

June 12, 2018

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
Heather Graham, County Administration Secretary III
Debra K. McCann, Director of Finance and Human Resources
Sandra Shackelford, Director of Planning and Zoning
Phillip D. Payne, IV, County Attorney
Claire Richardson, Director of Parks and Recreation
Chris Jones, Recreation Technician

Absent: Candice W. McGarry, Administrative Assistant/Deputy Clerk

I. Call to Order

Mr. Bruguire called the meeting to order at 2:03 pm, with all Supervisors present to establish a quorum.

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

Mr. Carter noted that staff would like to introduce new employee in the Parks & Recreation Department: Chris Jones. Ms. McCann noted Chris Jones to be the new Recreation Technician who has a B.S. degree from Ferrum in Recreational Leadership and previously worked at State Farm Insurance. Mr. Jones was accompanied by Recreation Director Claire Richardson, whom the Board had previously met. Mr. Carter noted that Mr. Jones was one of the players on the Nelson State Championship basketball team.

II. Consent Agenda

Mr. Saunders moved to approve the consent agenda and Mr. Reed 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 – **R2018-32** Minutes for Approval

**RESOLUTION R2018-32
NELSON COUNTY BOARD OF SUPERVISORS
APPROVAL OF MEETING MINUTES
(April 10, 2018, May 8, 2018, May 10, 2018, and May 29, 2018)**

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RESOLVED, by the Nelson County Board of Supervisors that the minutes of said Board meeting conducted on **April 10, 2018, May 8, 2018, May 10, 2018, and May 29, 2018** be and hereby are approved and authorized for entry into the official record of the Board of Supervisors meetings.

B. Resolution – **R2018-33** FY18 Budget Amendment

**RESOLUTION R2018-33
NELSON COUNTY BOARD OF SUPERVISORS
AMENDMENT OF FISCAL YEAR 2017-2018 BUDGET
NELSON COUNTY, VA
June 12, 2018**

BE IT RESOLVED by the Board of Supervisors of Nelson County that the Fiscal Year 2017-2018 Budget be hereby amended as follows:

I. Appropriation of Funds (General Fund)

<u>Amount</u>	<u>Revenue Account</u>	<u>Expenditure Account</u>
\$881.60	3-100-002404-0001	4-100-031020-5419
<u>\$615.68</u>	3-100-002404-0001	4-100-031020-5419
\$1,497.28		

II. Transfer of Funds (General Fund)

<u>Amount</u>	<u>Credit Account (-)</u>	<u>Debit Account (+)</u>
\$13,037.00	4-100-999000-9901	4-100-071020-1001
\$997.00	4-100-999000-9901	4-100-071020-2001
<u>\$1,003.00</u>	4-100-999000-9901	4-100-071020-2005
\$15,037.00		

III. Public Comments and Presentations

A. Public Comments

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

1. Danny Harris, Nelson Senior Center Manager and Louis Elliot, Arrington

Mr. Elliot noted a paper concerning a change in the JAUNT pricing policy. He noted he was a senior citizen of Nelson County and was concerned that the pricing would adversely affect them. He noted a

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trip to Charlottesville on Mondays only would cost \$4.50 per person round trip. He then noted a trip to anywhere outside of Charlottesville, such as to the Greene County senior center would cost \$51 per hour. Mr. Elliott noted he would like some guidance on how this issue could be alleviated because they were all on fixed incomes and the change in pricing meant they would be confined to the Nelson senior center all of the time. He added that they all would appreciate the Board's help and they would also do what they could to help.

Mr. Harris then thanked Mr. Rutherford for his role in getting the Schuyler Senior Center going.

Mr. Elliott added that not many of the seniors knew their Supervisors and he suggested they come around to introduce themselves.

B. VDOT Report

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

Mr. Austin reported that they had started their primary mowing which had been delayed and were also doing some secondary mowing. He noted that they had sprayed with growth retardant and that may have saved them a mowing cycle.

Mr. Austin reported that the permit for the Fourth of July parade was in the works with VDOT.

Mr. Harvey:

Mr. Harvey noted the grass was thick in his area and Mr. Austin noted that they were doing Route 29 first and had to group mowers as they were not using contractors; however he would let the crew know they needed to get there quickly.

Mr. Rutherford:

Mr. Rutherford noted he had gotten complaints primarily from truck drivers about trees encroaching on Rockfish River Road and in Salem. He noted the Salem area to be closer to the town of Schuyler and Mr. Austin noted he would take a look at it and would report back.

Mr. Saunders:

Mr. Saunders thanked Mr. Austin and VDOT for all of the surface treating that had been done; noting it seemed to have gone smoothly. Mr. Austin noted the paving contractor had begun work in the area earlier than usual.

