

July 11, 2017

**Virginia:**

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

Present: Allen M. Hale, East District Supervisor  
Constance Brennan, Central District Supervisor  
Thomas H. Bruguere, Jr. West District Supervisor – Vice Chair  
Larry D. Saunders, South District Supervisor  
Thomas D. Harvey, North District Supervisor – Chair  
Stephen A. Carter, County Administrator  
Candice W. McGarry, Administrative Assistant/Deputy Clerk  
Debra K. McCann, Director of Finance and Human Resources  
Sandra Shackelford, Director of Planning and Zoning  
Russell Gibson, Emergency Services Coordinator

Absent: None

**I. Call to Order**

Mr. Harvey called the meeting to order at 2:02 PM, with all Supervisors present to establish a quorum.

**A. Moment of Silence**

Mr. Harvey asked everyone to keep the family of the late David Thompson, longtime County Building Official, in their thoughts.

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

**II. Consent Agenda**

Mr. Saunders asked for a correction to the draft minutes and noted that he voted against the budget. Ms. McGarry advised the approved minutes would reflect this.

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

**A. Resolution – R2017-35 Minutes for Approval**

**RESOLUTION R2017-35  
NELSON COUNTY BOARD OF SUPERVISORS  
APPROVAL OF MEETING MINUTES  
(June 13, 2017)**

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**RESOLVED**, by the Nelson County Board of Supervisors that the minutes of said Board meeting conducted on June 13, 2017 be and hereby are approved and authorized for entry into the official record of the Board of Supervisors meetings.

B. Resolution – **R2017-36** FY17 Budget Amendment

**RESOLUTION R2017-36  
NELSON COUNTY BOARD OF SUPERVISORS  
AMENDMENT OF FISCAL YEAR 2016-2017 BUDGET  
NELSON COUNTY, VA  
July 11, 2017**

**BE IT RESOLVED** by the Board of Supervisors of Nelson County that the Fiscal Year 2016-2017 Budget be hereby amended as follows:

I. Transfer of Funds (General Fund)

<u>Amount</u>	<u>Credit Account (-)</u>	<u>Debit Account (+)</u>
\$880.00	4-100-091030-5616	4-100-012090-2005
<u>\$3,300.00</u>	4-100-091030-5616	4-100-034010-2002
\$4,180.00		

**III. Public Comments and Presentations**

A. Public Comments

Mr. Harvey opened the floor for public comments and the following persons were recognized:

1. Robert Saunders, Saunders Brothers Inc. Piney River

Mr. Saunders read aloud the following letter to the Board:

“Nelson County Supervisors, I am here today asking for your help. Saunders Brothers is very concerned about public safety along Route 56 near our business. Living nearly my entire life in the immediate area of our business, I have witnessed firsthand multiple near catastrophic accidents with school busses, tractor trailers, farm tractors, cars, and large trucks. The speed limit must be lowered to 45 mph. It is evident in the Rockfish Valley that the lowering of the speed limit along Rt. 151 has lowered the number of accidents there and surely saved lives. Why wait for another fatality on Rt. 56 to take action?

This is the fourth time that I have requested safety action be taken. I previously petitioned VDOT with letters in 2009 and twice in 2011 and many of you are aware of my previous requests. I am leaving with you copies of those letters. Last month, I petitioned VDOT again to lower the speed limit by sending a letter to VDOT engineers in Lynchburg and Appomattox, as well as, Sheriff David Hill, West District Supervisor Tommy Bruguere, and Nelson County School Officials.

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Little has been done as a result of my earlier requests other than two warning signs that were installed in 2011 advising traffic to watch for turning vehicles. Nonetheless, the traffic situation remains a public safety hazard and the speed limit should be reduced to 45 mph from .5 mile east of our main entrances to .75 mile west of the Tye River, a total distance of approximately 1.75 miles.

Since 2011, the traffic at our business has increased significantly. From March to November, as many as 300-400 retail customers, 120 or more employees, 15-20 tractor trailers, 15-25 large trucks (many with trailers), multiple farm tractors, and numerous other vehicles can enter and exit our business in a day. This is in addition to the non-Saunders Brothers related traffic that normally uses Rt. 56. The volume of vehicles is enormous for this road and speed must be addressed. Route 56 was not designed for the traffic load it now carries.

In addition, Saunders Brothers is growing and, as a result, we're greatly increasing the use of another of our existing farm entrances on Rt. 56 just immediately west of the Tye River. Last summer, to improve sight distance to the east of that entrance, we asked VDOT for help along their right of way. I personally visited the site with a VDOT official and they removed one tree. Thus, we decided to take action and invested a significant amount of our time and money in clearing over 1000 ft. of trees, brush and a fence row from the shoulder of Rt. 56 to improve line of sight and safety. With that improvement, the easterly sightline has improved greatly. However, we were unable to improve the sightline to the west due to a high bank. We are again in discussion with VDOT to see if we have any other options to move or improve that entrance. Unfortunately the potential options appear to offer only minimal improvement. Many other motorists including large trucks use that stretch of road near the Tye River. They are often accelerating to gain speed to cross the large hill to the east, thus increasing the danger at our entrances at the river and our office. Once again, the current speed limit is an issue.

I continue to witness near accidents along this stretch of road with multiple near misses on school buses-which I have documented in the past. It is our hope that you will consider doing what you can to help lower the speed limit to 45 mph along a short stretch of Rt. 56 before another accident occurs that results in injury or death.

Thank you for your consideration and if you have any questions or would like to discuss this further I would be happy to meet or talk with you.

I also ask that this letter be publicly recorded as official record of Saunders Brothers persistent appeal to VDOT and Nelson County government to make Route 56 safer for all who use it. If something is not done, it is only a matter of time until another major accident occurs."

## 2. Eleanor Amidon, Afton

Ms. Amidon expressed her disappointment that there was no Fourth of July parade. She noted that last year's organizer had moved out of the area and it was not taken over by anyone. She then suggested that County Parks and Recreation pick this up and she asked the Board that this be done. She added that it was a great nonpartisan event and downtown Lovingson was the perfect place for it next year.

