum of Agreement including the County, The Nelson County Historical Society, and the Department of Historic Resources in order to provide for mitigation of the visual impacts of the courthouse communications tower; thereby meeting the requirements of the Department of Historic Resources and the FCC and providing for the installation of the tower.

Approved: \_\_\_\_\_, 2010

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

MEMORANDUM OF AGREEMENT AMONG  
THE FEDERAL COMMUNICATIONS COMMISSION,  
THE VIRGINIA STATE HISTORIC PRESERVATION OFFICE,  
AND  
THE COUNTY OF NELSON  
REGARDING THE PROPOSED PUBLIC SAFETY  
COMMUNICATIONS TOWER IN LOVINGSTON,  
NELSON COUNTY, VIRGINIA

WHEREAS, Nelson County, Virginia (the “County”) is in the process of improving and expanding its digital public safety communications system (the “Undertaking”);

WHEREAS, as part of the Undertaking the County proposes to construct a 120 foot monopole communications tower with a four foot lightning rod on County property in Lovingston (the “Site”);

WHEREAS, the County is a licensee of the Federal Communications Commission (“FCC”) and intends to use the tower in connection with the provision of its licensed service;

WHEREAS, the FCC has determined the construction of the proposed tower is a federal undertaking as defined in 36 C.F.R. Part 800.16(y);

WHEREAS, the County, pursuant to delegation from the FCC, has initiated consultation with the Virginia State Historic Preservation Office (“SHPO”) pursuant to Section 106 of the National Historic Preservation Act (NHPA) for the Site as required by the FCC rules, 47CFR §1.1307(a)(4);

WHEREAS, the FCC in consultation with the SHPO has determined that the Area of Potential Effects (“APE”) as defined in 36 C.F.R. Part 800.16(d) and the APE for Visual Effects as defined in the Nationwide Programmatic Agreement (“NPA”) encompass listed or potentially eligible National Register of Historic Places historic structures, and that pursuant to 36 C.F.R. Part 800.4(c) and the NPA, the Site is located within the Lovingston Historic District comprising approximately 225 acres and 130 contributing buildings, including the Nelson County Courthouse which is individually listed in the National Register of Historic Places (“NRHP”) under Criterion A;

WHEREAS, the FCC and the SHPO have determined that the tower construction will have an adverse visual impact on the Lovingston Historic District and the Nelson County Courthouse;

WHEREAS, the FCC in consultation with the SHPO has determined that the above-referenced historic properties are the only ones listed or eligible for the NRHP within the APE for the Site that will be adversely affected by the proposed tower construction;

WHEREAS, the County has identified the Site as critical for meeting the County's overall system coverage requirements, and consistent with the FCC's requirements for environmental review, the County considered alternatives for locating the proposed tower and concluded that no other sites were satisfactory to the County from a technical radio frequency and path perspective for the coverage needs of the communications systems to be supported by the antennas located on the facility;

WHEREAS, the Advisory Council on Historic Preservation ("ACHP") was invited to participate in this Agreement pursuant to 36 C.F.R. Part 800.6(a)(1) and the ACHP has declined to participate;

WHEREAS, the FCC has invited the County to participate in consultation and sign this Agreement pursuant to 36 C.F.R. Part 800.6(a)(2);

WHEREAS, the Nelson County Historical Society ("Historical Society") was invited to participate in consultation and to concur with this Agreement pursuant to 36 C.F.R. Part 800.6(c)(3) and the Historical Society has agreed to participate;

WHEREAS, the County posted notice inviting participation on the FCC Tower Construction Notification System and received a response from the Eastern Shawnee Tribe of Oklahoma which declined to participate in consultation unless artifacts or human remains are discovered during construction, and from the Shawnee Tribe which replied with their interest in consulting on the Tower; and

WHEREAS, members of the general public and other interested parties were afforded an opportunity to participate in and comment on the construction at the Site pursuant to a Public Notice published in the Daily Progress on June 24, 2010 and at public meetings held on June 23, 2010 and July 13, 2010 and duly advertised in the Nelson County Times.

NOW, THEREFORE, the FCC, the SHPO, and the County agree that the undertaking shall be implemented in accordance with the following stipulations in order to account for historic properties and that these measures shall constitute full and adequate mitigation measures under the National Historic Preservation Act and ACHP and FCC's implementing regulations.

#### STIPULATIONS

The FCC, through coordination with the County, shall ensure the following mitigation measures are carried out.

#### I. MITIGATION

In connection with the construction of an addition to the County's 1810 courthouse, the County is undertaking the renovation of a Thomas Jefferson designed jail and a circa 1930 jail and the relocation of a century old structure once housing a county office. Within two (2) years of the date of the FCC's approval of the Environmental Assessment the County shall locate, in the new two story entrance corridor which will serve to connect the court facilities, an interpretive exhibit displaying historical and current depictions of the structures and monuments located on the court square. The exhibit will emphasize the evolution of the buildings over the past two centuries and the planning that allowed for the preservation of the original courthouse, jails, and law and clerk's offices.

The County shall submit the text and design of the exhibit to the FCC, the SHPO, and the Historical Society for review and comment prior to installation. Following approval by the FCC, the County Applicant shall proceed with installation

The County shall notify the FCC, the SHPO and the Historical Society within thirty (30) days of installation that the exhibit is in place.

The SHPO and the Historical Society agree to provide comments on all requests for review within thirty (30) days of receipt.

## II. POST REVIEW DISCOVERIES

The County shall ensure that construction documents contain the following:

- A. In the event that a previously unidentified archaeological resource is discovered during ground-disturbing activities, all construction work involving subsurface disturbance shall be halted in the area of the resource and in the surrounding area where further subsurface remains can reasonably be expected to occur. The Contractor shall immediately notify the County who shall notify the FCC, the SHPO, the Historical Society, and other consulting parties as appropriate within forty-eight (48) hours of discovery. The County shall arrange for an archaeologist meeting *The Secretary of Interior's Qualifications Standards* (48 FR 44739) to inspect the work site and determine the nature and area of the affected archaeological resource and assess whether further investigations are warranted. Work may then continue in the project area outside of the site area. The FCC, in consultation with the the County, the SHPO, , the Historical Society and other consulting parties as appropriate shall determine the National Register eligibility of the resource as soon as practically possible from the original date of discovery.
- B. If the archaeological resource is determined to meet the National Register Criteria (36 CFR Part 60.6), the FCC shall ensure compliance with Section 800.13 of the ACHP's regulations. Work in the affected area shall not proceed until either (a) appropriate data recovery or other recommended

mitigation procedures are developed and implemented, or (b) the determination is made that the located resource is not eligible for inclusion in the National Register.

#### IV. HUMAN REMAINS

The County shall ensure that the construction documents contain the following:

- A. The Contractor shall ensure that human skeletal remains and associated funerary objects encountered during the course of actions taken as a result of this Agreement are treated in a manner consistent with the *Code of Virginia* and the Regulations Governing Permits for the Archaeological Removal of Human Remains (17VAC5-20). In accordance with the regulations stated above, and if appropriate, the County shall obtain a permit from the SHPO for any archaeological removal of human remains.
  
- B. In the event that human remains encountered are likely to be of Native American origin, whether prehistoric or historic, the County, in cooperation with the FCC, shall immediately notify the Tuscarora Nation, the Cherokee Nation, the Eastern Shawnee Tribe of Oklahoma, the, the Shawnee Tribe, and the Virginia Council on Indians (VCI). The FCC, in cooperation with the County, shall determine the treatment of Native American human remains and associated funerary objects in consultation with the VCI and the appropriate tribal leaders. The County shall make a good faith effort to avoid disturbing Native American gravesites and to ensure that the general public is excluded from viewing any Native American gravesites and associated funerary objects. The signatories and the concurring parties to this Agreement shall release no photographs of any Native American gravesites or associated funerary objects to the press or to the general public.

#### V. DISPUTE RESOLUTION

Should any party to this Agreement object in writing to the FCC regarding any action carried out or proposed with respect to this agreement or to implementation of this Agreement, the FCC in coordination with the County shall consult with the objecting party to resolve the objection. If the FCC determines that the objection cannot be resolved, the FCC shall request further comments from the ACHP concerning the dispute pursuant to 36 C.F.R. Part 800.7. Any ACHP comment provided in response to such a request will be taken into account by the FCC with reference only to the subject of the dispute. The FCC's responsibility to carry out all actions under this Agreement that are not subject to the dispute will remain unchanged.

#### VI. ENFORCEMENT

Failure to carry out the terms of this Agreement will require that the FCC again request the comments of the ACHP, in accordance with 36 C.F.R. Part 800. If the terms of this Agreement are not implemented, the FCC shall provide the ACHP with the opportunity to comment on the effects and mitigation alternatives.

## VII. AMENDMENTS AND TERMINATION

- A. If any of the signatories of this Agreement believe that the term of the Agreement cannot be adhered to, or that an amendment to the terms of this Agreement must be made, that signatory shall immediately consult with the other signatories to develop amendments to this Agreement. The process of amending this Agreement shall be the same as that exercised in creating the original Agreement. If an amendment cannot be agreed upon, then the dispute resolution process set forth in Stipulation V above will be followed.
- B. Any signatory to this Agreement may terminate it in accordance with the provisions of 36 C.F.R. Part 800.6(c)(8) of the regulations implementing Section 106 of the National Historic Preservation Act (16 USC 470). Termination shall include the submission of a technical report by the County to the SHPO and the Historical Society on any work executed pursuant to Stipulation I of this Agreement up to and including the date of termination.

## VIII. EXPIRATION

This Agreement shall continue in full force and effect for as long as the site is used for communications towers unless the FCC, the SHPO, and the County agree in writing to other terms.

## IX. OTHER REQUIREMENTS

The County shall not initiate construction of the towers until the FCC has approved the environmental assessment.

Execution of this Agreement and implementation of its terms evidence that FCC has afforded the ACHP a reasonable opportunity to comment on the tower and that the FCC has taken into account the effects of this undertaking on historic properties. This Agreement shall be effective upon the date that the last signatory signs the Agreement.

## Steve Carter

---

**From:** Susan Rorrer  
**Sent:** Wednesday, October 06, 2010 11:37 AM  
**To:** Steve Carter  
**Subject:** FW: MOA/mitigation

-----Original Message-----

From: Dutchcreekfarm [mailto:dutchcreekfarm@aol.com]  
Sent: Monday, September 27, 2010 9:19 AM  
To: Susan Rorrer  
Subject: MOA/mitigation

Susan,

I am still waiting for feedback on additional exhibit designers.

To paragraph I., Mitigation, under Stipulations, of the MOA, we would add: "In addition, the County will preserve the Magistrate's office on the courthouse green and will cooperate with the Nelson County Historical Society in determining its future use, interpretation and disposition."

In reviewing the floor plan, it appears that the vestibule that I understood you to be talking about using to house the exhibit has a railing down the center dividing it into a 9 X 10 foot space open on the north (over the rail), with doors on the east and west (5' intrusion by door on east), and a window on the south. There does not appear to be any wall space for a display of any kind.

The Magistrate's office is probably as big as that space -- and has walls -- maybe that is where the exhibit should be.

As I mentioned Friday, Whitehead's law office should be included -- same verbiage as with the Magistrate's office -- with appropriate caveats given its somewhat complicated legal status.

I don't have Phil's email address. Please send it to me, or, let him know that Dick Whitehead disavows any knowledge of the old jail bell or the story his father told Phil.

I'll forward the designer names as soon as I get them. All the museum people were busy with our car show over the weekend.

Thanks,  
Andy

Black Bear Composting  
1557 Jarman Lake Road  
Crozet, VA 22932  
434-989-5219  
eric@blackbearcomposting.com

September 23, 2010

Mr. Stephen Carter, County Administrator  
Nelson County Board of Supervisors  
Post Office Box 336  
Lovingston, VA 22949

Dear Mr. Carter and Board of Supervisors,

I am writing to request an amendment to Nelson County zoning definitions to permit for the composting of food waste. I am very interested in siting my farm-based composting operation in Nelson County, but the current zoning ordinances would prevent me from accepting food waste for composting.

Composting is the management of the natural process of the decomposition of organic materials. Composting is the ideal method of recycling organic materials since finished compost returns nutrients to the soil that were extracted as a vegetative crop. Amending soil with compost is common in agriculture, landscaping and gardening to improve soil health, which produces healthier vegetation, requires less fertilizer and suffers less erosion.

Black Bear Composting is focused on recycling food waste via a farm-based composting method of operation. Just as Nelson County is an appealing location for my business, Black Bear Composting offers several benefits to Nelson County:

- Provide a local organic materials recycling option to Nelson County businesses interested in promoting their commitment to sustainable/green practices
- Reduce County waste removal costs through the diversion of food waste that is now landfilled
- Improve the County's waste reduction efforts and improve the annual recycling rate submitted to DEQ
- Work with County schools to initiate a composting program that will enhance environmental stewardship and education
- Support Nelson County's appeal to residents and tourists as a place to experience the environment
- Establish another responsible, community-minded small business in Nelson County

As a reference point for the amendment of your zoning definitions, I have attached a letter from Coker Composting & Consulting that includes the specific language used by Bedford County, home of Royal Oak Farm – the largest composting facility in Virginia. In addition to serving as my technical advisor, Mr. Coker is the technical advisor for Royal Oak Farm ([www.royaloakfarmllc.com](http://www.royaloakfarmllc.com)). While Black Bear Composting will operate at a much smaller scale than Royal Oak Farm, I have retained the services of Mr. Coker to establish the same high quality operational standards as Royal Oak Farm.

Please do not hesitate to contact me with any questions you may have about composting or my intended operations. I look forward to working with you and joining the Nelson County business community.

Sincerely,

A handwritten signature in black ink that reads "Eric Walter". The signature is written in a cursive, slightly slanted style.

Eric Walter  
President



## **Composting & Consulting**

September 21, 2010

Mr. Eric Walter  
Black Bear Composting  
1557 Jarman Lake Rd  
Crozet VA 22932-2869

Re: Zoning Definitions

Dear Mr. Walter:

I understand that Nelson County Planning Department has indicated that your proposed food scraps composting facility doesn't strictly fit into their zoning ordinance definition for composting facilities:

*Vegetative rubbish recycling facility:* A facility in which vegetative rubbish, as defined in Section 10-1.T. of the Solid Waste Ordinance, is received from off-site properties and temporarily stored until converted on-site into firewood, and into mulch and compost, and where the resultant firewood, mulch, compost, soil, and rocks are temporary stored prior to their removal.

Bedford County, Virginia has an appropriate definition in their zoning ordinance, at Article II, Sec. 30-28:

“COMPOSTING - The agricultural process by which organic wastes (i.e. yard trimmings, food wastes, manures) are combined in proper ratios; adding bulking agents (i.e. wood chips), as necessary, to provide air space; controlling temperature, moisture, and oxygen to achieve accelerated decomposition; thus producing a stable humus material.

I would recommend that Nelson County consider adopting a similar definition. If you have any questions, please don't hesitate to call.

