

July 13, 2021

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 – Vice Chair
Ernie Q. Reed, Central District Supervisor – Chair
Thomas D. Harvey, North District Supervisor
J. David Parr, West District Supervisor
Robert G. “Skip” Barton, South District Supervisor
Stephen A. Carter, County Administrator
Grace Mawyer, Administrative Assistant/Deputy Clerk
Candice W. McGarry, Director of Finance and Human Resources
Russell Gibson, Emergency Services Coordinator
Robert Brown, VDOT Residency Administrator
Dylan Bishop, Director of Planning and Zoning

Absent: None

I. CALL TO ORDER

Mr. Reed called the meeting to order at 2:01 pm, with all Supervisors present to establish a quorum.

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

II. PUBLIC COMMENTS

Mr. Reed noted that Melissa Gay from CVEC is in attendance and will be giving the Board an update on the Firefly broadband installations in the county. He advised this will be included under Item IV: Presentations.

1. Mary Kathryn Allen, Gladstone VA

Ms. Allen noted that she is here representing Nelson County Youth Baseball and added that her son is here in attendance along with his teammates. The teammates stood and she introduced them: Tre Terry, Landon Thacker, Blake Victor, Michael Fitzgerald, and James Allen. She stated that these young men are a part of the Madison Heights 15U Team and noted that Nelson County did not have enough kids this year to fulfill a Dixie Boys Team, which is 13, 14, and 15 year olds, so they played in Amherst this year. She noted that the team won their State Tournament at the end of June, and now they are going to

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Louisiana to the World Series. She added that these five young men also played on the High School JV Team this year, who went undefeated, and most or all of them will be moving up to Varsity next year representing Nelson County on that level.

Ms. Allen noted that they have been fundraising, and they are coming before the Board to ask for support in helping to get these players to Louisiana. She stated that they are asking for \$1,000 per child to cover expenses of travel, food, and transportation as some of them are having to rent vehicles and they are not allowed to take any food or drinks into the complex.

Ms. Allen then noted that she is the President of the Nelson County Dixie Youth, and she knows that right now, they are having troubles with their registration and their numbers. She stated that they are hoping, as time goes on with these young men and T-ball coming up, that they can get those numbers up, especially with the recreational facility project she hopes will continue to move forward.

2. Michael Hevener, Faber VA

Mr. Hevener thanked the Board for what they do, noting that it can sometimes be a thankless job. He advised that he is a founding member of a new group called City Elders. He noted that they are a group of Christian men and women business owners, pastors, and civic leaders, and they will be praying for the Board and Staff. He thanked the Board again and apologized for not being engaged sooner.

Mr. Reed then closed the public comments.

Mr. Rutherford spoke of the opportunity of supporting the youth baseball team. He stated that this is a very exciting opportunity and would like to support this. