

February 12, 2019

Virginia:

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

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

Absent: Thomas D. Harvey, North District Supervisor – Vice Chair
Ernie Q. Reed, Central District Supervisor

I. Call to Order

Mr. Saunders called the meeting to order at 2:01 pm, with three (3) Supervisors present to establish a quorum and Mr. Harvey and Mr. Reed being absent.

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

II. PRESENTATION – Nelson County FFA Junior Forester Team (State Champion Jackets)

Mr. Saunders asked Mr. Cole Ramsey, the FFA advisor, to come forward and speak.

Mr. Ramsey thanked the Board for recognizing the team. He stated that at the State Fair of Virginia, these 4 students placed first in the State FFA Junior Foresters Competition. The contest consisted of tree ID, insect ID, tool ID, a measurement exercise, and a written exam. They competed against 50 other teams, cumulating to 176 individuals. The team placed first overall, Kelsy Fitzgerald placed first overall individually, Jack Rodgers placed seventh, Cole Morris placed 22nd, and Colt Mauer placed 30th. He noted these students worked hard for their success and thanked the Board for supporting them and the FFA program throughout the year.

The Board then presented the jackets to the team.

III. CONSENT AGENDA

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

A. Minutes for Approval

**RESOLUTION R2019-04
NELSON COUNTY BOARD OF SUPERVISORS
APPROVAL OF MINUTES
(December 11, 2018)**

RESOLVED, by the Nelson County Board of Supervisors that the minutes of said Board meetings conducted on **December 11, 2018** be and hereby are approved and authorized for entry into the official record of the Board of Supervisors meetings.

B. FY 18-19 Budget Amendment

**RESOLUTION R2019-05
NELSON COUNTY BOARD OF SUPERVISORS
AMENDMENT OF FISCAL YEAR 2018-2019 BUDGET
NELSON COUNTY, VA
February 12, 2019**

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>
	\$16,289.73	3-100-002404-0001	4-100-031020-5419
	\$5,659.85	3-100-002404-0006	4-100-022010-5419
	\$9,929.50	3-100-009999-0001	4-100-021060-7040
	<u>\$13,360.00</u>	3-100-003303-0008	4-100-031020-3035
	\$28,949.35		

II. Transfer of Funds (General Fund Contingency)

<u>Amount</u>	<u>Credit Account (-)</u>	<u>Debit Account (+)</u>
\$11,080.00	4-100-999000-9905	4-100-094100-3140
\$4,080.00	4-100-999000-9905	4-100-091050-7175
\$2,895.00	4-100-999000-9905	4-100-071020-7007
<u>\$10,000.00</u>	4-100-999000-9905	4-100-013020-1003
\$28,055.00		

EXPLANATION OF BUDGET AMENDMENT

I. The General Fund Appropriation reflects an appropriation request by the Sheriff for \$16,289.73, in asset forfeiture funds received in the current fiscal year. Additionally, the Commonwealth Attorney requests \$5,659.85 in asset forfeiture funds received. These funds must be spent in accordance with Virginia Forfeited Asset Sharing Program guidelines. \$9,929.50 in Library of Virginia funds are requested for the Circuit Court Clerk's Office. These grant funds were received in FY18 and were expended in FY19 for Chancery and Marriage/Birth Register indexes and Deed Book preservation. \$13,360 is requested for a DMV Grant for the Sheriff's Department for selective alcohol enforcement.

II. The Transfer of Funds from General Fund Contingency (Non-Recurring) reflects: a transfer of \$11,080 for architectural services approved by the Board for a comparative analysis of future County Office sites, survey work related to property acquisition for the Nelson Memorial Library addition, and additional bid alternate specs for plumbing, mechanical, and electrical improvements for the lower level of the library building. The second transfer of \$4,080 is for phase 2 of the Student Transportation Study previously approved by the Board. The third transfer of \$2,895 is requested for the purchase of recreation management software to allow for online registration and payments and the fourth is a request by the Registrar for \$10,000 in additional part-time funds to ensure adequate coverage for the office through the fiscal year. After this request, \$1,967,460 remains in the General Fund Contingency of which \$725,259 is recurring revenue.