Very Truly Yours,  
Coker Composting & Consulting

Craig Coker, Principal

104 Chasewood Ct.  
Vinton, VA 24179  
(540) 890-1086  
Fax: (540) 890-1087  
cscoker@verizon.net  
www.cokercompost.com

## Appointments Summary October 12 , 2010

**(1) New Vacancies/Expiring Seats :**

<b>Board/Commission</b>	<b>Term Expiring</b>	<b>Term &amp; Limit Y/N</b>	<b>Incumbent</b>	<b>Re-appointment</b>	<b>Applicant (Order of Pref.)</b>

**(2) Existing Vacancies :**

<b>Board/Commission</b>	<b>Terms Expired</b>	<b>Term &amp; Limit Y/N</b>	<b>Number of Vacancies</b>		
<i>NC Economic Development Authority (Unexpired)</i>	<i>6/30/2011</i>	<i>4 year Term - N</i>	<i>1 Vacancy</i>	<i>N/A</i>	<i>No New Applications Received</i>
<i>JAUNT</i>	<i>9/30/2008</i>	<i>3 Year Term - N</i>	<i>1 Vacancy</i>	<i>N/A</i>	<i>No Applications Received</i>
<i>Jefferson Area Disabilities Services Board</i>	<i>6/30/2012</i>	<i>3 Year Term - N</i>	<i>1 Vacancy - Unexpired Term</i>	<i>N/A</i>	<i>No Applications Received</i>

**(1) None**

**(2) Existing Vacancies continue to be advertised in NC Times and on Co. Website**

RECEIVED

OCT 01 2010

COUNTY ADMINISTRATORS  
OFFICE

**Schuyler Community Center**

P.O. Box 124  
6484 Rockfish River Road  
Schuyler, VA 22969  
Phone: 434 831-2000  
Fax: 434 831-2002  
E-Mail: waltonmt@cstone.net  
www.waltonmuseum.org

Nelson County Board of Supervisors  
P.O. Box 336  
Lovingston, VA 22949  
ATTN: Stephen Carter

September 29, 2010

Dear Sir,

I am writing to ask the Board if they will be able to help Schuyler Community Center purchase a new furnace.

A new furnace to replace the existing one, which was installed in 1965, would greatly help with oil fuel bills and overall efficiency of our heating system.

Industrial Heating Company quoted me a price of \$50,600.00.

I talked with Jim Allen, USDA, Representative Tom Perriello, Delegate Watkins Abbott, and Senator Creigh Deeds for some assistance with this project.

Thank you for your time and I hope you can help us in some manner.

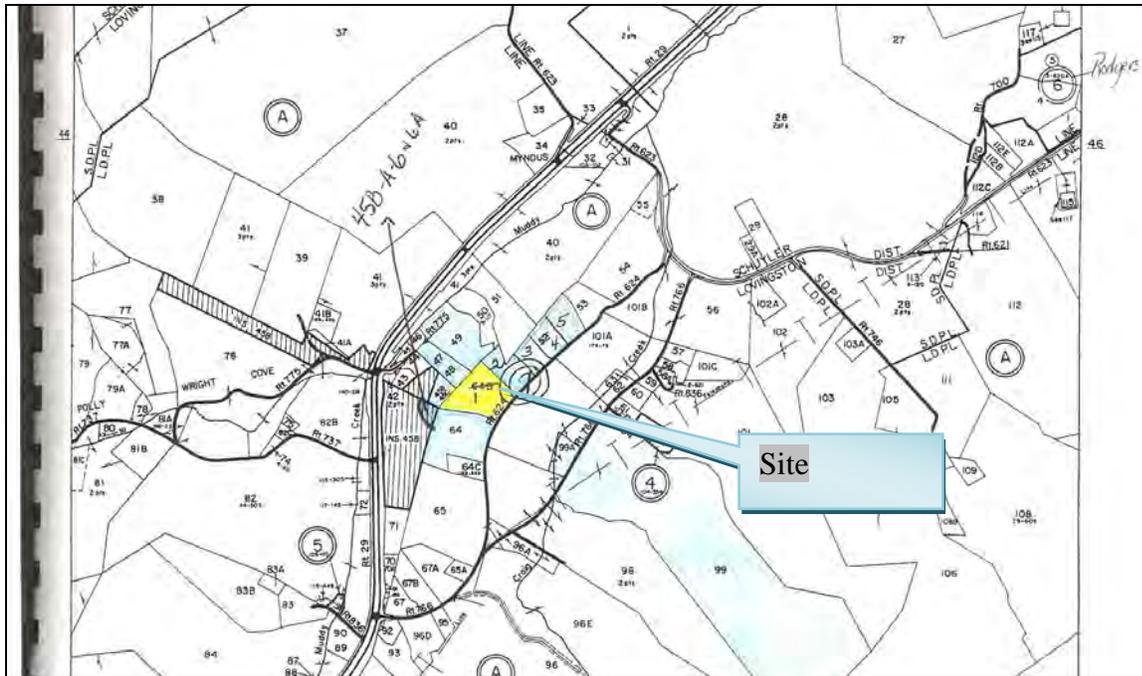
Sincerely,

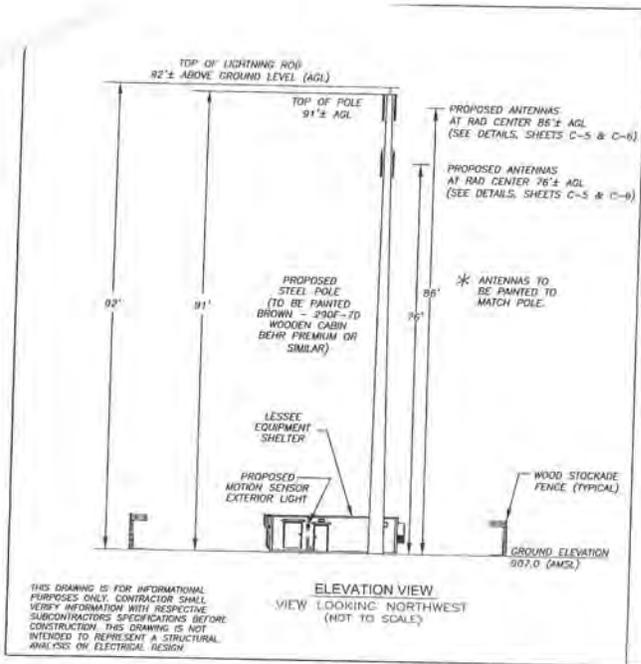


Leona B. Roberts, Director  
Walton's Mountain Museum

TO: Nelson County Board of Supervisors  
FROM: Fred M. Boger, Planning Director  
DATE: October 4, 2010  
RE: Communication Tower Permit #2010-002 Class II Tower  
Pine Trail (SR 624) Myndus Site

Clare Novak, Consultant for Verizon Wireless has submitted an application to the Planning Commission for a Class II Communication Tower permit for construction of a 91' metal communication tower with a lightning rod extending the height to 92'. The site is located on Pine Trail (SR 624) and is identified as Tax Map #45-7-1.





In the application, Verizon requested the following two exceptions to the Communication Tower requirements:

1. 20-7-2a Sufficient land shall be acquired for all Class II Communication Tower sites to contain any ice or debris that happens to fall from the tower, antenna, or guy wires. The minimum distance from the tower's base to the property line shall be equal to one hundred twenty-five (125) percent of the Tower Height.

**The proposed tower does not meet the required setback of 125% of the height of the tower as noted on sheet SV-4 of the zoning drawings submitted with this application. The required setback for a 92' tower is 115'. The Tower is located 52.8' from the boundary line of the abutting properties to the north. The Tower will be designed to collapse within a radius of 50' as noted in the letter prepared by Keith Tindall, PE, of Sabre Towers and Poles. Since the antennas will be flush mounted to the pole and the metal pole does not require any guy wires, any debris or ice will fall within the lease compound.**

Section 20-13, "Special Exception" states that the Board of Supervisors may grant a special exception to the location and height regulations contained in Article 20 of the Zoning Ordinance. The applicant is requesting a Special Exception to reduce the tower's fall area from a 115 foot radius to 50 feet. Staff recommends approval of the Special Exception as requested.



Mr. Merle Daiger  
Verizon Wireless  
1831 Rady Court  
Richmond, VA 23222

Ref: Proposed 92 ft Sabre Monopole for Myndus, Nelson County, VA

Dear Mr. Daiger,

Upon receipt of order, we propose to design and supply the above referenced Sabre monopole for a Basic Wind Speed of 90 mph (no ice), 30 mph (0.75" ice), Structure Class II, Exposure Category C, and Topographic Category 1 in accordance with the Telecommunications Industry Association Standard ANSI/TIA-222-G, "Structural Standard for Antenna Supporting Structures and Antennas".

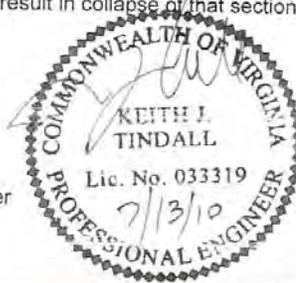
When designed according to this standard, the wind pressures and steel strength capacities include several safety factors, resulting in an overall minimum safety factor of 25%. Therefore, it is highly unlikely that the monopole will fail structurally in a wind event where the design wind speed is exceeded within the range of the built-in safety factors.

Should the wind speed increase beyond the capacity of the built-in safety factors, to the point of failure of one or more structural elements, the most likely location of the failure would be within one of the monopole shaft sections. This would result in a buckling failure mode, where the steel shaft would bend beyond its elastic limit (beyond the point where the shaft would return to its original shape upon removal of the wind load).

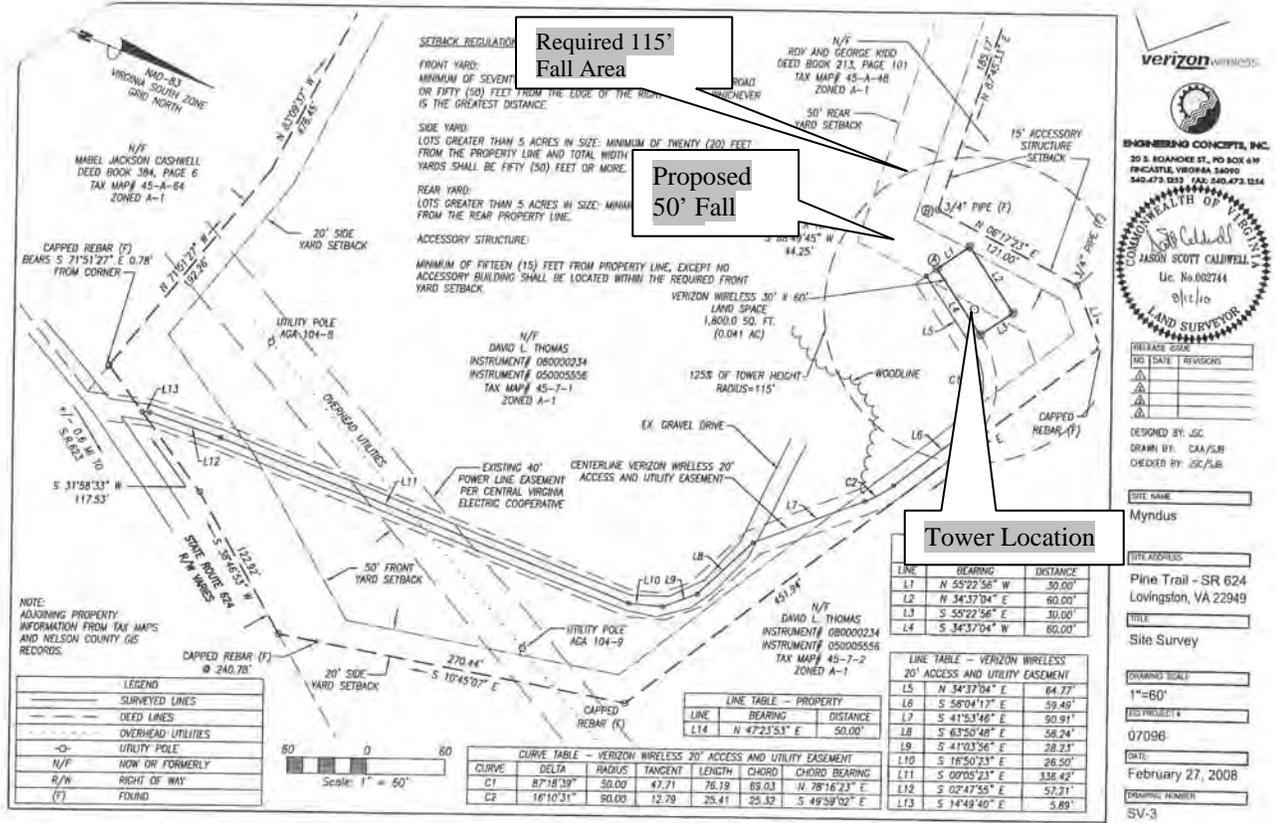
Therefore, it is likely that the overall effect of an extreme wind event would be localized buckling of the monopole shaft. Assuming that the wind pressure profile is similar to that used to design the monopole, the shaft will buckle at the location of the highest combined stress ratio in the upper portion of the monopole. This is likely to result in the portion of the monopole above "folding over" onto the portion below, essentially collapsing upon itself. **Please note that this letter only applies to a monopole designed and manufactured by Sabre Towers & Poles.** In the unlikely event of total separation, this, in turn, would result in collapse of that section to the ground within a radius of 50 feet.

Sincerely,

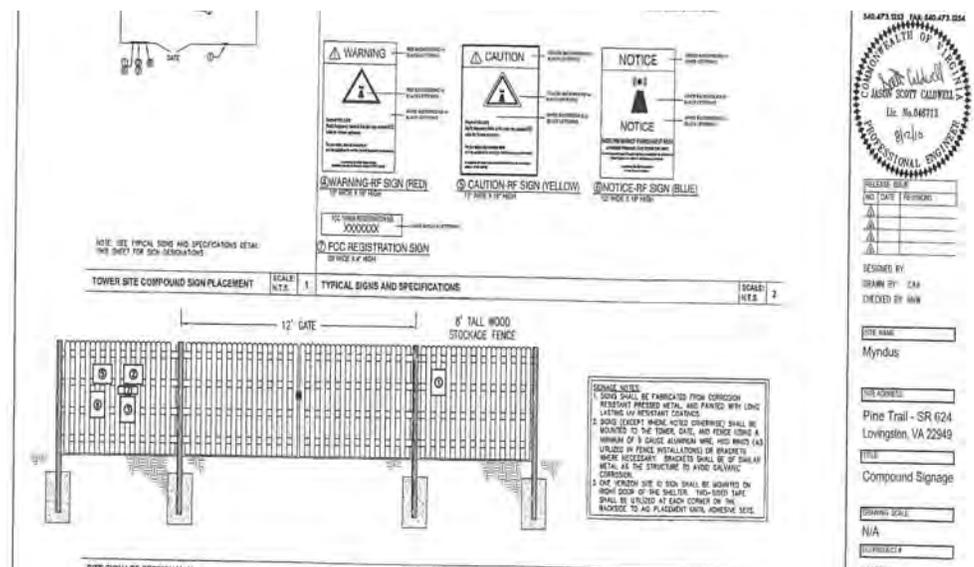
Keith J. Tindall, P.E.  
Vice President & Chief Engineer



2101 Murray Street | P.O. Box 658 | Sioux City, IA 51102-0658 | Phone 712.258.6690 | Fax 712.279.0814 | [www.SabreTowersandPoles.com](http://www.SabreTowersandPoles.com)



2. A waiver of the landscaping requirement because the visual impact of the tower will be minimal and the proposed facility is located in a heavily wooded area. Also, the tower will be enclosed by stockade fence which will screen the equipment compound from adjacent properties.





On September 22<sup>nd</sup> the Planning Commission held a public hearing on this application. Mr. Gary Wood, Simpson's Lane, was present and spoke in favor of granting the permit as presented.

After a brief discussion, the Commission voted to waive the required landscaping and to approve a Communication Tower Permit for a Class II 91 foot metal monopole with a 1 foot lightning rod for a total height of 92 feet to be constructed on property located on Pine Trail, and identified as Tax Map #45-7-1. The Planning Commission also recommended that the Board of Supervisors reduce the required 115 foot radius fall area for this tower to a 50 foot radius.

