

January 8, 2019

Virginia:

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

Present: Thomas D. Harvey, North District Supervisor
Jesse N. Rutherford, East District Supervisor
Ernie Q. Reed, Central District Supervisor
Thomas H. Bruguire, Jr. West District Supervisor – Chair
Larry D. Saunders, South District Supervisor –Vice Chair
Stephen A. Carter, County Administrator
Grace Mawyer, Administrative Assistant/Deputy Clerk
Candice W. McGarry, Director of Finance and Human Resources

Absent: None

I. Call to Order

Mr. Bruguire called the meeting to order at 2:00 PM, with all Supervisors present to establish a quorum.

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

II. Reorganization of the Board And Annual Organizational Meeting

Mr. Bruguire turned the meeting over to Mr. Carter who noted that State law and County Code required the Board to conduct an annual organizational meeting at which the Chair and Vice Chair would be elected and the Board’s meeting schedule set.

A. Election of Chair and Vice Chair

Mr. Carter then opened the floor for nominations for Chair and Vice Chair and Mr. Bruguire nominated Mr. Saunders for Chair and Mr. Harvey for Vice Chair. Mr. Reed seconded the nominations and there being no other nominations, the floor was closed. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the nominations and duly elect Mr. Saunders as Chair and Mr. Harvey as Vice Chair.

January 8, 2019

B. Resolution- **R2019-01** Annual Organizational Meeting of the Board

Mr. Reed inquired if there are any of the committee/commission members that would be rotated instead of carried over from year to year. He was concerned the most about the planning commission, with no reflection on Mr. Bruguire. He asked if it's historical that the planning commission representative from the Board is carried over from year to year or if they rotate. Mr. Saunders stated it's usually carried over unless there's an objection or if somebody asks to be on it.

Mr. Bruguire stated he and Mr. Harvey would like to swap places on the Planning Commission and the Nelson County EMS Council. He said Mr. Harvey would go on the Planning Commission and he would take over as the Emergency Services Council rep. Mr. Rutherford asked if they traditionally swap that every year, and Mr. Carter stated that essentially the Board decides.

Mr. Rutherford then moved to revise Resolution **R2019-01** with Mr. Harvey on the Planning Commission and Mr. Bruguire on the EMS Council and Mr. Reed seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

Mr. Harvey then moved to approve Resolution **R2019-01** with the changes the Board approved and Mr. Rutherford seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion and the following resolution was adopted:

**RESOLUTION R2019-01
NELSON COUNTY BOARD OF SUPERVISORS
ANNUAL MEETING**

JANUARY 8, 2019

WHEREAS, pursuant to the applicable provisions of §15.2-1416 of the Code of VA and Chapter 2, Article 2 of the Code of the County of Nelson, VA, the Nelson County Board of Supervisors conducts an annual organizational meeting at the Board's first meeting in January of each year; and,

WHEREAS, matters to be determined by the Board of Supervisors in addition to the appointment of a Chairman and Vice-Chairman include the establishment of a schedule of regular and, as applicable, special meetings, the establishment of rules of order, the

January 8, 2019

establishment of (a) meeting agenda(s), and the establishment of Board appointments, including a Clerk and Deputy Clerk to the Board of Supervisors, a Zoning Administrator and a Hazardous Material Coordinator.

NOW THEREFORE BE IT RESOLVED, by the Nelson County Board of Supervisors as follows:

Regular meetings of the Board of Supervisors shall be conducted during Calendar Year 2019 in the General District Courtroom located in the Nelson County Courthouse in Lovingston, VA on the second Tuesday of each month, beginning at 2:00 p.m., and reconvening thereafter at 7:00 p.m. Should the regular meetings fall on any legal holiday, the meeting shall be held on the next following regular business day, without action of any kind by the Board; unless otherwise cancelled. Should the Chairman or Vice Chairman (if the Chairman is unable to act) find and declare that weather or other conditions are such that it is hazardous for members to attend regular meetings; the meeting(s) will be continued on the following Tuesday. Such finding shall be communicated to the members, staff, and the press as promptly as possible. All hearings and other matters previously advertised shall be conducted at the continued meeting(s) and no further advertisement is required.

Special meetings of the Board of Supervisors may be convened from time to time, as determined by the Board of Supervisors in accordance with the applicable provisions of the Code of VA and the Code of the County of Nelson, VA.

In accordance with the Code of the County of Nelson, VA, Robert's Rules of Order, shall be observed as the rules for conducting the business of the Board of Supervisors and the agenda for all meetings of the Board of Supervisors shall be established by the Clerk of the Board in consultation with the Chairman.

Board of Supervisors appointments for Calendar Year 2019 shall be as follows:

Thomas Jefferson Planning District Commission-BOS
Thomas Jefferson Planning District Commission-BOS
Director of Emergency Services:
Emergency Services Coordinator:
Piedmont Workforce Network Council:
Clerk to the Nelson County Board of Supervisors:
Deputy Clerk to the Nelson County Board of Supervisors:
Zoning Administrator:
Hazardous Materials Coordinator:

Ernie Reed
Jesse Rutherford
Thomas D. Harvey
Russell Gibson
Thomas H. Bruguiera, Jr.
Stephen A. Carter
Grace Mawyer
Sandra Shackelford
Russell Gibson

January 8, 2019

Thomas Jefferson EMS Council:
Nelson County EMS Council:
Thomas Jefferson Community Criminal Justice Board:
Nelson County Social Services Board:
Nelson County Planning Commission:

Russell Gibson
Thomas H. Bruguiera, Jr.
Jesse Rutherford
Ernie Reed
Thomas D. Harvey

III. Consent Agenda

A. Resolution – R2019-02 Minutes for Approval

Mr. Rutherford moved to approve the consent agenda 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 following resolution was adopted:

**RESOLUTION R2019-02
NELSON COUNTY BOARD OF SUPERVISORS
APPROVAL OF MINUTES
(November 19, 2018, December 4, 2018, December 18, 2018)**

RESOLVED, by the Nelson County Board of Supervisors that the minutes of said Board meetings conducted on **November 19, 2018, December 4, 2018, and December 18, 2018** be and hereby are approved and authorized for entry into the official record of the Board of Supervisors meetings.

IV. Public Comments and Presentations

A. Public Comments

1. Marie Derdain, Lovington

Ms. Derdain noted she was at the meeting to share a concern about a serious situation that exists on Davis Creek Rd. She stated there's a large farm which starts at Route 29 and Davis Creek Rd that has pastures on both sides of Davis Creek Rd, and it ends shortly after where Huffman Way comes into Davis Creek Rd. There are at least 125 or so head of cattle on this farm. She noted for many decades, this was a picture perfect farm with healthy cows and carefully monitored fences. However, much to their regret and sadness, for the past several years, the farm has become increasingly more neglected, especially when it comes to fence and gate maintenance. She stated they have tried to help but it hasn't worked. Since the beginning of the fall, some fences are down and gates are out, and there have been more and more cows on Davis Creek road during

the day and night. She added they are living on an open range road where cattle roam freely. School buses travel on that road at least twice a day, and there are several curves with poor visibility. She added it's a miracle that they haven't had an accident with a bus having to slam on its brakes to avoid hitting an animal, consequently injuring the children on the bus. It's equally a miracle, she said, that they haven't had an accident with a car or truck colliding with an animal, potentially injuring persons, livestock, and property. She stated the cows don't have enough to eat, and some fences are nonexistent or easily stepped across. She added the situation will only get worse as winter continues and the cows are literally starving. There are issues of safety for children and others, and issues of animal neglect and safety when it comes to cattle. She noted yesterday afternoon through this morning, there were approximately 80 cows/calves/donkeys on her land, which is off of Davis Creek Rd on Huffman Way, causing significant damage to a number of trees she and her husband planted. She urged it is time for a provision in Nelson County to protect persons and property from livestock who are not contained by adequate fencing. She added Section 310 of Title 55 of the Virginia Code gives the Board of Supervisors the right to change the County's existing fence law to a fence-in rule, which was passed in most of Virginia's eastern counties in 1862. She added our neighbors in Augusta County are a fence-in jurisdiction; the Augusta County Board of Supervisors have used the power under 55 310 to declare a boundary line to be a lawful fence, thus requiring the owner of the livestock to fence his/her livestock in rather than placing the burden on the property owner to fence the livestock out. She stated a fence-in rule is appropriate to protect people and property in Nelson County, and she is hopeful that the Board of Supervisors will act soon on this issue. She is grateful that today, we have had only property damage and no injury to children or others.

2. Denise Bonz, Thomas Jefferson Health District

Ms. Bonz is the health director for the Thomas Jefferson Health District, and stated the health department is located down near Blue Ridge Medical Center. She added she is here to provide the annual report for Fiscal Year 2018, and is leaving copies with Mr. Carter. She stated her colleague, Ryan McKay, will talk a bit about services provided over the first quarter and how they will keep the public alerted to what's happening in the health department ongoing in the future. She added that Blue Ridge Medical Center has indicated that they will not renew the lease for where the health department is currently located. She stated that they have been working with the department of real estate for the state of Virginia, who manages all real estate transactions for all state departments. They have been unable to locate a replacement building for them to move into, so at this point in time, they will pursue renting land and moving a modular unit onto that area to provide services.

