

August 14, 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 Lovingston Virginia.

Present: Thomas D. Harvey, North District Supervisor
Jesse N. Rutherford, East District Supervisor
Ernie Q. Reed, Central District Supervisor
Thomas H. Bruguiera, Jr. West District Supervisor – Chair
Larry D. Saunders, South District Supervisor – Vice Chair
Stephen A. Carter, County Administrator
Candice W. McGarry, Administrative Assistant/Deputy Clerk
Debra K. McCann, Director of Finance and Human Resources
Don Austin, VDOT Residency Administrator
Rick Youngblood, VDOT Lynchburg District Planning Manager
Mark Smith, Architect Architectural Partners, Inc.
Sandra Shackelford, Director of Planning and Zoning

Absent: None

I. Call to Order

Mr. Bruguiera called the meeting to order at 2:05 pm, with four Supervisors present to establish a quorum and Mr. Harvey joining the meeting during Public Comments and Presentations.

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

II. Consent Agenda

Mr. Reed moved to approve the consent agenda and Mr. Rutherford seconded the motion. There being no further discussion, Supervisors voted unanimously (4-0) by roll call vote to approve the motion and the following resolutions were adopted:

- A. Resolution – **R2018-42** Minutes for Approval

**RESOLUTION R2018-42
NELSON COUNTY BOARD OF SUPERVISORS
APPROVAL OF MINUTES
(July 10, 2018)**

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

- B. Resolution – **R2018-43** FY19 Budget Amendment

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**RESOLUTION R2018-43
NELSON COUNTY BOARD OF SUPERVISORS
AMENDMENT OF FISCAL YEAR 2018-2019 BUDGET
NELSON COUNTY, VA
August 14, 2018**

BE IT RESOLVED, by the Board of Supervisors of Nelson County that the Fiscal Year 2018-2019 Budget be hereby amended as follows:

I. Appropriation of Funds (General Fund)

<u>Amount</u>	<u>Revenue Account</u>	<u>Expenditure Account</u>
\$10,689.00	3-100-001901-0015	4-100-021060-3160

II. Transfer of Funds (General Fund)

<u>Amount</u>	<u>Credit Account (-)</u>	<u>Debit Account (+)</u>
\$891.00	4-100-999000-9901	4-100-021020-7001

C. Resolution – **R2018-44** Designation of Rural Rustic Roads

**RESOLUTION R2018-44
NELSON COUNTY BOARD OF SUPERVISORS
DESIGNATION OF RURAL RUSTIC ROADS**

WHEREAS, Section 33.2-332 of the *Code of Virginia*, permits the hard surfacing of certain unpaved roads deemed to qualify for designation as a Rural Rustic Road; and

WHEREAS, any such road must be located in a low-density development area and have no more than 1,500 vehicles per day; and

WHEREAS, the Board of Supervisors of Nelson County, Virginia desires to consider such designation of the following Routes/Roads not shown in priority order:

- Route 623, Shields Gap Road, From: Route 151 To: Dead End
- Route 612, Bottoms Lane, From: Route 788 To: Dead End
- Route 625, Perry Lane, From: Route 623 To: Dead End
- Route 628, Rhue Hollow Road, From: Route 764 To: Route 794
- Route 645, Aerial Drive, From: Route 646 West To: Route 646 East
- Route 650, High Peak Road, From: 0.50 mile North Route 712 To: Dead End
- Route 653, Wilson Road, From: Route 655 To: Route 653
- Route 654, Cedar Creek Road, From: 2.0 West Route 655 To: 3.0 mile West Route 655
- Route 666, Jack’s Hill Road, From: 2.57 mile W. Route 678 To: 1.82 mile W. Route 678
- Route 678, Embly’s Gap Road, From: 2.06 mile North Route 676 To: Route 666
- Route 687, North Fork Road, From: Route 56 To: 1.00 mile West Route 56
- Route 699, Carter Hill Road, From: Route 807 To: Route 680
- Route 794, Rhue Hollow Lane, From: Route 628 To: Dead End

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Route 814, Campbell's Mountain Road, From: 1.99 mile North Route 56 To: 2.99 mile North Route 56, and

WHEREAS, the Board is unaware of pending development that will significantly affect the existing traffic on these roads; and

WHEREAS, the Board believes that these roads should be so designated due to their qualifying characteristics; and

WHEREAS, these roads are in the Board's six-year plan for improvements to the secondary system of state highways,

NOW, THEREFORE, BE IT RESOLVED, the Nelson County Board of Supervisors hereby designates these roads as Rural Rustic Roads, and requests that the Residency Administrator for the Virginia Department of Transportation concur in this designation.

BE IT FURTHER RESOLVED, the Board requests that these roads be hard surfaced and, to the fullest extent prudent, be improved within the existing right-of-way and ditch-lines to preserve as much as possible the adjacent trees, vegetation, side slopes, and rural rustic character along the roads in their current state.

BE IT FINALLY RESOLVED that a certified copy of this resolution be forwarded to the Virginia Department of Transportation Residency Administrator.

III. Public Comments and Presentations

A. Public Comments

Mr. Harvey joined the meeting at 2:28 PM. Mr. Bruguiere opened the floor for public comments and the following persons were recognized:

1. Reverend Rose, Wingina

Mr. Rose thanked Mr. Reed for coming to the mobile food pantry to volunteer and the Board for Gladstone Senior Center funding. He then noted that the Gladstone YMCA building had been demolished and the Senior Center had moved to the fire and rescue squad building. He noted that they needed to purchase a hood for the stove there and had quotes ranging from a used one at \$9,680 to \$15,000 for a new one. He added that the seniors had been bringing food from home and warming it at the center and he was asking the County to help in some way to enable them to cook at that location. He added that the hood would benefit both the Fire Department and the Senior Center. Reverend Rose then noted that the Senior Center had reorganized and had applied for 501 c3 status now that membership had increased and they were determined to continue on.

2. Trudy Hale, Norwood

Ms. Hale thanked the Board for addressing the train horn issue on the agenda. She advised that the horns were loud and excessive and had awakened her the second week of July at 2:55 am and again soon after. She noted she had called CSX and they did not seem to understand and that they were not supposed to

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blow the whistles at farm crossings and at night. She acknowledged that it may have something to do with the new rules in place as it was happening several times during the night and during the day. Ms. Hale noted that this was affecting her business retreat called Porches; where artists pay for peace and quiet to do their work. She added that the train horns were disturbing everyone and she had upset clients complaining on social media and her fear was that her business would suffer irreparable damage and not be able to recover. She then advised that sleep deprivation caused mental and physical damage and was used for torture to break a person down and her neighborhood was suffering by excessive and unnecessary whistle blowing. Ms. Hale went on to say that CSX needed to quickly establish a quiet zone sooner rather than later as this was impacting the health and well-being of their community. Ms. Hale concluded by requesting that the Board move swiftly to solve the problem with CSX.

3. Gladstone Senior Citizen, Gladstone

This speaker, noted he was not a nelson resident but was a Gladstone senior citizen. He noted that the former leadership had passed away and the YMCA building had been torn down. He added that membership had grown from 8 members and they were doing more social work. He also stated that they needed to be able to cook in the building and he appreciated the Board's help on the matter.

4. Pat Price, Norwood

Ms. Price spoke regarding the train whistles causing disturbance in the neighborhood. She likened it to the Lake Anna atomic warning sounds and noted that the horns had gotten nerve racking, it was ridiculous, and they could not sleep. Ms. Price advised that there were two crossings on her farm and there was no need for whistle blowing at 2:00 am, 3:00 am, and 4:00 am. She added that only some of the engineers blared on the horn and some were more discreet; however the noise was inexcusable and she hoped the Board could do something to alleviate the problem. She added that she could understand the need at public crossings but not at all of the farm crossings.

5. Edward Ely, Roseland

Mr. Ely noted his safety concerns on East Branch Loop in Roseland, which he described as a four mile run from Route 672 that connected to Route 673 and down to Route 151. He noted that in the last ten years things had gotten difficult and the area was now a tourist attraction. He noted the road was travelled by autos, trucks, motorcycles etc. and it had people that jog, walk, and push baby carriages. Mr. Ely presented the Board with pictures of the conditions on East Branch Loop and noted that in the past, he had shared his concerns with VDOT employees at the Bryant facility and now not so much. He added that he had also spoken to the Lynchburg District office about it; however, not much had been done. Mr. Ely added that the loop was a deceptively dangerous road especially when it rained with water flowing into filled ditches and out onto the road. He also described witnessing near misses on fatal accidents near his property and noted that at the north end of the loop, there was a bad 90 degree turn that could not be seen around and a bicyclist and his child had been run off of the road by a truck at that corner. Mr. Ely added that he was almost hit head on himself that past week and that he was sharing this as a public issue and maybe something could be done about it with the help of the Board. He added that he had made some recommendations in his handout presented to the Board.