If you have any questions on this item, please feel free to contact me. Thank you.

**RESOLUTION R2010-68**

**NELSON COUNTY BOARD OF SUPERVISORS**

**A RESOLUTION APPROVING A SPECIAL EXCEPTION PURSUANT TO §20-13 OF APPENDIX A, ZONING, FOR VERIZON WIRELESS TO REDUCE THE REQUIRED SETBACK FOR A CLASS II COMMUNICATIONS TOWER PERMIT FROM A 115 FOOT RADIUS TO 50 FEET TO ERECT A 92 FOOT METAL COMMUNICATIONS TOWER; PINE TRAIL (SR (624) MYNDUS.**

**WHEREAS**, Verizon Wireless, represented by Ms. Clare Novak, Consultant has filed a request with the Nelson County Planning Department for a Class II Communication Tower Permit pursuant to Article 20, Communication Tower Ordinance of the Nelson County Zoning Ordinance to erect an 91 foot metal tower with a lightning rod extending the height to 92 feet, a waiver of Section 20-7-5k, and for a recommendation to BOS for an exception to Section 2-7-2a, of the Zoning Ordinance; and

**WHEREAS**, the proposed communications tower site is located on Pine Trail (SR 624), Myndus on property owned by David L. Thomas and is identified as Tax Map #45-7-1; and

**WHEREAS**, a notice of the required Public Hearing by the Nelson County Planning Commission was published in the Nelson County Times on September 2, 2010 and September 9, 2010; and

**WHEREAS**, on October 12, 2010, the Nelson County Board of Supervisors held the required Public Hearing on said application; and

**WHEREAS**, the Board has considered the Planning Director's report, the Planning Commission's recommendation and comments from the applicant and citizens;

**NOW, THEREFORE, BE IT RESOLVED BY THE NELSON COUNTY BOARD OF SUPERVISORS as follows:**

**The Nelson County Board of Supervisors approves a Special Exception for Verizon Wireless to reduce the required 115 foot radius setback to a property line for a 92 foot Class II Communication Tower to 50 feet to be erected on the property of David L. Thomas, identified as Tax Map #45-7, Parcel 1, Pine Trail (SR 624), Myndus.**

Motion made by Supervisor:

Approved: \_\_\_\_\_

Motion seconded by Supervisor:

ATTEST: \_\_\_\_\_

Clerk, Board of Supervisors

Motion Passed:

Date: October 12, 2010

**RESOLUTION R2010-69**

**NELSON COUNTY BOARD OF SUPERVISORS**

**A RESOLUTION DENYING A SPECIAL EXCEPTION PURSUANT TO §20-13 OF APPENDIX A, ZONING, FOR VERIZON WIRELESS TO REDUCE THE REQUIRED SETBACK FOR A CLASS II COMMUNICATIONS TOWER PERMIT FROM A 115 FOOT RADIUS TO 50 FEET.**

**WHEREAS**, Verizon Wireless, represented by Ms. Clare Novak, Consultant has filed a request with the Nelson County Planning Department for a Class II Communication Tower Permit pursuant to Article 20, Communication Tower Ordinance of the Nelson County Zoning Ordinance to erect an 91 foot metal tower with a lightning rod extending the height to 92 feet, a waiver of Section 20-7-5k, and for a recommendation to BOS for an exception to Section 2-7-2a, of the Zoning Ordinance; and

**WHEREAS**, the proposed communications tower site is located on Pine Trail (SR 624), Myndus on property owned by David L. Thomas and is identified as Tax Map #45-7-1; and

**WHEREAS**, a notice of the required Public Hearing by the Nelson County Planning Commission was published in the Nelson County Times on September 2, 2010 and September 9, 2010; and

**WHEREAS**, on October 12, 2010, the Nelson County Board of Supervisors held the required Public Hearing on said application; and

**WHEREAS**, the Board has considered the Planning Director's report, the Planning Commission's recommendation and comments from the applicant and citizens;

**NOW, THEREFORE, BE IT RESOLVED BY THE NELSON COUNTY BOARD OF SUPERVISORS as follows:**

**The Nelson County Board of Supervisors denies a Special Exception for Verizon Wireless to reduce the required 115 foot radius setback to a property line for 92 foot Class II Communication Tower to 50 feet to be erected on the property of David L. Thomas, identified as Tax Map #45-7, Parcel 1, Pine Trail (SR 624), Myndus.**

Motion made by Supervisor:

Approved: \_\_\_\_\_

Motion seconded by Supervisor:

ATTEST: \_\_\_\_\_

Clerk, Board of Supervisors

Motion Passed:

Date: October 12, 2010

September 7, 2010

**To: Nelson County Board of Supervisors**

**Re: Executive Summary, Current Status of the North Fork of the Rockfish River**

The North Fork is classified as an impaired waterway by the Department of Environmental Quality (DEQ). The goals of this study were to provide a detailed assessment of the North Fork; create a mitigation plan for property owners; provide community education; and coordinate efforts for other stakeholders in the health of the river. This study was initiated by the Central Blue Ridge Virginia Master Naturalist Chapter (CBRVMNC) with funding supplied through a grant from the Chesapeake Bay Restoration Fund.

A physical assessment of the entire length of the river was performed, with notes, photos and GPS coordinates used to record areas of degradation. With regards to collecting other data, the primary focus was on sampling for the presence of *E. coli*. Additional sampling for pH level, nitrates, phosphates, dissolved oxygen (DO) and turbidity was performed using protocols approved by the DEQ.

There were five sites that averaged *E. coli* readings above the DEQ's maximum contaminant level. Two were on the North Fork itself, including one that is a known swimming spot, where both adults and children were observed playing in the water. The other three were on tributaries: Andersons Creek, Williams Creek and Goodwin Creek.

The physical assessment found that there were many areas of significant stream bank erosion and stream bed sedimentation. These coincided with areas of non-existent riparian buffer, which is the forested area that surrounds a waterway. There also existed multiple locations where livestock had direct access to the river. This is a known means of introducing *E. coli* into the waterway.

There are two powerful tools that combat these primary issues of concern. Increasing the width of riparian buffers is known to decrease erosion and sedimentation. Buffers also reduce the amount of nutrients and bacteria that can be washed into a stream by storm runoff. The second is the practice of livestock exclusion. Research indicates that when livestock are fenced out of waterways, *E. coli* levels drop significantly.

These two tools are emphasized in the community outreach and education efforts of the study. They are not only effective, but there exist numerous government and non-profit programs that offer financial and technical support in their implementation. Greater public awareness of current water quality, effective mitigation, and available support may lead to improvement in stream health throughout the county.

Respectfully submitted,

Jennifer J Patterson

**CURRENT STATUS OF THE NORTH FORK OF THE  
ROCKFISH RIVER  
NELSON COUNTY, VIRGINIA**



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Jennifer J Patterson  
Charlottesville, VA

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This report is available online at the CBRVMNC website: <[www.centralblueridge-vmn.org](http://www.centralblueridge-vmn.org)>.

## Definitions

**Benthic Macroinvertebrates-** Organisms that have no backbone and dwell in the bottom of bodies of water, and that can be seen without magnification.

**Cadmium Reduction Method** – A method used to measure the amount of nitrates in a water sample. Nitrate is reduced to nitrite using cadmium as the reducing agent. The resulting nitrite concentration is then determined colorimetrically. This method is applicable to drinking and surface waters. Results are expressed as ppm (mg/L) of NO<sub>3</sub>-N or NO<sub>3</sub> (<http://www.chemetrics.com/Nitrate>).

**Confluence-** The merging of two or more streams.

**Discharge-** The volume of water that passes the total width of a stream in a defined period of time. Also referred to as stream flow.

**Dissolved Oxygen (DO)** - Oxygen enters water by diffusion at the surface, via air bubbles or from photosynthesis of aquatic plants. The amount of dissolved oxygen present is a chemical property of water that is affected by temperature and turbulence. It is essential to maintaining aquatic life.

***E. coli*** - *Escherichia coli*, a species within the fecal coliform group that is specifically associated with the fecal waste of warm-blooded animals, both human and otherwise.

**Riffle** – Area in the stream where the water bubbles over rocks.

**Riparian Buffer-** An area of vegetation along a stream that provides bank stabilization, filtering and absorption of runoff, and the protection of aquatic and terrestrial life.

**Secchi tube-** Clear plastic tube with colored Secchi disk at the bottom that allows viewer to determine the depth at which the disk is no longer discernable. Used for measuring turbidity in shallow or flowing waters.

**Sediment-** Any fine substrate, such as silt, clay, etc., that has settled out of water.

**Sedimentation-** The process of a moving water body carrying and depositing sediment.

**Stannous Chloride Method-** A method used to measure the amount of phosphate in a water sample. Phosphate reacts with ammonium molybdate and is then reduced by stannous chloride to form a blue colored solution. Results are expressed as ppm (mg/L) of PO<sub>4</sub> ([http://www.chemetrics.com/pdf/Phosphate%20\(reactive,%20ortho\).pdf](http://www.chemetrics.com/pdf/Phosphate%20(reactive,%20ortho).pdf)).

**Turbidity-** Measurement of how much light is scattered by suspended sediment and other particles in the water. High turbidity may indicate insufficient light available to power photosynthesis and, in turn, decreased dissolved oxygen levels available in the water column.

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## INTRODUCTION

### **Purpose**

This study was initiated by the Central Blue Ridge Virginia Master Naturalist Chapter (CBRVMNC) in keeping with the program's mission of assisting in the beneficial management of the state's natural resources. Previous studies, detailed below, identified problems on this waterway, including the presence of *Escherichia coli* (*E. coli*), sedimentation, bank erosion, and direct livestock access. Although the main body of the Rockfish River has a monitoring station from the Virginia Department of Environmental Quality (VDEQ), there is no formal, governmental monitoring of the North Fork.

The goals of this study are to provide an updated and more detailed assessment of the North Fork than previously available; create a mitigation plan for property owners that supports these and previous findings; provide education that develops community awareness and support for healthy waterways; and coordinate efforts for other stakeholders in the health of the river. This study includes sampling along five points of the North Fork as well as six of its seven named tributaries.

### **Watershed Description**

The watershed of the North Fork is primarily in Nelson County, though some eastern and northeastern boundaries lie in Albemarle County. Geologic boundaries are primarily mountains, such as Humpback and Crawford Knob to the west, Pilot and Archer Mountains to the southeast, and Heard, Ennis, Turks and Moses Mountains to the east. The boundary also includes a section of the Blue Ridge Parkway (north and west) and the Rockfish Gap (north). There are a number of small towns located in the watershed, as well as a portion of the George Washington National Forest, Interstate 64, CSX railroad, and Jeep trails. From its source to its confluence, the North Rockfish is 7.25 miles long (VDEQ 3.3a-29).

Waterways that are named are generally greater than a first order stream. There are seven named tributaries to the North Rockfish: Andersons Creek, Williams Creek, Goodwin Creek, Perry / Taylor Creeks (separate creeks that join immediately before flowing into the North Rockfish), Meriwether Creek, Mallory Creek and the Rockfish Channel. There are numerous unnamed tributaries, ephemeral streams and drainage channels which contribute to flow in the North Fork. Where it joins the South Fork, the North Rockfish is a 4<sup>th</sup> order stream, and may also be classified as a middle order stream (Gordon, section 4). It is part of the James River Basin and ultimately the Chesapeake Bay Watershed.



*Photo 1*



*Photo 2*

*Images of erosion along the upper (Photo 1) and lower (Photo 2) sections of the North Fork*

## **Previous Studies**

### *2004 STEP Report*

Sponsored by the Friends of the Rockfish River Watershed (FORW), this report provides a physical assessment of the Rockfish River, including both the North and South Forks. It notes a “strong correlation between deficient buffer, severe erosion, and sedimentation...a deficient buffer, especially the areas with no buffer beyond grass, seemed to correlate strongly with long stretches of severe erosion” (Hopper, et al 5). A copy of the 2004 report can be found on the FORW website: <[www.forwatershed.org](http://www.forwatershed.org)>.

### *Virginia Department of Environmental Quality*

The 2008 Integrated Water Quality Report is a summary of the water quality conditions in Virginia from January 1, 2001, to December 31, 2006. The VDEQ develops and submits this report to the U.S. Environmental Protection Agency (USEPA) every even-numbered year, in order to meet the requirements of the U.S. Clean Water Act and the Virginia Water Quality Monitoring, Information and Restoration Act. The North Fork is classified as a recreational waterway. The results of *E. coli* samples submitted previously have caused the waterway to be considered impaired, and per the VDEQ report, a clean-up plan should be developed.



*Photo 3: The confluence of the North and South Forks. Sedimentation has created an island and sandbars that break up the flow of the South Fork; the majority of the flow now appears to enter the waterway in direct opposition to the flow of the North Fork.*

## METHODS

### General Design and Site Selection

The primary focus of sampling was for the presence of *E. coli* in the waterway. Additional sampling for pH level, nitrates, phosphates, dissolved oxygen (DO) and turbidity were performed for most of the study. In addition, the entire length of the river was surveyed on foot, with notes, photos and GPS coordinates used to record areas of degradation.

When it came to choosing sample locations, accessibility was a primary factor. Many of the sites are therefore at road crossings. In her book, Stream Hydrology an Introduction for Ecologists, Nancy Gordon recommends against sampling at crossings, due to their being greatly altered from the natural state (section 2.3.4); however, they provide quick and easy access for sampling, which is also easier to duplicate in follow up studies. The locations that were on private property took a great deal longer to access and their inclusion was a limiting factor in how many total sites could be tested. Two of the sampling sites on private property were at the confluence of the North Fork and Goodwin Creek (sample sites 2 and C). Two other sampling sites (sites 3 and 4) on private property were located approximately halfway down the length of the North Fork in an area that could reflect water quality both upstream and downstream of properties with livestock.

Significant tributaries were also a focus of the study, with bacterial and chemical samples being regularly obtained on six of the seven named tributaries. The southernmost tributary, the Rockfish Channel, was excluded due to lack of access via public area or convenient private approach. However, sample site 6 on the North Fork was located immediately downstream of the confluence with the Rockfish Channel and should therefore reflect some of its influence.

## Field sampling

The bucket method was used for bacterial, chemical and turbidity sampling. In this method, a plastic bucket, used exclusively for this project, was tossed into the center of the stream from the bank and rinsed with stream water three times. The person obtaining the sample then moved slightly upstream to capture the water used to fill the sample containers for *E. coli*, nitrates and phosphates as well as the Secchi tube used for turbidity. All of these samples were captured together on the same sampling days.

Measurements of the previous 48 hours worth of precipitation were obtained from the website [www.weatherunderground.com](http://www.weatherunderground.com) by referencing the historical data for the Afton, VA site VDOT I-64 at 250 Afton Mountain (MVA005). Detailed location information, including GPS coordinates, of each of the sample sites can be found in Appendix A. Maps displaying the sites are available in Appendix B. It should be noted that the location proposed for sample site 1 was determined to be impractical early in the study. Re-numbering the sites risked confusion in the data already collected, so numeral 1 was removed and all other identifiers remained the same.

When taking samples around a bridge, it is preferable to do so from the upstream side of the bridge (VDEQ 3-4). In this study, upstream bridge access was often hindered by the presence of fencing or thick vegetation. Site information in Appendix A lists whether the access was upstream or down.

### *E. coli*

The procedure for testing for this type of bacteria came with the Coliscan Easygel supplies purchased from Micrology Laboratories, LLC. The incubator used was a circulated air incubator model 10200 by Little Giant. When in use, the interior temperature was maintained between 96° and 98° F. Results were read after 24 hours of incubation. The colonies counted were those that were purple or dark blue in color, indicative of *E. coli*.