Mr. Reed:

Mr. Reed thanked VDOT for getting them through the rainy season.

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Mr. Bruguire:

Mr. Bruguire noted that on the South bound side of Route 29 after passing Sunny Mountain store, the edges of the pavement were cut off and the ditches were pretty deep making for a turn-over hazard on the left side of the road. Mr. Austin noted they would take a look at that.

Mr. Bruguire noted that the culverts on Dickie Road had been replaced and he noted that they seemed to be working well. Mr. Austin reported that they had increased the culvert size a little which should help and had replaced the whole pipe. He added that the road should be repaved the following week.

Mr. Bruguire then asked when VDOT would start on Campbell's Mountain Road and Mr. Austin noted he thought it would be later in summer and would be done with a combination of local forces and hired equipment.

IV. New Business/ Unfinished Business

A. Adoption of FY19 County Budget- All Funds (R2018-34)

Mr. Carter noted that staff had prepared updated resolutions that included the decisions made by the Board the previous night.

The Board and staff discussed there being no other changes they were aware of and Ms. McCann reiterated that the resolutions reflected what was discussed the previous night to increase the local School Division funding by an additional \$144,000 and by the new state funding; as well as funds to provide the 2% raise for the Department of Social Services. She noted that they also transferred the funding to approve the new Sheriff's Department pay scale from contingency and that was reflected in the budget.

Mr. Bruguire questioned the bottom line amount of \$40 Million and Ms. McCann noted that included all of the transfers that were in the budget which totaled up to the \$18.5 Million shown.

There being no other questions or discussion, Mr. Rutherford moved to approve the adoption of FY19 County Budget, Resolution **R2018-34** and Mr. Reed seconded the motion. There being no further discussion, Supervisors voted (4-1) by roll call vote to approve the motion with Mr. Saunders voting No.

B. Appropriation of FY19 County Budget – All Funds (R2018-35)

Mr. Reed moved to adopt resolution **R2018-35**, Appropriation of FY19 County Budget and Mr. Rutherford seconded the motion. There being no further discussion, Supervisors voted (4-1) by roll call vote to approve the motion with Mr. Saunders voting No.

V. Reports, Appointments, Directives, and Correspondence

A. Reports

County Administrator's Report:

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A. Courthouse Project Phase II: The project has two (2) outstanding completion items, which include 1) certification of the clean agent fire suppression system in the main floor Date Room (Jamerson-Lewis has been working with the vendor, Hudson Payne, on a solution. An onsite visit was scheduled the week of June 4 but input to the County on this subject is pending; 2) repair of a small area of the east wall in the Circuit Courtroom – Architectural Partners has agreed to pay for this repair, which is pending completion. Additionally, County staff are in process with procuring the project’s commemorative plaque, which is proposed for placement on the brick column across from the previous Courthouse Project’s plaque in the secured entrance to the County Courthouse. The Board’s July or August meeting will provide for unveiling of the plaque.

Mr. Saunders noted someone had reported to him that there was a crack beside the main door in the courtroom and he would like that checked out before payment was released. Mr. Carter advised that the County was still holding \$100,000 in retainage. Mr. Saunders also asked about replacement of the pictures inside the courtroom and Mr. Carter noted staff needed to check with Judge Garrett and Judge Gamble on those. He added his understanding was that they were in charge of that. Ms. Graham then noted that Lisa Bryant had related to her a couple of weeks ago that they were still in the process of framing them and deciding where and in what order to hang them. Mr. Carter then advised that staff would still coordinate the unveiling with the Historical Society, who wanted to recognize the Board’s work on the project.

B. BR Tunnel Project: The project’s Phase 2 (Tunnel Rehabilitation) bid solicitation resulted in receipt of only one bid on June 5, 2018 from Fielder’s Choice Enterprises in the amount of \$2,827,470. The bid proposal is not acceptable. A decision on how best to proceed on Phase 2 is pending, as is formal notice from VDOT on funding for the project’s Phase 3 (Western Trail & Parking Lot). Full funding for Phase 3 is anticipated. County staff are also in process with Waynesboro City staff on a joint application to US-DOT of Build Program (formerly Tiger Grant Program) for the Tunnel Project inclusive of a trail connector and parking lot from Waynesboro to the Tunnel. TJPDC and CSPDC staff are also engaged in this initiative. Applications are due on July 18th. Staff will update the Board on this subject at the July session with respect to a funding application actually being submitted.

C. Broadband: County staff have continued to provide information on the local middle mile network to CVEC. A response is pending receipt from federal NTIA on the County’s draft letter requesting initiation of the requirements necessary to transfer the local network to CVEC. NTIA’s response is anticipated at any time following which County staff will submit the County’s formal transfer request to NTIA. County staff have also had several discussions with VA-DHCD staff on the networks transfer to CVEC. Specific guidance from DHCD is pending but the discussions to date have been indicative of full support for the local network’s transfer to CVEC.

D. Piney River 3 Water System (Disinfectant by Product, DBP, Issue): County staff have received the fully executed Consent Order from the VA Department of Health on the Trihalomethanes (TTHM) compliance requirement. A funding decision from VDH on the County’s application for Drinking Water Supply Revolving Fund funding is pending. A final decision is anticipated by not later than July

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30th and very possibly at any time. Implementation of the proposed means to resolve the TTHM compliance requirement will be initiated as soon as a funding decision from VDH is received.

E. VDOT – Smart Scale: The County, through TJPDC, has submitted four preliminary applications to VDOT for Smart Scale funding of the following: 1) Route 29 and 6 Intersection (reconstructing the intersection into a Restricted Crossing (R-Cut) Intersection); 2) Routes 29 and 653 – turn lane improvements on Route 29, intersection improvements and alignment on Oak Ridge Rd. and Rt. 29 with additional capacity; an outcome of a VDOT commissioned study); 3) Routes 151 and 6 intersectional improvements – the project will widen the east leg of the intersection creating a wider receiving lane for turning vehicles; and, 4) Route 151 and Tanbark Drive intersectional improvements to improve safety. The Board will be requested to endorse the project applications by resolution at the July 10th regular session. Final applications to VDOT will be submitted by the August 1 application deadline.

Mr. Carter advised that VDOT staff and the TJPDC work to put the applications together.

F. County Phone System: Procurement of a new County phone system has been completed. The vendor, Century-Link, will begin installation of the new system within the ensuing 30-45 days.

Mr. Carter noted the current system was about 15 years old and no longer supported.

G. Solid Waste Clean Up: County staff were contacted by VA-DEQ staff the week of June 4 on a dump site located on Findlay Gap Drive. The property is owned by Weyerhaeuser Corporation. DEQ staff requested the County's assistance in foregoing tipping fees to assist with the site's cleanup, which will be facilitated by Weyerhaeuser. County staff have inspected the site and determined that the amount of solid waste is not overly significant (primarily tires) and have agreed to forego the local tipping fee to assist with the cleanup, which is pending initiation.

Mr. Carter noted there were about 150 tires at the site and all parties would discuss potential measures to be taken to prevent future dumping. He noted that the dumping seemed to be fairly random and it was an undeveloped site used for timber.

H. Region 2000 Service Authority: The Authority meets on 6-13 to consider approval of the FY 18-19 Budget. The Authority recently was recognized by the Solid Waste Association of North America (SWANA) for its Odor Management Program, which has proven to be highly successful. A preliminary discussion is anticipated of a proposed private regional landfill to be constructed in Cumberland County by a subsidiary of County Waste of VA LLC (the facility is projected to have a 35 year life span and accept 3,500-5000 tons of solid waste per day).

Mr. Carter advised that the system dealt with odors but there may be an effort to capture methane and market it or sell it. He added that was being done at the closed landfill in Lynchburg.

I. Personnel: The following positions have been successfully recruited: Parks and Recreation Technician (Chris Jones); Public Safety Dispatcher (Virginia Hatter). Two PSD positions (Sheriff's Department personnel) are currently open.

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Mr. Bruguire asked how changes made to the Sheriff's Department salary scale would affect Dispatchers and Ms. McCann noted that her understanding was that there was enough room in Compensation Board funding that he could bring people in at least the County's starting pay. Mr. Carter advised that staff could take a look at that as well and he noted it depended on how salaries compared between the two. Mr. Harvey noted that the payscale should be the same and there should be no difference between the two. Ms. McCann advised that currently there was no uniformity in how the County dispatchers were paid compared to the Sheriff's Department because those salaries were determined by the State Compensation Board. Mr. Bruguire suggested that be looked at to make everyone equal. Mr. Carter noted that may impact the two vacancies and staff would speak with the Sheriff's Department and bring it back.

1. Board Reports

Mr. Reed:

Mr. Reed reported that it looked like with the expansion of Medicaid, the Department of Social Services would be able to serve 784 more individuals in Nelson. He noted that to be of great benefit to citizens; however it would put more demands on the Social Services Department and that may need a closer look.