C. Resolution – Boundary Line Adjustment Deed

**RESOLUTION R2019-06
NELSON COUNTY BOARD OF SUPERVISORS
AUTHORIZATION FOR EXECUTION OF BOUNDARY LINE ADJUSTMENT DEED**

RESOLVED, by the Nelson County Board of Supervisors that the County Administrator be and hereby is authorized to execute the Boundary Line Adjustment Deed with the Fleetwood Harmony Lodge #92 of Ancient Free and Accepted Masons for conveyance of property from said Lodge to Nelson County for said County's Nelson Memorial Library Expansion Project.

IV. PUBLIC COMMENTS AND PRESENTATIONS

A. Public Comments

1. Representative from Gladstone Senior Center

The gentleman thanked the Supervisors for the funds that they have voted for the senior center. He updated that they have permission from the fire department to install the equipment and they have approval from the building inspector for the equipment itself. He said they are ready to order the equipment but they do need their check. He added they have raised \$7400 including the \$5000 from the Board. He stated they have enough money to buy the equipment and have it installed, and they would appreciate their check. Mr. Bruguere advised it's in the mail.

2. Reverend James Rose, Wingina

Mr. Rose echoed the previous comments and thanked the Board for their support. He advised the Gladstone Senior Center is increasing in numbers. He noted they started with 7 members and are up to 28 now.

3. Andre Derdeyn, Lovingston

Mr. Derdeyn stated he is here to address public safety and the fence-out law regarding the cattle issue on Davis Creek Lane. He noted the fence-out law is 157 years old and does not make sense for current Nelson County. He added that most residents are unaware of the fence-out law, and he proposed that the County change fence-out to fence-in.

B. VDOT Report

Mr. Don Austin of VDOT gave the following report:

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He noted they will run skid tests at Woods Mill and 29, and they have already installed some large chevron signs. They've also put in a flashing sign warning motorists of potential hazards during wet conditions.

He noted it was time to update the Secondary Six Year Plan and Rural Rustic Priority List and provided a copy of last year's rural rustic priority list:

**NELSON COUNTY
RURAL RUSTIC PRIORITY LIST- FY18/19 -FY 23/24**

	ROUTE NAME	FROM	TO	LENGTH	TC- VPD	NOTES
1	654 FALLING ROCK DR	1.0 M.I.E. RTE 657	RTE 661	1.90 Mi.	127 FUNDED	\$380,000
2	814 CAMPBELL'S MT RD	0.99 Mi. N. RTE 56	1.99 Mi. N. RTE 56	1.00 Mi.	109 FUNDED	\$200,000
3	617 BUCK CREEK RD	0.23 Mi. N RTE 29	DEAD END	1.40 Mi.	140 FUNDED FY 18/19	\$280,000
4	625 PERRY LANE	ROUTE 623	DEAD END	2.00 Mi	118 FUNDED FY19	\$400,000
5	645 AERIAL DR	RTE 646 E	RTE 646 W	0.20 Mi.	55 FUNDED FY 19/20	\$40,000
6	721 GREENFIELD DR	RTE 626	0.50 Mi. N RTE 626	0.50 mi.	51 FUNDED FY20	\$100,000
7	666 JACK'S HILL RD	2.57 Mi. W RTE 678	1.82 Mi. W RTE 678	0.75 mi.	50 FUNDED FY20	\$150,000
8	628 RHUE HOLLOW RD	Route 764	DEAD END	0.22 MI.	60 FUNDED FY20	\$44,000
9	794 RHUE HOLLOW LANE	RTE 628	DEAD END	0.20 MI.	60 FUNDED FY20	\$40,000
10	678 EMBLY'S GAP RD	2.06 Mi. N RTE 676	Rte 666	1.64 Mi.	110 FUNDED FY20/21	\$300,000
11	699 CARTER HILL RD	RTE 807	RTE 680	1.29 Mi.	40 FUNDED FY21	\$250,000
12	612 BOTTOMS LANE	RTE 788	DEAD END	0.95 Mi.	50 FUNDED FY21/22	\$200,000