## 3. David Hill, Sheriff

Sheriff Hill noted that there was a major void in his office due to certified police officers leaving the department. He asked that the Board revisit the County's supplement policy such that they would be allowed to supplement

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salaries in order to keep people. He added that other area police departments were also experiencing this. He further asked that the Board allow him to use the funds appropriated for salaries at his discretion and cash in on promises he had made to citizens to have the most qualified people representing the Board and the County. He added that he would use the supplements provided for outgoing employees to recruit certified officers. He noted there were certified officers interested in the County and he again asked that the Board reconsider its current policy adopted in 2006.

4. Martha Worthy Stokes Hale, Fredericksburg VA resident on behalf of Vicki Wheaton, Faber

Ms. Hale noted she was speaking on behalf of Vicki Wheaton, Nelson resident who was out of the country, as well as herself. She noted that Ms. Wheaton wanted the Board to vote yes on having a public workshop on the draft Floodplain Ordinance and FEMA, National Flood Insurance Community Rating System and to vote yes to approve the proposed amendments to the Floodplain Ordinance.

Ms. Hale then referenced an email from Ms. Wheaton that noted that the proposed ordinance amendments were not a direct result of the Atlantic Coast Pipeline and that the County had six of the seven floodplain categories. She added that the ordinance was not a mandate but was rather a protection that offered guidelines for the best protection of businesses and residents of the County.

Ms. Hale then noted she was asking as a VA resident for the Board to please stand up for resources and help residents understand what was important. She added that Nelson County was a jewel and she implored them to vote yes to the workshop and yes to the amendments.

#### B. VDOT Report

Mr. Carter noted that both Mr. Austin and Mr. Brown were attending a retirement function and could not make the meeting.

Supervisors then related the following VDOT issues:

##### Mr. Hale:

Mr. Hale noted that VDOT was working on the edges of pavement but had not cleaned out culverts on Laurel Road and elsewhere.

Mr. Hale noted witnessing a tractor trailer going northbound at the Food Lion intersection run a red light going 60-70 mph and he noted that stretch of road should be better patrolled.

Mr. Hale then welcomed the Tibetan Monks from Ligmincha who were in attendance.

##### Mr. Bruguere:

Mr. Bruguere noted thanks to Mr. Austin for getting the culverts on Dickie Road unstopped. He then noted that he supported a reduced speed limit on Route 56 West as requested by Mr. Saunders. He added that he had personally tried to get it reduced at other locations near Mac's Market and it was rejected. Mr. Hale then noted

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that it would be appropriate to ask for a speed study in the area given an increase in traffic and he thought it should be done. He added that it may have been previously studied and was denied. Ms. Brennan commented that it was critical to do speed studies at the correct time. Mr. Harvey noted that VDOT's most prominent measurement was average speed and he did not think that made sense.

Mr. Saunders:

Mr. Saunders noted that at the last Board meeting, he had asked for a public hearing on the project to be done at the Route 655 and Route 29 intersection; which Mr. Austin said would delay the project. He noted that Mr. Austin had met with each property owner in the area and they had gained an understanding of what was to be done, so he withdrew his request. Ms. Brennan asked if VDOT could report on the project to the Board and Mr. Carter noted he would ask them to do that in August. Mr. Saunders then noted that the project mostly entailed adding deceleration lanes on the north and south sides.

Ms. Brennan:

Ms. Brennan noted that she spoke with Mr. Austin about cutting back the trees on Route 29 where a recent terrible accident at Route 617 happened. She noted this was on schedule to be done. She then noted she visited Serenity Ridge and she wanted to know about the bridges there. Mr. Hale replied that those were being studied by VDOT and it was in the hands of the engineers who would design replacement bridges. Mr. Carter added that they would have to get in six year plan and post reduced loading on the bridges.

Mr. Harvey:

Mr. Harvey noted that VDOT had done a wonderful job at the Convenience center; however they had not gotten the asphalt down at Rockfish School Lane like he thought they would. He added that it was hard to get through Route 151 right now. He then noted that the stop light was working well at the intersection of Route 151 and Route 250. Mr. Harvey then noted that there were vines that needed trimming on the street light on Front Street right before the Catholic Church, as they were blocking some things.

**IV. New Business/ Unfinished Business**

**A. CSX Owned Buildings in Gladstone**

Mr. Saunders noted that the earliest meeting with the CSX historical people was August 15<sup>th</sup>; so he would like to defer any further discussion until after that. Supervisors agreed by consensus that would be appropriate.

**B. Buckingham Branch Railroad Donation- LOVE Sign for BRT Project (R2017-37)**

Mr. Carter noted that the County had been working with Buckingham Branch Railroad on the Blue Ridge Tunnel project and they had offered to donate a "LOVE" sign depending on the County's acceptance of the donation. He further noted that a resolution of acceptance had been prepared and that the Board or the Tunnel Foundation would designate where to put the sign.

Mr. Carter then advised that the resolution stated there would be a hold harmless agreement in case something happened that was associated with the sign and that the offer from Buckingham Branch Railroad was very generous. He then noted that the sign did not yet exist.

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Mr. Hale then moved to approve resolution **R2017-37**, Acceptance of Donation from Buckingham Branch Railroad, VTC Marketing Campaign – Love Sign and Ms. Brennan 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 R2017-38**  
**NELSON COUNTY BOARD OF SUPERVISORS**  
**ACCEPTANCE OF DONATION FROM BUCKINGHAM BRANCH RAILROAD**  
**VTC MARKETING CAMPAIGN - LOVE SIGN**

**RESOLVED**, by the Nelson County Board of Supervisors that said Board hereby accepts the donation from Buckingham Branch Railroad of a Virginia Tourism Corporation’s LOVE sign for future placement at the Blue Ridge Tunnel Trail, in a location to be selected by the Board, upon its completion and opening to the public.

**BE IT FURTHER RESOLVED**, said acceptance of donation is predicated upon execution of a hold harmless and indemnification agreement from Buckingham Branch Railroad.

C. Re-introduction of Draft Floodplain Ordinance

Mr. Carter noted that the consideration was to move the draft ordinance to public hearing for formal approval consideration as it had been in progress for a year now and had been deferred. He added that the Ordinance was revise based upon the state and federal model ordinance. He noted that Ms. Shackelford had provided the following staff report:

**Background:**

As a participant in the National Flood Insurance Program, the Nelson County Floodplain Ordinance must meet minimum regulatory standards. In return for its participation, flood insurance is available for most buildings within the community from the federal government. When the federal regulations and standards are updated, localities are then required to review and update their ordinances accordingly.