Mr. Reed reported that the Nelson County Wellness Alliance has been moving forward in a positive way thanks to all of the collaborators. He noted that they were looking at a drug court and a family treatment court and they had met with the judge of those courts in Charlottesville. He noted they would be visiting that court and would be pursuing grant money to see if that would be possible to do in Nelson.

Mr. Saunders:

Mr. Saunders noted his concern would be addressed under correspondence.

Mr. Rutherford:

Mr. Rutherford noted meeting with TJPDC to strategize on issue in the region such as affordable housing and transportation.

Mr. Rutherford noted that the Schuyler senior meals were coming back to Schuyler and he attended the latest meeting. He thanked Mr. Harris for facilitating that.

Mr. Rutherford noted there were many new businesses coming to Nelson and it was exciting.

Mr. Harvey:

Mr. Harvey had no report.

Mr. Bruguire:

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Mr. Bruguere noted attending the Planning Commission meeting and that a public hearing would be held that night on an SUP for a non-public campground.

Mr. Harvey questioned the meaning of a non-public campground and Mr. Bruguere explained it would not be open to the public and they would just have their own people from the business coming there. He noted it was a good spot and was isolated. He noted that Joanne Clarkson had negotiated with them to install a fence between her property and theirs and she was happy with that. He added there was one other citizen that spoke and he wanted to make sure that the landowners were aware that he hunted on his property across the road. He added that the Planning Commission had provided their approval.

B. Appointments

Staff presented the following table:

(1) New Vacancies/Expiring Seats & New Applicants :					
Board/Commission	Term Expiring	Term & Limit Y/N	Incumbent	Re-appointment	Applicant (Order of Pref.)
Nelson County Economic Development Authority (EDA)	6/30/2018	4 Years/ None	Natt A. Hall, Jr.	Y- Email	William "Bill" Plyler, II
	6/30/2018	4 Years/ None	J. Alphonso Taylor	Y- Email	
Board of Building Appeals	6/30/2018	4 Years/None	Robert L. Yoder	Y- Email	
	6/30/2018	4 Years/None	Robin Meyer	Y- Email	
N.C. Library Advisory Committee	6/30/2018	4 Years/None	Ellen Bouton- North District	Y- Email	
<i>Appointed by District</i>	6/30/2018	4 Years/None	Gloria Ashley - East District	Y- Email	
Planning Commission	6/30/2018	4 Years/None	Phillipa Proulx - North	Y- Email	William "Bill" Plyler, II - North
<i>Appointed by District</i>	6/30/2018	4 Years/None	Mark Stapleton - Central	Y- Email	
	6/30/2018	4 Years/None	Robert C. Goad, III - East	N-Email	Charles Amante - East
Region Ten Community Services Board	6/30/2018	3 Years/ 3 Term Limit	Peggy Whitehead (UT)	Y- Email	
NC Service Authority	6/30/2018	4 Years/None	Robert McSwain - East	Y-Email	Jesse Rutherford - East
<i>Appointed by District</i>	6/30/2018	4 Years/None	Russell Otis - Central	N-Email	
	6/30/2018	4 Years/None	Tommy Harvey - North		William "Bill" Plyler II - North
					Justin Shimp-North
NC Social Services Board	6/30/2018	4 Years/ 2 term limit	Joan Giles-West (served 2T)	N/A	
<i>Will need a new West District representative</i>	6/30/2018	4 Years/ 2 term limit	Brad Johnson- East District (T1)	Y-Email	

Mr. Bruguere addressed each Board/Commission individually as follows:

Nelson County Economic Development Authority (EDA):

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Mr. Bruguire noted that both incumbents, Natt Hall and Alphonso Taylor wished to be reappointed and there was one applicant, William "Bill" Plyler. Mr. Harvey noted meeting with Mr. Plyler who had been in the county for three years and was a retired commercial banker and seemed to be nice and very knowledgeable.

Mr. Reed moved that the incumbents be reappointed to the Nelson County Economic Development Authority and Mr. Rutherford seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

Board of Building Appeals:

Mr. Harvey asked if Robin Yoder lived in the County and Mr. Bruguire noted her residence was in Charlottesville and she spent her winters in Wintergreen. Supervisors noted the Board seldom met and it was noted that Ms. Yoder has done a lot of architectural work in the County such as at Devil's Backbone and Bold Rock. Mr. Harvey added that she had designed his medical building. Mr. Saunders added that she had been on the Board for several terms. Staff and Supervisors discussed the fact that they had not had to meet very regularly over the years and Mr. Harvey recalled one instance over a church in Gladstone.

Mr. Saunders then moved to reappoint the incumbents and Mr. Rutherford seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

Nelson County Library Advisory Committee:

Mr. Bruguire noted the incumbents, Ellen Bouton and Gloria Ashley wished to be reappointed.