Mr. Carter stated we have advised The Department of General Services that Blue Ridge has agreed to a 6 month extension. Ms. Bonz stated she is delighted to hear that as that gives them

January 8, 2019

more time, but that has not been related to them. Mr. Carter said we've spoken directly with DGS and they are aware that Blue Ridge has agreed to the extension, so it's about 18 more months until the lease would expire. Ms. Bonz said she believes the lease is due to expire Oct/Nov of next year, so that would give them until spring of 2020. She added that as Mr. Carter is aware, real estate is not readily available. Mr. Carter stated we are periodically discussing that with DGS and we're trying to help. Ms. Bonz said they appreciate that.

Mr. Harvey asked if this is the County's responsibility, and Mr. Carter said the Department of General Services facilitates leasing of state space. Ms. Bonz stated they are required by law to have an office in every county, and how that plays out varies from county to county. In the Charlottesville/Albemarle area, they own a building jointly between the two and they rent it to TJHD. In other locations, they are in modular unit trailers essentially and either lease the land or the land is provided by the County; there are a variety of situations.

Mr. Saunders asked what square footage they are looking for, and Mr. Carter said he thinks about 5000 square feet. Ms. Bonz said part of the problem is they have to have clinical facilities, and that's not commonly available. They can do renovations on a building if the landlord is agreeable.

Mr. McKay then provided the quarterly update for the first quarter of the current fiscal year on progress that 6 programs within the health district, specifically here in Nelson County, have made. He then handed the reports to Mr. Carter.

Mr. Rutherford asked how many clients they typically serve in Nelson County. Mr. McKay stated it varies and he doesn't have those numbers specifically, and asked what in particular Mr. Rutherford is looking for. Mr. Rutherford said vaccinations and flu shot statistics are what he'd like to see. Mr. Carter stated his guess is hundreds to thousands every year. Ms. Bonz noted that everybody in this room has been served by public health. If they've eaten at any restaurant in the area, they have benefited from the health department, because they have been ensured that the food is safe to eat. She added they work with all citizens to be sure they have wells and septic systems that are safe and up to date. Their emergency planning group works with other emergency services to assist with sheltering or other needs if there is a natural disaster. She added they devote hundreds of hours of time to the annual music festival, Lockn', to make sure the food vendors are safe, that there's adequate septic on site, and that they have a good emergency services plan. She noted a lot of the work they do is not seen on a day-to-day basis, but it goes to assure that all of the citizens of Nelson County stay healthy.

3. Lois Warner, Lovingston

January 8, 2019

Ms. Warner echoed Ms. Derdain's comments on the cattle issue on Davis Creek Road. She stated that ever since the original owner got older, he has not been able to keep up with what was a beautiful property, and the family is not able to keep it up either, but they also seem to be unwilling to give it up. She noted it's been going on for 2-3 years and it's getting worse and worse. She added she has a legal question relating to this, and it makes sense to her but she is not a lawyer. She asked if this current free range policy that we seem to have for cattle put the County at risk for lawsuits when these cattle eventually make it to route 29.

Mr. Saunders said we are not lawyers either so we will not answer that question. Ms. Warner said they do not need to answer, but it's just food for thought. She added she would think the County would like to do everything they can to keep lawsuits down, since that costs us all money, and she believes Ms. Derdain has come up with a quick fix for this that would save the animals and save us all a lot of money potentially.

4. Debbie Speilman, Lovington

Ms. Speilman stated she, her husband, and other neighbors from Freshwater Cove were here for the public hearing on the fence-in/out issue. She noted both sides of the issue were brought up and she believed everyone saw both sides, and there was discussion on the part of Farm Bureau possibly helping with finding a solution. She asked if any progress has been made at this point in moving forward with finding a solution to the situation with the fence-out law.

Mr. Bruguere said he would address this at the end of public hearing comments. There being no other persons wishing to speak, the public hearing was closed.

Mr. Bruguere addressed Ms. Speilman's concerns. He stated several people have asked about having the Farm Bureau involved, and in their meeting later this month, they will have someone from the Farm Bureau state level come and present something to the Farm Bureau board. At that point, the Farm Bureau can come up with some ideas and maybe present back to this board. He has also given a statute to the sheriff that allows him to go after people, if cows are in the road, as there is a trespass law if cows are in the road, not if they are on someone's property. He reiterated that the Farm Bureau is looking into this and will be working with the Board to come up with a solution. He added that we're not letting this drop and we want to see everyone protected including ourselves.

Mr. Carter stated we have noted the address that was provided by the speaker and will have Animal Control go out and check on the welfare of the animals.

January 8, 2019

Mr. Rutherford asked Mr. Bruguere if the Farm Bureau meeting is open to the public. Mr. Saunders said it's for Farm Bureau members.

B. VDOT Report

Mr. Austin of VDOT was present and reported the following:

Mr. Austin reported that they have done some review on the location of the sharp curve on 29 southbound before Woods Mill. They are in the process of installing additional curve signs, and in pulling the accident data, it appears the majority are happening during wet weather and also due to high speeds. They have the traffic engineer, materials people, and paving people to review that this month to see if there are some other types of improvements that can be made. He stated that out of 25 accidents studied, 22 involved wet weather.

Mr. Austin reported about the conservation road that was put in off of Norwood Road several months ago. There was recently a letter expressing concerns about the drainage on Norwood Road. He stated they did issue a land use permit for the connection, and they have a stormwater management pond on site that controls the amount of water coming out on Norwood. He believes some ditchwork needs to be done on Norwood, but he believes the issue he saw today was not from that entrance itself. It does not look like they increased any water coming to the roadway. He stated they are looking at ditchlines downstream from there.

Mr. Austin reported that they're getting close to starting up the 6 year plan revision for rural rustic. He said the question would be whether we want to have a public hearing before they develop the plan this time or develop the plan and then have a public hearing. He added if we have an early public hearing, we'll probably have to have a second one once the plan is developed.

Mr. Austin informed Mr. Rutherford that they got a request from the Chamber of Commerce to meet with the people on Tanbark Plaza Thursday about the roadway, and Mr. Rutherford confirmed he will be there. Mr. Austin stated he will not be able to attend, but his assistant, Robert Brown, will be there. It will be general discussion to talk about whatever they need to discuss.

Mr. Carter brought up the consideration of the County accepting the drainage easement on route 617. He distributed the email from Jeff Kesler just before the meeting dated December 18th which has the deed of conveyance of the right of way to the County from the 1930s. VDOT has also indicated that on the subdivision plat of development that the department would be responsible for maintenance of that drainage easement. He said the department's position to date

has been that the state maintains the roadways but the County owns the roadways, and in this instance, the County does own this section of the roadway. He added the subdivision has been in limbo for probably over a year now waiting for a resolution to this matter, so we thought we would bring it back to the Board's attention. He added from his perspective, he didn't see an issue with the Board accepting the drainage easement, a deed would have to be prepared, and the notation on the subdivision plat. He stated we did ask VDOT about the statutory requirement for the County to accept these easements for roadway purposes, but that's indeterminate at this point.

Mr. Rutherford asked how many of these own, and Mr. Carter stated he had no idea.

Mr. Austin stated the general practice has been on secondary systems/County road systems that VDOT maintains, anytime a new subdivision is developed, and they do a plat with lots and right-of-ways, it's dedicated to the County. And then, in turn, when they take it in the system, you just guarantee that the right-of-way is there for them to maintain. This particular development happens to be a little bit off-site but to include a part of development, they had to improve the pipeline under Buck Creek, and made it longer, which went outside the 30 foot right-of-way to the County. So from a legal standpoint, they cannot get around to the ends of it without getting on somebody's property if they do not have an easement. He added that's why they need this easement, so they can maintain that structure, and since the secondary right-of-way is normally part of the County's public right-of-way, it would be included in that. He said it could be designated as right-of-way or easement on the plat, or a note saying that VDOT will be maintaining that along with the roadway right-of-way. He added that's been a practice since 1981.

Mr. Carter stated that in his tenure with the Board, he can't recall that there have been numerous instances of this. He added he would recommend the Board make a motion to authorize staff to work with the property owner to accept the drainage easement.

Mr. Harvey stated he does not remember in all his years of this ever coming up. He then asked about what year the Bird Act occurred, and Mr. Austin stated 1932 and added that's when VDOT took over all the roadway systems. Mr. Harvey asked if this was 1930, why wouldn't the Bird Act have converted this to like all the other roads in the County. Mr. Austin stated it converts it to VDOT maintenance, as prescriptive right-of-way, they have rights to use 30 feet. If you were to survey that property, it would show the property lines at the 30 foot boundary, whereas if it were prescriptive, the property line would technically be the center of the road. He said as far as the maintenance part, it's no different if it's prescriptive or real right-of-way, they have rights to

it. He noted that even if it had been prescriptive right-of-way, it's part of a development and a secondary system, and practice has been to deed it to the County.

Mr. Harvey moved to allow County staff to do what is necessary to correct this. He added he understands that the work that needs to be done is done, and paid for by the landowner that's trying to develop, and the road's been redone anyway. Mr. Bruguire seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

Mr. Rutherford asked if Rockfish River Road has been looked at anymore as far as cutting back trees. Mr. Austin said no, but it's on the list.

Mr. Bruguire noted that stuff hasn't gotten taken off the right of way on Brents Mountain on 151. He said he noticed that VDOT has some convict workers around the area. Mr. Austin stated they're supposed to have 5 gangs to rotate but rarely do they even get 3. They're trying to rotate a couple between Amherst and Nelson Counties, but he's unsure of their schedule. He says it's all dependent on the DOC because they must have a guard from the DOC.