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13	623	SHIELDS GAP RD	RTE 151	DEAD END	0.55 Mi.	60	FUNDED FY22	\$100,000
14	650	HIGH PEAK LANE	0.50 Mi. N. RTE 772	DEAD END	1.10 Mi.	90	FUNDED FY22/23	\$220,000
15	654	CEDAR CREEK RD	2.00 Mi. W. RTE 655	3.00 Mi. W RTE 655	1.00 Mi.	100	FUNDED FY23	\$175,000
16	653	WILSON RD	RTE 655	RTE 710	2.83 Mi.	60	FUNDED FY23/24	\$550,000
17	814	CAMPBELL'S MT RD	1.99 Mi. N RTE56	2.99 Mi. W RTE 56	1.00 Mi.	100	FUNDING FY24	\$200,000
18	687	NORTH FORK RD	RTE 56	1.00 Mi. W RTE 56	1.00 Mi.	100	PARTIAL FUNDING FY24	\$200,000

Estimated cost /mile \$175,000-\$225,000
Six Year Plan Estimated Unpaved Road Allocation

He noted that the first 4: Falling Rock Drive, Campbell's Mtn. Road, Buck Creek Road, and Perry Lane, are either complete or under construction now. Those will be coming off of the list. He stated that they should be able to start the next 5-10 this summer, weather pending. He added that he and Mr. Carter spoke and were thinking of having the public hearing in April for the new plan.

Mr. Austin stated he met with the Nelson 151 group and gave an update on safety projects. He noted that it doesn't look like the intersection of 151 and 6 will get funded in this year's Smart Scale. He added that truck traffic and the speed limit were main concerns.

Mr. Austin noted that Friends of 151 picked up 85 bags of litter from 151 over the weekend. He added this is a problem everywhere and noted that this is much appreciated.

Mr. Austin then announced that he has made the decision to retire on May 1st, so they will be recruiting for his replacement. He added he will be here another month or two and noted it has been a pleasure to work with the County. Mr. Saunders wished him the best.

Supervisors then discussed the following VDOT issues:

Mr. Rutherford had no issues to discuss.

Mr. Bruguere:

Mr. Bruguiera noted they finally cleaned some brush off of Brents Mountain. He said they got it off one side and they're working on the other. Mr. Austin stated it was supposed to have been a contractor to come in after the storms, but they kept delaying, so they got some rental equipment and the crews have been going across the county picking up excessive debris.

Mr. Bruguiera added that he was talking to some truckers this morning who informed him there's one spot at a curve on the north side of Brents Mountain where if trucks stay right in the lane, they'll scrape a rock that sticks out. Mr. Austin said he would look into it. Mr. Bruguiera then asked if we have any signs on 151 and stated we have problems with trucks coming south and getting hung up on their landing gear.

Mr. Saunders:

Mr. Saunders asked if VDOT has traffic counts on the east side of 151 before it gets to route 6, on the west side that's coming in, and on 6 (3 locations) so it can be determined how much through traffic is coming through 151 and going down 6 versus how much is staying. Mr. Austin stated they have a way to count on both sides of the intersection as well as 6 too, and he could get that information for the Board.

V. NEW & UNFINISHED BUSINESS

A. Consider Zoning Referral to Planning Commission for Gladstone Depot Property

Ms. Shackelford provided the Board with the following information:

BACKGROUND: CSX Railroad is currently in the process of removing the former Gladstone Depot building. It has been abandoned and unused for several decades. There is a community group that has formed for the purpose of moving and restoring the depot to a location near where the former YMCA was recently removed, and using it as a community center, museum, and potentially to host events. The railroad will be creating a new parcel of land that will be deeded to the community group for the purposes of managing the restored depot. A plat is attached to provide context, but the boundary and location is still subject to change from this location at this time.

Upon review of the proposal, it was discovered that the railroad property is not currently designated with a zoning classification. As a result, the property is not currently subject to any zoning restrictions. There needs to be a determination from the Board whether or not assigning

a zoning classification to the parcel is necessary prior to moving forward with the subdivision of the parcel and relocation of the building.

The parcel is currently in a floodplain and regardless of whether a zoning classification is designated, the building will be subject to the floodplain ordinance.

DISCUSSION:

There is no requirement that all property be zoned, so it is up to the discretion of the Board of Supervisors over whether a zoning designation is required. Should the Board determine that a zoning classification is needed, then the applicants would need to proceed with applying for a rezoning application, and the County would follow the same process that it would use for any other request to change the zoning of a property. In reviewing the ordinance, the B-1 zoning designation would allow for all the uses proposed by the community group for the new building. However, the rezoning application would take some time to process, and would likely not be able to come before the Board of Supervisors for final approval until April.