### *Nitrates, Phosphate and pH*

Nitrates were detected using the Chemetrics K-6904D nitrate test kit which uses the Cadmium Reduction Method. The range of detection was 0 – 90 ppm. The presence of phosphates was detected using the Chemetrics K-8510 phosphate test kit, a product that uses the Stannous Chloride Method. The range of detection was 0-1ppm and 1-10ppm. All containers used in test kit procedures were rinsed once with tap water then twice with distilled water in between samples.

Water samples for both of these tests were collected in reusable glass jars with Teflon-faced, PE-lined caps. Each sample site had an assigned jar. Between samplings, jars were cleaned with tap water, rinsed with distilled water and allowed to air-dry upside down. At each sampling event, jars were rinsed three times with stream water before the sample was collected and stored at ambient temperature before testing. Results of nutrient sampling from

test kits are not used by the VDEQ for assessing water quality; instead they require more costly laboratory analysis of samples. Test kits were used in this study to determine if there were any areas of concern that would require follow-up study.

The pH level of a sample was obtained by using pH testing strips from Macherey-Nagel. They had a range of 0-14. Strips were held in a bucket sample for 45 seconds before being read and recorded.

### *Dissolved Oxygen and Water Temperature*

Dissolved Oxygen (DO) and water temperature were measured using a Heavy Duty Dissolved Oxygen Meter, model 407510, from Extech Instruments. Calibration was performed per the manufacturer's instructions. The sensor was placed directly in the stream on almost all sampling occasions. The exception was sample location 5 in June 2010. The vegetation was too heavy to reach the water's edge, but the bridge was too high for the meter's cable to directly reach the water, so DO was measured from a bucket sample.

### *Turbidity*

A 60cm Secchi tube of unknown manufacturer was filled from the bucket used to collect sample water. The Secchi disc was observed being both lowered and raised in the tube. If there was a depth in the tube at which the black and white sections of the disc became indistinct from each other, that depth was recorded. The disc was then raised from the bottom of the tube, and the depth at which the sections became distinct was recorded.

### *Discharge*

At each site where discharge was measured, the width of the stream at that site was measured. The total width was divided into 10 or 12 subsections of equal width. Depth was measured at the center point of each of those subsections. The resulting determinations of section area, which is section depth multiplied by section width, were added together, yielding the entire cross sectional area of the stream. Velocity was determined by thrice measuring the time it took a piece of floating debris to travel one meter and averaging those times. Average velocity multiplied by cross sectional area resulted in a value for stream discharge.

### *Biological Survey*

The biological survey was performed in accordance with the protocols and QA/QC procedures of the Virginia Save Our Streams Program (VSOS). A VSOS certified monitor, Jay Gilliam, was on hand to assist and perform identification of macroinvertebrates. The location used was approximately 100 yards upstream of the bridge on Route 6. The VSOS protocols require that the survey be performed at a section of the stream with a suitable riffle. The only suitable riffle on this section of the stream was located adjacent to a sandbar, making the width of the riffle significantly narrower than the nearest upstream and downstream portions of the stream.

### *Physical Assessment*

A physical survey was performed over the entire length of the North Fork of the Rockfish. The survey included taking photos and recording GPS coordinates at points of degradation or concern. In addition, the surveyor noted percentage of shade cover and bank vegetation, approximate buffer width, stream bed components, and patterns of erosion and deposition. The length of the river was broken up into three sections for the assessment: the upper section (from the confluence of Williams and Andersons Creeks to Sample site 3), the lower section (from sample site 3 to sample site 6) and the tail section (from sample site 6 to the confluence with the South Fork of the Rockfish River). The assessments for the upper and tail sections were performed in June 2010, while the lower section was traversed in June of 2009. The GPS units used were a Garmin etrex Vista HCX for the upper and lower sections, and a Magellan Triton for the tail section assessment.

<b>Table 1: Invasive Plant Inventory Search List</b>	
<b>Scientific Name</b>	<b>Common Name</b>
<i>Ailanthus altissima</i>	Tree-of-heaven *
<i>Alliaria petiolata</i>	Garlic mustard
<i>Alternanthera philoxeroides</i>	Alligator weed
<i>Ampelopsis brevipedunculata</i>	Porcelain-berry
<i>Carex kobomugi</i>	Asiatic sand sedge
<i>Celastrus orbiculata</i>	Oriental bittersweet
<i>Centaurea dubia</i>	Short-fringed knapweed
<i>Centaurea biebersteinii</i>	Spotted knapweed
<i>Cirsium arvense</i>	Canada thistle
<i>Dioscorea oppositifolia</i>	Chinese yam
<i>Elaeagnus umbellata</i>	Autumn olive
<i>Euonymus alata</i>	Winged burning bush
<i>Humulus japonicus</i>	Japanese Hops**
<i>Hydrilla verticillata</i>	Hydrilla
<i>Imperata cylindrica</i>	Cogon grass
<i>Lespedeza cuneata</i>	Chinese lespedeza
<i>Ligustrum sinense</i>	Chinese privet
<i>Lonicera japonica</i>	Japanese honeysuckle
<i>Lonicera morrowii</i>	Morrow's honeysuckle
<i>Lonicera standishii</i>	Standish's honeysuckle
<i>Lythrum salicaria</i>	Purple loosestrife
<i>Microstegium vimineum</i>	Japanese stilt grass
<i>Murdannia keisak</i>	Aneilema
<i>Myriophyllum aquaticum</i>	Parrot feather
<i>Myriophyllum spicatum</i>	European water-milfoil
<i>Phragmites australis</i>	Common reed
<i>Polygonum cuspidatum</i>	Japanese knotweed
<i>Polygonum perfoliatum</i>	Mile-a-minute
<i>Potamogeton crispus</i>	Curly Pondweed**
<i>Pueraria montana</i>	Kudzu vine*
<i>Ranunculus ficaria</i>	Lesser celandine
<i>Rosa multiflora</i>	Multiflora rose
<i>Rubus phoenicolasius</i>	Wineberry
<i>Sorghum halepense</i>	Johnson-grass
<i>Vitex rotundifolia</i>	Beach vitex
*Species in both the 2004 STEP Report and the DCR list	
**Species only in the 2004 STEP Report	

*Invasives*

Susan McSwain, a Virginia Master Naturalist volunteer with experience in invasive species, performed an inventory at two locations, sample site 4 and sample site 6. The inventory was performed in April 2010. At each site, the survey area encompassed a 50 ft radius from the sample location. Sample site 6 is located near Route 6 and immediately downstream of a bridge, which has had significant impact on the surrounding stream morphology. This location was chosen as a representative of disturbed sites. Sample site 4 is bordered on both sides by private property. The west side is largely undisturbed and fully forested, while the east side has a combination of full forestation and a field with riparian buffer.

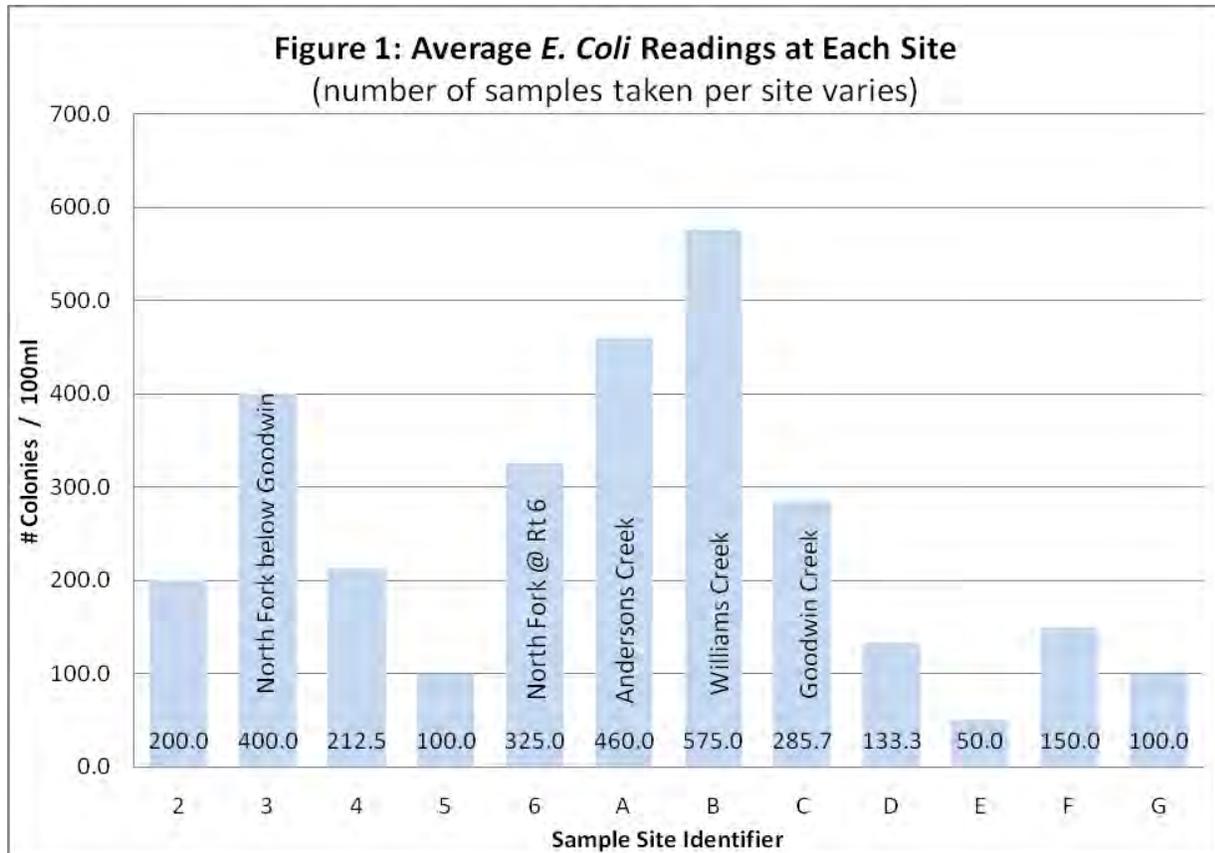
Particular species were being sought out in the survey. These were the invasive plants identified as being present in the 2004 STEP Report as well as those identified as “highly invasive” by the Virginia Department of Conservation and Recreation’s Invasive Alien Plant Species of Virginia, September 2009. Table 1 contains a combined list from these two sources of the plants sought.

## RESULTS

Complete results for the bacterial and chemical testing can be found in Appendix C. Where a maximum value or acceptable range is listed, it is from the Virginia Citizen Water Quality Monitoring Program Methods Manual.

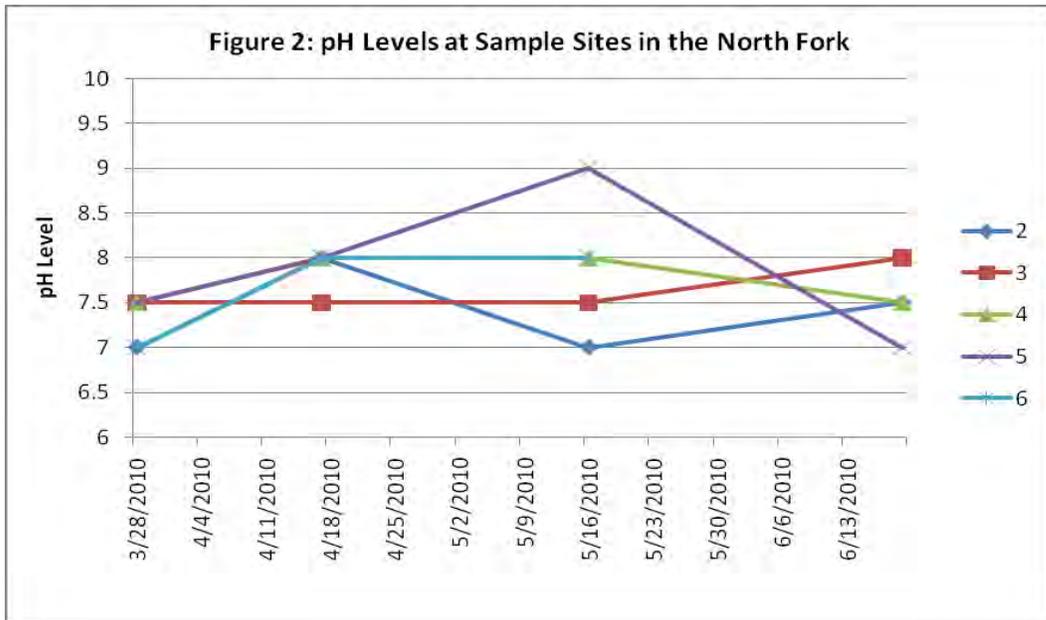
### *E. coli*

The VDEQ has set the maximum contaminant level for *E. coli* at 235 colonies per 100mL of water. As can be seen in Figure 1, the average readings for some of the sites are well above this level. This includes the tributaries Andersons Creek, Williams Creek and Goodwin Creek (sample sites A, B and C respectively). Sample site 3 was also above DEQ levels; it is the North Fork sample site immediately downstream of these three tributaries.

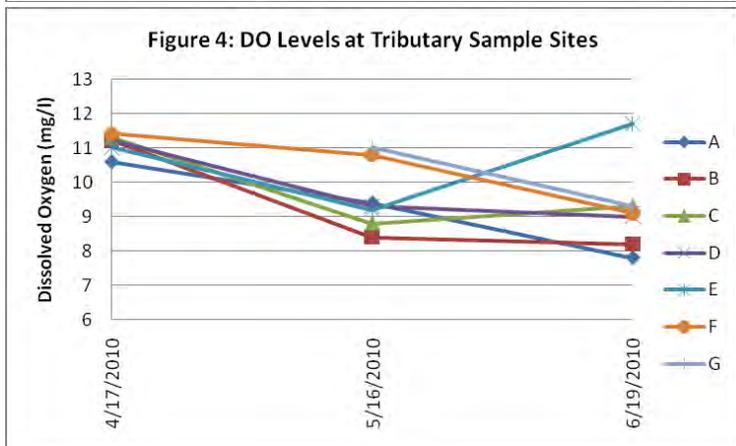
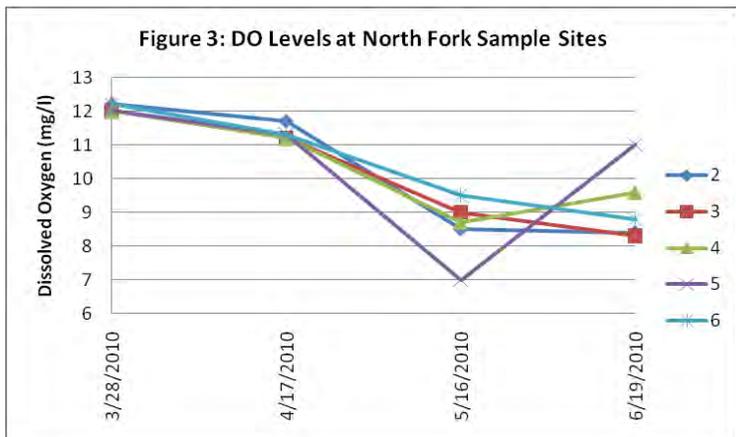


### *Nitrates, Phosphates and pH*

No nitrates or phosphates were detected until the June sampling. At that time, nitrates were detected in samples from sites 2 through 5. Phosphates were detected at sites 4, 5 and 6. The pH level of the sample sites was recorded starting in March of 2010. The site readings clustered around values of 7 and 8. Per state water quality standards, pH levels should be between 6 and 9 (VCWQMP 5-1).