**Discussion:**

The table below summarizes the proposed changes to the Nelson County Floodplain Ordinance based on the model ordinance that was provided by the Virginia Department of Conservation and Recreation. Most of the proposed changes are required and serve to provide clarification in order for the requirements to be more easily enforced.

The changes that are listed in red text are changes that the Planning and Zoning Director suggests that are not already reflected in the proposed update. These suggested changes are intended to either address topics that were included in the model ordinance that were not reflected in the proposed update or to provide consistency among the various sections of the code to simplify the enforcement of the ordinance.

Code Section	Proposed Change	Notes
Throughout	Changed "Planning and Zoning Director" to "Floodplain Administrator"	Allows for a simpler revision if the duties of the Floodplain Administrator are changed to a different staff member
10	Added preamble	States the purpose of the Floodplain Ordinance
10.1	Added reference to state code section authorizing adoption of a floodplain ordinance	Clarifies ability of Nelson County to adopt the ordinance since Virginia is a Dillon Rule state and localities only have authorities that are given to them by the state
10.7	Definitions added/revised	Definitions added/revised to clarify language referenced throughout the Ordinance
	Added definition for "Appurtenant or accessory structure"	
	Added "and to review and approve Variances (as appropriate) as explicitly specified in this ordinance" to definition of Board of Zoning Appeals	Clarifies that the BZA is the authorized body to review Variances for requests in the Floodplain District
	Added definition for "Critical facilities"	
	Minor amendment to the definition of "Flood or flooding"	
	Updated the definition for "Flood Insurance Rate Map" by replacing "Federal Insurance Administration" with "Federal Emergency Management Agency"	
	Replaced the definition for "Flood Insurance Study"	

Code	Proposed Change	Notes
	Replaced the definition for "Floodway"	
	Added definition for "Functionally dependent use"	
	Added definition for "Hydrologic and Hydraulic Engineering Analysis"	
	Added definition for "Letters of Map Change"	
	Added definition for "Letter of Map Amendment"	
	Added definition for "Letter of Map Revision"	
	Added definition for "Conditional Letter of Map Revision"	
	Added definition for "Lowest adjacent grade"	
	Replaced the definition for "Manufactured home"	This definition is different from the definition included in the Zoning Ordinance and includes park trailers, travel trailers, and other similar vehicles
	Added clarification that new construction is also referred to as "post-FIRM"	
	Added definition for "Post-FIRM structures"	

Code Section	Proposed Change	Notes
	Added definition for "Pre-FIRM structures"	
	Added definition for "Repetitive Loss Structure"	
	Added definition for "Severe repetitive loss structure"	
	Added definition for "Shallow flooding area"	
	Added clarification to definition of "Substantial improvement"	
	Added definition for "Variance"	
10.13	Changed "Special Use Permit" to "zoning permit"	Removed reference to special use permits which would indicate a different approval process
	Added requirement that the Floodplain Administrator shall review sites to assure they are reasonably safe from flooding	
	Moved Section 10.17 as a subsection to Section 10.13 and clarified that permitted uses are non-structural	

Code Section	Proposed Change	Notes
10.14	Added language to limit the administrative approval of zoning permits for critical facilities, storage of hazardous materials, and the placement of non- native fill materials	
10.15	Increased minimum elevation requirement of residential construction from one foot to eighteen (18) inches above the Base Flood Elevation	Optional
	Clarified the language in subsection C applied to the space below the lowest floor	
	Added requirement that critical facilities receive a variance prior to being constructed in a Special Flood Hazard Area	
	Added requirement that hazardous materials receive a variance prior to being stored in a Special Flood Hazard Area.	

The proposed ordinance is a significant improvement in clarifying language, procedures, and Floodplain Administrator responsibilities, and it will bring the Nelson County Floodplain Ordinance into compliance with the National Flood Insurance Program requirements.

Code Section	Proposed Change	Notes
	Add in section addressing accessory structures <sup>1</sup>	Provides the Floodplain Administrator with guidance on how to interpret requests for accessory structures
	Change the Standards for Manufactured Homes and Recreational Vehicles to reflect the requirements in the model ordinance	Is it intentional that the 180 days on the site is a separate condition from being ready for highway use? The proposed ordinance reads that manufacture homes and recreational vehicles only have to meet one of the conditions of being on the site for a maximum of 180 days and being ready for highway use, whereas they have to meet both conditions in the draft ordinance.

<sup>1</sup> Accessory structures in the Special Flood Hazard Area shall comply with the elevation requirements and other requirements of Section 10.15.B or, if not elevated or dry flood-proofed shall:

- a. Not be used for human habitation;
- b. Be limited to no more than 600 square feet in total floor area;
- c. Be usable only for parking of vehicles or limited storage;
- d. Be constructed with flood damage-resistant materials below the base flood elevation;
- e. Be constructed and placed to offer the minimum resistance to the flow of floodwaters;
- f. Be anchored to prevent flotation;
- g. Have electrical service and mechanical equipment elevated to or above the base flood elevation;
- h. Shall be provided with flood openings which shall meet the following criteria:
  - 1. There shall be a minimum of two flood openings on different sides of each enclosed area; if a building has more than one enclosure below the lowest floor, each such enclosure shall have flood openings on exterior walls.
  - 2. The total net area of all flood openings shall be at least 1 square inch for each square foot of enclosed area (non- engineered flood openings), or the flood openings shall be engineered flood openings that are designed and certified by a licensed professional engineer to automatically allow entry and exit of floodwaters; the certification requirement may be satisfied by an individual certification or an Evaluation Report issued by the ICC Evaluation Service, Inc.
  - 3. The bottom of each flood opening shall be 1 foot or less above the higher of the interior floor or grade, or the exterior grade, immediately below the opening.
  - 4. Any louvers, screens, or other covers for the flood openings shall allow the automatic flow of floodwaters into and out of the enclosed area.