6. Pat Johnson, Gladstone

Ms. Johnson noted she had been a member of the Gladstone Senior Citizens Group since September. She noted she wanted to reiterate what the other speakers had said adding that their group was growing and wanted to do more in the community such as have socials etc. and that would be much easier if they could cook at the center. She then asked the Board to consider helping them.

7. Bo Delk, Roseland

Mr. Delk noted that it was a rare event in Government to be given a piece of property such as the piece of property on Thomas Nelson Highway formerly the Nelson County Rescue Squad. He added that it was seldom that a County Government was given a property currently assessed at \$400,000. Mr. Delk advised that four years ago the Nelson County Rescue Squad called a meeting to discuss selling the building; however they still owed \$100,000 on it. He noted that the opportunity came to sell it and not keep fundraising and the vote was 39-1 to not sell the building. He added that he had been the only one in favor of selling it; whereas the others remained committed to not failing on their commitment towards the building. He noted that the squad members normally paid for expenses and the kitchen crew worked bingo to pay off the building. He added that they had probably paid \$400,000 from fundraising to pay it off. Mr. Delk concluded that he would like for the record to show that it was understood that this was a tremendous gift to the County and its citizens that would certainly save them some money.

8. Gail Minke, Norwood

Ms. Minke reiterated what Ms. Hale said about the train whistles. She noted her house was near the tracks and she was home Mondays through Thursdays and the train has woken her up out of a sound sleep. She noted she was used to normal train sounds; however those whistles were disturbing.

B. VDOT Report

Mr. Don Austin of VDOT gave the following report:

Mr. Austin reported that Gladstone has had an issue with piping and the railroad for years and supposedly they now had a large pipe open under the railroad that had hopefully corrected the flooding situation there.

Mr. Austin reported that the LOCKN Festival was a go on VDOT's side and transportation plans had been approved. He added that crews were mowing Route 29 that week to get ahead for the Festival.

Mr. Austin then noted they would review Mr. Ely's concerns on East Branch Loop.

Mr. Austin reported that there had been pipe damage at Stoney Creek near the Golf Course and the road was down to one lane there until the pipe crew came in.

The Board of Supervisors then noted the following VDOT issues:

Mr. Harvey:

Mr. Harvey noted that the mowing in his district had been terrible and it had been let go too long.

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Mr. Harvey noted that at the Martin's Store intersection, the intersection had been cut back and they did not go to the left to trim the trees. He added that he has had to pay people to come and cut back the right of way at his home and business due to the tremendous growth from all of the rain. He suggested that needed to be looked at.

Mr. Rutherford:

Mr. Rutherford mentioned that the trees needed trimming in the Salem/Rockfish Road area toward the Schuyler side. Mr. Austin noted he would review the area.

Mr. Reed:

Mr. Reed thanked Mr. Austin for the VDOT work in Stoney Creek.

Mr. Saunders:

Mr. Saunders had no report.

Mr. Bruguere:

Mr. Bruguere noted that he had spoken to the Bryant VDOT workers and they had a work order in to trim trees on Roseland Road since April. He noted he had met a trash truck in the middle of the road there that was avoiding the trees. Mr. Austin noted that they were no longer allowed to turn the cutter on its side to cut in that manner and he would take a look at it. Mr. Bruguere added that it was the whole area from Saunders Lane back up to Route 151.

Mr. Bruguere noted that on Route 151 on Brent's Mountain on the south side, the road was being undercut in the first curve going north.

Mr. Bruguere then reported that on Route 56 west from Route 29, trees had fallen across the road there, were cut up and left in the right of way and could not be mowed around. He added that they needed to get the trees up from the right of way when they went down.

Mr. Bruguere reported that at St. James Church Road going into Claypool Road, water was sitting there all of the time. He noted that there was no place for water to drain on the other side and the culvert may be stopped up. He added that they had four inches of rain in that area on Sunday.

C. Presentation- 2018 VDOT Smart Scale Projects (R. Youngblood)

Mr. Youngblood noted that there were four projects submitted for Smart Scale funding: Route 6 and Route 151 intersection roundabout, Route 29 and Route 6 intersection RCUT, Route 840 and Route 151 Intersection improvements, and Route 29 and Oakridge Road intersection improvements.

1. Route 6 and Route 151 intersection roundabout:

Mr. Youngblood noted that a Route 151 Corridor study was completed a few years ago and had identified a number of projects in that area. He added that Nelson County had been successful in getting

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funds for smart scale projects as well as HSIP monies for turn lanes. He noted there were other problematic areas and this was one of those and had been submitted for funding in the past two rounds. He noted that they were asked to come up with alternative intersection designs and a roundabout was one. Mr. Youngblood noted that there were environmental concerns and utilities in that area to take into consideration and they had to look out years in order to develop the cost estimates. He noted that right of way and utility costs were estimated at \$2.3 Million and construction was estimated at \$3.5 Million. He then explained that they had gone through an analysis and a roundabout was the preferred direction for that intersection; which was similar to the one planned for the Route 250 and Route 6 intersection.

Mr. Saunders noted that the rendering showed a line going over the house and Mr. Youngblood noted that there would be a total take of that property and they looked at all of the right of way impacts. He added that it was conceptual at the present stage and there was a very strong possibility it could be shifted. He noted that they tried to minimize property takes in order to keep costs and timeframes down.

Mr. Bruguere then supposed they would shift things west toward the substation a bit and Mr. Youngblood noted they would work with the Board, property owners, and have public input etc. and they did agree on the shifting aspect. Mr. Bruguere asked if they had looked at turn lanes versus the roundabout and Mr. Youngblood noted that all alternatives had been explored and federal regulations required them to look at roundabouts first. He added that with Smart Scale, they had to meet different measures. He noted that the VDOT area there was considered economically depressed and safety was a big issue. He added that if the Smart Scale application was not successful, they would look at the Highway Safety Improvement Program (HSIP) for funding.

Mr. Harvey commented that he did not like roundabouts and that if they took property there, it would leave them more land to do something totally different in that location. Mr. Youngblood noted that even when they did turn lanes, more property was required and it created more of an issue from a turning perspective and roundabouts would not have backups since even though traffic would be slowed, it would keep moving.

Mr. Bruguere asked if there was enough circumference there for trucks etc. and Mr. Youngblood noted that there was a misconception of roundabouts that there was not enough room. He noted that they have had to limit truck sizes on occasion; however larger ones could go over top of a mountable curve. He noted the example of Odd Fellows Road which was having no issues with heavy trucks at that roundabout. He added that VDOT had opened 4-5 in the last year with no issues and trucks would move through quickly and it would be much safer. He added that since speeds would be slower, there would be a lower risk of fatality.

Mr. Harvey noted an instance where a truck lost its breaks coming down Afton Mountain to that intersection and went right through the intersection. Mr. Youngblood advised that trucks would be able to bleed through a roundabout at that location. He noted there was no perfect solution; however high friction pavement and the median would provide assistance in movements. Mr. Harvey advised that the speed limit was 45mph at the substation and Mr. Youngblood noted that a roundabout would slow it down there and provide for consistent movements.

2. Route 29 and Route 6 intersection RCUT

Mr. Youngblood noted that a unique thing about this project was that there were two entrances at the bridge and both were public safety improvement intersections that had high accident frequencies, being

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ranked in the top twenty. He then noted that when they did the analysis, they looked at a number of concepts and an RCUT concept was suggested. He added that they would start seeing those used state wide. He noted that those limited certain left turn movements and protected some left turn movements and there were many sideswipe accidents at that turn.

Mr. Youngblood noted the concept had limited right of way takes and was low cost at \$2.7 Million total with most of that being in construction. He noted that there were some utilities to monitor through there but they were confident in the safety component and with it being on a Corridor of Statewide Significance it would score well and could be advanced and completed quickly. Mr. Youngblood added that the RCUT concept had drawn interest in Richmond and noted it was uniquely different, was low cost, safer, and provided fluid movements.