If no zoning district is designated for this parcel, then there will be no zoning review or restrictions on the development of the parcel (although the floodplain ordinance would still apply and any requirements from the building code). That means there would be no limitations on uses, setback requirements, or any other potential impacts that are limited by the zoning designation.

RECOMMENDATION:

The County needs guidance from the Board on whether to allow the parcel to be subdivided and utilized without a zoning designation or to require that a zoning designation be assigned to the parcel prior to moving forward.

Mr. Rutherford stated it's been probably treated as B-1 for practically forever. He asked if there are other plots around there that are also unzoned. Ms. Shackelford stated all of the railroad property is unzoned.

Mr. Bruguere stated he thinks we need to have it rezoned.

Mr. Rutherford then moved that this be referred to the Planning Commission and recommended B-1 zoning, and Mr. Bruguere seconded the motion.

Mr. Saunders asked how it will be handled if they receive extra land later on. Ms. Shackelford stated there is no automatic zoning, so at that point, we would either have to do another public

hearing or try to be as proactive as possible in capturing the full bounds of the property that would be included.

Mr. Carter stated CSX is looking at this, and it has been indicated that they may be providing additional land, and hopefully we can get that decision from them before the recommendation comes back from the Planning Commission. Mr. Saunders asked if we should delay this until finding out, and Mr. Carter stated we could probably wordsmith the Board's ordinance/action. Ms. Shackelford said we can wait until we have an accurate plat of the property.

There being no further discussion, Supervisors voted unanimously (3-0) by roll call vote to approve the motion.

B. Consider Relocation of Roseland Polling Place (R2019-05)

Mr. Carter stated this came to us from West District Supervisor Bruguere and maybe from the Massies Mill Ruritan Club. He added he spoke with Ms. Britt, the registrar, and stated the consideration for the Board is the question of relocating the Roseland polling place from the rescue squad property to the Massies Mill Ruritan Club. He stated we have drafted a resolution for the Board to direct staff to proceed with that change, and in the meantime, we have had the building official evaluate that property. He noted that preliminarily, to make the facility meet accessibility requirements, at minimum, the building official has estimated about \$26,000 would be necessary.

Mr. Rutherford asked if there is a particular reason why we are looking at this transition. Mr. Carter stated the facility itself is larger and there is more room for parking.

Mr. Bruguere asked Ms. Britt to come forward and speak.

Ms. Britt stated the Electoral Board was concerned with the safety issue of pulling in and out of the rescue squad because of people flying around that blind curve.

Mr. Bruguere stated the problem with the Roseland Rescue Squad is that it isn't set back from the road enough. He added there is not enough room for those people who are campaigning to have ample room. He noted the ruritan club is 2 miles down the road and has better parking areas; we'd have to spend money on concrete or asphalt to make it handicapped accessible. He added he thinks we may be able to get by without doing anything to the bathrooms. Ms. Britt stated the main issue is ADA accessibility, and the other issue with the rescue squad is that with all of the election traffic, the squad was having problems getting their vehicles in and out to run calls.

Mr. Carter noted the steps would be to have the County Attorney draft an agreement with the Massies Mill Ruritan Club for use of the facility, the Board has to have a public hearing which would have to be advertised for two consecutive weeks, and notices would have to go out to the voters and the state and federal agencies.

Mr. Saunders asked for the timeframe for the November election. Mr. Carter stated we'd have to have it done prior to 60 days before the election.

Mr. Bruguere suggested nailing down with Phil Payne what exactly we can get by with regarding the bathrooms.

Mr. Saunders suggested tabling this until the March meeting so they can get a better understanding of the costs involved. The Board agreed.

VI. REPORTS, APPOINTMENTS, DIRECTIVES AND CORRESPONDENCE

A. Reports

1. County Administrator's Report:

A. BR Tunnel Project: The project was somewhat delayed for an approximate ten-day period to address permit and coordination responsibilities with Buckingham Branch Railroad. All such responsibilities have been addressed and resumption of the removal of the two concrete bulkheads within the Tunnel, which is a major project milestone, is again in process. Blasting of the eastern bulkhead will commence again on 2- 12 and proceed to completion of removal of both bulkheads. The project schedule is included herein.