Code Section	Proposed Change	Notes
10.16	Changed "Special Use Permit" to "an endorsement"	
	Changed "conditional Flood Insurance Rate Map and floodway revision" to "Conditional Letter of Map Revision (CLOMR)"	
10.17	Changed "conditional Flood Insurance Rate Map revision" to "Conditional Letter of Map Revision (CLOMR)"	
10.18	Changed "approximate floodplain" to "Approximated Floodplain District"	
	Change from "one foot" to "eighteen (18) inches"	Optional - This would be consistent with the proposed requirements in other sections of the ordinance and with the recommendations from the model ordinance
10.19	Reduced number of lots requiring Base Flood Elevation data for subdivision review from fifty to eleven	This is consistent with the threshold that requires Planning Commission review/approval of subdivisions
10.21	Removed references to "Special Use Permits"	
	Added language that clarified that an application that is referred to an engineer or other qualified person or agency for technical assistance in evaluating the proposed project would be at the applicant's expense	

Code	Proposed Change	Notes
	Add in paragraph from model ordinance that states the determinations that need to be made by the BZA in order to grant Variance <sup>2</sup>	Provides guidance to BZA when considering request for Variance in a
10.23	Added an "Administration" section appointing the Planning & Zoning Director to be the Floodplain Administrator and outlining the duties and	Delineates the areas of authority of the review and approve/deny development

**Recommendation:**

Staff is requesting a review of the proposed changes to the Floodplain Ordinance. Once comments from the Board of Supervisors are received, staff recommends proceeding with advertising and holding public hearings with the Planning Commission and Board of Supervisors to update the revised Floodplain Ordinance.

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<sup>2</sup> Variances shall be issued only after the Board of Zoning Appeals has determined that the granting of such will not result in (a) unacceptable or prohibited increases in flood heights, (b) additional threats to public safety, (c) extraordinary public expense; and it will not (d) create nuisances, (e) cause fraud or victimization of the public, or (f) conflict with local laws or ordinances.

Supervisors discussed allowing another month for review and Mr. Carter noted that the challenge if approved, was using it as an effective tool.

Mr. Saunders noted he was confused and was not ready to go forward at this point and Mr. Bruguere noted that Mr. Padalino had put some things in on his own.

Ms. Shackelford then briefly overviewed the table of changes and noted she agreed with Mr. Payne that most changes were technical in nature and eased the burden for property owners who owned land in the floodplain. She added that it laid out certain procedures for administrative approval and clarified definitions for administration of the ordinance. She noted that many changes would not be noticed and their responsibilities and authorities were clearly stated in the ordinance.

Mr. Bruguere noted that previously a person went through the BZA to get a Special Use Permit (SUP) and that was changed. Mr. Carter affirmed that the revised ordinance changed “SUP” to “Variance” and Ms. Shackelford explained that one would go through the BZA to obtain a Variance and they were the only body to hear those.

Ms. Brennan noted she liked that many things could be done administratively. Mr. Hale noted that

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although the ordinance was long winded; the recommendation from staff and Mr. Payne was that it would greatly simplify the approval of many uses without requiring a Variance or SUP. He added that he thought it was time to move forward with the public hearing and the Board could still adjust it afterwards.

Mr. Hale then moved to hold a public hearing on amending Article 10 General Floodplain District and Ms. Brennan seconded the motion.

Supervisors discussed the date for the public hearing and Ms. Shackelford noted the document needed to be cleaned up and she thought the Planning Commission would also need to have a public hearing. Mr. Carter advised that he thought they had already held theirs and he would double check.

Mr. Hale then amended his motion that the public hearing be held within the next sixty (60) days and Ms. Brennan seconded the amended motion.

Mr. Harvey advised that they should keep in mind that there were several big things coming up and not to schedule them all together. He added he would work with staff on it.

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

**V.**

**A. Referral of Route 29 Corridor Study to Economic Development Authority (R2017-38)**

Mr. Carter noted he thought it was a good idea for the EDA to pursue the study and try to do some implementation. He added that Ms. Kelley had already given the plan to the EDA and their review would be an official action if the Board requested their input.

Ms. Brennan then moved to approve Resolution **R2017-38**, Referral of Route 29 Corridor Study to the EDA and Mr. Saunders seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion and the following resolution was adopted:

**RESOLUTION R2017-38  
NELSON COUNTY BOARD OF SUPERVISORS  
REFERRAL OF ROUTE 29 CORRIDOR STUDY TO THE EDA**

**RESOLVED**, by the Nelson County Board of Supervisors that said Board hereby refers the Route 29 Corridor Study completed by the Thomas Jefferson Planning District Commission in conjunction with 310 Ltd., Inc. to the Nelson County Economic Development Authority (EDA) for its review.

**BE IT FURTHER RESOLVED** that said referral is to facilitate recommendations from the EDA to the Board of Supervisors regarding implementation of the Study's economic development strategies.

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B. Revised LHCC Sale Contract (Region Ten)

Mr. Carter advised that Region Ten had submitted a revised proposed sale contract for the former Lovington Health Care Center building following submission to them of Mr. Payne's draft sale contract. He added that they did intend to move forward and were in the process of obtaining grants and funds to convert the building to an assisted living facility.

He noted that one of the changes or provisions was a road maintenance agreement; which was not in the County's contract, and a period of environmental assessment or feasibility study that had now concluded. He added that there were also some other documentation requirements that were not in the County's draft.

Mr. Bruguere questioned if a feasibility or environmental assessment was done when the building was built and Mr. Carter advised that they had a requirement of their lender to check for asbestos, leaking underground storage tanks etc. and that was what the feasibility study period was about. He noted that he spoke to Region Ten staff and no asbestos was found there and the oil tank was not leaking.

Mr. Carter noted that the consideration was which contract the Board wanted to use to move forward.

Mr. Payne addressed the Board and noted that a large percentage of the Region Ten changes were boilerplate that would appear in a residential type contract. He noted one thing of commitment was the road maintenance agreement. Mr. Hale noted that it said that "no agreement would be in effect unless the County commenced use of parcel B"; therefore it was moot until the County did something, at which time it would make sense. Ms. Brennan added that she thought that was only fair. Mr. Payne advised that the Board had not seen the maintenance agreement and did not truly know what they were getting into since it was not attached as an exhibit.

Mr. Hale noted that it was not a deal breaker one way or the other and noted the extension of closing until August 10, 2017. He added that he thought it was a win-win situation and none of the changes were too onerous.

Mr. Payne then advised that the notice in the feasibility study was that whether or not the building was suitable was in the sole exclusive judgment of the purchaser. Mr. Carter noted that in talking to Region Ten staff, they were working with their architect to finish the design for the rehabilitation and they were focused on moving forward. He added that they said that if any other provisions were not acceptable to the Board, then they should take them out. Ms. Brennan then confirmed that a road maintenance agreement could be done in the future.