Mr. Harvey stated he saw no need for the southbound u-turn. Mr. Youngblood explained that there would be slowing in the fast lane and shifting over creating more conflicts. He added that they looked at pulling traffic as soon as they could and he thought they could knock out issues with both intersections in the one project. He added that the risk would not be eliminated but movements would be forced back downstream. Mr. Youngblood further explained that any movements out of Route 6 going back north would make a u turn and there would be a bulb-out to allow for turning movements of trucks.

Mr. Reed asked if the middle lane going east on Route 6 exclusively turned and Mr. Youngblood confirmed it did. He noted that a similar project in Amherst County was being put in and he was convinced that both projects should score in the top 10 this round. He added that there had been a lot of public input from Amherst that had gone into the design at the Nelson location.

3. Route 840 and Route 151 Intersection improvements

Mr. Youngblood advised that this project had originated from the Route 151 Corridor study. He noted that the issue there was that the stop bar had been moved and the vegetation cut back but there were still sight distance issues. He noted that the first conceptual design looked at doing a simplified bank cutting; however when the traffic engineer went out on site, they decided something more was needed. He added that the long term project was realignment of Route 151 and a substantial hill cutback. He noted they had to look at access management as well in these projects.

Mr. Harvey commented that the best route now coming west on Route 840 was to turn into the Medical Center lot and go south from there.

Mr. Youngblood further noted that the project had gone from a \$500,000 one to a \$5.5 Million project. He advised there was a good amount of right of way to be taken on the hillside and it was a robust project. He noted that the yellow alignment shown was a shift of Route 151 creating broader site distance there. He added that they would work with Mr. Harvey to do some access management entrances etc. at the location however that was more of a long term solution and they could do some short term things in the meantime. He reiterated that to fix the problems, they suggested the realignment of Route 151 and the cut back of the hill to bring the sight distance up to current standards.

Mr. Youngblood noted that they expected project approvals in July next year; however they would not see a lot of movement until 2023.

4. Route 29 and Oakridge Road intersection improvements

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Mr. Youngblood noted this project was a result of the LOCKN transportation study done with Dave Frey and Oak Ridge.

He noted that Route 29 was a corridor of statewide significance and it was looked at with a number of entities. He added that this project would be phase one of two phases and would bring Route 29 more in line geometrically with an additional turn lane into Oak Ridge and a turn lane on Route 29. He advised that if funded, the cost was \$4.5 million. Mr. Youngblood noted that phase two would cost about \$3 Million and that project would extend a turn lane down Diggs Mountain Road to support the LOCKN property and through movements for Oak Ridge Estate. He added that they were looking long term and felt that from a vision standpoint it was the best approach and they were phasing it to make it more competitive.

Mr. Youngblood noted that VDOT had done studies, presented them to the Board, and the Board had provided input. He added that Nelson was a unique county whose Board had endorsed the studies and that helped them to be successful in getting Smart Scale and HSIP funding.

Mr. Youngblood concluded by noting that the projects had been submitted and were in the validation process. He noted that the strong working relationship between them, the TJPDC, and the County meant they usually had minimal validation errors.

Mr. Carter then confirmed for the Board that they had already endorsed the projects in July and Mr. Bruguere noted he hoped they moved forward quickly.

Mr. Bruguere noted he also detested roundabouts and Mr. Harvey conceded that the ones in Gordonsville and Amherst worked well. Mr. Youngblood noted that the one in Amherst saw 12-15% heavy trucks every day and had no issues. He added that they had recently finished sidewalks around it to help pedestrian movements. Mr. Youngblood then noted that roundabouts had to be looked at for any intersection and unless signals could be proven to be safer, they were by code required to look at roundabout projects. He added that there would be a robust public education process on those and they have worked very well at the discussed locations.

Mr. Bruguere commented that the problems on Route 151 involved trucks and the issues on Route 29 and Route 64 needed to be fixed instead. He added that trucks staying on a four-lane road was far better than getting off on a two-lane road.

IV. New Business/ Unfinished Business

A. Architectural Report on Blue Moon Antiques Property (M. Smith)

Mr. Mark Smith with Architectural Partners noted he was tasked to evaluate the Blue Moon Antique Building which was a former manufacturing building. He noted he would go through the pros and cons and would answer questions; noting his reference to the north side of the building was also the left side of the building towards Lovingston.

Mr. Smith provided the following summary in his written report:

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Architect's Opinion of Proposed Use and Cost

This opinion is based on a brief program given to me by Steve Carter for the proposed adaptive use of the property which may include:

- 1) The relocation and re-establishment of an approximate 6,000 SF private Vietnam Museum currently located in Greene County.
- 2) Office locations for several County departments (including but not limited to – Building Inspections, Planning and Zoning, Parks and Recreation, Cooperative Extension, Registrar, and space and feasibility permitting, Department of Social Services).

The Good: The building is generally in good structural condition and located on one floor level which makes accessibility easy. The roof height is adequate for allowing a suspended acoustical tile ceiling which would conceal ductwork and all utilities. Parking spaces can be added on all sides of the building for multiple access points to different departments or uses within the building. Electrical service and plumbing systems are adequate to support office and museum uses. The metal building is suitable for warehouse function. The building has a fire sprinkler which allows for more options to the building's use and reduces building code issues that might arise with fire protection. The roof is relatively new and in good condition. The many of the interior walls are non-loadbearing masonry and can be removed or altered with furring/studs for new wall finishes and the existing floor and ceiling finishes are easily removed for new and altered uses. The wide bays which exist with the steel columns allow for design flexibility in the layout of the new spaces.

The Expected/Typical Alteration Items: New parking lots will require storm water management systems and site lighting. The Mechanical systems will need to be replaced. The new use as offices will have smaller individual systems which will allow multiple HVAC zones to the new spaces. New drywall partitions will be required to define the various spaces, all new floor/wall/ceiling finishes will be required. The concrete floor will be cut only for the need to install sanitary lines for toilets and kitchens.

All electrical and plumbing can be altered from the existing systems in the ceiling spaces. Added insulation in the walls and roof/ceiling space will be accomplished with rigid board or batt type insulation systems.

The Not-so-Bad: The exterior walls do not have any windows, therefore new openings will have to be cut in the existing masonry walls and lintels installed to support the load bearing conditions. The exterior appearance is basic manufacturing style and has not visual appeal. An exterior façade improvement is required to make this building suitable for public approach and can be accomplished with a modern veneer attached to the existing walls. The warehouse is suitable for storage, but if used for offices would require significant improvements to the walls and roof systems depending on the purpose of the new spaces.

The Bad: There are some cracks in the north wall that may require structural stabilization before building alternations are completed. This is either a foundation settlement, earthquake shift or a movement in wall due to original design/construction issue. An engineer will be required to determine the cause and (if required) a design a solution.

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The Costs: Improvement budget type costs for the building alterations will be approximately \$120-150/SF. The entire office/manufacturing building could be completely used as office space and divided into departments, this 31,700 SF area will cost approximately \$3,804,000 - 4,750,000 to improve (building costs only).

If the warehouse building will be completely used as office space, museum and recreational uses, this 25,000 SF area will cost approximately \$3,000,000 - 3,750,000 to improve (building costs only). The site improvement budget costs are estimated at \$250,000.

Purchase costs for the proposed building, land and the small parcel located at highway (8.44 Acres +0.96 Acres = 9.4 total Acres) is \$1,525,000.

Total Building & Site Costs (full build-out of entire facility 56,700 SF): \$7,054,000 - 8,750,000 plus purchase costs of property \$1,525,000.

The Bottom Line: The building and site are conducive to conversion to office/museum use. The various department's space allocation requires 26,700 SF. Add a 5000 SF area contingency, and the existing 31,700 SF office/manufacturing building will be adequate for these departments. The 25,000 SF metal building warehouse space could be used for storage as-is or could be upgraded to be more suitable for museum, office, and recreation space.

The cost per square foot for alterations is \$120-150 /SF. Factoring in the purchase (assessed value) of the existing building at \$859,300, the existing building is \$15 /SF. Therefore building costs will be in the range of \$135- 165 /SF, whereas new construction will be \$200-250 /SF.

I recommend using this building as an adaptive use project for the intended offices and other multipurpose uses.

Mr. Smith advised that the building was overall in good shape and was made of masonry block and steel. He added that there were 3 buildings identified as the office and manufacturing buildings built in 1969 and the warehouse built in 1975.

Mr. Smith noted that the land was approximately 9.0 acres and was mostly level. He noted that the building and site worked well for offices and the potential museum. He related that the building had a relatively new TPO roof that was installed three years ago, the exterior has been painted, the interior was clean and dry, and the warehouse was still used as a warehouse space and was a secondary use.