Mr. Bruguire added there is a continuing drainage issue on Dickie Road. He said water is running down the side of the road, and it needs to be ditched to run the water further back and gravel should be put on the side of the road. Mr. Austin said they can get something done once the weather breaks.

Mr. Bruguire also noted there is a drainage issue in the Piney River Woodyard on 151. Every time it rains, water collects on the road and becomes a sheet of ice when temperatures are right. Mr. Austin said he thinks there may be some issues with some pipes down there, and some may need to be replaced. Mr. Austin noted he would take a look.

Mr. Saunders thanked VDOT for the workers picking up trash last week on his road. He noted they did a great job. He added that tractor trailers are still coming through Tye River Road and getting hung under the underpass and turning around in a citizen's yard. He has received several calls. Mr. Austin said he will check on getting some signage put in on Tye River Road.

V. New Business/ Unfinished Business

A. Board of Equalization Final Report for 2018 Hearings (R. McSwain)

Mr. McSwain introduced himself as the chairman of the Board of Equalization and gave the following report:

January 8, 2019

**Nelson County Board of Equalization
January 8, 2019
2018 Final
Report**

Public hearings of the 2018 Board of Equalization (BOE) began on March 19 and ended December 12, 2018. The following BOE members and staff attended ten days of hearings:

Robert J. McSwain, Chairman	Thomas Nelson, Jr., Secretary
R. Carlton Ballowe, BOE	Gary L. Sherwood, BOE
Mr. Charles R. Wineberg, Jr., BOE	Heather W. Graham, BOE Staff
	Amanda Spivey, BOE Staff

We met with 42 owners seeking to raise or lower the assessed value of their property. Of the 57 tax parcels being appealed, 52 were residential and five were agricultural land. One appeal was rejected because the applicant did not have proper authorization to represent the property owner. Another two owners withdrew their appeals prior to the scheduled hearing.

The assessment of one residential property was increased, and 18 residential and agricultural properties were decreased. The increase in assessed value was \$16,040 and the total of the 18 decreases was \$361,060. Therefore, the net reduction in assessed property value was \$345,020.

In the process of reviewing these cases, we looked at many other properties for recent comparable sales and the assessment values of neighboring properties that were similar. There was generally a consensus of the Board members in deciding these cases, when there was adequate data to make a fair market value determination and to ensure equal treatment of similar properties.

The most difficult decisions related to appeals to reduce property values because of the impact of the impending Atlantic Coast Pipeline (ACP) project. We received five such appeals (one withdrawn) requesting reductions for properties in or near Horizons Village. Anecdotal evidence about local properties not selling is inadequate to judge the impact of the ACP, and there is no comparable sales data or information on easement payments made to landowners to make a judgement at this stage of the project. The next assessment period based on 2020-21 data will provide much more data, especially for environmentally restricted properties like Horizons Village.

January 8, 2019

In rejecting these APC-related appeals for a reduction, the Board used the following text in our decision letters:

“Although members of the Board of Equalization (BOE) share your concern that construction of the Atlantic Coast Pipeline (ACP) may have a negative impact on certain property values in Nelson County, the Board has no comparison data that supports or provides an objective measure of possible impact. In addition, the BOE may only consider the status of real estate prior to January 1, 2018. No pipeline construction activity had commenced in Nelson County before January 1, 2018. Nor was the BOE asked by any applicant to consider a reduction of value brought about by an actual easement on their property. For these reasons the 2018 BOE was unable to change the Assessor’s valuation of any Nelson County real property due to the ACP.”

All records on which the Board decisions are based have been forwarded to the Commissioner of Revenue, Pam Campbell. Support by County staff has been excellent, especially by Heather Graham and Amanda Spivey.

The Board’s term for hearing appeals ended on December 31, 2018. Only evidence for proposed changes that were based on data existing prior to January 1, 2018, were used in our deliberations.

Robert McSwain, Chairman of the BOE

Appendix K: ANNUAL REPORT

Board of Equalization

City/County of Nelson

Assessment Year: 2018

Please attach a listing of the names and occupation of members of Board of Equalization or Review (if retired, give former occupation)

How often does your locality conduct reassessments? Every Four Years

Total number of appeals received 57

Locality subtotals by property classification:

Residential: 52

Commercial: 0

Multifamily: 0

Industrial: 0

Agricultural: 5

Number of appeals where values were changed: 18 Reduced
1 Increased
19 Total

Locality subtotals by property classification:

	Reduced	Increased	Total
Residential:	<u>16</u>	<u>1</u>	<u>17</u>
Commercial:	<u> </u>	<u> </u>	<u> </u>
Multifamily:	<u> </u>	<u> </u>	<u> </u>
Industrial:	<u> </u>	<u> </u>	<u> </u>
Agricultural:	<u>2</u>	<u> </u>	<u>2</u>

January 8, 2019

Please indicate locality subtotals for each category of "reasons for appeal" below. In instances with more than one reason, please include only the main or controlling reason.

Reasons for Appeal:

Assessment not uniform in relation to comparable property: 7

Assessment exceeded fair market value: 41

Assessment based on incorrect data: 4

Assessment not determined in accordance with generally accepted appraisal practice: 0

Other reasons: 5

Please indicate locality subtotals for each category of "reasons for change" below. In instances with more than one reason, please include only the main or controlling reason.

Reasons for Change:

Assessment not uniform in relation to comparable property: 2

Assessment exceeded fair market value: 9

Assessment based on incorrect data: 6

Assessment not determined in accordance with generally accepted appraisal practice: 0

Other reasons: 2

(The 2003 General Assembly enacted House Bill 2503 to provide reforms to Boards of Equalization. The seventh enactment clause of the legislation required each Board of Equalization to prepare an annual written report of its actions.)

January 8, 2019

Mr. McSwain reported that Wampler Eanes, our contractor for the assessment, had 208 appeals and a \$6.2 million reduction in assessment value based on those appeals. He added that is about \$45,000 in tax revenue when the tax rate is applied. He noted that we had 10 days of hearings this time compared to 6 or 7 in 2014. We had 22 owners appealing in 2014 and 42 owners this year. We left a smaller amount unchanged this time.

Mr. Bruguiera asked for what reason would someone have the property value raised. Mr. McSwain stated that some homeowners had evidence of improvements to the interior. Also, some often have sale in mind. They are thinking of selling, and they don't want the assessed value to be too low.

Mr. Rutherford asked if the predominant number of people appealing were coming from the Wintergreen/Stoney Creek area or if it was pretty spread out. Mr. McSwain said it was pretty spread out.

B. Equal Rights Amendment Endorsement (R2019-03)

Mr. Carter addressed the Board and noted that in the December meeting, the Board received input on endorsing the legislature's approval of the Equal Rights Amendment, which potentially would ratify that amendment and make it federal law. What's been presented to the Board is the consideration of approving a resolution that would send the County's endorsement to the General Assembly to make that approval in Virginia, which potentially would ratify the federal constitutional amendment. He added that we received more petitions today.

Mr. Rutherford noted he has spent time studying this amendment and its history. He stated there are a lot of good things that can come out of it and also a lot of question marks in his mind, and he's asked those questions to advocates of the ERA. He added that like many things Congress puts forward, and if it happens, it still takes ten years for something of this nature to be perfected. He noted there are a lot of questions out there, and they aren't necessarily easy answers to get. He added that as a Board of Supervisor, he doesn't exactly have a committee to ask those hard questions to and get good answers.

Mr. Carter stated it was difficult to weigh the pros and cons as far as a specific recommendation to the Board. As he recalls, early on, even the women's movement of the 60s and 70s seemingly was opposed to this to some extent, so it's difficult to understand and to convey to the Board what's the best thing to do. He added Virginia is the one state that could make it go forward. He noted it's been endorsed by the State Senate previously but not the House of Delegates. Mr. Rutherford asked who sponsored it, and Mr. Carter said it looks like there are several sponsors.

January 8, 2019

Mr. Reed asked if it's appropriate that we take action on this. He added that he does think it's appropriate because it's been in front of at least 29 other city and county jurisdictions in Virginia, and he thinks 90% of those have approved and endorsed it and then sent that information to their delegates. He added the state is already an equal rights state, but of course there are numerous opportunities at the federal level that that doesn't cover. With the historical significance that he loves to see Virginia play in an ongoing basis in terms of what happens in the world, he said he'd certainly be in favor of endorsing this.

Mr. Rutherford stated it's interesting to look at what the term "equal" has meant in the United States over time. He noted the ERA is a lot to study on and there are a lot of question marks, and it's the reason why it's taken 30-40 years to answer these tough questions.

Mr. Saunders noted that if Richmond is voting on this this week, this likely wouldn't get there in time. Mr. Carter stated we would send it, if not today, first thing in the morning, to the Clerks of the House and Senate, and to our representatives of course.

Mr. Bruguere stated it's his belief that we have plenty of laws to address all equality issues, and he does not agree that this should be a Constitutional amendment.

Mr. Reed then moved to approve resolution **R2019-03** and Mr. Harvey seconded the motion.

Mr. Rutherford stated that this is not an easy thing for him to agree on when he doesn't quite know what's going on and how it's drawn and all those hard questions that have yet to be answered. He added he's fully in support of anti-discrimination. Mr. Reed stated the nice thing about being at the County level is that none of those questions are part of their privy. Mr. Rutherford said he knows that but he likes to be privy to some of his beliefs and makes sure they're echoed in that. Mr. Rutherford added that this is too big of an issue for him to justify voting on at this time.