Mr. Harvey stated they should use Mr. Payne's contract and Mr. Hale agreed but suggested the closing date be changed to August 10, 2017.

Mr. Payne advised that either party could walk away at any time now anyway until the contract was signed. Mr. Hale added that proceeding with the sale was a win-win situation for both parties.

Mr. Bruguere then noted that they could enter into a road maintenance agreement at any time once

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the County started building on Parcel B and Staff advised that was the case, however; if they were not obligated to enter into one, then they were not obligated to do it in the future. Mr. Harvey added that the current Board could not obligate a future Board anyway and Mr. Hale noted that it was a matter of going into it in good faith and it was not a deal breaker. He noted however; if it was only his choice, he would leave it in.

Mr. Payne then advised that the County had the right of first refusal if Region Ten decided to sell the property; however there was nothing in the contract about the sale of parcel B. He added that he thought it best to get the language straight now instead of arguing over it in the deed.

Mr. Hale noted that the County had already paid for the survey etc. as was noted in Region Ten's contract.

Ms. Brennan noted that if Mr. Payne was comfortable with the Region Ten contract, then she was also. She then questioned whether or not they should put something in about a future road maintenance agreement or just eliminate it. Mr. Payne advised that they should be able to reach an agreement between the parties in the future. He note his issue was that they just stuck it in last minute. Mr. Saunders then questioned keeping the retained lot cut and bush-hogged.

Mr. Hale reiterated that the Board had voted on two separate occasions to proceed with the sale contract with Region Ten.

Mr. Bruguiere then moved that the Board advise Region Ten that they needed to accept Mr. Payne's contract with the closing date of August 10, 2017. Ms. Brennan seconded the motion and there being no further discussion, Supervisors voted (4-1) by roll call vote to approve the motion, with Mr. Saunders voting No.

## **VI. Reports, Appointments, Directives, and Correspondence**

### **A. Reports**

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

1. Courthouse Project Phase II: The project is moving quickly to completion. Substantial completion is projected to be August 4th. Final completion is currently anticipated to be 8-18. There have been no significant change orders submitted or approved for several months.

Mr. Carter added that furnishings should be in by the end of the week. In discussing the new courtroom flooring, it was noted that it was two inch boards; which was the same as what was there before.

Ms. Brennan asked if they would set up a dedication date in the near future and Mr. Carter advised that this was probably being planned by the courts.

2. BR Tunnel Project: County, VDOT and Woolpert staffs are working towards re-bidding the project following rejection of the one bid received on 6-9 due to the bid amount exceeding available funding. The project will now, subject to a final decision and VDOT approval, be re-bid in a sequence (phases) that starts with bidding the rehabilitation of the Tunnel followed by a bid solicitation for construction of the western trail and parking lot. Proceeding with the western trail and parking will be subject to the availability of funding; assuming an acceptable bid for the Tunnel rehab is received. Waynesboro and

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Nelson staff has communicated on the possibility of the City applying for additional VDOT-TAP funding should bid outcomes exceed available funding for the project's overall (total) completion. County staff is also conferring with VA-DCR staff on the possibility of additional Recreational Trails Program grant funding but this discussion is very preliminary. The project will be re-bid as soon as possible.

Mr. Carter advised that Greg Harnish of Woolpert was to turn around the revised project manual and scope by Friday, so it could be reviewed by VDOT for a new DBE % and then back out to bid ASAP.

Mr. Hale noted that the bid received for certain parts of the project were higher than the estimates and he asked if the same estimates would be used. Mr. Carter noted that they would; however they would be tweaked some; such as for geotechnical services and other minor adjustments. Mr. Hale noted his concern regarding the bids being so much higher than the estimates and he thought that was what VCOT based it's funding on. He suggested that since the tunnel work would be more demanding, those estimates should be beefed up and if not, he did not understand how the situation would be improved.

Mr. Carter noted that the engineer's estimates would not be divulged and impact bidding and the VDOT available funding was there and was flexible. Mr. Saunders added that the engineer's estimate was a guide and did not impact VDOT funding.

Mr. Carter noted that everything went back to VDOT and he would report back if something was different than reported. Mr. Hale and Mr. Carter both advised that VDOT was very keen on the project and the VDOT central office and state office wanted it to go forward also. Mr. Carter added that Waynesboro may apply for TAP funding for Phase 3 as necessary.

3. Broadband: The NCBA has contracted with Blacksburg based Wide Open Networks to provide network operation services, effective as of July 1st. The transition from Canada based Ting (which purchased Charlottesville based Blue Ridge Internet Works, the initial network operator) has gone smoothly. The primary challenge in this transition has been the transfer of financial information from Ting to WON to enable WON to provide billing and financial transaction services for the NCBA. While the transfer and reconciliation of financial information is still in progress, it is strongly anticipated that WON's billing and financial management services will be highly effective and, therefore, conducive to the NCBA's overall operations. Additionally, work continues on new customer installations. The NCBA's outside plant (OSP) contractor, CCTS, has continued to have significant difficulty complying with VDOT permitting requirements and with timely completion of project installations. It is projected that at the end of 2017 the NCBA customer base will be approximately 600 connections.

Supervisors asked if it was possible for the GIS department to produce a map showing the locations of the network connections and Mr. Carter advised they could.

4. Region 2000 Service(s) Authority & Solid Waste/Recycling: As previously reported, the Authority's strategic planning project's initial work phases resulted in continued expansion of the Authority's facilities in Campbell County as the most feasible option for the Authority's long term operations. The Authority Board took no action on the report's finding and recommendations. Further expansion of the Authority's landfill facility in Campbell County beyond currently DEQ permitted areas requires approval of a Special Use Permit by the Campbell County Board of Supervisors. The Authority's

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facility in Campbell is projected to at operational closing in 2027 although this date could possibly extend, based on current disposal volumes to 2029+/-.

5. 2018 General Reassessment: The monthly update from Wampler-Eanes is attached hereto for the Board's review.

Mr. Hale asked when notices would go out and Mr. Carter noted probably in November and December. Ms. Brennan asked if there was any sense on values and Mr. Carter noted he could not say as some areas were doing better and some were worse.

6. EMS and Fire Study: Pending re-scheduling with Dept. of Fire Programs. It is staff's objective to conduct this initiative as soon as possible.

7. Nelson County Road Map: The Department of Information Services has completed the "Nelson County Virginia Official Road Map". Copies, which will be sold for \$2, have been placed in the Board's respective in-boxes.