Mr. Smith then noted that the mechanical system would be totally replaced due to the potential subdividing of space for offices, the electrical system was more than adequate, lighting would be reworked, and the plumbing was in good condition and easily alterable.

Mr. Smith then noted the bad news was there were wall cracks on the north side; however they were not exceptionally bad and seemed to be static. He noted that a structural engineer would be better suited to investigate that and that was the only negative thing he had found in terms of rehabilitation of the building.

Mr. Smith then noted that the County Departments needing space fit into the 1969 part of the building without having to use space in the warehouse, which provided another 25,000 square feet.

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Mr. Bruguere then asked if he would buy the building and then renovate it. Mr. Smith noted that it was a good building with a value of about \$15 per square ft. based on the assessment which was not a bad deal. He added there was a good shell and utilities were all there. He then confirmed he did think it was a good building to renovate especially considering it was ADA friendly. He noted you could park all of the way around the building, there were multiple entryways, and it was very visible from the highway. He noted that new construction costs were approximately \$200/sf and renovation costs were \$120-\$150/sf.

Mr. Bruguere then noted there was a small lot in the front of the building that had been sold to the Vito's owners and Mr. Carter confirmed that noting it was .90 acres assessed at \$125,000.

Mr. Saunders asked if there were any load bearing walls in the 1969 section and Mr. Smith noted there was only one.

Mr. Rutherford asked if there had been a survey done for lead or asbestos and Mr. Smith advised that the building owners had related that the building was clean; however he would recommend that a bill of health be gotten on that. He added that banks usually required that. Mr. Rutherford then supposed that based on the figures provided, 31,000 square feet using the low end of \$120/sf, the cost to renovate that space would be around \$3.8 Million. Mr. Smith confirmed that sounded correct for the low end estimate. Mr. Rutherford then asked what aspects could be a potential issue or be a hidden cost. Mr. Smith responded that everything in the building was exposed and he could not see anything being a hidden cost as it was currently a shell building and not much was hidden.

Mr. Bruguere commented that he thought the owners had asbestos taken out when they purchased the building and Mr. Carter advised that the County would have it evaluated and any funding source would require an environmental report.

Mr. Rutherford noted that at the high end of the estimated per square foot cost, it would be around \$7.5 Million and Mr. Smith noted that the County's previous space needs study tapped out at about 31,700 square feet and the front of the building, the 1969 space would suffice for those needs. Mr. Carter explained that he had shared the Wiley and Wilson space needs report from 2006 that projected departmental needs in 2015 and he had inflated those numbers by 10%-20%. He added that the Health Department, Department of Social Services, and all of the off premise departments would fit there with 5,000 square feet to spare. Mr. Smith added that calculation included 6,000 square feet for the potential museum.

Mr. Smith referenced the following sections on page 8 and page 10 of his report relative to the departments being considered for space needs as follows:

Page 8:

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2) Office locations for several County departments (including but not limited to – Building Inspections, Planning and Zoning, Parks and Recreation, Cooperative Extension, Registrar and, space and feasibility permitting, Department of Social Services).

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The Bottom Line: The building and site are conducive to conversion to office/museum use. The various department's space allocation requires 26,700 SF. Add a 5000 SF area contingency, and the existing 31,700 SF office/manufacturing building will be adequate for these departments. The 25,000 SF metal building warehouse space could be used for storage as-is or could be upgraded to be more suitable for museum, office, and recreation space.

The cost per square foot for alterations is \$120-150 /SF. Factoring in the purchase (assessed value) of the existing building at \$859,300, the existing building is \$15 /SF. Therefore building costs will be in the range of \$135- 165 /SF, whereas new construction will be \$200-250 /SF.

Mr. Reed asked if Mr. Smith had any ideas about comparative ongoing costs between this building and a new building. Mr. Smith noted that in the Blue Moon building, the exterior walls and the roof would be furred out with insulation etc. and operationally, the envelope should be good with new mechanical systems, lighting, windows etc. Mr. Carter advised that they had not conferred on annual operational costs.

Mr. Harvey then supposed that the museum may work out best in the back warehouse part of the building and Mr. Reed indicated his interesting in looking at the building.

Mr. Harvey noted that the location was optimal as well as it was on Route 29, was on one plane, and was handicap accessible.

Mr. Saunders noted he liked that and noted that six years ago, the goal was to get rid of all rental expenses for departments. Mr. Harvey added he thought that expense was over \$160,000 per year.

Mr. Rutherford stated he thought the board should approach the issue with more caution and he was nervous about the museum aspect. He reiterated the cost estimate ranges for the 1969 building and if they did new construction for those departments the high end was about \$6.4 Million. He added that it would be wise to be cautious as it was a big building and there was a lot to it.

Mr. Saunders agreed and noted that this was just a study period and he did not expect any decisions to be made that day.

Mr. Harvey agreed noting that they should identify options centrally located in Lovington and see what was available. Mr. Bruguiere noted that site work for a new building could be very high elsewhere. Mr. Rutherford asked if they could study the land where the old Health Department used to be and look at a vertical building option as he would be more interested in looking at that. Mr. Harvey advised that handicap access was terrible in that type of building and there was not enough parking at the courthouse as it was.

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Mr. Bruguere then concluded by stating there was more work to be done and he would like to get the amount of total rent being paid now that could offset debt service payments on financing. He added that he thought the Blue Moon building location was good for office space for the County. Mr. Carter advised that something needed to be done for the Department of Social Services and also the Health Department as they would have to vacate their current space at the Medical Center next December. Mr. Bruguere added that the McGinnis building was also being sold. Mr. Bruguere then thanked Mr. Smith for his report and no action was taken by the Board.

B. Discussion of Potential Exception to FRA Train Horn Rule (Wingina to Norwood)

Mr. Bruguere asked Ms. Pat Price in attendance if the whistle blowing had increased over last bit of time and Ms. Price noted it had since the first of July and train traffic had also increased in the last two months. She added there was a lot of coal coming through; however she did not think the traffic had anything to do with the whistle sounds. She added that she thought they were now instructed to blow the whistle at every crossing; however most were farm crossings. She added that she had heard this was passed down through federal regulation.

Mr. Harvey reiterated that most were private crossings on private land and there was no access by the public.

Mr. Carter advised that staff had looked into the issue and have obtained a map showing the series of crossings. He added that CSX had implemented a new Positive Train Control (PTC) system that was federally mandated and they had substantially completed its implementation as of July. Mr. Carter advised he had spoken to CSX, they understood the problem, and were looking at a solution and would be back in touch with the County. He reiterated that they were aware of the issue and wanted to address it. He noted the map showed public and private crossings and that CSX had shown two; however there may be three. He noted that staff would stay on top of the issue to get it resolved and hopefully, the result would be that they just sounded their horns at public crossings. Mr. Carter then noted that there were other solutions that involved putting in alternative safety measures at the crossing locations. He added that CSX was getting complaints system wide and it was not just a Nelson issue. He noted they were reacting to complaints now after the PTC implementation.

Mr. Bruguere noted it sounded like it was a matter of time to get a solution and Mr. Carter noted he expected to hear back from CSX that week. He added that the PTC system may be automated to some degree.

Mr. Saunders advised that he would keep the concerned citizens up to date on the progress of the complaint solution.

C. Acceptance of Conveyance – Wintergreen Rescue Squad (Former Nelson Rescue Station 2 Building) **(R2018-45)**

Mr. Carter noted that it was incumbent upon the Board to accept the proposed conveyance of the property and deed .if favorable and that would enable them to close on the transfer.

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Mr. Harvey moved to approve resolution **R2018-45** and Mr. Rutherford seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion and the following resolution was adopted:

RESOLUTION R2018-45
NELSON COUNTY BOARD OF SUPERVISORS
AUTHORIZATION FOR ACCEPTANCE OF CONVEYANCE
WINTERGREEN PROPERTY OWNERS VOLUNTEER RESCUE SQUAD, INC.
FORMER NELSON RESCUE STATION II BUILDING, LOVINGSTON

RESOLVED, by the Nelson County Board of Supervisors that the County Administrator, Stephen A. Carter, is hereby authorized to accept the conveyance of property on behalf of the Nelson County Board of Supervisors from Wintergreen Property Owners Volunteer Rescue Squad, Inc. via attached deed of gift and as herein described below:

All that certain tract or parcel of land, together with buildings and improvements thereon and appurtenances thereunto belonging, in the Lovingston Magisterial District of Nelson County, Virginia, located at 8047 Thomas Nelson Highway, Lovingston, Virginia, 22949, containing 2.224 acres, more fully shown on and described on a plat of survey by Saunders' Surveys, Inc., P. Massie Saunders, Jr., L.S., dated June 28, 2002, revised August 12, 2002, and August 30, 2002, entitled "Plat Showing a Portion of the Property of Appalachian Power Company, Lovingston District, Nelson County Virginia", a copy of which plat is recorded in the Office of the Clerk of the Circuit Court of Nelson County, Virginia, in Plat Cabinet 4 at Slide 12-B.