Mr. Harvey moved to reappoint the incumbents and Mr. Rutherford seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

Planning Commission:

Mr. Bruguire noted that Robert Goad was stepping down and had noted at the last meeting that he may want to do it again in a few years.

East District:

Mr. Rutherford noted that Charles Amante was an excellent guy and he believed he had some experience in real estate and had a heart for the County. He added that he thought he was a great pick and he extended his appreciation to Robert Goad.

Mr. Rutherford then moved to appoint Mr. Amante as the East District Planning Commissioner. Mr. Rutherford then clarified Mr. Amante was not a real estate agent, but rather had experience in real estate. Mr. Harvey noted that the Board had always felt strongly that being a real estate agent was a big conflict.

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Mr. Saunders seconded the motion and there being no further discussion, Supervisors voted (4-0-1) by roll call vote to approve the motion with Mr. Reed abstaining.

North District:

Mr. Harvey moved to reappoint Phillipa Proulx for the North District and Mr. Reed seconded the motion. There being no further discussion, Supervisors voted (4-0-1) by roll call vote to approve the motion with Mr. Saunders abstaining.

Central District:

Mr. Reed moved to reappoint Mark Stapleton to the Planning Commission for Central District and Mr. Harvey seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

Region Ten Community Services Board:

Mr. Reed moved to reappoint Peggy Whitehead to the Region Ten Community Services Board and Mr. Rutherford seconded the motion. There being no further discussion, Supervisors voted (3-1-1) by roll call vote to approve the motion with Mr. Harvey voting No and Mr. Saunders abstaining.

Nelson County Service Authority:

East District:

Mr. Bruguere noted that Robert McSwain wished to be reappointed and that Mr. Rutherford also wanted to be appointed. Mr. Rutherford noted he had spoken to Mr. McSwain and he had learned that being a part of the Service Authority was an integral part as was knowing how they could get businesses established, stabilize rates for citizens, and make sure water was clean and safe. He noted he was very appreciative of Mr. McSwain's continuous efforts in being of public service on the Board of Equalization and countless other ways in the County. He added that he thought it would be a very powerful time for him to be able to participate in that so he could better serve in his role as a Supervisor. Mr. McSwain in attendance echoed that there were no hard feelings about the potential change.

Mr. Harvey then noted the issue they were about to have was there would be three new Service Authority Board members and Mr. McSwain could be one to remain. He noted he had done an excellent job and was one that did ask good questions and was very knowledgeable about the Service Authority.

Mr. Harvey then moved to reappoint Mr. McSwain. Mr. Saunders then questioned Mr. Harvey's authority to make the motion as typically it was done by the Supervisor of the district in question. Mr. Bruguere then asked if there was a second and Mr. Reed seconded the motion. There being no further discussion, Supervisors voted (2-3) by roll call vote to disapprove the motion with Mr. Rutherford, Mr. Reed, and Mr. Saunders voting No.

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Mr. Saunders then moved to appoint Mr. Rutherford to the Service Authority Board and Mr. Reed seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

Central District:

Mr. Bruguere noted Mr. Otis did not wish to be reappointed and no applications had been received. Mr. Reed then noted he would like to put his name in for nomination.

Mr. Rutherford then moved that Mr. Reed be appointed to fill the position for Russell Otis.

Mr. Harvey commented that the appointments did not have to be done that day and could be done in July as someone may come forward. He added he did not like the idea of having two Supervisors on the Authority Board. Mr. Bruguere noted the problem was that if he stayed on there would be three on there and Mr. Harvey noted he was not staying on. Mr. Bruguere added that at one time Mr. Hale was also on the Authority Board.

Mr. Reed noted his understanding was that he could step aside at any point and the Board could appoint someone else at a later date and he thought it was a critical time to have representation by the Central district on the Service Authority Board.

Mr. Reed then seconded the motion and Mr. Saunders asked for clarification that the appointments were effective July 1st and staff and Supervisors affirmed that. Mr. Carter noted the only way that would be different was if the current member resigned and the Board said the incumbent could serve out their term.

Supervisors then voted unanimously (5-0) by roll call vote to approve the motion.

North District:

Mr. Harvey moved to appoint Justin Shimp to be the North District representative on the Service Authority. He added that he had spoken with him and he was very interested. Mr. Reed seconded the motion and there being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

Nelson County Social Services Board:

Mr. Bruguere noted that Joan Giles had served two successive terms and was not eligible for reappointment and a nominee was needed there. He added that he would seek to find someone.