There being no further discussion, Supervisors voted 3-2 by roll call vote to not approve the motion with Mr. Rutherford, Mr. Bruguere, and Mr. Saunders voting No and Mr. Reed and Mr. Harvey voting Yes.

C. Conditional Rezoning #2018-02 & Special Use Permit #2018-08 – Avon Road
(Shimp)

Ms. Shackelford provided the Board with the following information:

January 8, 2019

BACKGROUND: This is a request to rezone property from Residential, R-1 to Business, B-1 to use the existing structure for food sales and a restaurant (§8-1-2) with a concurrent special use permit to construct a multi-family dwelling (§8-1-10a).

Public Hearings Scheduled: P/C – August 22, 2018 and September 26, 2018; Board – November 14, 2018

Location / Election District: 1889 Avon Road / North Election District

Tax Map Number(s) / Total acreage: 7-A-4 / 0.94 acres +/- total

Applicant Contact Information: Justin Shimp, 912 E. High Street, Charlottesville, VA 22902; 434-953-6116.

Comments: The subject parcel is currently zoned R-1 and is the site of the previous Anderson Store and an existing three-bedroom home. Because the operation of the store has been discontinued for a period of more than two years, it is no longer able to be operated as a previously-existing, non-conforming use. The applicant is therefore seeking to rezone the property to B-1 with a concurrent special use permit to build an addition to the existing three-bedroom home and convert it to a multi-family dwelling containing four 1-bedroom units and one 3-bedroom unit.

According to §12-7-8G, the parking area must remain at least 15' away from the property lines where the commercial property abuts a residential property. Although the setback line shown on the original site plan was set at 10', the parking area shown on the site plan does meet the minimum distance requirements. This section also states that a minimum of 50% of the road frontage shall be landscaped.

DISCUSSION:

Land Use / Floodplain: This area is residential in nature. Zoning in the vicinity is R-1 and M-2. There are no 100-year floodplains on this property.

Access and Traffic: Property is accessed from Avon Road (Route 62-638 – AADT 610 trips per day). VDOT has conducted an initial review of the application and has provided comments (see additional information in packet). VDOT has requested additional information regarding trip generation estimates, a turn lane analysis, and the location of the proposed access point. Entrance spacing waivers may be necessary before a permit for a commercial entrance can be issued.

January 8, 2019

Utilities: Property is served by private water and septic systems. The Health Department has reviewed the application and has provided guidance to the applicant (see additional information in packet). The existing drain field is going to be abandoned, so the new drain field will need to be designed by a soil consultant. There are additional analyses that will need to be conducted to determine if the waste strength of the septic effluent is adequate for the proposed use, as well as evaluating the waste water characterization. Depending on the specific functions that will be conducted on-site, the Office of Drinking Water may also need to be involved in the regulation of the existing well.

The applicant has received confirmation from the Health Department that the new drainfield has been approved and the permits have been issued. The well abandonment permits for the existing wells have also been issued. The applicant has received approval for the planned public drinking water well, but the permit will not be issued until the well is physically drilled.

Proffers/Conditions: The applicant has submitted proffers with this request limiting the permitted by-right uses on the property to only food sales/restaurant and restaurants and professional/personal offices. Other conditions were included (see attachment in packet).

The Planning Commission may recommend, and the Board of Supervisors may impose, reasonable conditions upon the approval of the special use permit portion of this request. Conditions recommended by the Planning Commission are that the expansion of the existing house be expanded by no more than 1,232 square feet as shown on the site plan submitted with the request and that the number of multi-family units be limited to three one-bedroom units and one three-bedroom unit.

*Prior to the Planning Commission meeting, the applicant requested that the expansion limit be increased 10% to 1,355 square feet to allow for any unexpected issues that may present themselves during the design and construction of the multi-family addition.

Comprehensive Plan: This property is located in an area designated rural residential in the Comprehensive Plan, which allows low density residential and compatible non residential uses in rural areas where agriculture is not the predominant use. Should the Planning Commission and Board of Supervisors determine the proposed use to be compatible with the residential uses in the area, then this request is consistent with the stated purpose of the rural residential designation.

RECOMMENDATION: The approval of requests should be based on one or more of the following factors:

1. Good Zoning Practice
2. Public Necessity
3. General Welfare
4. Convenience

January 8, 2019

This request could be considered to be generally consistent with the Comprehensive Plan. The concurrent special use permit would allow for the existing, derelict buildings to be renovated and put to an appropriate use in consideration of the surrounding area.

The Planning Commission recommended approval of rezoning request #2018-02 by vote of 4-2 with the proffers submitted by the applicant.

The Planning Commission recommended approval of SUP request #2018-08 by vote of 4-2 with the following conditions:

- The expansion of the existing house be expanded by no more than 1,232 square feet as shown on the site plan submitted with the request.
- The number of multi-family units be limited to three one-bedroom units and one three-bedroom unit.
- The proposal be in conformance with appropriate state authority approvals.

There was some discussion about the question of whether or not this request constituted an illegal spot zoning. It is important to note that not all spot zoning is illegal. For further clarification on the distinction between an illegal and legal spot zoning, I am including an excerpt from the Albemarle County's Land Use Law Handbook (emphasis mine):

*A spot zoning is the upzoning (allowing more intensive uses) of land to a classification that is different than that of the surrounding land. The common element found in a spot zoning is the rezoning of a particular parcel from an original zoning classification **that was identical to parcels similar in size and use** and situated in close proximity to the parcel rezoned. *Guest v. King George County Board of Supervisors*, 42 Va. Cir. 348 (1997). However, the fact that adjacent land is not similarly zoned does not necessarily make a rezoning a spot zoning. *Clark v. Town of Middleburg*, 26 Va Cir. 472 (1990).*

*Illegal spot zoning occurs when the purpose of a zoning text or zoning map amendment is solely to serve the private interests of one or more landowners, rather than to further the locality's welfare as part of an overall zoning plan that may include a concurrent benefit to private interests. *Riverview Farm Associates v. Board of Supervisors of Charles City County*, 259 Va. 419, 528 S.E.2d 99 (2000); *Board of Supervisors v. Fralin**

January 8, 2019

& Waldron, Inc., 222 Va. 218, 278 S.E.2d 859 (1981); Wilhelm v. Morgan, 208 Va. 398, 157 S.E.2d 920 (1967); Runion v. Board of Supervisors of Roanoke, 65 Va. Cir. 41 (2004) (rezoning land from AR to R-1 was not illegal spot zoning because the rezoning was part of a continuing plan of development for the county, the community plan recognized that development in the area was inevitable, granting the rezoning with proffers allowed the county to better protect the interests of the county than merely allowing the property to develop under its AR classification (particularly in this case where the increase in density went from 38 to 44), and the rezoning was compatible with the surrounding area).

A spot zoning that is consistent with the comprehensive plan should be found to be lawful since, by being consistent with the plan, it is furthering the locality's welfare.

If the Board believes that the proposed use is a compatible non residential use, then the use could be considered to be consistent with the Comprehensive Plan, and would therefore not be considered an illegal spot zoning.

Mr. Bruguere noted that it seems backwards that a permit can't be issued until the well is physically drilled. He asked if they want the well drilled first and then they get the permit. Ms. Shackelford said this information came from the applicant so they will have to explain that process.

Mr. Reed asked if Ms. Shackelford could review the parking requirements based on the uses that are included in the application. Ms. Shackelford stated she did not bring her zoning ordinance that has the schedule of the parking. She said she believes for a restaurant, it's one parking space for every 100 square feet of public floor area, for retail, it's one parking space for every 200 square feet of public floor area, and for an office, it's one parking space for every 300 square feet. She believes 2 parking spaces for each multifamily residential unit is what's generally required. She said that what the parking requirements are actually going to be will depend on how the floor area in the building that's going to have the retail area and restaurant gets divided up. So, it will be based on the percentage that's used for the restaurant versus the percentage that's used for retail space. Mr. Reed asked if we have those percentages, and Ms. Shackelford stated we don't at this time. Until the applicant submits floor plans that show what the interior of the building will look like, we will not know exactly what the parking requirements will be. But, it will be a requirement for the final site plan to make sure that he meets all those parking requirements.

Mr. Reed asked if Ms. Shackelford could review the uses that are being requested. Ms. Shackelford stated the applicant wants to convert the existing building that was the former

January 8, 2019

Andersons grocery store into a retail/specialty grocery store. A percentage of that will be used as a small restaurant. And for the addition that has been built on to that building, he would like to use that for an office and also multifamily housing uses. He did submit some proffers that would restrict some of the additional uses that could potentially continue to be allowed on the property in the future. Mr. Reed asked if she could read those. Ms. Shackelford read the uses to be permitted on the property: “food sales and restaurants, offices and personal professional services, accessory uses, offstreet parking, business signs, a roadside stand (class A and B), farmers markets, categories 1 and 2 temporary events. In addition, the property may be used for the following special use permit: single family dwelling units, 2 family dwelling units, and multifamily dwelling units. The applicant has also put proffers in regarding sufficient landscape screening between the property and parcel 7-A-5.” She added that the total number of bedrooms on the property shall not exceed 7 bedrooms.

Mr. Harvey noted that 6 bedrooms were approved by the Planning Commission. Ms. Shackelford confirmed that yes, they only approved 3 one-unit buildings.