*Dissolved Oxygen and Water Temperature*



Dissolved Oxygen should be a minimum of 4 mg/L (VCWQMP 4-2) in order to safely support aquatic life. All of the sites consistently met this requirement. At the June sampling, DO for sample site 5 was taken from a bucket instead of directly from the waterway. The results are anomalous from the trends at the other sites and indicate this is likely not an accurate way to measure DO levels. The general decline of levels seen with passing time was an expected result of the warming weather (Gordon 14).

The maximum water temperature acceptable for a healthy recreational waterway is 89.6°F (32°C). None of the samples exceeded this temperature during the study period. Temperature readings are available in Appendix C.

### Turbidity

None of the sample sites had a turbidity level high enough to quantify with the Secchi tube. However, on two separate occasions, different samplers noted that the Secchi disc was more difficult to view, though still discernible. These occurrences were in May and June, indicating the possibility of seasonal variation. This is an expected possibility when measuring turbidity since the presence of algae may affect levels (VDEQ 12-1).

### Discharge

Discharge at the source (confluence of Williams and Andersons Creeks) remained somewhat constant during the two measurement dates, despite some minor precipitation the evening of 6/19/10. However, a difference in surface velocity at that site was recorded. Sample site 4 is located approximately halfway down the length of the North Fork. Although the discharge measurements for it and site 6 were performed on different days, the extremely large difference in volumes seems to indicate that, volume-wise, the largest portion of the water in the North Fork is contributed by the tributaries and run-off in its lower half.

Date	Precipitation Past 24 Hours (inches)	Measurement Location	Average Surface Velocity (m/s)	Discharge (m <sup>3</sup> /s)	Discharge (ft <sup>3</sup> /s)
6/20/10	.2	Source	5	3	106
6/20/10	.2	Sample Site #4	3	4	152
6/27/10	0	Source	8	3	106
6/27/10	0	Sample Site #6	10	36	1275

### Biological Survey

Benthic macroinvertebrates are a valuable indicator of long-term stream health. They reflect the chemical, physical and biological conditions of the stream by their presence, or lack thereof. (They are *not* an indicator of bacterial pollution, however.) Results from the survey can be seen in Table 3. The Multimetric Index score was computed using VSOS protocols and worksheets available from that organization's website. The index score for this study was 10. Per the VSOS, a score between 9 and 12 is indicative of a waterway in acceptable ecological condition.

Worms	3	Temperature: 64° F (17.7° C)
Stoneflies	2	Percent Shade Cover: 50%
Mayflies	146	Width at riffle: 32 ft
Common Netspinner	2	Depth at riffle: .5 ft
Most Caddisfly	1	More typical width beyond riffle: 47 ft
Beetles	3	Air Temperature: 59° F (15° C)
Midges	13	Precipitation previous 48 hours: 0 inches
Blackflies	40	
Gilled Snail	4	
<b>Index Score</b>	<b>10</b>	

## *Physical Assessment*

Appendix D contains a complete list of all notes from the physical assessment as well as a photo inventory. Two items stand out. First, instances of severe bank erosion were preceded by stream sections of thin to non-existent riparian buffer. This pattern was extremely consistent throughout the length of the river. Wherever there was a clearing within site of the river, bank erosion was present. Severe bank erosion is often caused by high water flowing at high speeds, generally after a rain event. Runoff that is entering the river with sufficient power to erode banks is also likely carrying surface pollutants. This would include *E. coli* from animal wastes as well as nitrates and phosphates that may be part of surface fertilizer applications.

A second observation of significance was the existence of multiple locations where livestock had direct access to the river. This is a means of direct introduction of *E. coli* into the waterway. It is also a known cause of increasing sedimentation and bank instability (Zeckoski 5).

Algae blooms were frequently noted in conjunction with cow pastures (Appendix D), particularly in the lower section of the river. A consistent characteristic of these pastures was that they had direct livestock access or lacked a significant riparian buffer. Algae flourish in areas with high nutrient concentrations and their growth is a cause of eutrophication, a process which depletes the levels of dissolved oxygen in the water. This directly affects the ability of the waterway to sustain aquatic life.



*Photo 4*  
*Images of erosion along the lower section of the North Fork*



*Photo 5*

*Invasives*

Table 4 lists the invasive plant species identified in the selected sample areas. This study did not attempt to determine the extent of invasives along the entire length of the waterway. Some plants, such as Japanese Stilt Grass, would not have been visible during an early spring inventory, such as this one. The presence of invasive plants is indicative of disturbance, and, indeed, greater varieties were found in the sample location with a higher level of human alteration. Invasive plants may aggressively propagate in a favorable area, meaning the stream-side ecosystem could be altered, with some wildlife losing habitat (VDCR).

<b>Sample Site 4</b>	<b>Sample Site 6</b>
Garlic Mustard	Tree of Heaven
Japanese Honeysuckle	Garlic Mustard
Multiflora Rose	Japanese Honeysuckle
	Mile-a-Minute
	Multiflora Rose

**DISCUSSION**

The results of this study indicate three main areas of concern: lack of adequate buffer width along some portions of the stream, livestock access to the stream, and the presence of *E. coli*. Of particular health concern is the high level of bacteria found at sample site 6. This location is a well-known swimming spot. Both adults and children were seen playing in the water on days the study team was on site. *E. coli* in the water is closely related to swimming-related illnesses (VCWQMP 8-3).

Results from the Secchi tube did not indicate an excessive turbidity problem. Turbidity is not a measure of the volume of material suspended in the water column, but rather a reflection of the amount of light penetrating the water column (VCWQMP 12-1). Aquatic plant growth is influenced by the amount of light available. Lack of significant turbidity is not an indicator of lack of a sediment problem. Although sediment in the water is one cause of high turbidity, turbidity levels are also affected by timing, as they are often higher immediately after a rain event. The physical assessment indicated that the stream bed is heavily sedimented in some areas. In addition, some of the extreme bank erosion is likely caused in part by sediment particles in the water. These can act as a scouring agent, increasing the erosive power of flowing water.

Although “nutrients are a major cause of ambient water quality use impairments” (USEPA 13) the results of nutrient testing are not conclusive at this point as values were only detectable in the June 2010 sample. Longer term testing, especially extending through the summer and fall months, may prove useful in determining whether excess nutrients are a seasonal problem in the North Fork.

## Mitigation

An essential part of this study was to develop mitigation strategies for problems found within the waterway. The publication “Understanding the Science Behind Riparian Forest Buffers: Planning, Establishment, and Maintenance” by Julia C. Klapproth and James E. Johnson, provides useful information to address the problems found by this study. Property owners are strongly encouraged to make use of this and other research material available from the Virginia Cooperative Extension. Appendix E supplies a list of available incentive programs as well as names of participating organizations that assist property owners in livestock exclusion and the creation of riparian buffers.

### *Improving Riparian Buffers*

Increasing riparian buffers may aid in improving stream quality in multiple ways (VCWQMP 17-1). The Virginia Department of Forestry reports that by slowing the velocity of surface runoff, sediment can settle on land rather than being washed into the stream (VDOF). Slowing water velocity may also reduce the amount of *E. coli* that gets washed into the waterway from livestock pastures. In addition, water that is moving more slowly as it enters the stream bed will have less power to erode areas downstream. Educating and encouraging property owners to improve riparian buffers on their property may go a long way towards reducing impairments on this waterway.

One of the first concerns a landowner may have is the width necessary for a riparian buffer to make a difference in water quality. The ideal buffer is considered to be 75 to 100 feet on either side of the stream. While it may be difficult for an owner to carve out this amount of space for a buffer on agriculturally productive land, a buffer of as little as 35 ft on each side of the stream will have a positive effect in the Chesapeake Bay Watershed. Some state programs reimburse property owners for some loss of productivity that may be experienced by increasing a buffer. Financial and technical assistance is available to help landowners establish riparian buffers where appropriate. Appendix E provides information on this assistance.

A second concern when designing a riparian buffer is the types of plants to be used. Generally, a buffer should have three different plant zones. The first zone is closest to the stream, with the ideal composition being that of undisturbed forest of native deciduous trees. The second zone is also native forest, but one that eventually can be selectively harvested in a way that benefits the property owner and the buffer’s ecosystem. The third zone serves as a separation between the forested buffer and actively managed areas. It is best composed of native warm season grasses. Each zone has a specific purpose:

Zone 1: stabilize stream banks, moderate stream temperatures, and provide shade and organic matter to the stream;

Zone 2: remove excess nutrients and toxins through uptake by the plants and biogeochemical processes in the soil;

Zone 3: slow and disperse flows of water coming from the land, which promotes the release of sediments in the flow and the infiltration of run-off into the ground.

It takes time for the vegetation in a new riparian buffer to mature, and the benefits to water quality may not be fully achieved for ten years or longer. However, a newly established buffer can capture over 80% of the sediment and nitrates that may otherwise reach the stream (Klapproth and Johnson). Property owners and others with a vested interest in water quality should consider riparian buffers as a mitigation strategy with long-term benefits.



*Photo 6: Cattle with free access to the stream.*

#### *Livestock Stream Exclusion*

The publication [Streamside Livestock Exclusion: A Tool for Increasing Farm Income and Improving Water Quality](#) by R. B. Zeckoski and Lunsford Benham is available through the Virginia Cooperative Extension. It is a valuable resource for property owners seeking to reduce the impact of livestock on nearby waterways. Key points are summarized in this section.

There are numerous benefits in restricting livestock from open waterway access.

Multiple watershed studies highlighted in the Zeckoski document indicate that when livestock is fenced out of waterways, *E. coli* levels in streams drop. For instance, in the Page Brook watershed, none of the samples taken in 2003 exceeded state fecal coliform standards. This was a marked improvement from 2001, before the exclusion program was implemented, when 67% of the samples exceeded standards. Keeping livestock out of creeks also reduces sediment in storm water run-off by 40-60%. Benefits are not limited to only those experienced in the aquatic environment. Research indicates that cattle experience fewer incidences of disease but have greater weight gain and milk and butterfat production when not exposed to water of questionable quality.

Livestock exclusion does not involve only fence-building. Non-fence options - such as installing clean water sources and providing shelters, salt licks, and scratching posts in more distant pasture areas - lure animals away from streams. Adding a riparian buffer where none exists may also act as a vegetative fence, reducing the likelihood that livestock will enter the stream.

Various fence types are possible, including woven wire, barbed wire, rail or board, cable wire, high-tensile wire, and electric. If a property owner is participating in an incentive program, the type of fence may be specified by the program.

It is important to take into account peripheral results of exclusion. For instance, it may be necessary to provide a new source of shade in a pasture if trees by the stream were the only source, or a hardened stream crossing if a passage across the waterway is required. The organizations listed in Appendix E can provide technical assistance to property owners for these types of projects.

## **Education and Outreach Schedule**

One of the primary purposes of this study is to provide education and awareness of stream quality concerns that affect the entire community. Below is an education and outreach schedule intended to increase awareness of stream quality issues and provide mitigation strategies to address the issues identified.

July 2010: Letters sent to property owners (an example is in Appendix F), with information on where to find the entire report, most notable results, and a copy of the mitigation plan (Appendix E). The letters will also describe best management practices for maintaining and improving stream health.

August 2010: Meeting held at the Rockfish Community Center to discuss the report with North Fork property owners. An invitation will be included in the July 2010 letter. Representatives from organizations that provide the mitigation assistance listed in Appendix E will be encouraged to attend. Fifteen copies of the riparian buffer report by Julia Klapproth and James Johnson and the livestock exclusion report by R. B. Zeckoski and Lunsford Benham will be made available at the meeting.

September 2010: A meeting held to discuss stream quality awareness and concerns in Nelson County, which will be publicized in both the Nelson County Times and Nelson County Life Magazine. The meeting will be held at the Rockfish Community Center. An invitation will be extended to stream stakeholders – individuals and groups – to focus attention on local rivers and streams and their role in protecting the Chesapeake Bay.

Fall 2010: Postcards sent to property owners notifying them of the Department of Forestry tree sale and providing information on riparian buffer resources. Two hundred and fifty copies of a tri-fold brochure will be created from this study. The brochure will highlight the purpose and results of the study, and include a broader look at water quality issues in the Chesapeake Bay Watershed. It will also list resources available for property owners to begin mitigation projects. Copies will be available at the Rockfish Community Center, local branch of the public library, local plant nurseries and the Rockfish Valley Foundation informational kiosk. In addition, it will be available at local Virginia Master Naturalist events for the next year.

## **CONCLUSIONS**

Future studies and sampling should focus on continued monitoring of *E. coli* along the North Fork as well as in Andersons, Williams and Goodwin Creeks. It is suggested that bacterial sampling be expanded to include any other locations known to be frequented by swimmers. Based on the high levels of *E. coli* found along the entire length of the stream and the widespread access by livestock, it is likely that these locations also pose a health hazard to swimmers. Continued testing for nitrates and phosphates might determine whether excess nutrients are a problem in the waterway during certain times of the year. Expansion of nutrient testing to include those sites where algae blooms were noted could provide for a more

detailed analysis of the extent of nutrient pollution. In addition, a duplicate study is recommended in five to ten years' time. This should be sufficient time for mitigation efforts to have a measurable impact on water quality.

Improving the health of the North Fork of the Rockfish River is challenging - but possible - with dedicated implementation of improved riparian buffers and livestock exclusion. With these efforts, it is expected that residents will see a reduction in erosion of the banks and the levels of *E. coli* present. This could result in the removal of the waterway from the DEQ's list of impaired streams, and make it a safe source for community recreation. Since the North Fork is a tributary to the James River and ultimately the Chesapeake Bay, improving its health will also contribute to the viability and quality of those two important regional resources.