BEING the same property conveyed unto Grantor by Nelson County Rescue Squad, Inc. by deed of gift dated April 20, 2018, and recorded in the aforesaid Clerk's office as Instrument #180000940.

Tax Map No. 67-A-10A

Title Insurance: Existence is unknown to preparer

Consideration: \$0

Recordation Tax Exemption:
§58.1-811D

DEED OF GIFT

THIS DEED of GIFT, made and entered into this _____ day of _____, 2018, by and between WINTERGREEN PROPERTY OWNERS VOLUNTEER RESCUE SQUAD, INC., doing business as WINTERGREEN RESCUE SQUAD, Grantor, and the COUNTY of NELSON, a political subdivision of the Commonwealth of Virginia, whose address is Post Office Box 336, Lovingston, Virginia, 22949;

WITNESSETH:

Pursuant to a resolution of the Board of Directors of the Grantor, Grantor does hereby GIVE, GRANT, and CONVEY with General Warranty and English Covenants of Title unto Grantee the following described real estate;

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All that certain tract or parcel of land, together with buildings and improvements thereon and appurtenances thereunto belonging, in the Lovingston Magisterial District of Nelson County, Virginia, located at 8047 Thomas Nelson Highway, Lovingston, Virginia, 22949, containing 2.224 acres, more fully shown on and described on a plat of survey by Saunders' Surveys, Inc., P. Massie Saunders, Jr., L.S., dated June 28, 2002, revised August 12, 2002, and August 30, 2002, entitled "Plat Showing a Portion of the Property of Appalachian Power Company, Lovingston District, Nelson County Virginia", a copy of which plat is recorded in the Office of the Clerk of the Circuit Court of Nelson County, Virginia, in Plat Cabinet 4 at Slide 12-B.

BEING the same property conveyed unto Grantor by Nelson County Rescue Squad, Inc. by deed of gift dated April 20, 2018, and recorded in the aforesaid Clerk's office as Instrument # 180000940.

By resolution duly adopted by the Nelson County Board of Supervisors on the _____ day of _____, 2018, Stephen A. Carter, County Administrator, is directed to accept this conveyance on behalf of Nelson County.

WITNESS the following signature and seal:

[Signatures follow on next page]

WINTERGREEN PROPERTY OWNERS
VOLUNTEER RESCUE SQUAD, INC.
doing business as WINTERGREEN
RESCUE SQUAD

By: _____

its _____

COMMONWEALTH of VIRGINIA
COUNTY of _____, to wit:

The foregoing instrument was acknowledged before me this _____ day of _____, 2018, by _____.

My commission expires:
Commission No.:

Notary Public

Accepted on behalf of Nelson County:

August 14, 2018

Stephen A. Carter

Approved as to form:

Phillip D. Payne IV
County Attorney

The title was not examined in the preparation of this deed.

Deed drafted by:
Phillip D. Payne IV
Attorney at Law
Lovingsston, Virginia
VSB #25405

Mr. Harvey noted that they had not done a very good job as far as recognizing what Nelson Rescue Squad had done for the County. He added that he was not sure how to recognize them; however they should be thinking about that. Mr. Brugiure commented that they had expanded out to Lovingsston from Faber and most of those members were gone now.

D. Proposed Heritage Center Water Tank Replacement

Mr. Carter advised that the Health Department had inspected the waterworks at the Heritage Center location last October and had issued a letter of concern about the elevated 5,000 gallon water tank that dated back to the construction of the school.

Mr. Carter noted that there was a current agreement between the County and the Service Authority that was a result of the tank installation as part of remedying a water issue on the east side of Route 29. He advised that part of the agreement was that the Service Authority would operate the system there including improvements. He added that both staffs had agreed to compromise and share the costs and see where that went with both Boards. He noted that the estimated cost to replace the water tank excluding re-licensing and the preliminary engineering report was \$100,000. He added that the objective was to move forward with replacing the tank and updating the system controls. He noted that George Miller, Director of the Service Authority would be reporting the same thing to the Service Authority Board. In response to questions, Mr. Carter advised that the water tank was also being used by the Heritage Center.

Mr. Saunders asked if Mr. Carter meant they would share 50% of the costs or half of \$100,000. Mr. Carter noted that the estimate was \$80,000 -\$100,000 and the cost of the solicited PER proposal from Bowman was \$10,000 so it was proposed that all of those costs would be split.

Mr. Harvey noted he was not sure why some thought that the Service Authority should bear all of the burden and he added that he would not renew the aforementioned agreement with the County if he was still on the Service Authority Board.

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Mr. Carter advised that the Service Authority had accepted the agreement and the County did not have any operators to operate a water system. He noted that the revenue from it was \$3,600 per year and the County said they wanted the Service Authority to operate the system with that. He added that there were only 5 customers on that system and those were the ones impacted by leaking petroleum at the Truck Stop.

Mr. Bruguere asked if that large of a tank was needed and Mr. Carter advised that the new tank would be 5,000 gallons, would sit on the ground, and water would be pumped over there. He noted it was an easy solution; however the expense was about \$100,000.

Further discussion ensued regarding the operational agreement between the County and the Service Authority at that location and Mr. Carter noted it was a five year agreement with automatic renewal. He then suggested that the focus be on a solution and not ending the relationship.

Mr. Carter advised that if open to it, the first thing to consider was authorizing them to proceed with retaining Bowman to do a preliminary engineering report (PER). He would then report those results back and then they could decide how to pay for it and move forward with a solution. He noted that the Health Department was not going to let the issue go.

Mr. Bruguere stated he did not see the need to pay \$100,000 for only 5 customers; however it was unfortunate there was well contamination. He added that amount seemed expensive for a new tank. Mr. Carter then suggested that Bowman could evaluate the current tank and keeping it in place as part of their PER work.

Mr. Carter then advised that when the Service Authority solicited quotes to look at the tank, those ranged from \$2,500 to \$250,000. He noted the concern was the structural integrity of the tank.

Mr. Reed then moved that the County pay for half of the cost of the PER on this issue and Mr. Rutherford seconded the motion.

Mr. Reed noted he thought they should see the results of the PER and he would cap that expense at \$5,000.

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

E. Proposed Piney River Water System TTHM Corrective Action

Mr. Carter noted the two funding options provided in order to pay for mitigating the TTHM issue in the Piney River System:

Option 1: a 20-year loan of \$150,000 at an interest rate set at closing of 1% below the 20 year AA municipal bond rate (recently between 2.5% and 3.5 %) or,

Option 2: \$75,000 in grant funds with a \$75,000 subsidized loan at a 30-year term (or design life of the project, whichever is less) and a 2.5% interest rate.

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Mr. Carter added that he was talking with VRA, who would provide the loan funding about a reduced financing term of five years.

Mr. Carter then noted that there were some caveats with option 2 such that they would have to increase rates from \$27 to \$42 per month within a 1 year period or increase rates by 3% over a five year period, which would drive rates to \$35 per month. He added that the per 1,000 gallon price over the minimum would cost \$6 or \$7 per month.

Mr. Carter advised that proceeding with option 1 was more favorable or they could just disregard the funding options and pay for the corrective action out of the General Fund. He noted the cost to be estimated at \$190,000.

Mr. Carter reiterated that he has asked VRA if the term could be shortened and he had not heard back from them definitively. He noted he thought they could but has not received confirmation and he would not want to run a small debt of \$75,000 for 30 years.

Mr. Carter then advised that they were not required to raise the rates with Option 1 and he had confirmed with the Health Department that would be required if the Option 2 grant funding was accepted.

Mr. Bruguere stated he thought the County should just pay for it out of contingency funds.

Mr. Harvey suggested that maybe they could use the monies they were using to pay out the last million dollars of the system to pay for the corrective action. Mr. Carter agreed that the easy solution was to pay for it and get it over with. He added that if they accepted the loan, they would have to get bond counsel etc. and it would be a lot more involved and he recommended that they just pay for it. Mr. Carter noted that he had expressed concern about raising rates to the Health Department and he explained that the County was impacted by Charlottesville incomes on the Median Household Income and the County sometimes struggled to get payment as it was.