Mr. Reed noted the property has been proposed for rezoning numerous times in the past, and he asked for the reasons that rezoning was not given. Ms. Shackelford stated some previous zoning administrators said that it was spot zoning, and some were concerned about whether or not the property could support the activity that was being proposed. She added the most recent request was from Dollar General for potential development, and that application was submitted but never materialized.

The applicants, Justin and Olivia Shimp, then came forward to answer any questions. Mr. Shimp stated that they limited their uses to a narrow scope, and he clarified that his wife, Olivia, is really the owner, operator, and applicant, and he is the engineer.

Mr. Harvey asked for the square footage of the existing store. Mr. Shimp stated around 1200 square feet for the store and 300 for the office. Mr. Rutherford asked for the square footage of each one bedroom apartment. Mr. Shimp stated around 600 square feet.

Mr. Harvey noted that the recommendation to them was 3 bedrooms. Mr. Shimp stated that from a construction standpoint, 4 would make more sense for the accessibility requirement.

Mr. Bruguere asked why did the Health Department say to drill the well first and then issue the permits. Mr. Shimp stated this is a two stage permit, as this is a public drinking water well. He has the approval for the location, so it can be drilled. But he does not get a permit to open the activity until the testing and sampling processes are done. He said it is halfway done.

January 8, 2019

Mr. Reed asked if he has an estimate for the total number of parking spaces. Mr. Shimp stated 17, plus or minus one. Mr. Reed then asked for a breakdown of uses. Mr. Shimp noted the office will require one space, and each residential unit will require 2 spaces. Then, there will be a mix of seating area from the restaurant and also the retail area. He added the parking is equally split between the retail and apartments, and a couple spaces because the restaurant seating area is small.

Mr. Reed stated he noticed on the last site plan that there will be 20,000 square feet of disturbances. He asked for the percentage of the property that would be disturbed. Mr. Shimp stated the total area is 40,000 square feet; 20% of the site is parking and buildings, and 80% is green of some kind. He added that half the site is disturbed, but then most of that returns to grass or landscape area.

Mr. Harvey asked what kind of sewer system it will have. Mr. Shimp stated it is a system with a large, square drain field, like a pad, with 3-4 pre-treatment tanks that discharge a treated effluent into the ground/large pad. He added it is over 1,000 gallons per day, so it triggers the heavier maintenance requirements, inspections, and reporting to the Health Department than a smaller system. He added it's a square drain field underneath the parking lot.

Mr. Reed asked how the health department determines how to size the septic. Mr. Shimp stated they have requirements per person or per bedroom on the residential side. He believes it's 150 gallons per bedroom. He added they will use an estimated number of seats in the restaurant, and multiply that to get an amount for the restaurant side. Mr. Shimp added that part of his permit is a limit on the number of seats, which he believes is 14.

Mr. Harvey noted that the illegal spot zoning part of it bothers him. He added that going from R-1 to B-1 is definitely an upzoning, and the comprehensive plan does not call for this, and that area is mostly residential and zoned residential.

Mr. Bruguire stated he maintains that this was zoned incorrectly to start with, because the store was there long before the residents were there, so it should have been zoned business to start with.

Mr. Harvey added with the nonconforming structure, he understood that the state law says you can use it for a lesser thing, not for an expanded thing.

Ms. Shackelford stated her interpretation is that there's a difference between the nonconforming structure and the nonconforming use. So you can expand the nonconforming structure itself in a way that makes it more nonconforming, but you can use a nonconforming structure for any use

January 8, 2019

that's allowed in that zoning district. If the use itself was nonconforming, the business itself cannot develop into something that is more intensive.

Mr. Harvey asked about going from a small mom and pop store to a restaurant. Ms. Shackelford stated in this case, if the rezoning is approved, then all of those uses are already by right, so the uses are conforming, and the structure itself is not.

Mr. Reed stated it's clear that a rezoning here would allow some activities by right that are not consistent with residential zoning that exists now surrounding it. He added it boils down to the rezoning. And based on the rezoning, they'll look at the special use permit.

Mr. Harvey asked if the rezoning goes with the deed or if it can be part of the ownership. Ms. Shackelford stated the rezoning cannot be part of the ownership, but she believes the special use permit can be.

Mr. Rutherford noted affordable housing is in need in this county, and supporting mom and pop ventures is important.

Mr. Reed asked Ms. Shackelford if the property is successfully rezoned, can those activities that are allowed by right under that rezoning be part of the conditions that are put on the special use permit. Ms. Shackelford stated the conditions that are put on a special use permit have to be related to the actual special use permit that is being requested. She added that in this case, you have the rezoning where the applicant has proposed conditions on the rezoning of those properties. Those have to be voluntarily offered by the applicant. The special use permit related to the multi-family housing, you do have the right to impose reasonable conditions upon those, as long as they are directly related to that special use.

Mr. Harvey questioned the safety of the location.

Mr. Saunders noted his concern of all the activity for an area of that size.

Mr. Reed noted that every time they make a decision, they set a precedent.

Mr. Rutherford then moved to approve the special use permit with 4 apartments, as well as with the proffers Mr. Shimp offered, and the site plan that has been proposed. Ms. Shackelford asked for clarification. Mr. Rutherford clarified: the rezoning of the property from R-1 to B-1, with the proffers that were submitted by the applicant, and concurrently approve the special use permit including 4 apartments, with the expanded square footage of 1355 square feet. It was then noted that two motions should be made.

Mr. Rutherford then moved to approve the rezoning #2018-02 with the proffers volunteered by the applicant, and Mr. Bruguere seconded the motion. There being no further discussion, Supervisors voted 3-2 by roll call vote to approve the motion with Mr. Rutherford, Mr. Bruguere, and Mr. Saunders voting Yes and Mr. Reed and Mr. Harvey voting No.

Mr. Rutherford then moved to approve the Special Use Permit #2018-08 including the 4 apartments and the applicant's request to expand to 1355 square feet, and Mr. Bruguere seconded the motion. Mr. Harvey asked why Mr. Rutherford didn't go with the Planning Commission's recommendation of the 3 bedrooms. Mr. Bruguere stated it would be the same footprint being built, and it would be better to be a cube. Mr. Rutherford agreed. There being no further discussion, Supervisors voted 3-2 by roll call vote to approve the motion with Mr. Rutherford, Mr. Bruguere, and Mr. Saunders voting Yes and Mr. Reed and Mr. Harvey voting No.

The Board then took a 5 minute recess.

VI. Reports, Appointments, Directives, and Correspondence

A. Reports

1. County Administrator's Report

A. BR Tunnel Project: The project is in process. Mr. Carter noted the subcontractor, Merco, based in New Jersey, will be taking out the bulkheads. If that work hasn't already started, it will soon. He added we haven't had a project meeting for a month or so, but they will resume this month.

B. Broadband: Work to obtain federal NTIA approval for transfer of the local middle mile network to CVEC/CVSI continues to be in process. The current goal to submit to NTIA is by February 12, 2018.

C. Library Project: Architectural Partners is working to complete the project's construction documents with a goal towards a February 2019 completion and bid date. AP and County staff are currently in process with a boundary line adjustment agreement with the adjacent Masonic Lodge owned property to avoid additional design costs related to fire protection. The Masonic Lodge meets on 1-14 to consider approval of the boundary line adjustment.

D. Lovington Revitalization & Schuyler STP: The physical inventory of the project area, a major project requirement, is completed. The second (and final) management team meeting for the initial project activities is scheduled for January 3rd at 1 p.m. in the Courthouse. Thereafter,

January 8, 2019

the County will upload completion of the project's initial five activities to VA-DHCD's website by the 1-7 completion date.

E. School Division Transportation Study: The project's scope of work, as provided by TJPDC staff is attached. County staff have made inquiry to TJPDC regarding the project's May to end of FY 19 completion date to request a more expedited project completion period. A response is pending.

F. Federal Rail Administration (Positive Train Control): County staff will coordinate with the neighborhood sparkplug (T. Hale) to submit a final report to CSX by the end of January 2019.

G. Piney River Water System (TTHM Corrective Action Project): A revised Consent Order extending the submittal until May 30, 2019 of engineering plans and specifications for modifications to the NCSA's Blackwater (Water) Treatment Plant has been received from the VA Department of Health. County staff will execute and return the revised order to VDH. County staff have also conferred with Bowman Consulting, the project's engineering consultant, who have acknowledged the 5-30-19 date and indicated they will work to complete the project's pilot study, which will be the basis of the engineering plans and specifications, in order to comply with the Consent Order's requirements by the revised completion date.

H. Tye River Water System: Froehling and Roberts has complete the testing of the thickness of the elevated water tank and submitted its findings to NolenFrisa, the lead engineering consultant, to enable NF to complete a final report on the tank's structural integrity. The final report is anticipated within the ensuing ten business days.

I. Albemarle-Charlottesville Regional Jail Authority: The Authority's notifications to federal Immigration and Customs Enforcement continues to be a subject of consideration and will likely be an agenda item for the Authority's meeting on 1-10. Additionally, the ACRJA's draft budget for FY 19-20 projects an increase of \$63,185 (9.54%) for Nelson County to \$725,445 versus the current \$662,260 amount.

J. Region 2000 Service Authority: The R2KSA Board's next meeting is scheduled for January 30th at 2 p.m. in Rustburg.

K. Operational System(s): Additional work is required on the subject of improved citizen access to County operations (e.g. applications, registrations, payments, etc.).