B. Broadband: Richmond based Hefty-Wiley has been retained to provide legal services to the County and to NCBA for the transfer of the local network to CVSI/Firefly (a subsidiary of CVEC). H-W is currently drafting agreements to provide for the transfer. County and CVEC/CVSI staff are continuing to meet to conclude final financial details. A submittal date to federal NTIA is pending.

C. Library Project: Architectural Partners is working to complete the project's construction plans and bid document. A March 2019 bid date is currently anticipated. The boundary line adjustment with the adjacent Masonic Lodge is in process (plat completed and signed and the deed being finalized).

D. Lovington Revitalization: VA-DHCD has notified the County of an award of \$35,000 in planning grant funding to continue the project, subject to additional conditions, which the Department has not provided yet.

E. School Division Transportation Study: The project is in process. TJPDC staff have scheduled a meeting with School Division staff (2-11-19) to discuss project evaluation factors.

F. Federal Rail Administration (Positive Train Control): A report was submitted to CSX on January 24, 2019 to provide input on the uses(s) and frequency of use of the private rail crossing located on CSX's southern rail line along the James River in Nelson County. An updated, detailed map on this subject was also include with the County's report. A response is pending from CSX on the report and possible further discussion/negotiations.

G. Piney River Water System (TTHM Corrective Action Project): A pilot study facilitated by the County's consultant engineer, Bowman Consultants, is in process. The study result will determine the appropriate Granular Activated Carbon System necessary to address the system's compliance with licensing requirements {TTHM). An additional outcome will be plans and specifications to enable the County to bid the GAC system. This information is required to be submitted to VDH by 5-30-19.

County staff are also working to complete corrective actions on the Usemco (manufactured) wastewater pump station located on Route 56 (west). The automatic control system is not working, which has required a mechanical backup system to be utilized. The manufacturer, Wisconsin based Usemco, has submitted recommended testing of the control system and most recently has recommended replacement of the stations' Variable Frequency Drives, a solution that will likely be implemented.

H. Tye River Water System: Nolen Frisa (structural engineering) with the assistance of Froehling-Roberts (testing) has completed the assessment of the elevated water tank and support system and submitted its findings in a report to the County. N-F's report indicated the tank and support system were structurally sound and required routine inspection and maintenance but not replacement. N-F report has been submitted to VDH for review and comment and to the NCSA. Assuming VDH concurs with N-F's report, an ensuing step is to draft a new agreement with the NCSA regarding operation and maintenance.

I. Albemarle-Charlottesville Regional Jail Authority: The Authority deliberations on notifications to federal Immigration and Custom Enforcement continues to be in progress. The Authority's FY 19-20 Budget, which is pending approval, will require an additional County allocation of \$69,699 and a total allocation of \$731,959 based upon a 5-year use average of 7.56% (the County's prisoner population has currently trended above 12% of the member jurisdiction's total use).

J. Region 2000 Service Authority: While still to be determined, on the horizon is a likely request from Appomattox County to leave the Authority. Such a decision will be predicated on the County's approval of a zoning permit for a transfer station that would be owned and operated by County Waste, which is working to construct a large landfill facility in Cumberland County. A member leaving the R2KSA requires the unanimous consent of all members. County Waste's construction of the proposed transfer station and landfill facility could also result in R2KSA's loss of a significant volume of commercial waste, which if realized would impact the Authority financially.

K. Operational System(s): A separate operations program is in process for the Department of Parks and Recreation (see the 2-12 meeting agenda's budget amendment). The Building Inspection office is also pursuing a separate OS for its operations. The objective is to improve overall public access and operation efficiency. The BAI OS system is not proposed to be replaced. However, additional evaluation of other OS systems needs to be completed to determine if there is a better overall product than the BAI system that would encompass all County operations.

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

M. Office Facility Study: Architectural Partners is completing an assessment of the multiple sites provided by the Count as locations for conducting a final office facility study. AP's report is anticipated prior to the end of February.

N. Comprehensive Plan & Growth Management: A final scope of work has been received from TJPDC to work with the County towards an update of the local Comprehensive Plan. Approval to proceed will likely be authorized this month. TJPDC staff are also conferring with County Planning & Zoning staff on the review of the Rockfish Valley Area Plan with an objective of providing for enhanced growth management strategies.

O. FY 19-20 Budget: The draft FY 19-20 budget is nearing completion. Staff's objective is to submit the ensuing fiscal year preliminary budget to the Board on 3-12, inclusive of working with the Board to establish a schedule for budget work session.