8. County Budget: As the Board is aware, the County's fiscal year 16-17 closed on 6-30 and FY 17-18 began as of 7-1. Department of Finance and HR staff is working on final reconciliations specific to FY16-17 and will report to the Board on the outcome(s) of the recently concluded fiscal year either at the August or September meeting. Staff of the County's public accounting consultant, Robinson Farmer Cox, have been and will continue to work towards completion of the FY16-17 Comprehensive Annual Financial Report (i.e. audit report), which is the official report on FY16-17 and is projected to be submitted to the Auditor of Public Accounts in November and subsequently reported to the Board (likely in early 2018).

9. Go VA: The Go VA initiative is now in full process. County staff (S. Carter) is a member of the Region 9 Board/Commission (comprised of Planning Districts 9 and 10). Region 9 has retained the consultant services of Camoin Associates, inclusive of a set of sub-consultants, to complete, to complete the Region 9 comprehensive economic development study/plan, which has a completion date within the ensuing 90 days. The study/plan outcomes are understood to be locally specific as well as to the overall Region 9 area.

Mr. Carter advised that the report to the State had to be done by the end of August. He noted that the consultants were doing a comprehensive assessment of local economies and then would recommend a project. He added that they were looking at 5-6 business parks in the region and would recommend moving forward with one project for funding; which was to be determined. He noted that it may have some benefit to Nelson however, it was more so for analysis purposes rather than for funding purposes.

10. Other: Questions/input as submitted to staff by the Board.

Ms. Brennan inquired about the tire situation that Mr. Bruguere reported on last month and Mr. Carter advised that staff was following up on the Piney River area tire dumping. He noted that the business was sent a letter prior to last month's Board meeting and he was working with Sandy Shackelford on it. Mr. Bruguere added that they had a near fire there last year and it was close to the river.

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*Attachment:*

June 29, 2017  
Update on Reassessment for Nelson County

- Reassessment process began in November 2016 and is proceeding as planned.
- Field work is 87% complete.
- Data entry is 63% complete.
- Currently, four assessors are working in the following areas: Afton, Faber, Roseland, Lovington, and Stoney Creek.
- Areas remaining to work are Montebello and there are some remaining parcels to work in Nellysford, Lyndhurst, & Shipman.

Wampler-Eanes appreciates the opportunity to serve the citizens of Nelson County and are happy to answer any questions or provide additional information at the County's request.

## 2. Board Reports

### Ms. Brennan:

Ms. Brennan reported attending a tea at Ligmincha Institute. She noted they were building a new building there and would hold more workshops. She noted that they have invited the community and were hoping to finish the building in the fall. She added that they would have a 25th anniversary celebration and the public was invited even if it was not complete.

### Mr. Saunders:

Mr. Saunders reported that he and Mr. Bruguere were invited to see the caboose in Piney River. He noted there was a long way to go and funds were becoming scarce. He noted that it would be County property when done and they had done a nice job so far. Mr. Saunders then advised that they may need donations and Mr. Bruguere noted they were about \$2,500 short and may ask for funds from the County.

### Mr. Bruguere:

Mr. Bruguere noted he was on vacation during the Planning Commission meeting and Mr. Harvey asked Ms. Shackelford to fill them in.

Ms. Shackelford noted that they had three public hearings: 2 SUPs and 1 Rezoning. She noted that 1 SUP (La Abra Winery) was tabled for VDOT concerns, and now the Special Use Permit application for the RVCC bandstand was tabled to work out VDOT concerns. She then noted that the rezoning was on Lowesville Road in Piney River.

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Ms. Shackelford then reported that they had received a few Class C tower proposals. She noted that in accordance with the ordinance, the Planning Commission was not required to have public hearings on those; however the Board was and the Board could also require the Planning Commission to have them. She noted that the Planning Commission had decided to just go ahead and have the public hearings.

She then reported that the Planning Commission was looking at the Rockfish Valley Area Plan (RVAP) and the Comprehensive Plan and would work on what would be proposed to the Board. She noted that the Planning Commission discussed the need for additional review before the RVAP was recommended for adoption. Mr. Harvey then questioned how being less restrictive was better and Ms. Shackelford noted that she read over the plan, but not in great detail; however she would do that and would work with the Planning Commission to decide how to move forward.

Mr. Hale:

Mr. Hale reported attending the Central Virginia Electric Cooperative (CVEC) annual meeting and they had some interesting projects which would give members of the Cooperative the opportunity to invest in a solar panel project in Fluvanna County. He added that CVEC was not paying members back yet until fall; and he noted that they were getting new customers but were paying a lot to get them.

Mr. Hale reported attendance of the monthly Department of Social Services (DSS) Board meeting where the need for foster homes in the county was mentioned several times. He advised everyone to contact DSS if interested. He added that the situation was that there were those needing foster care and DSS was not able to find placements in the county.

Mr. Harvey:

Mr. Harvey reported attendance of the Nelson County Service Authority meeting and that all was going well.

**B. Appointments**

Ms. McGarry presented the following chart of appointments noting that she had added the two staff appointments in red:

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Board/Commission	Term Expiring	Term & Limit Y/N	Incumbent	Re-appointment	Applicant (Order of Pref.)
JAUNT Board Advertised in NC Times and Website	9/30/2019	3 Years/ N	Sarah Holman	N- Resigned	None Received
NC Broadband Authority	6/30/2017	4 Years/ N	Thomas D. Harvey Larry A. Saunders Allen M. Hale Thomas H. Bruguire, Jr. Gary W. Strong	Y Y Y ? Y	
Keep Nelson Beautiful Council Advertised in NC Times and Website	12/31/2017	2 Years/ Y (3)	N/A	N/A	None Received
<b>New Staff Appointments:</b>					
TJPDC: Sandy Shackelford					
TJEMS Council: Russel Gibson					
<b>(2) Existing Vacancies:</b>					
Board/Commission	Terms Expired	Term & Limit Y/N	Number of Vacancies		
Board of Building Appeals	6/30/2016	4 Years/ No Limit	Shelby Bruguire	N	None

**Nelson County Broadband Authority:**

Mr. Bruguire confirmed that he would like to be reappointed to the Broadband Authority.