L. Closeout of Groundwater Monitoring Program: Draper Aden staff have completed and submitted the closeout request to VA-DEQ, as of 12-28-18. An approval decision by DEQ will likely entail several months.

M. Office Facility Study: A project agreement with Architectural Partners has been established at an expense of (not to exceed) \$5,600. County staff have requested that the agreement be re-established as an addendum to the Library Project and to include one additional property (Nelson Center) within the scope.

N. Growth Management: The scheduling of a meeting is pending with staff of TJPDC to finalize agreement on the PDC assisting the County with an update to the local Comprehensive Plan. When the meeting is conducted, projected for January 2019, County and PDC staff will also discuss how best to proceed with evaluating the local zoning ordinance related to growth management provisions.

O. FY 19-20 Budget: Work on the ensuing fiscal year budget is in process. A specific date for introduction of the draft budget to the Board has not yet been established.

Mr. Carter introduced the new Administrative Assistant/Deputy Clerk, Grace Mawyer. He added she has been working in the Finance/HR office for 4.5 years and is a Virginia Tech graduate and Accounting major.

Mr. Rutherford asked Mr. Carter when we plan to get the notification about the CDBG grant for Lovingson. Mr. Carter stated we can touch base with them, and it could be weeks.

2. Board Reports

Mr. Rutherford:

Mr. Rutherford had no report.

Mr. Bruguere:

Mr. Bruguere stated he would like to change the meeting date of the Planning Commission, possibly moving it up a week. He added they have a hard time getting advertisements to the newspaper with the deadlines. If they can't get it in time, the applicant may have to wait another month.

January 8, 2019

Mr. Bruguire noted there is a new subdivision across from Rockfish Elementary School. He stated the plat is on the back of Blue Ridge Life, and it's not the same plat that is in Sandy's office. He added he thinks it's a little premature of the realtor trying to sell those lots without having approval.

Mr. Reed:

Mr. Reed noted that the Wellness Alliance met with Judge Garrett about the family treatment court that they have been working on for some time. The Judge felt that with his current workload, the added responsibility of this is not realistic for him at this point. He said they will continue putting together information, but in the short term, they won't have anything that will approach the treatment court. They will be looking at other treatment options available through Social Services and other agencies, but at this point, the brakes have been put on until they have more judge time.

Mr. Rutherford asked if the state assembly allocated another judge for our area. Mr. Reed said they did and he doesn't know details, but it looks like it won't help us out like we hoped.

Mr. Harvey:

Mr. Harvey had no report.

Mr. Saunders:

Mr. Saunders noted the Gladstone Railroad Depot has been given a plat to move. He stated he is concerned that it is only 63/100 of an acre. He added the property will probably be coming to us for rezoning later on as railroad property is not zoned.

B.Appointments

Ms. Mawyer stated the only current vacancy is on the NC Social Services Board for the west district. Mr. Bruguire said he can fill the spot in the meantime since the west district representative, Ms. Giles, does not want to be on the board anymore.

Mr. Rutherford then moved that Mr. Bruguire be appointed to fill the position for Joan Giles and Mr. Harvey seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

C. Correspondence

Mr. Rutherford noted that in Schuyler, they've had a lot of drainage issues off of roads, especially Rockfish River Rd, and he's had a lot of conversations with VDOT. He added he's sure that's reflective of the rest of the County.

D. Directives

Mr. Reed noted that he would like to see the fence-in ordinance on the next month's agenda. He then withdrew that because Mr. Bruguiere had said the Farm Bureau board meeting is coming up.

Mr. Bruguiere stated he knows about the problem the speaker on Davis Creek Road conveyed. He added the landowner is elderly and the grandson is looking after things while working another job.

VII. Other Business (As May Be Presented)

Introduced: Closed Session

Mr. Rutherford moved that the Nelson County Board of Supervisors convene in closed session to discuss the following as permitted by Virginia Code § 2.2-3711(A) (1): discussion of salary and compensation of specific County employees. Mr. Bruguiere seconded the motion and there being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

Supervisors conducted the closed session and upon its conclusion, Mr. Reed moved to reconvene in public session. Mr. Harvey seconded the motion and there being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

Upon reconvening in public session, Mr. Harvey moved that the Nelson County Board of Supervisors certify that, in the closed session just concluded, nothing was discussed except the matter or matters specifically identified in the motion to convene in closed session and lawfully permitted to be discussed under the provisions of the Virginia Freedom of Information Act cited in that motion. Mr. Reed seconded the motion and there being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

VIII. Adjournment and Continue - Evening Session at 7 PM

At 5:10 PM, Mr. Saunders moved to adjourn and reconvene at 7:00 PM and Mr. Rutherford seconded the motion. There being no further discussion, Supervisors voted unanimously by voice vote to approve the motion and the meeting adjourned.

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

I. Call to Order

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

II. Public Comments

There were no persons wishing to be recognized for public comments.

III. Public Hearings

A. Special Use Permit #2018-10 – 6 Individual Cabins (motel)

Consideration of Special Use Permit application requesting County approval to use the specified subject property for 6 individual cabins (motel). The subject property is located at Tax Map Parcels #6-A-131 (8.126 acres) and #6-A-163D (2.811 acres) at 9485 Rockfish Valley Hwy. The subject property is zoned A-1 and owned by Rockfish Valley Events LLC.

Ms. Shackelford provided the following report:

BACKGROUND: This is a request for a special use permit to allow for six one-bedroom cabins that meet the definition of motels (§4-1-25a) on property zoned Agricultural.

Public Hearings Scheduled: P/C – December 19, 2018; Board – January 8, 2019 (tentative)

Location / Election District: 9485 Rockfish Valley Highway / North Election District

Tax Map Number(s) / Total acreage: 6-A-131 & 6-A-163D / 10.937 acres +/-

January 8, 2019

Applicant Contact Information: Todd Rath, 161 Wood House Lane, Nellysford, VA 22958; 434-996-7133.

Comments: The applicant would like to use the property to construct 6 single-bedroom cabins that could be rented out to guests (motels). This is the same use that was previously approved by the Board of Supervisors in August of 2017 and was since determined to have expired. This does not include any of the other uses that were part of that original request.

DISCUSSION:

Land Use / Floodplain: This area is rural in nature. There are no 100-year flood plains on the property.

Access and Traffic: Property is accessed from Rockfish Valley Highway (Route VA-151 – AADT 4,800 trips per day). The proposed development will generate additional traffic along this corridor. As the process has been underway, VDOT has continued to be involved in the review of the project. The entrance alignment has been adjusted upon VDOT's request to be located across from the entrance to Silverback. VDOT will continue to review the requests and make recommendations for road improvements as anticipated traffic counts trigger improvements.

Utilities: Property is served by private well and septic systems.

Conditions: The Planning Commission may recommend, and the Board of Supervisors may impose, reasonable conditions upon the approval of the special use permit. Conditions recommended that were placed on the two currently active special use permits include the following:

1. Outdoor amplified music shall be limited to the hours between 1:00 pm and 6:00 pm on Sundays, and between the hours of noon and 8:00 pm Mondays through Saturdays.
2. All exterior lighting shall be fully-shielded and no light trespass shall be permitted on adjacent properties. All light fixtures shall meet professional standards for fully-shielded, full cut-off fixtures designed to protect the dark night sky. Parking lot light poles shall be limited to 18 feet in height.
3. All businesses shall be limited to operating between 9:00 am and 8:00 pm Sundays through Thursdays, and between 9:00 am and 9:00 pm Fridays and Saturdays.
4. The developer shall construct an 8-foot tall privacy board fence along the entire length of the northern property line abutting tax parcel #6-15-18. The developer shall install a three-board fence with rolled wire along the western property line on the east side of the

creek from the northern-most point of the property line extending south to the point where the property becomes marshy, which is approximated at the location of analysis point 2 as shown on page C5.00 of the site plan dated June 25, 2018.

5. The site shall be developed in substantial conformance with the site plan and other plans submitted with the request.

Of these existing conditions, numbers 1 and 3 do not apply. Staff also recommends adding the condition that the cabins be limited to one-bedroom each.

Comprehensive Plan: This property is located in an area designated as rural and farming use based on the current Comprehensive Plan.

RECOMMENDATION: The approval of special use permits should be based on the following factors:

1. The use shall not tend to change the character and established pattern of development of the area or community in which it proposed to locate.
The proposed use is consistent with other small-scale transient lodging projects that are located along the 151 corridor.
2. The use shall be in harmony with the uses permitted by right in the zoning district and shall not affect adversely the use of neighboring property.
The proposed use could be considered complimentary to other uses in the area. While there has been a lot of pushback from adjoining property owners and others in near proximity to the site regarding negative impacts on nearby residents, the operation of a small lodging project will have a small impact on the concerns most commonly raised by neighbors. The requested use does not have rights for outdoor events or live music as part of its operation. Conditions placed on the approval of the use could address any noise concerns that the use may raise. There continues to be a market need for lodging for out-of-area visitors, which this request would work to provide on a small, manageable scale.
3. The proposed use shall be adequately served by essential public or private water and sewer facilities.
The applicant has had a test well dug and approved by the Health Department. Appropriate septic systems will continue to be a condition of final approval of any development on the site.

January 8, 2019

4. The proposed use shall not result in the destruction, loss or damage or any feature determined to be of significant ecological, scenic or historical importance.
There do not appear to be significant ecological, scenic or historical features that would be impacted by the proposed use.