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## Appendix A: GPS Coordinates of Sample Sites and Tributary Confluences

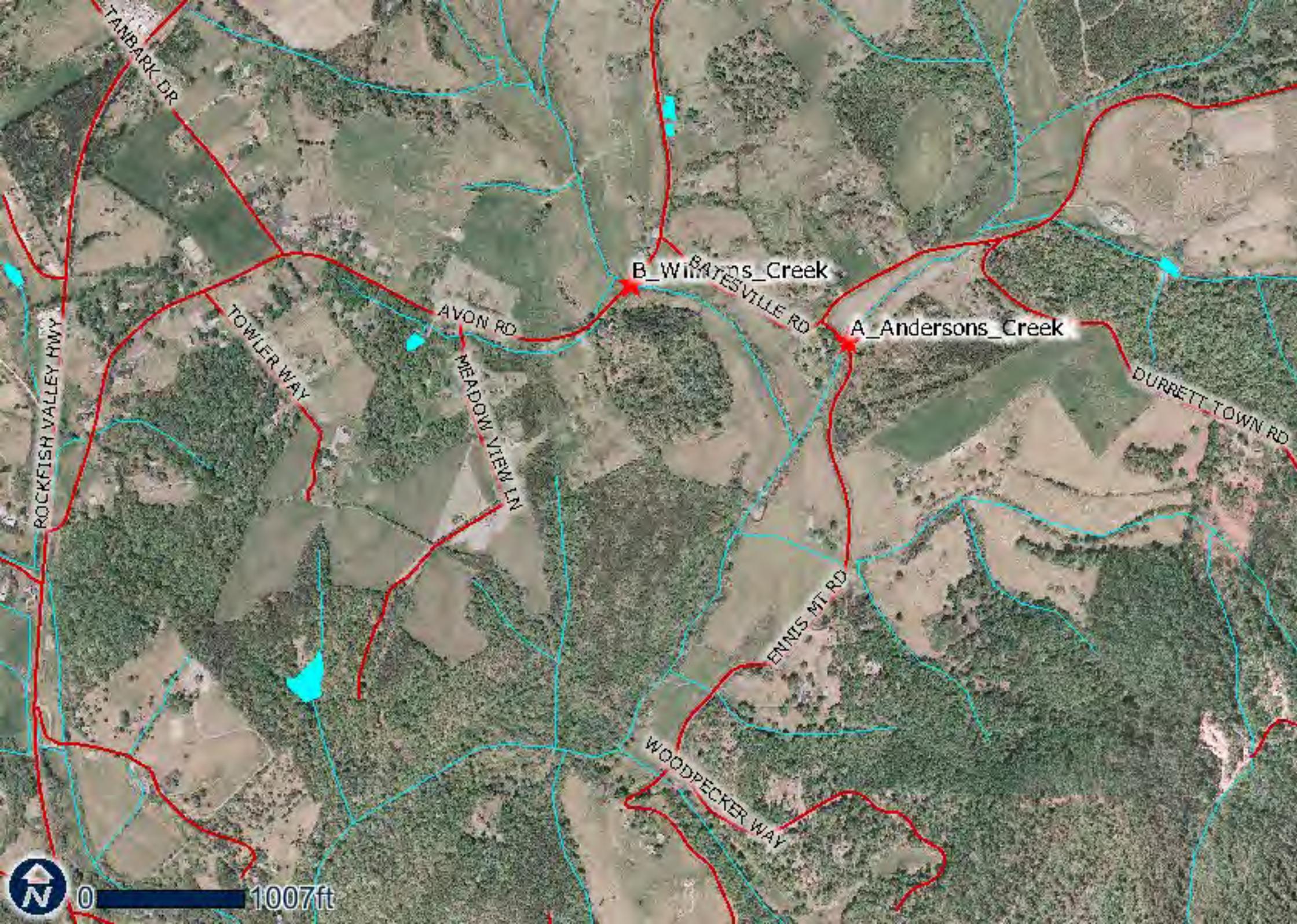
Sample Site Name	Site #	Latitude (N)	Longitude (W)	Description
Enders Property	2	37.58.493	78.49.961	N. Rockfish accessed from Nelson County parcel map ID 7 7 13, immediately upstream of confluence with Goodwins Creek; sometimes referred to as Beaver Creek by residents
Rea Property North	3	37.56.858	078.49.675	N. Rockfish accessed from Nelson County parcel map ID 13 1 3
Rea Property South	4	37.56.43	078.49.029	N. Rockfish accessed from Nelson County parcel map ID 13 A 11A
Greenfield Road	5	37.56.053	78.49.504	N. Rockfish accessed from downstream Greenfield Road bridge
Route 6 Bridge	6	37.54.631	078.50.012	N. Rockfish accessed from footpath downstream of the Route 6 bridge
Andersons Creek	A	37.59.16	078.49.002	Tributary accessed downstream of culverts under Route 636
Williams Creek	B	37.59.14	078.49.030	Tributary accessed downstream side of bridge on Route 638
Goodwin Creek	C	37.58.493	78.49.961	Tributary accessed from Nelson County parcel map ID 7 7 13, immediately upstream of confluence with N. Rockfish
Perry Creek	D	37.56.432	78.49.106	Tributary accessed from upstream of culverts under drive at Tea Time Farm run in shed
Meriwether Creek	E	37.55.882	78.49.828	Tributary accessed from downstream side of Greenfield Road bridge
Mallory Creek	F	37.55.150	78.50.379	Tributary accessed upstream of Route 151 bridge
Taylor Creek	G	37.56.215	78.49.249	Tributary accessed from downstream of Greenfield Road bridge
Rockfish Channel	_____	37.54.644	78.50.006	Tributary not accessed for sampling; these coordinates are the location where it joins the N. Rockfish

## **Appendix B: Map of Sample Sites and Study Area**

The following maps show the locations of the sample sites, as well as the location of non-sampled waterways of importance.

The labeling format is as follows: Site ID\_Waterbody\_Name

The maps are ordered in such a way as to be able to scroll through them in order from first to last, and visually travel from north to south on the waterway.