Mr. Saunders moved to reappoint Brad Johnson and Mr. Rutherford seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

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C. Correspondence

Mr. Saunders asked if the rescue squad bills were still being done by a firm in North Carolina and noted that he had received a call from someone that had received a bill a year after being transported. He noted that Medicare had paid the bill however she wanted to bring it to his attention. Mr. Carter advised that was an anomaly and there was no intent to do that as they routinely billed on a monthly basis. He reiterated that was probably one that had potentially just gotten lost in the shuffle. He added that his understanding from staff was that things had worked smoothly and they were a good company to work with. Ms. McCann noted that it also depended upon the volunteer agencies and if they did not get the calls pushed through, the billing process slowed down.

Mr. Harvey noted he had one that was over a year old that was processed by the paid crew. Mr. Carter advised that if they weren't processed fully or reported by the crews, it caused delays.

Mr. Bruguere noted he had spoken with someone who had received a bill and did not have any insurance. He added that he was a lifetime member of Piney River Fire Department and the issue was resolved by staff and there was no charge to him. He added that he thought the issue was that there was no clear policy. Mr. Carter advised that the policy was clear and it did not provide for lifetime fire and rescue members; however it had since been changed to do so. He noted auxiliary members were added as well and the member was provided the waiver form in order to take care of the relief. Mr. Harvey noted that had always been the policy with the volunteers; when the status of lifetime member was achieved, those benefits remained. Mr. Carter reiterated that staff wrote the policy and it had been changed. Mr. Bruguere asked if the policy covered the Board and Mr. Harvey noted it did if they were lifetime fire or rescue squad members. Mr. Carter advised that after three bills and you have no insurance and no ability to pay, the bill was written off.

Mr. Bruguere noted correspondence from Circuit Court Judge Garrett requesting that the old law books be given to Robert C. Goad, III whose grandfather originally had them when he was Judge. Mr. Carter noted that the old Board Room had stacks of those books during construction and Judge Garrett's office would not accommodate them.

Supervisors then agreed by consensus to grant Judge Garrett's request.

Mr. Rutherford noted he had gotten correspondence regarding the schools eliminating the FFA stipend that allowed the FFA advisors to work over the summer for competitions. He added he thought it would be appropriate if they found out about that. He added that FFA was a phenomenal program that allowed countless kids the opportunity to participate in the Ag industry and participate in competitions across the country and he would like to get the facts on this. Mr. Harvey noted it was not the program it used to be and Mr. Bruguere noted that it had gotten national recognition and was not a program that should be cut in any way. Mr. Carter noted that staff was not aware of this plan or they would have brought it up during the budget meetings and it was not referenced in any of the documents that the school had provided.

D. Directives

Mr. Reed:

Mr. Reed had no directives.

Mr. Saunders:

Mr. Saunders asked about the status of looking at the Library expansion request and Mr. Carter advised that he needed to speak with the Library staff to see how they procured AE services to see if it would be possible to hire that same firm without further procurement. He added that the next step would be to procure those services to do a preliminary design and cost estimate for the Board to consider. He noted that staff would need direction to pursue that.

Mr. Saunders moved to proceed on finding out the cost of renovating and refurbishing the library and any other information to be brought back to the Board and Mr. Rutherford seconded the motion.

Mr. Bruguire noted he was hearing about the increased traffic at the library and he had spoken to Ms. Huffman and was surprised by the number of people that were using it. He added that they needed the space for books and for computers for citizens' use. He noted he thought it was time and Mr. Saunders agreed noting it was a very active library.

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

Mr. Saunders then noted that they had discussed a school transportation study for the last 5-6 years and he would like to move that they go forward with the study with TJPDC to see what could be done if anything to improve it and Mr. Rutherford seconded the motion.

Mr. Rutherford agreed and asked how many years this had been discussed. Mr. Bruguire noted it had been years and that perhaps engaging TJPDC would help something get done. Mr. Saunders added that it would help answer the question of whether or not anything different could be done. Mr. Carter noted that when this was discussed with the PDC a few years ago, the cost was about \$25,000. He added they would check and report back.

There being no further discussion Supervisors voted (3-1-1) to approve the motion with Mr. Harvey voting No and Mr. Reed abstaining from the vote.

Mr. Bruguire noted he wanted a study done but he did not think he wanted to pay \$25,000 for it. Mr. Saunders added that they should find out what it would cost before approving it. Mr. Carter then clarified that he should get a scope of work and cost and bring it back for the Board's consideration.

Mr. Reed then asked for clarification on the Board's action and Mr. Carter noted he was to get a scope of work and cost to study the School's transportation system for efficiencies and any improvements.