Ms. Brennan then moved to re-appoint the current members to the Broadband Authority and Mr. Bruguire seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

**Thomas Jefferson Planning District Commission Board (staff appointment):**

Mr. Hale asked Ms. Shackelford if she was willing to serve on the TJPDC and Ms. Shackelford indicated she was and she had previously worked with Region 2000 in Lynchburg.

Mr. Hale then moved that Ms. Sandra Shackelford be appointed to one of the County position on the TJPDC Board and Ms. Brennan seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

**Thomas Jefferson EMS Council (staff appointment):**

Mr. Hale moved that Mr. Russell Gibson be appointed to the TJEMS Council and Ms. Brennan seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

Mr. Harvey then stated that staff and the hiring committees had done a great job on both new hires.

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### C. Correspondence

Ms. Brennan reported getting phone calls about the RVCC Special Use Permit application.

Mr. Harvey noted that he saw no need to bring anything forward until they had the VDOT permits. Ms. Shackelford noted that the process was challenging because sometimes VDOT would not issue permits until the application was approved by the locality. She added that she would speak with VDOT about that process. Mr. Bruguere noted that the Planning Commission used to approve things contingent upon VDOT approval.

Mr. Hale then noted he had a question from a non-profit organization about the Solid Waste Ordinance not allowing them to deposit commercial waste and he asked if that was correct. Mr. Carter confirmed it was. Mr. Hale also noted that he had read in the ordinance that recyclables were not allowed and he thought they should be allowed. Mr. Carter advised that the challenge was that businesses wanted to bring their trash with the recycling. He added that Rick Schall was working on SOPs for the convenience center sites. He noted that non-profits have been encouraged to recycle but to not dispose of trash at the sites.

Ms. Brennan then asked if there were recycling containers at the transfer station and it was noted there were not, however, they did remove metals and white goods from the waste stream. It was noted that perhaps Keep Nelson Beautiful (KNB) should look at that and make a recommendation. Mr. Carter added that residents definitely used the transfer station and he advised that staff would start on procuring a new excavator.

### D. Directives

#### Ms. Brennan:

Ms. Brennan thanked Ms. McGarry for completing meeting minutes timely and noted she would like to meet Rick Schall, the new Solid Waste and Recycling Coordinator.

#### Mr. Saunders:

Mr. Saunders requested the total number of school employees, the number of those who lived out of the county, and those total salaries.

Mr. Saunders then noted that the County needed to have someone on site at LOCKN to collect local taxes and he noted that LOCKN had indicated that they would pay for them to be there. Mr. Carter advised he would speak to the Commissioner and Treasurer about it. It was noted that Dave Frey had suggested that an outsider possibly be hired to collect the taxes; which may be smoother.

#### Mr. Bruguere:

Mr. Bruguere suggested that the Board discuss the Sheriff's request regarding changing the supplement policy and suggested that they have a workshop. Mr. Harvey added that they wanted to hire the best

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people possible and it was worth looking at. Supervisors agreed by consensus to have a workshop on the supplement policy at a later date.

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

There was no other business considered by the Board.

**VIII. Recess and Reconvene Until 7:00 PM for the Evening Session**

At 3:50 PM, Mr. Saunders moved to adjourn until 7:00 PM and Mr. Bruguiera seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion and the meeting adjourned.

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

**I. Call to Order**

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

**II. Public Comments**

Mr. Harvey opened the floor for public comments and the following persons were recognized:

1. Kim Peele, JABA Director of Philanthropy and Communications

Ms. Peele thanked the Board for their support of Nelson programs. She then noted that JABA had partnered with Blue Ridge Medical Center, HQI and others to bring in diabetes self-management workshops, which was a six week program to help people manage their diabetes. She advised that they had two workshops of twenty people and sixteen had completed the program. She added that they would have another one in the fall.

Ms. Peele then reported that the Cecelia Epps Community Center had written a letter to Devil's Backbone for support and were invited to lunch and a tour. She added that was part of the restaurant's community outreach and their production of new beers supported nonprofits.

Ms. Peele related that May was "Older Americans Month" and they had an "aging out loud" theme. She reported that they attended the Monacan Indian Pow-wow and shared their customs.

Ms. Peel then noted that at Mountainside Senior Living in Crozet, the third floor was being renovated for memory care for current and new residents. She noted it would be a secure unit with separate common rooms and dining areas and specially trained staff. She added that they were excited about it and expected to be open by November.

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### III. Public Hearings

#### A. Rezoning #2017-03 – Agricultural (A-1) and Residential (R-1) to Business (B-1) / The Broadway Group, LLC / Robert and Lynn Payne

Rezoning application #2017-03 requests approval for rezoning of property located in Piney River at 3853 Patrick Henry Highway from Residential (R-1) and Agricultural (A-1) to Business (B-1) to “Construct a new commercial retail store.” The subject property is Tax Map Parcel #64-A-93 (0.96 acres) and is owned by Lynn and Robert Payne.

Ms. Shackelford provided the Board with the following staff report:

**BACKGROUND:** This is a request to rezone property from Residential, R-1 and Agricultural, A-1 to Business, B-1 for the intended purpose of constructing a general retail store in accordance with §8-1-2 of the zoning ordinance.

Public Hearings Scheduled: P/C – June 28, 2017; Board – July 11, 2017

Location / Election District: 5657 Lowesville Road / West Election District  
Tax Map Number(s) / Total acreage: 64-A-93 & 64-A-94A / 2.689 acres +/- total  
Applicant Contact Information: The Broadway Group, LLC, PO Box 18968, Huntsville, AL 35804; 256-533-7287.

Comments: The subject parcels are a mixture of zoning classifications. A portion of the subject property is already zoned B-1 which allows for the proposed use, and the remaining portions of the parcels are zoned a combination of A-1 and R-1. Approval of this rezoning request would result in a single zoning district for both parcels in their entirety.

#### **DISCUSSION:**

*Land Use / Floodplain:* This area is commercial in nature. Zoning in the vicinity is B-1, R-1, and A-1. There are no 100-year floodplains on this property.

*Access and Traffic:* Property is accessed from Lowesville Road (Route 62-778 – AADT 810 trips per day). The estimated traffic count for the proposed use is 429 vehicles per day. The applicants are working with VDOT to ensure the entrance is designed to their standards.

*Utilities:* Property is served by public water and sewer systems. The site plan will be revised to show those connections prior to final approval.

*Proffers:* No proffers were submitted with this request.

*Comprehensive Plan:* This property is located in an area designated as secondary light industrial in the Comprehensive Plan. This request is generally consistent with the Comprehensive Plan.