Supervisors then further discussed using nonrecurring contingency to pay for it outright and Mr. Rutherford moved to pay the \$190,000 outright from the contingency fund. Mr. Reed seconded the motion and there being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

Mr. Carter then asked the Board to reconsider the previous vote on the water tank issue; asking if it was worth causing discord over as the Service Authority Board would probably not react well to the No vote.

Mr. Reed noted his intention was to show being in favor of the County sharing the cost of the whole project. He added that proposing to fund half of the PER was to benefit the County as well as the Service Authority. He added that if the Service Authority picked that cost up, then he would propose to share half of the cost. Mr. Carter again asked if they wanted there to be strife between the two Boards over it and Mr. Reed noted that it still had to go forward and he did not know a better solution than to share the costs.

Mr. Harvey reiterated his position that the water tank and system there was a County responsibility and he noted that the Service Authority was doing the County a favor by operating it now. Mr. Rutherford noted that he agreed it was a County system and he would love to maintain a good relationship amongst

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the two Boards. Mr. Bruguire noted he was not sure he agreed it was a County issue. Mr. Carter added that it was done in partnership then and he hoped it could be worked on in partnership now.

Mr. Harvey agreed it was a partnership then and now the County wanted to sock it to the Service Authority to maintain the system. He noted the Service Authority had not benefitted one bit from doing the project. Mr. Carter agreed; but noted that there was a problem to resolve and the Service Authority and the County had agreed to work with DEQ to extend the water system and ten years later it was still a partnership and he hoped they could work it out. He added that he and Mr. Miller had agreed to a compromise and to present it to the two Boards.

Mr. Reed noted there was great value in having a relationship, to not set up lines in the sand, and to work together on solutions. Mr. Carter agreed and noted that the County worked well with the Service Authority.

Mr. Bruguire noted that the Service Authority owned the system in Schuyler and were now asking the County to ante up again. Mr. Carter advised that was not the case and he would explain in his report.

Mr. Bruguire noted they would come back to this subject and no further action was taken by the Board.

V. Reports, Appointments, Directives, and Correspondence

A. Reports

1. County Administrator's Report

A. Courthouse Project Phase II: The project's Certificate of Completion is in process (Jamerson-Lewis has signed and forwarded the certificate to Architectural Partners, which is waiting for a verification certificate certifying the completion of the fire suppression system in a network room). The County will execute the CoC upon receipt of AP's signatory approval and also release \$100,000 to J-L.

Mr. Carter added that he would be signing the Certificate of Completion the following morning.

B. BR Tunnel Project: Authorization to award Phase 2 (Tunnel Restoration) is in process with VDOT and FHWA. The Commonwealth Transportation Board has approved an additional \$1.0 million award to the County for the project's overall completion.

C. Broadband: Work is in process to address federal requirements (per receipt of a guidance document from federal NTIA) necessary to transfer the local network to Central VA Electric Cooperative. Completion of the approval of the transfer will likely require three plus months.

Mr. Carter noted that Mr. Payne was working on a series of agreements and that was in process.

Mr. Carter then noted that the network outage that had occurred was an ISP router problem and the Network Operator had addressed it with them. He advised that the ISP had come over to the shelter and had rebooted it in order to get everyone back up.

D. Courthouse Damage: Many of the Courthouse's operational systems (HVAC, Security, Back-Up Generators, etc.) have been damaged/impacted by (subject to confirmation) the recent electrical storms the County has experienced. Cost estimates to date for repairs to the various operational systems is currently projected to be \$25,000 (an insurance claim is also in process). Maintenance and Information

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Systems staff are working with the several vendors who assist the County in maintaining the Courthouse's operational systems to identify and correct the overall damage. Masters Engineering which was a sub-contractor to Architectural Partners for the Courthouse Project has also been engaged to assist County staff to identify and to address the root cause(s) of why the damage was so extensive. See Attachment A for a listing of the systems that were impacted.

Mr. Carter noted that the General District Court Clerk and a few Sheriff's offices were still not back up. He added they were getting to the root of the issue and they thought it was a lightning strike; however they were unsure as to why that was not prevented by grounding etc.

E. Library Project: Staff has submitted a \$2.25 million funding application to the VA Resources Authority for the project's completion. An RFP has also been completed and advertised to obtain architectural services for the project. Responses to the RFP are due on 8-24. A consideration for the Board's meeting on 9-11 is whether or not to utilize local funding to reduce the requested loan amount. Staff will provide analysis on this consideration.

Mr. Carter asked if any Board members wanted to participate in architectural firm interviews and Mr. Saunders and Mr. Rutherford volunteered.

F. Sale of McGinnis Property: Staff has been advised that the McGinnis property, which is the current (leased) location for the Departments of Building Official/Inspections and Planning and Zoning, has been sold. It is not currently determined when notice to the County to relocate its offices will be received but staff has an "understanding" that a 30 or, possibly, 60-day notice may be forthcoming. In anticipation of the need to relocate the two departments, staff has contacted staff of the Nelson Center to determine if this facility has sufficient space to accommodate the two departments while a longer term solution is developed and completed. Follow up input from Center staff is pending (staff will update the Board on this subject on 8-14).

Mr. Carter advised that the selling Real Estate Agent related that they were still in the study period until the end of the month and the building had not sold. He added that he was in discussions with the Nelson Center on a quick transition over there if the County got an eviction notice. He added that he welcomed any alternative solutions and noted the Nelson Center would be a quick solution and not long term.

Mr. Rutherford asked if Mr. Carter had touched base with Dr. Eagle on the status of the Alpha Wing at the High School and Mr. Carter advised he had not.

G. Lovington Revitalization: County and TJPDC staff met on July 9th and a meeting with the VA Dept. of Housing and Community Development is scheduled on August 30th to discuss possible grant opportunities to assist with the development of this project proposal.

H. School Division Transportation Study: The meeting on 7-9 with TJPDC staff included discussion of the Planning District Commission's assistance to complete an evaluation of the School Division's transportation program. A proposal from the PDC is pending receipt.

I. Nelson County Service Authority (Schuyler Sewage Treatment Plant): The Authority has been notified by VA-DEQ that a consent order and fine will be issued for the Schuyler STP. The facility requires significant upgrades, including replacement of the system's piping collection system. Authority staff have proposed the abandonment of the STP and, as a replacement, the installation of 59 individual

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septic systems for the system's 59 customers. The septic system alternative, if feasible, is considered to be significantly lower in costs(s) than major upgrades to the STP and its collection system. County staff have proposed that this subject be included in the meeting on 8-30 with VA-DHCD to enable the septic system consideration to be considered for possible planning and construction grant assistance and the meeting with DHCD will include this subject.

Mr. Carter advised that he had not volunteered the County to pay for anything; rather he had just suggested this grant program. He noted it would be a grant opportunity involving assistance to 51% Low-to-Moderate income citizens.

Mr. Rutherford noted the concern was there was a long connection between the treatment plant and residents at Goldmine. He added that it involved about 59 septic systems; the setbacks would be a nightmare and there would be alternative systems. He noted there were several different options but agreed talking to DHCD would be good.

Mr. Carter noted that the Service Authority would also be talking to the USDA about funding a planning study and the grant could help offset that as well.

Mr. Reed then noted he would like to attend meetings on those issues.

J. Board Retreat: Supervisors Reed and Rutherford met on 8-7 with staff (C. McGarry & S. Carter) to discuss the proposed Board Retreat. The meeting had four specific outcomes: 1) Schedule the retreat for conduct in mid-late September or mid-late October; 2) provide for a retreat facilitator (C. Boyles of TJPDC has agreed to provide this assistance); 3) provide department and office (Constitutional) summary reports (overview of department/office and strategic planning recommendations); 4) schedule a separate, facilitated meeting with the Nelson County School Board and staff, prior to the Board's retreat, to enable the two Boards to discuss their respective goals, objectives, needs, etc. Mr. Boyles has indicated he is also willing to facilitate the proposed joint session.

Mr. Saunders noted he would be away the last week of September and Mr. Rutherford noted he thought having the retreat would be good. Supervisors agreed by consensus to move forward in scheduling a retreat.