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Mr. Harvey expressed his disagreement with the County doing the study and advised that if the Board did not like the system, they should take it over. He added that the School Board did not have to do it and the Board of Supervisors could take it over and then do what it wanted to do.

Mr. Bruguire reported that he had spoken to some bus drivers in the Piney River area who were in favor of it as some of their buses only had twelve kids on it.

Mr. Saunders stated he did not think they were asking for something out of their purview since the County provided the Schools funding for buses and it was not out of the way to ask questions and see where there could be some savings.

Mr. Rutherford:

Mr. Rutherford had no directives.

Mr. Harvey:

Mr. Harvey had no directives.

VI. Other Business (As May Be Presented)

Introduced: Lovington Veterinary Clinic Construction

Mr. Bruguire noted he had gotten a call from the contractor doing the work at the Lovington Veterinary Clinic and he had gotten a stop work order. He noted that there was a discrepancy where the County's GIS showed the property as zoned Business and Ms. Shackelford said it was zoned Agriculture. Mr. Carter confirmed that and noted they were working through that and added that one of the primary concerns was that the contractor did not obtain any building permits before working on the building and it was not agriculturally exempt. He added that they had setback issues as well. Mr. Carter confirmed they were issued a stop work order. Mr. Bruguire noted he was not sure when they started work; however the permit on the door said it was issued on April 3rd. Mr. Carter noted he had spoken with staff and he was not aware that a building permit had been issued whatsoever and Mr. Bruguire advised he was just there and Mr. Carter noted he would have to check on that. He added that Ms. Shackelford had indicated it was not zoned B-1 and his suggestion was that the owner should pursue B-1 zoning to resolve that issue. He noted the Contractor may be turned in to DPOR for not getting a building permit and starting construction without it. Mr. Bruguire stated that he thought rezoning to B-1 would be the way to go and the owner had agreed and he noted he hated to stop their work. Mr. Carter noted that not pursuing B-1 designation would require an SUP and a variance for a setback waiver and there was no hardship to be shown in that case; they had created their own hardship. He noted that his immediate suggestion was to look into B-1 zoning. Mr. Bruguire noted it would take a minimum of sixty days and Mr. Carter advised there was the question of it being a crematorium and that was not currently allowed. Mr. Bruguire advised that the owner had said some of it would be storage and then a place to bring in large animals for treatment. Mr. Carter noted the County had worked very closely with the owner in another department and subject to the Board's approval, staff would support the rezoning. Mr. Bruguire then noted that several years ago there were several parcels of land in that vicinity that

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the Board had discussed rezoning and Mr. Carter noted he would have to research that again but it had been brought to his attention. Mr. Bruguire then noted there were 3 parcels that they intended to rezone but it had never gotten done. Mr. Carter advised that B-1 would be appropriate since adjoining parcels were B-1. Mr. Carter reiterated that the County staff were working through it with the owner; however it was concerning to him that the contractor had begun all of the work without getting the permits and to his understanding had told the owner it was agriculturally exempt. Mr. Bruguire noted that per Ms. Shackelford, even if it were zoned A-1, it was a nonconforming use. He added that if it were, to him the construction would be an accessory building. Mr. Carter reiterated that it was not zoned A-1 and they were trying to find a resolution for it that would require Board action. Whether or not a building permit had been issued was discussed again with Mr. Bruguire stating the permit on the door said April 3rd and Mr. Carter stating that per the Building Official, a permit had not been issued. He added that the permit Mr. Bruguire is speaking of may be the stop work order. He added that they were either red or yellow in color. Supervisors and staff then reiterated that pursuing the B-1 zoning designation was the route for the owner to take.

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

At approximately 3:17 PM, Mr. Rutherford moved to adjourn and reconvene at 7:00 PM.

Mr. Bruguire noted that it may be good to talk to JAUNT about their rate increases etc. and Mr. Carter advised that he had made a note to do that. It was discussed that they had per passenger rates and Mr. Carter noted he was unaware of the special trip rates.

There was no second to the motion and 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. Bruguire called the meeting to order at 7:00 PM, with four Supervisors present to establish a quorum and Mr. Harvey being absent.

II. Public Comments

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

III. Public Hearings

A. Special Use Permit #2018-03 – Camping

Consideration of a Special Use Permit application requesting County approval to use the specified subject property for a camping use. The subject property is located at Tax Map Parcel #64-A-232 off of Jenny's Creek Rd. (32 acres), is zoned A-1, and owned by Forest Entertainment & Preservation Society LLC.

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Ms. Shackelford provided the following report:

Re: Special Use Permit #2018-03 – Jenny’s Creek Road

BACKGROUND: This is a request for a special use permit to allow for a campground on property zoned A-1 in accordance with §4-1-10a of the zoning ordinance.