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*Considerations:* 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

**RECOMMENDATION:** The Planning Commission recommended approval of this request by vote of 4-0.

Ms. Shackelford then gave a PowerPoint presentation that showed the subject parcels in relation to the surrounding parcels, the approximate location of the subject property on the Comprehensive Plan future land use map, and the proposed site plan showing the location of the utilities in relation to the building. Ms. Shackelford then noted that there had been a question of connection to public utilities and the site plan would be updated to reflect connection if approved.

There being no questions for Ms. Shackelford, Mr. Harvey invited the applicant to speak.

Ms. Alyssa Carter of the Broadway Group addressed the Board and presented a PowerPoint that showed the site plan and various pictures of the site and area. She noted that they were asking to rezone the front parcel in order to bring in a new commercial retail store. She added that they were working with VDOT on the entrance, were going through the exception process, and would submit that shortly. She added that the building would be 7,500 square feet and would provide 10-12 new jobs and local tax revenue.

Mr. Hale asked what their usual staff size was and Ms. Carter noted that it was typically 10-12 depending on shifts divided up throughout the day.

Mr. Harvey asked about hours of operation and Ms. Carter noted that they were usually open from 8:00 am to 8:00 pm or 9:00 pm. She added that was to accommodate earlier delivery times and they were open seven (7) days per week and on holidays.

There being no other questions for the applicant, Mr. Harvey opened the public hearing and the following persons were recognized:

1. Justin Shimp, Afton

Mr. Shimp noted that he was formerly a resident of Lowesville and was very familiar with the site. He then questioned if the Board was sure they wanted to be adding more commercial zoning when they were unsure about development standards for that and the Ordinance was not clear. He added that it was not a given that a project would be a nice project and he encouraged the Board to think about that issue before expanding commercial zones. Mr. Shimp then addressed traffic concerns and noted that going from almost 800 vehicles per day to 1200 was a big difference and he thought that VDOT should finish working on their exception before approval.

He then addressed the issue of revitalization etc. and noted that the site was near and dear to him growing up and that the Campbell's type stores were the way to keep economic vitality. He added that

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while Dollar General was convenient, none of their products were from Nelson and revenue was going to the ownership of the company. Mr. Shimp reiterated that a rural county should focus on small locally owned businesses and that approving the application would increase challenges for small businesses in the area. Mr. Shimp concluded by stating that approving it would be a mistake and may continue the decline of the area.

## 2. Warren Raines, Piney River

Mr. Raines noted that he lived a mile and a half from the location and he and the community was excited about having a store of this type so they did not have to drive into Lynchburg or Charlottesville to shop. He added that he hoped it was approved and added that the rezoning was right in the middle of a commercial location.

## 3. Robert Payne, Roseland

Mr. Payne noted he owned a business across from Warren Raines's property and also owned a small piece of land that would not be good for much without making the two parcels into one. He added that small business stores had fallen by the wayside and could not compete with larger company stores. He noted he thought the Dollar General would be an asset to the community as the area was dead and needed new life. He then noted that he had been across the road for forty-five years and it was a shame to drive to Amherst to get a loaf of bread or charcoal. He noted that the remaining local stores were interested in fixing food and nothing else and he hoped the Board would approve it.

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

Ms. Brennan asked what further approvals were needed if they granted the rezoning and Ms. Shackelford advised that they would have to have a Major site plan approved and that would involve review and comment by the Planning Commission. She added that they would have to get other agency approvals by: the Soil and Water Conservation District, VDOT, and Service Authority permits. She added there was quite a bit left to review after the rezoning. She clarified that the site plan would go back to the Planning Commission and they not have to have a public hearing.

Mr. Saunders noted he thought that Piney River had been quiet as far as businesses and he was glad to see business coming into other areas. He added that he was in favor of the retail store there.

Mr. Bruguere noted it was an excellent opportunity for citizens and to bring life back into Piney River. He noted that 300 jobs were taken from that area when American Cyanamid left so if there were no jobs, 10-12 jobs meant a lot. He added that if it failed, there would be a sizable building that something else could go into. Mr. Bruguere further noted that the small local stores were all gone now, however, Campbell's closed for six months and was supposed to reopen. He noted that it did not have groceries and was more of a hardware store and places like that had a gallon of milk for over \$6 and it was \$3 at Food Lion or Walmart. He noted that he thought it was an opportunity to help people and he thought it would reduce traffic because people would not be driving as far to other businesses. He concluded by noting that the store may pull people from Amherst and it was a positive thing.

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Mr. Hale noted he agreed that old country stores were gone and this was a good business opportunity. He added that he favored rezoning when it helped a business of this sort.

Ms. Brennan noted she had no problem with the rezoning; however, she was concerned about how the building may look. She added that she certainly hoped the architectural standards there would be greater than the two existing dollar stores in Lovington.

Mr. Bruguire then asked if there would be another site review meeting before the final site plan was presented to the Planning Commission and Ms. Shackelford advised there would not unless significant changes were made. Mr. Bruguire then noted he would make a suggestion now to look at doing other things besides using a retention pond. He noted there were good examples of filtration/drainage systems to look at between the Nelson Center and Library and at Calvary Church. He noted that mainly these other options would improve the site's appearance as would having the retention pond in the back of the store. Mr. Harvey then added that if they put the retention pond where it was shown on the plans, it would not perk.

Mr. Harvey then related that at one time, when the plant was operating, there were ten country stores close to one another and the only thing that survived was the sawmill, Payne's Garage, and the Fire Department. He added that Piney River needed some help and the store would benefit a lot of people. He noted that the retention pond was a big deal and landscaping was important – they had to make them look attractive and blend in. He added that the recent buildings they had done have been attractive.

Mr. Harvey then confirmed that it went back to the Planning Commission, with no public hearing; but they would get approval for the site plan including landscaping.

Mr. Bruguire then moved that the Board approve rezoning property that was A-1 and R-1 to Business B-1, application #2017-03 for the Broadway Group and Robert Payne. Mr. Hale seconded the motion and there being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

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

*Introduced: Signage for Courts*

Mr. Hale suggested that the paper directional signs indicating the location of the Courts be replaced with real signs.

#### **V. Adjournment**

At 7:30 PM, Mr. Hale moved to adjourn and Mr. Saunders seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion and the meeting adjourned.