K. (Local) Health Department/Meeting with Blue Ridge Medical Center: The Center's Executive Director has responded to County staff to advise that the earliest availability for its Board members to meet with members of the Board of Supervisors is mid-September. Staff of the state Dept. of General Services are actively soliciting a new location for the local Health Department unit but this effort is still in process. DGS in considering use of a modular unit should no other site be identified and/or suitable. Department staff have asked County staff on the availability of the green space where the local VDH office was previously located.

Mr. Carter noted that BRMC and VDH staff could meet Sept. 5th or 6th and Board representatives were needed to attend. Mr. Bruguere and Mr. Reed were nominated to attend.

L. Personnel: All of the vacant Emergency Communications/Dispatch positions (3) have been filled. Staff is actively recruiting to fill the Secretary 3 position in the County Administrator's office and to fill an Officer position in the Department of Animal Control. Initial interviews for both positions are scheduled for the week of August 13th.

2. Board Reports

Mr. Harvey and Mr. Saunders had no reports.

Mr. Rutherford:

Mr. Rutherford reported that he had not attended the last TJPDC meeting and that he had taken a tour of the Schuyler water system and it was running well. It was noted that they system had been upgraded in 1985.

Mr. Reed:

Mr. Reed reported attendance of Wellness Alliance meetings and advised that they were moving forward to establish a family drug treatment court in Nelson. He noted that they had sign on from all local agencies, had applied for funding, and were setting up meetings with potential Judges.

Mr. Reed noted he attended DSS Board training and he reiterated that a West District Board representative was needed.

Mr. Reed noted his attendance of a Planning Commission work session on conditions for the Afton Depot Special Use Permit.

Mr. Reed noted that Gladstone Senior Center could use help with the hood issue and he would check to see if they could jointly raise the funds. Mr. Harvey added that they could use help from other localities served.

Mr. Bruguire then asked if a request for help with the hood should come from the Fire Department since they owned the building and Mr. Harvey noted he thought so.

Mr. Bruguire:

Mr. Bruguire noted attendance of a special meeting of the Planning Commission to go over the Afton Depot project. He noted they spent 2.5 hours going over stipulations and it seemed to be going forward for the Planning Commission's consideration.

B. Appointments

<u>(1) New Vacancies/Expiring Seats & New Applicants :</u>					
<u>Board/Commission</u>	<u>Term Expiring</u>	<u>Term & Limit Y/N</u>	<u>Incumbent</u>	<u>Re-appointment</u>	<u>Applicant (Order of Pref.)</u>
<i>NC Social Services Board</i>	6/30/2018	4 Years/ 2 term limit	Joan Giles-West (served	N/A	None

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			2T)		
<i>Will need a new West District representative</i>					
JABA Board of Directors	7/15/2018	2 Years/No Limit	Diane Harvey	N	Ernie Reed

Ms. McGarry noted that there were still no applicants for the Social Services Board vacancy and no applications had been received for the JABA Board of Directors; however Mr. Reed had indicated his interest at the last meeting.

Mr. Bruguiera advised that he had been actively seeking a replacement and Mr. Harvey reiterated that Ms. Giles could attend until her replacement was found. Mr. Bruguiera noted he would continue to look for someone.

Mr. Harvey then expressed concern about how many other Boards that Board of Supervisors members were sitting on and he thought that county citizens should be representing the County on those Boards.

Mr. Saunders agreed with Mr. Harvey and noted he had an issue with two Supervisors serving on the Service Authority Board which to him was a conflict. He added that if Supervisors served on everything, there was no need to advertise the positions.

Mr. Harvey then clarified that he was not speaking out in a negative way towards Mr. Reed. Mr. Reed then clarified that he expected the JABA appointment to be temporary and he just wanted to know what a county representative would be getting into in serving on the Board. Mr. Bruguiera then suggested that he could simply attend the meetings and the Board agreed by consensus to continue to advertise the JABA Board vacancy and no action was taken.

C. Correspondence

There was no correspondence considered by the Board.

D. Directives

Mr. Rutherford, Mr. Harvey, and Mr. Bruguiera had no directives.

Mr. Reed stated he would like to see the Planning Commission’s work resumed on the Comprehensive Plan. Mr. Bruguiera advised that Sandy was doing the re-writes and had been very busy with other things. Mr. Harvey added that the Rockfish Valley was overdeveloped and one could already not get in and out over there. Mr. Reed advised he would like to get it moving and get it fixed; with the intention being to have a good plan and not a lesser plan. He added that one could get a Special Use Permit now for anything and he would like to have some clarity in terms of what people were applying for. Mr. Harvey noted that some of the goals were different and he wanted to preserve the Rockfish Valley. Mr. Reed noted that step had to happen to see what it would consist of. Mr. Carter then advised that staff could engage the TJPDC as the budget included \$25,000 to restart work on the Comp Plan. Mr. Saunders noted he wanted to see a resolution to the hood issue in Gladstone and Mr. Harvey suggested that could be a delicate issue with the Health Department.

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VI. Other Business (As May Be Presented)

There was no other business considered by the Board.

VII. Adjourn and Continue Until the 7:00 PM Evening Session

At 5:15 PM, Mr. Saunders moved to adjourn and continue the meeting until 7:00 PM and Mr. Rutherford seconded the motion. There being no further discussion, Supervisors voted unanimously by voice vote to approve the motion and the meeting adjourned.

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

I. Call to Order

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

II. Recognition of Nelson County Dixie Youth Ozone Baseball Team (R2018-46)

Mr. Bruguire read aloud the proposed resolution, Mr. Rutherford moved to approve resolution **R2018-46**, 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 R2018-46
NELSON COUNTY BOARD OF SUPERVISORS
RECOGNITION OF NELSON COUNTY DIXIE YOUTH
2018 OZONE BASEBALL TEAM**

WHEREAS, The Nelson Dixie youth 2018 Ozone baseball team consists of twelve (12) all-stars with seven (7) eleven year-olds and five (5) twelve year-olds; and

WHEREAS, the team competed in the 2018 District Tournament from June 22nd to June 27th with an undefeated (5-0) record outscoring their opponents thirty-eight (38) to fourteen (14); and

WHEREAS, the team went on to compete in the 2018 State Tournament from July 6th to August 12th, playing the most games of any team and finishing as runner-up with a record of (4-2) still outscoring their opponents thirty-two (32) to twenty-seven (27),

NOW THEREFORE BE IT RESOLVED that the Nelson County Board of Supervisors does hereby recognize and honor the superb play and accomplishments of the Nelson Dixie Youth 2018 Ozone baseball team Players: James Allen, Colton Baker, Jackson Horsley, Elijah Jackson, George Knight, Kevin Knight, Caleb McCormick, Noah McCormick, Hank Simpson, Tre Terry, Jamire Terry-Giles, Landon Thacker, Team Manager: Jim Allen and Coaches: Greg McCormick and J.D. Baker.

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Mr. Bruguere then invited anyone involved with the team to speak and Ms. Mary Katherine Allen of Gladstone addressed the Board.

Ms. Allen thanked the Board for the recognition and noted that they also had a coaches pitch and minors team that did well. She added that it was the first time in 5 years that they had competed at that level. She noted that they had enjoyed winning the District title the most and the trip to the state tournament had been awesome. Ms. Allen then noted that they had many volunteers that put in a lot of time and she noted that anything that the County and the Board could do to support them would be appreciated. She added that a ball complex would be wonderful and it would bring in a lot of money to the County.

Ms. Claire Richardson, Director of Parks and Recreation also congratulated the team on behalf of the department and stated that she looked forward to continuing to work with Dixie Youth baseball.

III. Public Comments

1. Stu Loving, Faber

Mr. Loving advised the Board that he had cows free grazing around his home for 7-8 months, they were a nuisance, and now were a public safety issue. He explained that the bull came after him while he was walking the dog the other night. He then noted that the County had no ordinance on free grazing and the code should be amended to bring it into the 21st century. He added that other counties had done it relative to livestock. He then noted that the cows' owners were not responsible and he asked how he could get this public safety issue resolved.

Mr. Bruguere noted the Board would take his comments under advisement and discuss it later, perhaps at the end of the meeting.

2. Massie Saunders, Roseland

Mr. Saunders noted that there was a lot of development looking to come into Nelson and the Board needed to be aware of the burden it was putting on the land and the people in those areas. He added that they needed to pay close attention to all aspects and see the overall picture of total development not just pieces of it. He noted that some were feeding them a spoonful at a time instead of the shovel full they needed to see. He then reiterated that they should ask for the whole project when considering things for approval.