TANBARK DR

ROCKFISH VALLEY HWY

TOWLER WAY

AVON RD

MEADOW VIEW LN

B\_Williams\_Creek

BATESVILLE RD

A\_Andersons\_Creek

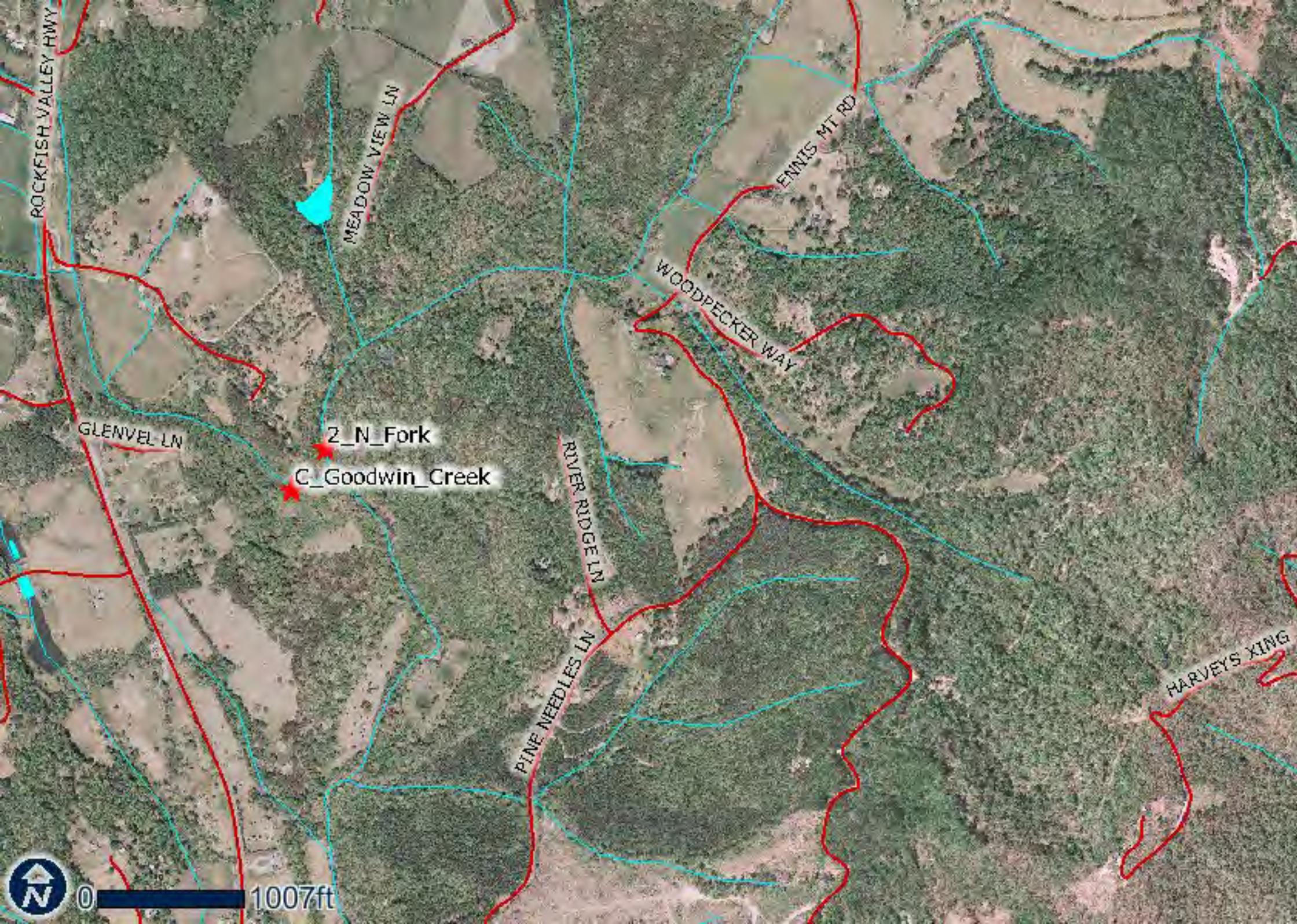
DURRETT TOWN RD

ENNIS MT RD

WOODPECKER WAY



0 1007ft



ROCKFISH VALLEY HWY

MEADOW VIEW LN

ENNIS MT RD

WOODPECKER WAY

GLENVEL LN

2\_N\_Fork

C\_Goodwin\_Creek

RIVER RIDGE LN

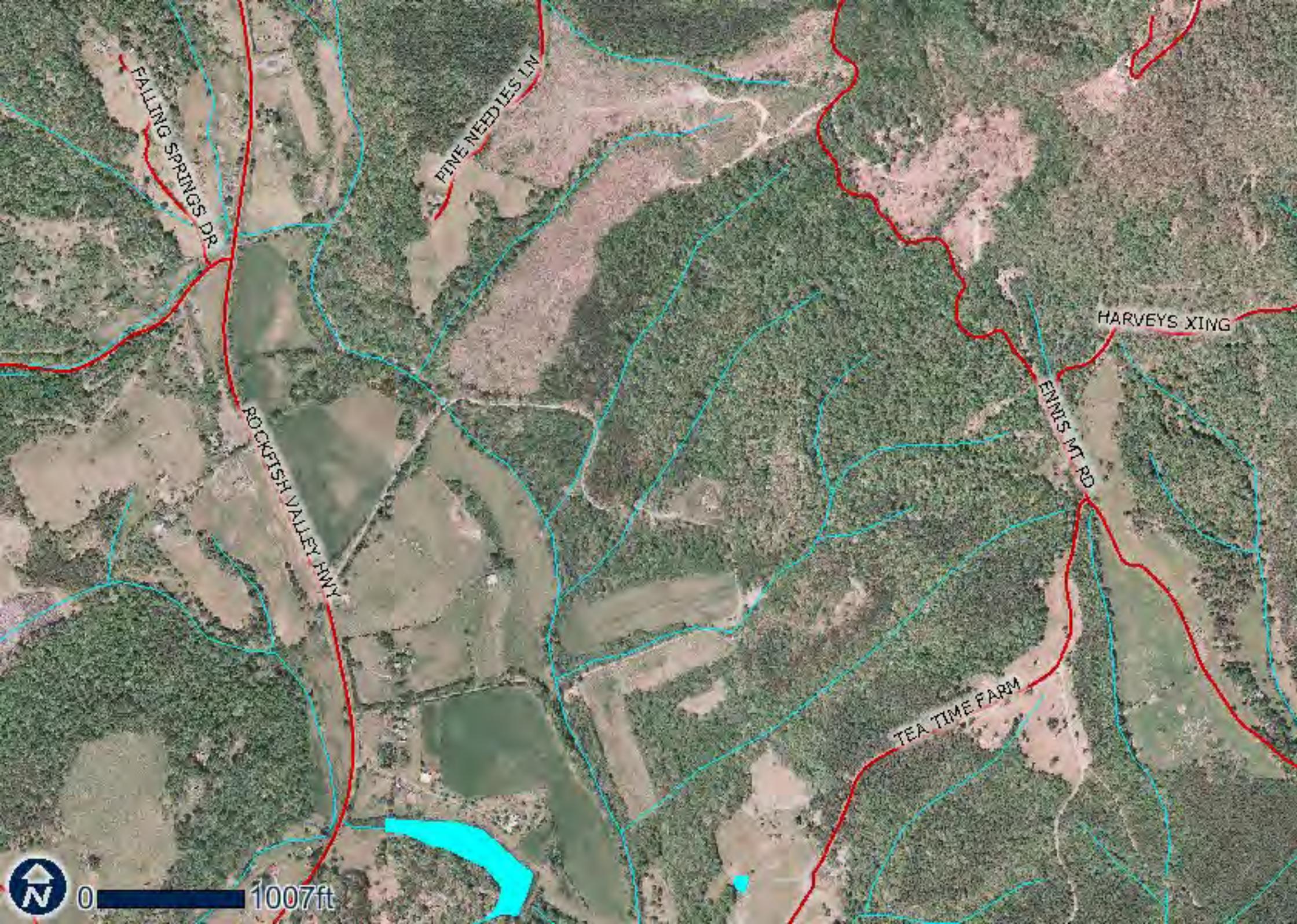
PINE NEEDLES LN

HARVEYS KING



0

1007ft



FALLING SPRINGS DR

PINE NEEDLES LN

ROCKFISH VALLEY HWY

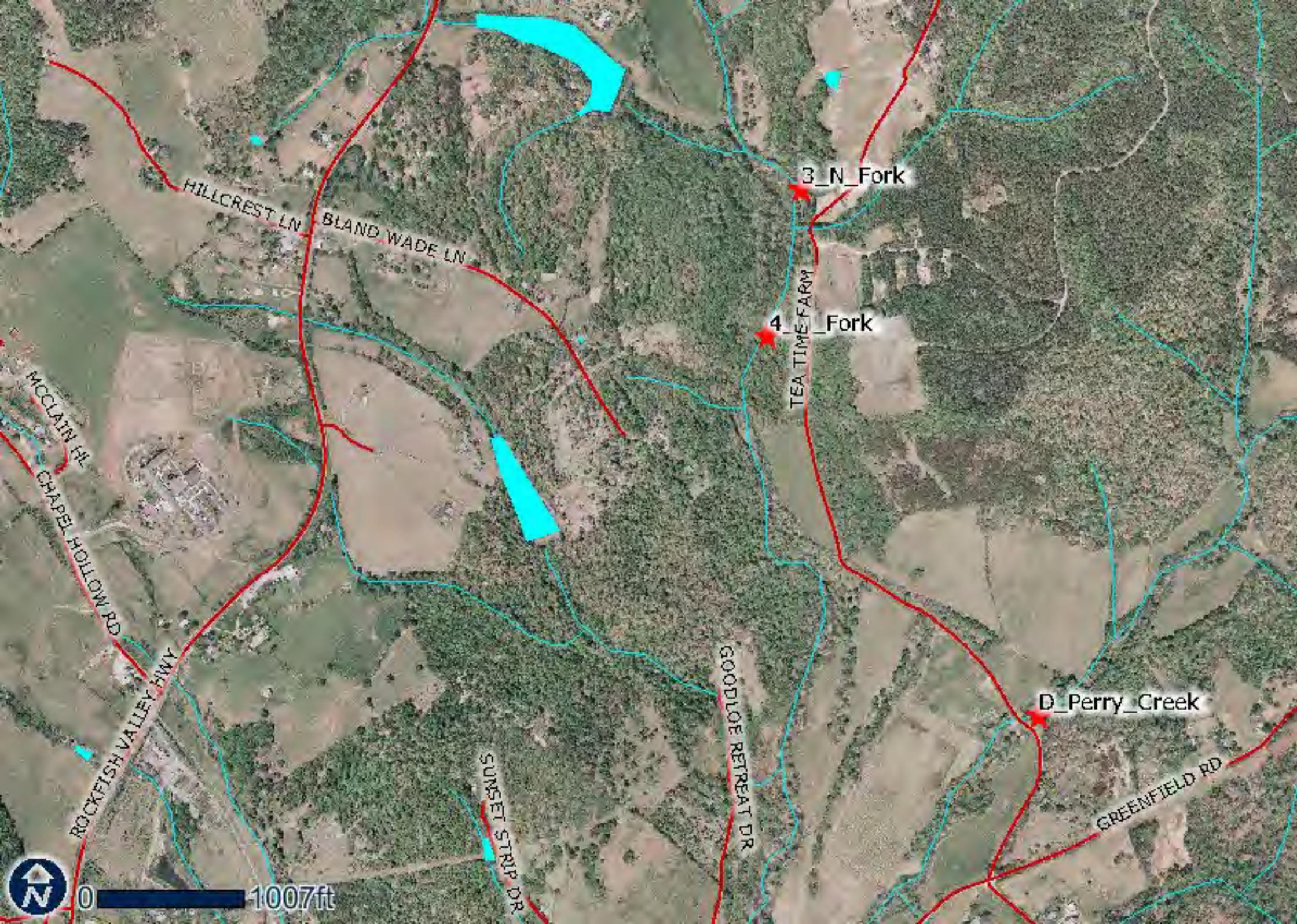
HARVEYS XING

ENNIS MT RD

TEA TIME FARM



0 1007ft



HILLCREST LN

BLAND WADE LN

3\_N\_Fork

4\_Fork

TEA TIME FARM

D\_Perry\_Creek

MCCLAIN HL

CHAPEL HOLLOW RD

ROCKFISH VALLEY HWY

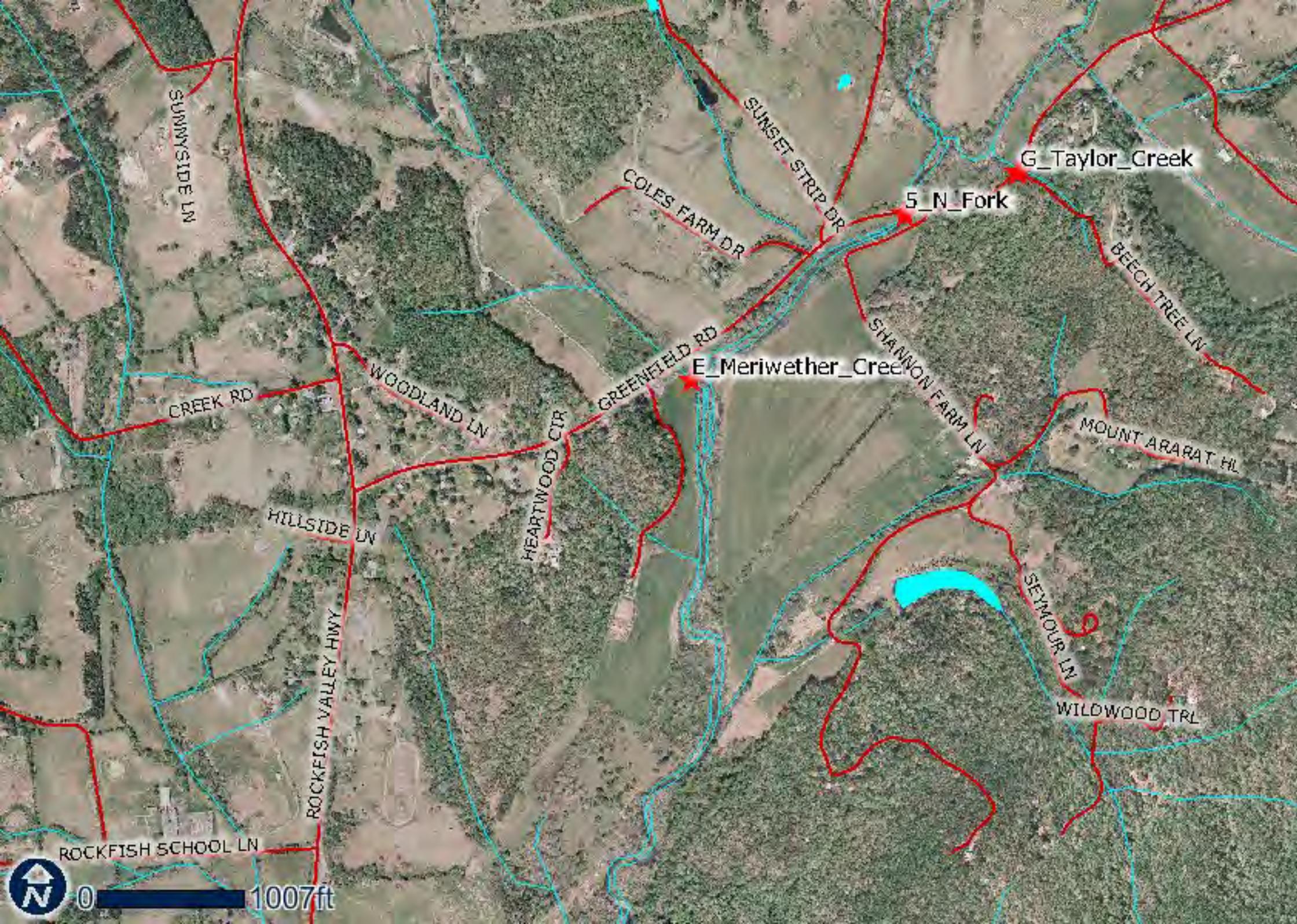
SUNSET STRIP DR

GOODLOE RETREAT DR

GREENFIELD RD



0 1007ft



SUNNYSIDE LN

CREEK RD

WOODLAND LN

HILLSIDE LN

ROCKFISH SCHOOL LN

ROCKFISH VALLEY HWY

HEARTWOOD CIR

GREENFIELD RD

COLES FARM DR

SUNSET STRIP DR

SHANNON FARM LN

SEYMOUR LN

WILDWOOD TRL

MOUNT ARARAT HL

BEECH TREE LN

G\_Taylor\_Creek

5\_N\_Fork

E\_Meriwether\_Cree



0

1007ft

F\_Mallory\_Creek

ROCKFISH VALLEY HWY

RIVER RD

Rockfish\_Channel

6\_N\_Fork

LODEBAR EST

PILOT MOUNTAIN HOLW

South\_Fork



0 1007ft

### Appendix C: Bacterial and Chemical Testing Results

Date	Sample ID	Air Temp (°F)	Precip. last 24 hours (inches)	Precip. last 24 -48 hours (inches)	Location	Fecal Coliforms Sample 1	Water Temp (°C)	DO (mg/L)	pH	Phosphates (ppm)	Nitrates (ppm)	Fecal Coliforms Sample 2	Fecal Coliforms Notes	General Comments
9/11/2009	2	74	0.01	0.03	R Enders	300/100ml								
9/11/2009	3	74	0.01	0.03	Rea--North	100/100ml								
9/11/2009	4	74	0.01	0.03	Rea--South	200/100ml								
9/11/2009	5	74	0.01	0.03	Greenfield Rd	0/100ml								
9/11/2009	6	74	0.01	0.03	Rte 6	200/100ml								
9/11/2009	C	74	0.01	0.03	Goodwin Crk	100/100ml								
11/6/2009	3	52	0	0	Rea--North	100/100ml								
11/6/2009	4	52	0	0	Rea--South	100/100ml								
11/6/2009	5	52	0	0	Greenfield Rd	0 /100ml								
11/6/2009	6	52	0	0	Rte 6	0 /100ml								
2/13/2010	3	30	0.01	0	Rea--North	0/100ml							Some evidence of other coliforms; Goodwin/Hayes most	
2/13/2010	4	30	0.01	0	Rea--South	0/100ml								
2/13/2010	5	30	0.01	0	Greenfield Rd	0/100 ml								
2/13/2010	6	30	0.01	0	Rte 6	0/100ml								
2/13/2010	C	30	0.01	0	Goodwin Bridge	0/100ml								only time this sample was not taken closer to the confluence
2/13/2010		30	0.01	0	Hayes Crk	0/100ml								Not sampled again
2/27/2010	2	39	0	0	R Enders	0/100ml							High evidence of other coliforms in all samples	
2/27/2010	3	39	0	0	Rea--North	0/100ml								
2/27/2010	4	39	0	0	Rea--South	0/100ml								
2/27/2010	5	39	0	0	Greenfield Rd	0/100ml								
2/27/2010	6	39	0	0	Rte 6	0/100ml								
2/27/2010	A	39	0	0	Andersons Crk	0/100ml								
2/27/2010	C	39	0	0	Goodwin Crk	0/100ml								

Date	Sample ID	Air Temp (°F)	Precip. last 24 hours (inches)	Precip. last 24 -48 hours (inches)	Location	Fecal Coliforms Sample 1	Water Temp (°C)	DO (mg/L)	pH	Phosphates (ppm)	Nitrates (ppm)	Fecal Coliforms Sample 2	Fecal Coliforms Notes	General Comments
3/28/2010	2	44	1.49	0.01	R Enders	0/100ml	7.1	12.2	7	0	0		Some evidence of other coliforms	
3/28/2010	3	44	1.49	0.01	Rea--North	200/100ml	7	12	7.5	0	0		Two dark purple colonies	suds at tree roots
3/28/2010	4	44	1.49	0.01	Rea--South	100/100ml	7	12	7.5	0	0		One dark purple colony	thick foam at tree roots
3/28/2010	5	44	1.49	0.01	Greenfield Rd	200/100ml	7.1	12	7.5	0	0		Two dark purple colonies	sudsy by bridge
3/28/2010	6	44	1.49	0.01	Rte 6	0/100ml	7.3	12.2	n/a	0	0		Some evidence of other coliforms	
3/28/2010	A	44	1.49	0.01	Andersons Crk	0/100ml							Some evidence of other coliforms	
3/28/2010	B	44	1.49	0.01	Williams Crk	0/100ml							Some evidence of other coliforms	
3/28/2010	C	44	1.49	0.01	Goodwin Crk	200/100ml							One dark purple colony; Ond dark blue colony	
3/28/2010	E	44	1.49	0.01	Meriweather Crk	0/100ml							High evidence of other coliforms	
3/28/2010	F	44	1.49	0.01	Mallory Crk	100/100ml							One dark purple colony	
4/17/2010	2	66	0	0	R Enders	0/100ml	17.9	11.7	8	0	0		Some evidence of other coliforms	
4/17/2010	3	66	0	0	Rea--North	0/100ml	16.8	11.2	7.5	0	0		After 48 hours, one purple colony	
4/17/2010	4	66	0	0	Rea--South	100/100ml	16.8	11.2	8	0	0		One blue colony	
4/17/2010	5	66	0	0	Greenfield Rd	0/100ml	15.7	11.3	8	0	0		Some evidence of other coliforms	
4/17/2010	6	66	0	0	Rte 6	0/100ml	15.5	11.3	7	0	0		Moderate other coliform	
4/17/2010	A	66	0	0	Andersons Crk	400/100ml	17.7	10.6	7.5				Four blue colonies	
4/17/2010	B	66	0	0	Williams Crk	200/100ml	18.6	11.2	8				One blue colony and one purple colony	
4/17/2010	C	66	0	0	Goodwin Crk	100/100ml	16.5	11.3	7.5				One blue colony; after 48 hours, one purple colony added	
4/17/2010	D	66	0	0	Perry Crk	0/100ml	15.7	11.2	8				Some evidence of other coliforms	
4/17/2010	E	66	0	0	Meriweather Crk	100/100ml	16	11	8				One purple colony	
4/17/2010	F	66	0	0	Mallory Crk	200/100ml	15.1	11.4	8				Two blue colonies	

Date	Sample ID	Air Temp (°F)	Precip. last 24 hours (inches)	Precip. last 24 -48 hours (inches)	Location	Fecal Coliforms Sample 1	Water Temp (°C)	DO (mg/L)	pH	Phosphates (ppm)	Nitrates (ppm)	Fecal Coliforms Sample 2	Fecal Coliforms Notes	General Comments
5/16/2010	2	71	0.05	0.01	R Enders	900/100ml	19.9	8.5	7	0	0	900/100ml	Nine large colonies Sample 2: Nine large colonies	
5/16/2010	3	71	0.05	0.01	Rea--North	2800/100ml	20	9	7.5	0	0	2100/100ml	Five large colonies; 23 smaller dot-sized colonies Sample 2: Eight large; 13 small dot-sized colonies.	
5/16/2010	4	71	0.05	0.01	Rea--South	1100/100ml	20.2	8.7	8	0	0	1600/100ml	One large colony; 10 dot-sized colonies Sample 2: Five large colonies; 11 dot-sized	
5/16/2010	5	71	0.05	0.01	Greenfield Rd	400/100ml	19.6	7	9.1	0	0	300/100ml	Four large colonies Sample 2: Three large colonies	
5/16/2010	6	71	0.05	0.01	Rte 6	1900/100ml	19	9.5	8	0	0	400/100ml	Four large colonies; 15 small dot-sized colonies Sample 2: Four small dot-sized	
5/16/2010	A	71	0.05	0.01	Andersons Crk	1700/100ml	19.7	9.4	7			2500/100ml	Seven large colonies; ten dot-sized Sample 2: Ten large colonies; 15 dot-sized	
5/16/2010	B	71	0.05	0.01	Williams Crk	2000/100ml	21.1	8.4	7			1400/100ml	Twenty colonies of various sizes Sample 2: Fourteen colonies of various sizes	
5/16/2010	C	71	0.05	0.01	Goodwin Crk	1300/100ml	19.4	8.8	8			900/100ml	Thirteen large colonies Sample 2: Nine large colonies	
5/16/2010	D	71	0.05	0.01	Perry Crk	300/100ml	19	9.3	8			900/100ml	Three dot-sized colonies Sample 2: Nine dot-sized	
5/16/2010	E	71	0.05	0.01	Meriweather Crk	100/100ml	19.2	9.2	8			100/100ml	One large colony Sample 2: One large colony	
5/16/2010	F	71	0.05	0.01	Mallory Crk	100/100ml	19	10.8	8			900/100ml	One large colony Sample 2: One large colony; 8 dot-sized	

Date	Sample ID	Air Temp (°F)	Precip. last 24 hours (inches)	Precip. last 24 -48 hours (inches)	Location	Fecal Coliforms Sample 1	Water Temp (°C)	DO (mg/L)	pH	Phosphates (ppm)	Nitrates (ppm)	Fecal Coliforms Sample 2	Fecal Coliforms Notes	General Comments
5/16/2010	G	71	0.05	0.01	Taylor	0/100ml	19.9	11	8			2300/100ml	Other coliforms; "G" and "6" samples may have been switched Sample 2: Three large colonies; 20 dot-sized	
6/19/2010	2	85	0.13	0	R Enders	0/100ml	25.2	8.4	7.5	0	4	0/100ml	one teal; other coliforms Sample 2: one purple speck; other coliforms	all sites had low water levels
6/19/2010	3	85	0.13	0	Rea--North	0/100ml	25.7	8.3	8	0	4	0/100ml	other coliforms; white colonies Sample 2: other coliforms; white colonies	
6/19/2010	4	85	0.13	0	Rea--South	100/100ml	25.4	9.6	7.5	0.2	2	200/100ml	other coliforms; white colonies Sample 2: other coliforms; white colonies	
6/19/2010	5	85	0.13	0	Greenfield Rd	200/100ml	24.9	11	7	0.2	2	0/100ml	other coliforms; white colonies Sample 2: other coliforms; white colonies	DO reading taken from bucket
6/19/2010	6	85	0.13	0	Rte 6	500/100ml	26.8	8.8	8	0.2	0	600/100ml	two teal; other coliforms; white colonies Sample 2: one purple speck; other coliforms; white cols	DO meter not stable during readings
6/19/2010	A	85	0.13	0	Andersons Crk	200/100ml	25.6	7.8	7			100/100ml	other coliforms; white colonies; blue ring around edge of dish Sample 2: other coliforms; white colonies	
6/19/2010	B	85	0.13	0	Williams Crk	100/100ml	27.9	8.2	7.5			100/100ml	one teal; other coliforms Sample 2: one teal; other coliforms	
6/19/2010	C	85	0.13	0	Goodwin Crk	300/100ml	24.3	9.3	8			300/100ml	other coliforms Sample 2: other coliforms	