The Planning Commission recommended approval of this request by vote of 4-2 with the conditions #1, 2, 4, and 5 from the previous request as shown below:

1. Outdoor amplified music shall be limited to the hours between 1:00 pm and 6:00 pm on Sundays, and between the hours of noon and 8:00 pm Mondays through Saturdays.
2. All exterior lighting shall be fully-shielded and no light trespass shall be permitted on adjacent properties. All light fixtures shall meet professional standards for fully-shielded, full cut-off fixtures designed to protect the dark night sky. Parking lot light poles shall be limited to 18 feet in height.
4. The developer shall construct an 8-foot tall privacy board fence along the entire length of the northern property line abutting tax parcel #6-15-18. The developer shall install a three-board fence with rolled wire along the western property line on the east side of the creek from the northern-most point of the property line extending south to the point where the property becomes marshy, which is approximated at the location of analysis point 2 as shown on page C5.00 of the site plan dated June 25, 2018.
5. The site shall be developed in substantial conformance with the site plan and other plans submitted with the request.

The Planning Commission also recommended the addition of these following conditions:

- The cabins will be limited to one-bedroom each.
- The maximum occupancy per cabin will be limited to no more than four people.
- There will be a community propane-fueled fire pit controlled by a timer for use by occupants of the cabins; there will be no individual fire pits allowed.
- No outdoor music will be permitted after dusk. This will be monitored remotely by an outdoor wi-fi camera with a microphone.

Mr. Harvey asked what the amplified music condition has to do with the cabins. Ms. Shackelford stated it addresses some concerns regarding if people are having barbecues outside and things like that.

Mr. Rutherford asked how many acres are in the entire plot. Ms. Shackelford stated the 2 pieces impacted by this property are about 11 acres. He then asked for the distance between the road and the cabins. Ms. Shackelford stated maybe around 400-500 feet.

January 8, 2019

The Board had no further questions and Mr. Saunders invited the Applicant, Mr. Rath to address the Board.

Mr. Rath noted the cabins won't be seen from the road because that area goes downhill. He confirmed the distance from the road to the cabins is about 400-500 feet. He added the garage will no longer be used for anything commercial; it will just be for mowers to take care of the property.

He then noted that he did research and found that there are 14 open SUPs in the county that have never been revoked from Planning & Zoning. He added he has the honor of having the first ever revoked SUP in Nelson County. He added they have done all the construction they could, and he sent emails to DEQ who told him he cannot touch the property, and he forwarded those to Planning & Zoning. He noted they have a great well and soils for septic, and the well test is done and approved now. Mr. Rath stated that the engineers for the state and him seem to be bickering over what engineering handbook to use for traffic and trips inside the property and things like that for VDOT, but it's all moving forward and getting close.

Mr. Rath noted a lot of people don't realize how many part-time rentals there are in Nelson County. He then showed slides from VRBO.com and AirBnb showing rentals in Afton and Wintergreen, VA.

He added in the last planning meeting, he was asked what his vision is, so he had his engineer draw up exactly what it is, and he showed a drawing in his slides. He stated that a part of the drawing is no longer going to be the Blue Toad, then a part is the chocolate/gelato shop, and another part he hopes to be a gourmet grocery shop in the future. He added another part is an application for a restaurant, and an additional part is the garage for storage. He said the next part is the part we're currently talking about, and lastly, 14 cabins.

He said the land is 17 acres, and the 8 cabins start to go into the other 6 acre parcel that joins up with the 11 acres they're developing now.

He advised that the reviews given of his business at the last meeting were inaccurate because they were from one review engine that uses Expedia. He says he does not use Expedia because it's the bottom feeder of the industry. He added if you look at reviews on Facebook, VRBO, and AirBnb, you'll see they're at 4.5 stars or better.

Following the presentation, the Board had the following questions:

January 8, 2019

Mr. Rutherford asked how many parking spots are envisioned. Mr. Rath stated the engineers are going by the book.

Mr. Rutherford asked for detail regarding self check-in. Mr. Rath used AirBnb as an example and noted both the vendor and customer have a rating. When he gets a request to book, he can see the customer before they book, and he can approve them, and then they're linked inside the app. The day they will arrive, he sends out automated check-in instructions that morning with a code and key as well as property rules. When it's time for check-out, they put the keys back in where the keypad is, and if there's a problem, they do not get their deposit.

Mr. Rath wanted to emphasize that there is no brewery on this site.

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

1. Margaret Flather, Afton-Representative of Rockfish Orchard Subdivision

Ms. Flather spoke against the SUP and asked the Board to follow the rules as laid out in the planning & zoning ordinances and the comprehensive plan for Nelson County. She added the legislative intent of these is to keep new development in designated commercial zones, not spattered up and down 151. She noted that cabins are not the primary use of the property, so this does not follow the rules. She added that 151 is already dangerous, and the addition of 6 cabins will make it more so. Also, the people staying there would have no place to get breakfast or provisions, as the grocery store has not yet been approved, so they will be going in and out all the time. She added there are no turn lanes, and reminded the Board that as part of a SUP, they can attach requirements to lessen the impact of this development on the surrounding community. She stated the developer should completely fence the property to protect the people and the adjacent property owners. She also noted concern for outdoor fires, sound traveling uphill, and the light. She urged the Board to follow the rules and vote no, but if they do pass it, she urged them to require turn lanes, fence the whole property, shield lights, and disallow outdoor fires and amplified music.

2. Shirley McGatha, Afton-Rockfish Orchard Subdivision

Ms. McGatha spoke against the SUP and noted Dr. Flather has addressed a lot of her concerns. She stated the proposed property for the cabins is less acreage than she owns, and she is concerned about encroachment on her property, lack of privacy, noise, safety, and vandalism. She expressed concerns about the self check-in aspect and said that no family

will be renting a 1 bedroom cabin. She also stated she is concerned about her well and her neighbor's well and groundwater contamination. She asked the Board to consider this SUP carefully and deny it.

3. Brenda Saunders, Afton

Ms. Saunders spoke against the SUP and noted the Board is elected to go by the rules and listen to residents' concerns. She said they were clear with numerous signatures that they do not want this here. She stated she is disappointed and hopes that this time, they will follow their own rules about the special uses permit. She added this does not meet the SUP considerations.

4. Gerry Lloyd, Afton

Ms. Lloyd spoke against the SUP and stated she has lived in Virginia since 1980 and moved to Nelson County in 1991. She said the community is asking that this SUP be dismissed. She stated it is a shame that members of the planning committees and Board of Supervisors use their positions to advance their own agendas. She asked how the conditions placed on these SUPs will be monitored and/or enforced. She added that so far, neither of the current businesses operating under SUPs-Silverback Distillery and The Brewing Tree-are growing or raising any of the product that they have in their business. She asked if Mr. Rath ever planted the apple trees that he was supposed to have planted for the cidery down in the middle part of the county. She added that when Mr. Rath owned the business that is currently The Brewing Tree, noise was horrendous. She urged the Board to deny this request, and added if they want to increase business, do it in a way that meets their guidelines already.

5. Ian Kelly, Rockfish Orchard Subdivision

Mr. Kelly asked Ms. Shackelford to cover the correction on the application before his time started. Ms. Shackelford stated that on the application, the current use was listed by the applicant as a junkyard, and she was asked to clarify that that is not a junkyard based on the County's definition, it was just the applicant's description.

Mr. Kelly spoke against the SUP. He stated that the neighborhood where this property is located is residential, and was in perfect repair. He added that 2 years or dormancy has allowed it to fall into disrepair. He said that his family chose this spot because of the proximity to Charlottesville as well as the peace, tranquility, and beauty of the area. He stated that the Board can't sit there and say it won't have a negative impact on their quality

January 8, 2019

of life and property values. He asked that assuming the Board gives approval, please give an explanation based on the 4 things they're supposed to review, how this fits in with all of that, how they're protecting land values, and what revenue this will actually bring. He asked the Board to explain why it's okay to ruin their quality of life just so one developer can make some money.

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

Mr. Saunders then invited Mr. Rath to address any questions.

Mr. Rath stated he wrote "junkyard" on the application because it really is a junkyard. He added there was a boat, trailers, tires, clothes, and Christmas ornaments thrown in bushes. He noted that he pulled the Rockfish Orchard property subdivision covenants and restrictions from County records, and said rentals, such as AirBnb and VRBO, are allowed there. He added he would also love to bring a grocer to that area.

He pointed out that the Rockfish Valley Inn is on 0.96 acres and has the capability to sleep 24 people in beds, and 30 to code. He said there is no septic problem on that property. He said they are putting up 8 foot fences that nobody can climb, and he has agreed to a 3 board fence. All of the lighting will be dark sky lighting, and they will have a righthand turn lane, where 75% of their traffic will be coming from. He added there will be no open fires besides a propane one on a timer, and that will not be near any trees. As far as property values, he has a line of realtors that say they will go up.

Mr. Rutherford stated the project is an interesting mixed-use and questioned if it is the best use of this area.