Regarding the Office Facility Study, Mr. Bruguiere asked if Mr. Vernon can come report during the March meeting. Mr. Saunders noted that he believes some of Mr. Vernon's figures are off.

2. Board Reports

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Mr. Rutherford:

Mr. Rutherford noted they had an affordable housing meeting recently. He stated that currently, in the Charlottesville area and urban ring around Albemarle, there is a 6000 home deficit. He added that for the outer areas such as Louisa, Madison, Fluvanna, and Nelson Counties, there is about a 2500-3000 house shortage. He noted we are one of the first planning districts to be addressing affordable housing, and they are working on what recommendations to give to the State.

Mr. Rutherford stated that not much is going on with the Thomas Jefferson Planning District Commission. He noted he is having a town hall on February 27th to discuss Lovingston and the grant and also meet some of the new businesses coming into town.

Mr. Bruguere:

Mr. Bruguere stated he was supposed to meet with the social services board yesterday but they had to cancel because too many people were ill. He added he has not been to the Emergency Services Council meeting, yet.

Mr. Bruguere then read a letter from the Farm Bureau stating that the Nelson County Farm Bureau still supports the fence-out rule. They also suggest that the Nelson County government utilize and enforce Virginia Code §15.2-1218: Prevention of trespassing, animals running at large on highways. They furthermore suggest that Nelson County inform property owners affected by loose livestock of Virginia Code §55-318: when no division fence has been built and §55-319: when division fence has already been built, allowing for those property owners to have a remedy to the problem. He added that the Farm Bureau recommended that the Sheriff's Office issue a summons for whoever's cattle is in the road and have them work it out in court. He noted he drove to Davis Creek and noticed there are some new fences as well as some old, dilapidated fences. He believes the owners of that property are going to sell the cattle as soon as the weather permits.

Mr. Saunders:

Mr. Saunders asked if the check for the exhaust fan for the Gladstone Senior Center will go out this week. Mr. Carter said he will check with Ms. McGarry and noted we are still in transition.

Mr. Saunders noted that Chairman Francis contacted him a few days ago and asked about a board meeting with the Board of Supervisors, and he told him he'd get back with him after this

Mr. Bruguere noted the court case regarding the Atlantic Coast Pipeline is scheduled for April. Mr. Carter stated the attorney has filed briefs and they are just waiting for the hearing.

Mr. Rutherford advised that Mr. Reed hopes to be back soon and recovered.

VIII. ADJOURN AND CONTINUE – EVENING SESSION AT 7 PM

At 3:13 PM, Mr. Rutherford moved to adjourn and reconvene at 7:00 PM and Mr. Bruguere seconded the motion. There being no further discussion, Supervisors voted unanimously by voice vote to approve the motion and the meeting adjourned.

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

I. CALL TO ORDER

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

II. PUBLIC COMMENTS

1. Kim Peele, Jefferson Area Board for Aging

Ms. Peele introduced herself as the director of philanthropy and communications for JABA. She advised she is here to provide an update on things here in the county. Ms. Peele stated they have finished up open enrollment, which is where people come to JABA for free insurance counseling to help them choose their Medicare Part D plans. She advised during open enrollment, counselors met with 137 Nelson residents, which is a 51% increase over last year and a 200% increase over the last 3 years. She attributes this to bringing mobile units down to Nelson. She added Nelson residents who received counseling and changed their plans saved over \$64,000 during open enrollment. She added \$35,000 was in savings from 70 people who were at the mobile units. Ms. Peele noted that Nelson County has the highest representation of seniors of the jurisdictions they serve. Also, the average client who changed their plan because of the counseling saved \$1,100. She added the Cecelia Epps Community Senior Center is very active, and they have a new options counselor named Quentin Johnson. He and the center manager, Danny Harris, met with the seniors in Gladstone and invited them to the Lovington center. She

added the Schuyler pop-up site meets once per month and is still going strong. Ms. Peele noted they have been partnering with Blue Ridge Medical Center for their Chronic Disease Self-Management Education Program. She said since 2016, 50 residents have participated in the program. She lastly noted that last year, they had 122 volunteers working in Nelson County.