IV. Public Hearings

A. Special Use Permit #2018-04 – Retail

SUP application #2018-04 requests approval to use the subject property for a retail use. The subject property is zoned M-1, is located at the corner of the intersection between 29 South and Cooperative Way; Tax Map Parcels #76-A-4C (1.5 acres) and a portion of #76-A-4A (3.8 acres), and is owned by Edward Harris and Marshall Mays Trustee.

Ms. Shackelford presented the following staff report:

BACKGROUND: This is a request for a special use permit on property zoned M-1, Light Industrial to allow for the operation of a retail store (§18-3-7) on the property. The proposed building is 40' x 72'

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and will be used as a thrift store selling a variety of goods. Edward Harris is the current owner of the property but will be selling the property to Kerry Williams who is planning to use the property for her store.

Public Hearings Scheduled: P/C – July 25, 2018; Board – August 14, 2018

Location / Election District: Northern corner of the intersection between 29 South and Cooperative Way / West Election District

Tax Map Number(s) / Total acreage: 76-A-4C / 1.5 acres +/-

Applicant Contact Information: Edward Harris, 287 Geddes Mountain Road, Amherst, VA 24321; 434-316-3658.

Comments: The applicant has a contract with a purchaser who has a current business where selling goods at flea markets and would like to move the business to a permanent location. The proposed building is 40' x 72'.

Initially, the purchaser was also going to purchase the property to the northwest of this parcel as well, and the proposed building was sited to be located along the existing property line. However, the second seller pulled out of the request after it was submitted, so the building has been relocated to sit completely on the single 1.5-acre parcel. There is an existing platted service road off of Cooperative Way that will be used to access the site.

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

Access and Traffic: The property will be accessed from a service road located off of Cooperative Way (Route 62-855 – AADT 480 trips per day). The proposed use will have a small impact on the traffic count on the road, but not to a significant enough extent to warrant a traffic study.

Utilities: The property will be served by public water and sewer systems.

Conditions: The Planning Commission may recommend, and the Board of Supervisors may impose, reasonable conditions upon the approval of the special use permit. *Staff recommends the condition that the site be developed in substantial conformance with the site plan submitted with the request, including that the size of the building be limited to 40' x 72'.*

Comprehensive Plan: This property is located in an area designated as light industrial based on the current 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. *While the property is located in an industrial zoning district and is on the fringe of the industrial park, there are many other commercial properties similar in scale along US 29 in the near vicinity.*

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- (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 property is on the fringe of the industrial park with frontage on US 29. This use will not have adverse effects on the adjoining properties.*
- (c) The proposed use shall be adequately served by essential public or private water and sewer facilities. *Public water and sewer is available at this 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. *This area is already designated for high-intensity uses. There are no significant ecological, scenic, or historical features that will be impacted by this use.*

The Planning Commission recommended approval of this request by vote of 5-0 with the condition that the site be developed in substantial conformance with the site plan submitted with the request, including that the size of the building be limited to 40' x 72'.

Mr. Bruguere then invited the applicant to speak and she noted that the space would be used for a thrift store, resale store, and she may also have some new things as well. She added that she was big into reuse and recycling and had been doing that for years.

Following the applicants comments, there were no questions from the Board.

Mr. Massie Saunders addressed the Board noting he had attended on behalf of both the buyer and seller of the property. He noted that the only issue had been with VDOT and that had been addressed with sight easements.

Mr. Bruguere then opened the public hearing and there being no persons wishing to be recognized, the public hearing was closed.

Mr. Saunders then moved to approve Special Use permit #2018-04 with conditions as outlined and Mr. Rutherford seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

B. Special Use Permit #2018-07 – Vacation House

SUP application #2018-07 requests approval to use the subject property for a Vacation House use. The subject property is zoned R-1, is located at 267 Tanbark Drive; Tax Map Parcel #6-A-47A (3.461 acres) and is owned by Maureen and John Russell.

Ms. Shackelford presented the following staff report:

BACKGROUND: This is a request for a special use permit on property zoned R-1, Residential to allow the applicants to use the existing dwelling unit located over the garage as a vacation home (§5-1-5a). Because the living area over the garage contains a bathroom, kitchen, and living area, it is considered a standalone dwelling unit for purposes of classifying the use.

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Public Hearings Scheduled: P/C – July 25, 2018; Board – August 14, 2018

Location / Election District: 267 Tanbark Drive / North Election District

Tax Map Number(s) / Total acreage: 6-A-47A / 3.46 acres +/-

Applicant Contact Information: Maureen & John Russell, 267 Tanbark Drive, Afton, VA 22920; 434-906-4330.

Comments: The applicants have an existing house on their property in addition to the garage that contains the dwelling unit above it. They have a buyer interested in the property that would like to use the dwelling unit above the garage for a short-term, Airbnb-style rental unit. Because the property is zoned R-1, a special use permit is required for this use.

All existing facilities that would be required for this use are already located on the property; no additional development or construction will be necessary. As such, the applicants requested a waiver from the minor site plan requirement, which staff has approved.

DISCUSSION:

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

Access and Traffic: Property is accessed from Tanbark Drive (Route 62-840 – AADT 290 trips per day). The proposed use will have a negligible impact on existing traffic.

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

Conditions: The Planning Commission may recommend, and the Board of Supervisors may impose, reasonable conditions upon the approval of the special use permit. *Staff recommends the condition that the use be limited to the existing one-bedroom/one-bathroom dwelling unit that is located above the garage.*

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

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

- (e) The use shall not tend to change the character and established pattern of development of the area or community in which it proposed to locate. *The proposed use is consistent with the development in the area. It does not require any additional infrastructure or construction. There are other short-term rental accommodations in the area, and it will not have significant negative impacts on surrounding property owners.*
- (f) The use shall be in harmony with the uses permitted by right in the zoning district and shall not affect adversely the use of neighboring property. *The special use will allow the applicants to utilize the existing structure on the property. The use of the property as a short-term rental is in harmony with the other residential uses in the vicinity.*

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- (g) The proposed use shall be adequately served by essential public or private water and sewer facilities. *Water and septic services are already in use at this location.*
- (h) 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. *This use will not change the physical characteristics of the property, so there are no negative impacts on the ecological, scenic, or historical features of the property.*

The Planning Commission recommended approval of this request by vote of 5-0 with the conditions that the use be limited to the existing one-bedroom/one-bathroom dwelling unit that is located above the garage and that maximum length of stay be limited to 30 days.

Mr. Bruguere then asked if the applicant wanted to speak and Mr. Tom Randolph addressed the Board.

Mr. Randolph noted that he had purchased the property a month ago, there had been a tenant there for 3 years above the garage; however they had outgrown the space. He noted his Initial thought was to rent it out again but then he also wanted to use it for friends and family and decided on Airbnb. He added he was just present to ask for the Board's approval of the permit.

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

Mr. Harvey asked how the permitting worked since Mr. Randolph was the new owner and not the original applicant. Ms. Shackelford advised that they had submitted information to her on the ownership change and both wanted to move forward with the SUP so she did not see that as an issue.

Mr. Harvey then moved to approve SUP #2018-07 and Mr. Rutherford seconded the motion. Mr. Harvey then clarified that he did not want to impose any conditions. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

V. Other Business (As May Be Presented)

Introduced: Public Comment Issue re: Roaming Livestock

Mr. Rutherford noted that Mr. Loving was not the first person in the East District complaining about a rogue large animal. He noted that he thought farmers generally wanted to maintain control of their livestock and he asked how the issue Mr. Loving raised could be addressed.

Mr. Bruguere noted that there was a civil process in place for this and Mr. Loving could bring a civil suit against the livestock owners.

It was noted that Mr. Loving said he had been told that the current ordinance dated back to the 18th century and that he would bear the financial burden of fencing out livestock. Mr. Rutherford affirmed that was how the Ordinance read and he reiterated that those cows were tearing down Mr. Loving's fencing and letting his cows out.

Mr. Carter advised that the Board could enact an ordinance to address the issue and staff would need direction from the Board on how to proceed or not. He added that Nelson was a fence out locality. Mr. Carter then advised that Mr. Payne was out of town until later in the week; however staff could proceed

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and report back. He clarified that the fence out provision was a default to the state code. Mr. Harvey clarified that the County's Ordinance was written in 1970.

Supervisors then agreed by consensus to have staff consult with the County Attorney on the matter and Mr. Rutherford would follow up.

VI. Adjournment

At 7:35 PM, Mr. Rutherford moved to adjourn and Mr. Reed seconded the motion. There being no further discussion, Supervisors voted unanimously by voice vote to approve the motion and the meeting adjourned.