Mr. Reed stated it boggles the mind knowing how much time, energy, and money has been invested in this process on both ends. He quoted agricultural operations from the zoning ordinance, and said that to him, that's what A-1 is supposed to do. He stated he was not on this board when Silverback Distillery got approved. He added that is in an A-1 area and has created what he calls the Silverback loophole, and the A-1 zoning allows lots of things by right, but what it doesn't do is require an agricultural use of the property. He added that's either a failing of the code or a failing of the County to make that clear. He said it's clear that Silverback has created a certain ambiance in the neighborhood and a certain tone and perception of what the 151 corridor can and should be. He maintains that there's nothing significantly agricultural about what's going on there.

Mr. Reed added that this application could not be considered anything but a random

January 8, 2019

scattering of residential uses. He stated it's all very simple: this is the wrong thing and the wrong place and should have never gotten past first base. He added this is a terrible precedent for anyone who has any love of agricultural uses, A-1 zoning, or the complexion of the 151 corridor.

Mr. Bruguire stated that when zoning came into this county, the Planning Commission did a lot of it, and unfortunately, none of those people are still alive. He added the majority of the land in Nelson is zoned agricultural, and one of the commissioners at the time told him that they didn't think anything else was coming, so that's why it was all zoned agricultural. He noted the reason we have SUPs is to allow people to do different things, and the alternative is to take the entire county and go back and rezone where we think different development should arise, which is not feasible. He stated that unfortunately, SUPs have to go in agricultural zones because that's 90% of land mass.

Mr. Reed stated he doesn't think it's a good precedent to make decisions about how agricultural use should be interpreted for other uses when the zoning ordinance says otherwise.

Mr. Bruguire stated then there would be no development at all in this county, and taxes would be well over a dollar.

Mr. Harvey reiterated the 4 listed points from the information Ms. Shackelford provided. He stated it is plain as day this will have an adverse effect on the neighboring properties. He added this is the wrong site for this project.

Mr. Saunders noted the 2 existing buildings were previously business properties years ago.

Mr. Bruguire said that is a prime example and asked why it wasn't zoned business.

Mr. Rutherford stated he believes lodging is needed on the 151 corridor and can be done well in a different spot. He added he believes this is not consistent with what we already have going on.

Mr. Saunders stated that instead of the applicant coming back to ask for additional permits, he would like to see it all at one time.

Mr. Harvey stated we need to see this all at one time. He asked Mr. Rath if apple trees will be planted on that property. Mr. Rath said yes, on the southern side. Mr. Harvey noted we are right in the middle of working on the Rockfish Valley Plan and stated there is a big problem in the

January 8, 2019

Rockfish Valley. Mr. Harvey then made a motion to defer this until the Planning Commission can get something going with the Rockfish Valley Plan, for 3 months. Mr. Rutherford seconded the motion. There being no further discussion, Supervisors voted 3-2 by roll call vote to not approve the motion with Mr. Reed, Mr. Bruguere, and Mr. Saunders voting No and Mr. Rutherford and Mr. Harvey voting Yes.

Mr. Harvey then moved to turn down the addition of the 6 cabins added to this piece of property, and Mr. Reed seconded the motion. There being no further discussion, Supervisors voted 3-2 by roll call vote to approve the motion with Mr. Rutherford, Mr. Harvey, and Mr. Reed voting Yes and Mr. Saunders and Mr. Bruguere voting No.

B.Conditional Use Permit Amendment #3 – Modifications to existing Conditional Use Permit

Consideration of Conditional Use Permit amendment to modify conditions on existing airstrip. The subject property is located at Tax Map Parcels #21-A-114A1 (6.073 acres) and 21-13-9 (.611 acre portion) located on Edgewood Dr. The subject property is owned by Ronald and Nancy King.

Ms. Shackelford provided the following report:

BACKGROUND: This is a request to modify the area and conditions of an existing airstrip that was approved by the BOS in 1977 on property zoned Agricultural.

Public Hearings Scheduled: P/C – December 19, 2018; Board – January 8, 2019 (tentative)

Location / Election District: 48 Flying Eagle Court / Central Election District

Tax Map Number(s) / Total acreage: 21-A-114A1 & 0.611 acres portion of 21-13-9 / 6.684 acres +/-

Applicant Contact Information: Ronald King, 48 Flying Eagle Court, Nellysford, VA 22958; 434-242-2190.

Comments: There is an existing airstrip on the property south of and adjoining 48 Flying Eagle Court that has been in place since 1977. The current owner has a contract to sell the property, but the contract is contingent on a few criteria. First, the buyer would like to add 0.611 acres

from parcel 21-13-9 to the existing airstrip to construct a small hangar next to the airstrip. Second, there were a number of conditions that were initially put on the approval of the original airstrip, and the applicant is requesting that those conditions be revised. Please see the narrative submitted by the applicant for the complete list of existing conditions.

The applicant is requesting to amend the following conditions:

#3. Changing “No more than four-based aircraft will be permitted” to “All based aircraft shall be hangered.”

#8. Deleting the condition that “The Board of Supervisors has the option to review the permit for reissuance in seven years from date of issue and every five years thereafter.”

Ms. Shackelford stated to the best of her knowledge, the Board of Supervisors has never reviewed the permit.

#9. Deleting the condition that “Permit is not transferable without consent of the Board of Supervisors” and replacing it with “The owner shall notify the Board of Supervisors, within 10 days, upon the transfer of ownership of the airfield. Permit is transferable to the new Owner without consent of the Board of Supervisors, and subject to all of the conditions stated herein.”

DISCUSSION:

Land Use / Floodplain: This area is rural in nature. There is a 100-year flood plains on the northern portion of the existing airstrip.

Access and Traffic: Property is accessed from Edgewood Drive, which is a private road generating an estimated 200 vehicle trips per day based on the number of houses it serves. The proposed development will generate minimal amounts of vehicular traffic at the location. A traffic study is not needed.

Utilities: Property is served by private well and septic systems.

Conditions: The Planning Commission may recommend, and the Board of Supervisors may impose, reasonable conditions upon the approval of the conditional use permit. Staff recommends that the revisions to the existing conditions as requested by the applicants be approved, along with the additional 0.611 acre parcel being added to the request.

January 8, 2019

Comprehensive Plan: This property is located in an area designated as rural and farming use based on the current Comprehensive Plan.

RECOMMENDATION: The approval of special use permits should be based on the following factors:

1. The use shall not tend to change the character and established pattern of development of the area or community in which it proposed to locate.
This is a continuation of an existing use. The requested changes will not alter the pattern of development in the area.
2. The use shall be in harmony with the uses permitted by right in the zoning district and shall not affect adversely the use of neighboring property.
This is a small expansion of a use that has been in place since 1977.
3. The proposed use shall be adequately served by essential public or private water and sewer facilities.
No septic or water services are required at the site.
4. The proposed use shall not result in the destruction, loss or damage or any feature determined to be of significant ecological, scenic or historical importance.
There do not appear to be significant ecological, scenic or historical features that would be impacted by the proposed use.

The Planning Commission recommended approval of this request by vote of 6-0 with the additional requirement that condition #3 include that “all based aircraft shall be hangared *in an enclosed hangar.*”

Mr. Harvey asked who the original applicant was in 1977, and Ms. Shackelford stated Kashara.

Mr. Saunders asked to see the location on a map, and Ms. Shackelford showed him. He asked how big the hangar will be. Ms. Shackelford stated no bigger than what was shown on the site plan.

The Board had no further questions and Mr. Saunders invited the Applicant, Jeff Shingleton, to address the Board.

Mr. Shingleton stated he will be buying the land and airfield from Mr. King. He added the airfield was already in use for almost 20 years before the subdivision came in in the 90s. He

January 8, 2019

said it's been a private airfield for over 40 years, it's registered with the FAA and with the Virginia Department of Aviation, and it's private use. He added they would not be changing any kind of operation that deviates from private airfield. He said he would invite other glider pilots to fly in and out of there, and wanted to make sure the neighbors would be okay with that, so he spent time talking with the president of the HOA, who contacted the neighbors. They had a list of questions for him, and he answered them to the best of his ability. He stated the neighbors know it's an airfield and nobody has asked him to not come there and operate.

Mr. Shingleton added that regarding the hangar size, he has a glider that has a 50 foot wing span. He plans to build a glider hangar that can accommodate a few gliders on the floor as well as a vintage glider hanging from the ceiling. He stated they had to move the edge of the building another 15 feet to the northeast to be consistent with the setback requirements, so right now, it's about 48 feet wide. He does not yet have a final hangar design, but he knows he would have electric and water in there as there is a well on site. He does not anticipate having septic at this point. He currently is thinking it will be 48 feet wide and maybe 2 wing spans long, which would be 96 feet. He added there will be minimal ground disturbance and it will be pole barn-type construction.

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

1. Gerry Lloyd, Afton

Ms. Lloyd stated she thinks this is great but is concerned about the size of the hangar. She is concerned about the size of the hangar, and would like to make sure the hangar is large enough to house what is there. Her other concern is about other planes coming in and asked if there will be separate hangars or if everything will be in that one hangar.

2. Ron King, Afton

Mr. King stated he is the current owner of the airfield. He noted aircraft that aren't flying will be hangered. He added they will not be out all over the airfield; they will be in the hangar.

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

Mr. Rutherford then moved to approve the Conditional Use Permit Amendment #3, and Mr. Bruguiere seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

January 8, 2019

IV. Other Business (As May Be Presented)

There was no other business considered by the Board.

V. Adjournment

At 8:27 PM, Mr. Harvey moved to adjourn and Mr. Rutherford seconded the motion. There being no further discussion, Supervisors voted unanimously by voice vote to approve the motion and the meeting adjourned.