Public Hearings Scheduled: P/C – May 23, 2018; Board – June 12, 2018

Location / Election District: Jenny’s Creek Road, two parcels south of 1011 Jenny’s Creek Road / West Election District Tax Map Number(s) / Total acreage: 64-A-232 / ~32 acres +/-

Applicant Contact Information: Robert Honeycutt, Forest Entertainment and Preservation Society, LLC, 3810 Vawter Avenue, Richmond, VA 23222; 804-437-3244.

Comments: This applicant previously requested a special use permit for a campground off of Union Hill Road. Based on the concerns from the adjoining property owners raised during the public hearings, the applicant determined the initial location would not be suitable. Therefore, he withdrew the application and searched for another piece of property. The applicant has already purchased this new parcel of land and is now moving forward with the request for a SUP for a campground on this property.

The requested use falls into the definition of campground per the Nelson County Zoning Ordinance. The applicants are required to provide potable water and sanitary facilities. As discussed in the narrative and shown on the site plan submitted with the request, the applicant is planning to provide a restroom facility and sundry shop at the campsite. The sundry shop will not be open to the public at large, but only available for guests of the campground; therefore, the sundry shop is considered an accessory to the campground and does not need a separate special use permit.

This property was approved by the Board of Supervisors for a 29-lot subdivision in 2004. At that time, the owner got approval from the TJSWCD and a road has been constructed on the property.

The subdivision development proposed to use public sewer, so the current applicant will need to obtain health department approvals for any well and septic systems that will need to be constructed on the property.

DISCUSSION:

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

Access and Traffic: Property is accessed from Jenny’s Creek Road (Route 674 – AADT 60 trips per day). The additional traffic generated by this request is minimal. Applicants has estimated that the additional traffic generated by the campground will be 300 vehicles annually or less.

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Utilities: Property will be served by private well and septic systems. Applicants must comply with all Virginia Health Department regulations.

Conditions: The Planning Commission may recommend, and the Board of Supervisors may impose, reasonable conditions upon the approval of the special use permit. Recommended conditions are that the site shall be developed in substantial conformance to the use described in the request with specific emphasis on the requirement that the property line shared with adjoining owners be fenced.

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

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

- (a) 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 use does not change the character/development pattern in the area. The proposed campground will utilize the land largely as it is currently without major development activities.*
- (b) 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 use seems to be in harmony with the current use of the property and would not adversely impact the neighboring property owner. The use as described in the application will largely preserve the land as is.*
- (c) The proposed use shall be adequately served by essential public or private water and sewer facilities. *The applicant is currently working with an engineer to ensure proper accommodations will be available at the site.*
- (d) 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 any 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 condition that the site be developed in substantial conformance to the use described in the request with specific emphasis on the requirement that the property line shared with adjoining owners be fenced.

Mr. Bruguere noted that the Planning Commission had no issues with the request and the adjoining property owner was satisfied with the fence requirement. Mr. Bruguere added that there was only one other speaker and he wanted everyone to be aware that his property across the road was used for hunting. He noted that there was no opposition which Ms. Shackelford confirmed.

The Applicant, Robert Honeycutt addressed the Board and noted that regarding the two people who spoke at the Planning Commission, he had worked everything out with both parties. He noted otherwise they were just wanting to do some camping there. He noted he would be building a house on the property but he currently lived in Richmond.

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Mr. Reed asked if there were any stipulations regarding what type of fence would be suitable and Mr. Honeycutt noted that the neighbor wanted to keep cattle out so they agreed that three strands of barbed wire would be sufficient to prevent cattle from coming in. He reiterated that the other property owner wanted to be sure they knew he hunted on his property. He added that they had marked the property line with no hunting/trespassing signs and they had asked him if he would like them to put that on both sides so it could be seen from both directions.

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

Mr. Saunders moved to approve Special Use Permit #2018-03 Camping with conditions approved by the Planning Commission. Mr. Rutherford seconded the motion and there being no further discussion, Supervisors voted (4-0) by roll call vote to approve the motion.

Mr. Bruguere commented that the road to the property would probably need to be rebuilt and Mr. Honeycutt advised it was in good shape and they had only filled in some ruts. Ms. Shackelford advised that VDOT had requested that the entrance be moved a little to the north. Mr. Honeycutt noted that if they moved it 50 feet north, they had a better view up both directions and they were ready to move forward with that.

IV. Other Business (As May Be Presented)

There was no other business considered by the Board.

V. Adjournment

At 7:35 PM, Mr. Saunders 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.