Date	Sample ID	Air Temp (°F)	Precip. last 24 hours (inches)	Precip. last 24 -48 hours (inches)	Location	Fecal Coliforms Sample 1	Water Temp (°C)	DO (mg/L)	pH	Phosphates (ppm)	Nitrates (ppm)	Fecal Coliforms Sample 2	Fecal Coliforms Notes	General Comments
6/19/2010	D	85	0.13	0	Perry Crk	100/100ml	22.8	9	8			100/100ml	two purple specks; other coliforms; white colonies Sample 2: one purple speck; other coliforms; white cols	
6/19/2010	E	85	0.13	0	Meriweather Crk	0/100ml	23.7	11.7	7			100/100ml	ONE teal; other coliforms; white colonies Sample 2: two teal specks; other coliforms; white cols	
6/19/2010	F	85	0.13	0	Mallory Crk	200/100ml	23.4	9.1	8			200/100ml	two small purple specks; other coliforms; white cols Sample 2: other coliforms; white colonies	
6/19/2010	G	85	0.13	0	Taylor Crk	200/100ml	23.8	9.3	8			300/100ml	other coliforms; white colonies Sample 2: three teal colonies; other coliforms/white col	

## Appendix D: Physical Assessment Observation and Photo Log

Key: LB=left bank (looking downstream), RB=right bank, sed=sedimentation, depo=deposition, trib=tributary

ID #	Location Name	GPS Latitude (N) (°.:'")	GPS Longitude (W) (°.:'")	Photo #	Percent Shade Cover	Erosion Noted	Deposition Noted	Stream Bed	Buffer (tree / shrub) width	Comments
1	Put in	37.59.116	078.49.234	1	90	LB		immediately downstream		fence on LB with road beyond; RB has goat path w/ water access
2	The Source	37.59.056	078.49.286	2	80	LB	RB		RB 30'	Large rocky sandbar on RB at confluence
3	Treed Field	37.59.006	078.49.373	3-4	30	RB	LB		LB full, RB grass	
4	Improvised Fence	37.58.996	078.49.325	5	0	LB, with armoring by rocks	RB		grass	Cows in field; fence is wooden pallets hanging from a cable strung across stream width
5	Beaver Dam	37.58.723	078.49.523	6-7	90	LB	RB	silt	RB has full buffer; LB has 10ft buffer before open field;	cow pastures continues from point 5; lots of sediment and downed trees along length of cow pasture;
6	Goodwin Creek	37.58.493	078.49.961	8	50			large and small stones, plus sediment	full	lots of river stone at mouth of Goodwin Creek;
7	Fish Kill	37.58.379	078.49.855	9	90			mixed sized rocks and sediment	total	
8	Picnic Area	37.58.287	078.49.793	10-11	20	LB	RB	silt	grass on LB, total on RB	wide open picnic area on LB
9	Right Bank Clearing	37.58.017	078.49.934	12-13	40	RB	LB		LB total; RB thin belt of shrubs	RB: open field then elevated road
10	Unnamed Trib	37.57.871	078.49.960	14	20	LB	RB, vegetated sandbar		RB: thin then open field then elevated road	invasive stilt grass noted on bank
11	Private Bridge	*	*	15	100			sediment and small stones	total both sides except right by bridge	Deposition in center of stream before bridge/ after bridge, RB is open field; coordinates carried over from reading at location #10
12	Double Fields	37.57.457	078.49.643	16	85			bedrock	LB 40', RB is thin	open fields past buffers on both banks; RB field is a continuation from the previous location

ID #	Location Name	GPS Latitude (N) (°.')	GPS Longitude (W) (o.')	Photo #	Percent Shade Cover	Erosion Noted	Deposition Noted	Stream Bed	Buffer (tree / shrub) width	Comments
13	2nd Private Bridge	37.57.365	078.49.642	17-18	90			rocky bottom with sed around bridge	LB 100', RB thin	possible field on LB beyond buffer; lg field continues on RB from previous locations; bank under bridge is armored with large stones
14	2nd fish kill	37.57.305	078.49.613	none	70			rock with sediment	LB total;	RB is steep bank w/ vegetation and possibly a field beyond
15	2nd unnamed Trib	37.57.066	078.49.505	19	70	LB (minor)	RB		total both sides	trib is on RB; very warm water in trib; very close to pull out and sample site #3
16		37.56.725	078.49.487	20-23	50	LB		Med - Heavy silt	LB 15' then field; RB full	fish in stream; holes in bank, old downed logs along LB; invasives stilt grass, garlic mustard
17	Rock Bank	37.59.993	078.39.041	24-26	75	many exposed roots		bedrock		RB is exposed rock face (quartz); old logs down along LB
18	Erosion by cattle	38.00.153	078.38.983	27-29	75	LB			LB 50'; RB full	Large rocks in stream; wire fence and path on LB; smell of cattle
19	Horse pasture	38.00.153	078.38.985	31-33	50				LB minimal	horse pasture along LB w/ about 7 horses visible; repeating pattern of bank erosion followed by pool in stream along S shaped section of stream
20	Dead Fish	37.56.549	078.49.380	33-34	75				full vegetation did not note type	dead fish in the water; lg tree across full stream width, appears new; evidence of lg den digging by stream (raccoon?)
21	Down trees and sandbars	37.56.499	078.49.411	35			multiple sand bars			series of multiple trees down followed by pools then low bank erosion and sandbars
22	Hornet Field	37.56.482	078.49.42.7	36	50	RB below small clearing		deep sediment		hornet's nest above water; deep water (mid-thigh)
23	Cow Bar	37.56.470	078.49.423	37-38	75		LB sandbar covers most of width of stream		thin	cow pasture w/ open access to river (fence present, broken?), cows present; down tree over full width of stream
24	Wires over Stream	37.56.422	078.49.422							wires over stream

ID #	Location Name	GPS Latitude (N) (°.")	GPS Longitude (W) (o.').")	Photo #	Percent Shade Cover	Erosion Noted	Deposition Noted	Stream Bed	Buffer (tree / shrub) width	Comments
25	Cow Bar pt II	37.56.422	078.49.422	39-41	10	significant LB	RB vegetated sandbar			cow pasture along LB continues from location 8; tire in the water,
26	Plant / Algae / silt	37.56.420	078.49.428	42-45	30	LB	RB			plants and algae in water; sedimentation had been consistently noticeable since the cow pasture started; pasture continues here; cows have access to water on LB
27	Utility Crossing	37.56.320	078.49.426	46-48	0		significant deposition is changing stream course		LB 0-30' varies	cow pasture continues on LB though appears to end
28	Sand Bar Land	37.56.288	078.49.479	49	20	RB, cleared, wild field	LB		RB none	erosion / deposition pattern continues downstream; algae growth in water
29	Field Runoff	37.56.236	078.49.482	50		runoff has created mini stream channel; uprooted tree	significant deposition is changing stream course		LB 75ft buffer, then field	LB field is possible continuation of cow pasture
30	Wood Fence	37.56.164	078.49.482	51		RB	LB		RB thin hedgerow	wood fence (rail type) along upper RB; cleared beyond thin hedgerow with road close
31	Greenfield Bridge	37.56.055	078.49.507	52	60				30-50' both sides	Lg rocks placed as armoring along bank; on LB there is a field beyond the tree/shrub buffer and on RB, there is a fence at the top of the bank
32	Past Bridge				10 to 50	little		sediment	5 to 20 ft buffer	Pasture on LB; road on RB. The stream is wider beyond bridge with no extreme depth changes
33	Small trib	37.55.990	078.49.631	53	50	RB				small tributary on RB (Meriwether Creek?) and small area of erosion; about 50 ft downstream there is a low dam across the entire width - possible animal creation? Two tires in the water

ID #	Location Name	GPS Latitude (N) (°.′.″)	GPS Longitude (W) (°.′.″)	Photo #	Percent Shade Cover	Erosion Noted	Deposition Noted	Stream Bed	Buffer (tree / shrub) width	Comments
34	Erosion with cows	37.55.905	078.49.733	none		yes	center sandbar			RB: road is 100-200 yards away through grass/shrub/tree buffer. Algae blooms; LB: open field no buffer immediately before area of erosion
35	Open Area	37.55.825	078.49.767	54		all along LB	deposition creating vegetated sandbar			RB is forested, LB is open field
36	Footbridge	37.55.632	078.49.801	55	20		large sandbar forming		RB 50' then possible clearing	
37	Stream Change	37.55.579	078.49.766	56	30	RB	LB, large sandbar forming		RB 0	RB: open field; stream is narrower with more rock on bottom
38	Manmade Dam	37.55.459	078.49.787	57	30	LB	RB			manmade pool created from stone dam; paddle floating by is from researchers (it was retrieved)
39	Early Erosion	37.55.337	078.49.898	58	50	RB	LB		full forested buffer	RB: open area after section of forested banks; stream bed has been combination of sediment and med stone, underwater plants, some small algae blooms
40	Water fence	37.55.191	078.49.997	59		RB, significant	LB		RB 10'	Sound of farm equipment heard nearby; forested buffers give way to open field 100 ft downstream on LB; large sandbar with vegetation is downstream with partial fencing across; bottom of stream is combination of bedrock and sediment
41	Water Intake	37.55.120	078.50.165	60	0 to 10	RB	LB, massive sandbar		minimal, both sides are fields	Looks like there is a homemade pump intake, possibly for livestock? Downstream there is a tree in the water and algae blooms. Since the improvised fence across the water (location 40) river character has changed: heavy sediment, minimum buffer, open fields either side

ID #	Location Name	GPS Latitude (N) (°.')	GPS Longitude (W) (o.')	Photo #	Percent Shade Cover	Erosion Noted	Deposition Noted	Stream Bed	Buffer (tree / shrub) width	Comments
42	Armored Bank	37.55.018	078.50.148	61-62	0 to 10		RB		LB: field; RB some buffer	There is a private bridge over stream; the LB is armored with corrugated metal on upstream side and large rocks on downstream; for next several hundred feet stream has significant sandbars, 2 tires, significant algae and minimal shade; tributary on RB;
43	Tributary	37.55.002	078.50.155	none						
44	Hanging Tree	37.54.916	078.49.931	63	40	RB, significant	LB		LB 30'; RB none	
45	More Erosion	37.54.779	078.49.838	none	0	RB	LB		LB full; RB field	
46	Rt 6 Bridge	37.54.654	078.49.945	64				significant silt continues from previous locations	LB full but steep; RB 30-50'	open field on RB has continued since previous location
47	Pull-out	37.54.631	078.50.012	none	40		LB		LB yes; RB is rock	
48	Dead Fish 2	37.54.557	078.49.993	65-66						6" long perch
49	Rt 6 island	37.54.31	078.49.58	67	40	LB	LB	sediment	LB no buffer, strip of grass than road; rib full buffer	The sandbar / island on the left bank is well vegetated and rocky
50	Quicksand island	37.54.27	078.49.58	68	10	LB	RB	extreme sediment	LB 30' buffer, grass then road; RB is fully forested	Peninsula is sand and heavy mud that has created a dead inlet next to the RB. The inlet is filling with sediment. Participants sank thigh deep in the mucky water and had to work for some time to extract themselves, and their shoes. About 100 yards downstream is a small trib on LB
51	Cleared Right Bank	37.54.20	078.49.57	69	20	RB		heavy sediment	LB: 10' buffer then road; RB has power line right of way cleared	About 200 yards of along RB has been cleared of trees and is only shrubs and grass. Appears to be for power lines

ID #	Location Name	GPS Latitude (N) (°.')	GPS Longitude (W) (o.')	Photo #	Percent Shade Cover	Erosion Noted	Deposition Noted	Stream Bed	Buffer (tree / shrub) width	Comments
52	South Fork Rockfish	37.54.14	078.49.58	70-72	40		RB	sediment	LB 10' with steep slope ; full on RB	South fork enters joins North at a point where a forested island has been created by the sediment along with sandbars; the S Fork's flow is broken up into multiple channels; it appears that most of it enters the North fork going upstream against the flow

## **Appendix E: Mitigation Planning for Property Owners Along the North Rockfish**

### Improving the Riparian Buffer

Wide strips of vegetation between waterways and agricultural lands are well known ways to improve water quality. Many studies have demonstrated their ability to remove chemicals, nutrients and sediment from runoff, reduce streambed erosion, and increase groundwater recharge.

1. Survey the extent of property lining the river. The ideal riparian buffer varies, but water quality benefits can be achieved with as little as 35 ft of width in either side of the waterway.
  - Where is the buffer less than 35 ft in width?
  - What is the maximum width of buffer you can accommodate?
2. A buffer should consist of a mix of deciduous hardwood forest nearest the stream with tall grasses closest to the crop or pasture land.

### Excluding Livestock from Waterways

When livestock have direct access to waterways, both water quality and livestock health can suffer. There are numerous programs and financial incentives that exist to assist producers in keeping animals out of streams. These frequently, but not always, include construction of simple fencing.

### Resources

Technical advice and financial support to implement a buffer improvement or livestock exclusion plan can be obtained from the Thomas Jefferson Soil and Water Conservation District (434-975-0224) or the local Virginia Cooperative Extension Office (434-263-4035). These offices can help you find the right assistance available from organizations such as the following:

- U.S. Department of Agriculture: technical assistance, cost share, annual rental payments for productive land lost
- National Resources Conservation Service: technical and financial assistance
- Environmental Protection Agency: grants and loans
- Virginia Department of Conservation and Recreation: cost share
- Virginia Department of Forestry: technical and financial assistance
- Virginia State Tax Incentives: Virginia Agricultural Best Management Practices Tax Credit Program, Riparian Forest Buffer Tax Credit
- Ducks Unlimited and the Chesapeake Bay Foundation: funding availability
- American Forests: cost share

### Other Resources

The local Master Naturalist and Master Gardener Chapters may be able to assist with the labor involved in implementing your mitigation plan. Contact them by visiting [www.centralblueridge-vmn.org](http://www.centralblueridge-vmn.org) or [www.nelsonmastergardeners.org](http://www.nelsonmastergardeners.org).

Jennifer J Patterson  
Manager  
North Fork Rockfish Study  
XXX Researcher Dr  
Charlottesville, VA 22903  
[jennyp194@yahoo.com](mailto:jennyp194@yahoo.com)

John and Jane Property Owner  
PO Box XXX  
Nellysford, VA 22958

July 5, 2010

Subject: Results of the Study of the North Fork of the Rockfish River

Dear Mr. and Mrs. Property Owner:

I am pleased to report that the study of the North Fork of the Rockfish River is complete. In short, the three areas of biggest concern are as follows: 1) severe bank erosion where there was inadequate streamside forest buffer, 2) direct livestock access to the stream, and 3) the presence of *E. coli*. Fecal bacteria levels were found to exceed acceptable state levels at multiple locations on multiple days. Most worrying, this included a popular swimming spot near the Route 6 Bridge. The presence of *E. coli* is associated with swimming-related illnesses in people.

All of these concerns can be addressed. Well-established research indicates that improving riparian buffers and restricting livestock access can significantly reduce erosion and *E. coli* levels. There are a number of state, federal, and private programs that supply grants, loans, and cost sharing incentives to create buffers and develop management plans to exclude livestock from streams. A list of some of these programs is provided in the full report, which will be available on the website of the local Master Naturalist Chapter in late July: <[www.centralblueridge-vmn.org](http://www.centralblueridge-vmn.org)>.

The authors of the study will hold a meeting for property owners at 11am on Saturday, August 21 at the Rockfish Valley Community Center to discuss the findings. A representative from the Soil and Water Conservation District will be present to discuss the financial and technical assistance available for those desiring to follow through on the suggested remediation plans. Please RSVP via mail or email to the address above if you would like to participate. If you are not able to attend, but are interested in improving the impact your land use may have on water quality, please contact the Thomas Jefferson Soil and Water Conservation District (434-975-0224) or the local Virginia Cooperative Extension Office (434-263-4035).

Sincerely,

Jennifer J Patterson  
Manager  
North Fork Rockfish Study