Mr. Rutherford asked if an opportunity at the Faber Center could come about as far as the Schuyler group moving to that location. Ms. Peele stated she would check with Danny Harris and Marta Cane and get back to him.

III. PUBLIC HEARINGS

A. Rezoning #2018-04 & Special Use Permit #2018-12 – Rockfish River Road

Consideration of an application to rezone Tax Parcel 62-A-3 from Business B-1 to Residential R-2 with a concurrent special use permit application to construct and operate a Class A (§6-1-4a) Bed and Breakfast.

Ms. Shackelford provided the following report:

BACKGROUND: This is a request to rezone property from Business, B-1 to Residential, R-2 with a concurrent special use permit to construct and operate a Bed and Breakfast, Class A (§6-1-4a).

Public Hearings Scheduled: P/C – January 23, 2019; Board – February 12, 2019 (tentative)

Location / Election District: Rockfish River Rd, directly across from 6485 Rockfish River Road / East Election District

Tax Map Number(s) / Total acreage: 62-A-3 / 7.482 acres +/- total

Applicant Contact Information: Carole Ann Johnson, 2700 Boonville Road, Ukiah, CA 95482; 707-513-5953.

Comments: The applicants are requesting the rezoning with the concurrent SUP because the zoning ordinance does not currently permit a bed and breakfast to operate in the B-1 district unless there is already an existing, non-conforming dwelling on the property that can be utilized. Because the structure is new, the applicants need to rezone the property before requesting the SUP. The R-2 zoning district is consistent with the zoning on other parcels in the vicinity. A portion of the property also appears to already be zoned R-2, so this would create a consistent, uniform zoning district for the entire parcel.

This property is directly across Rockfish River Road from the existing Walton's Mountain Museum, and it is planned to be a replica of the house used in the Walton television series.

DISCUSSION:

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

Access and Traffic: Property is accessed from Rockfish River Road (Route 62-617 – AADT 140 trips per day). VDOT has reviewed the request and has stated that the existing entrance location meets the minimum stopping sight distance. The type of entrance that is required (low volume commercial or commercial) will depend on whether more than 50 vehicle trips per day is generated by the use.

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

Proffers/Conditions: No proffers have been submitted with this request.

The Planning Commission may recommend, and the Board of Supervisors may impose, reasonable conditions upon the approval of the special use permit portion of this request. Conditions recommended by staff are that the property be constructed in conformance to the site plan that was submitted with the request.

Comprehensive Plan: This property is located in an area designated rural village in the Comprehensive Plan, which is defined as a center of rural activity, smaller than a small town, surrounded by sparsely developed, or sparsely populated rural or agricultural land. The area may contain residential, commercial, civic, institutional, or industrial uses.

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

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

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This request is generally consistent with the Comprehensive Plan, and could be considered an expansion of the existing use of the Walton Mountain Museum.

The Planning Commission recommended approval of the rezoning request by vote of 6-0.

The Planning Commission recommended approval of the special use permit request by vote of 6-0 with the following conditions:

1. There will be no outdoor amplified music.
2. All exterior lighting shall be fully shielded and no light trespass will be permitted on adjacent properties. All light fixtures will meet professional standards for fully shielded, full cut-off fixtures designed to protect the dark night sky. Parking light poles shall be limited to 18' in height.
3. The site shall be developed in substantial conformance with the site plan and other plans submitted with this request.

Ms. Shackelford then showed the site plan depicting the location in the request:

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Mr. Bruguere asked to confirm if everything in red is B-1, and Ms. Shackelford confirmed. She noted this would create a consistent zoning district for the entire parcel.

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

Mr. Rutherford moved to approve the rezoning **#2018-04** and Mr. Bruguere seconded the motion. There being no further discussion, Supervisors voted (3-0) by roll call vote to approve the motion.

Mr. Rutherford then moved to approve Special Use Permit **#2018-12** with the conditions given by the Planning Commission. Mr. Bruguere seconded the motion and there being no further discussion, Supervisors voted (3-0) by roll call vote to approve the motion.

IV. OTHER BUSINESS (AS PRESENTED)

There was no other business considered by the Board.

V. ADJOURNMENT

At 7:12 PM, Mr. Rutherford moved to adjourn and Mr. Bruguere seconded the motion. There being no further discussion, Supervisors voted (3-0) by roll call vote to approve the motion and the meeting adjourned.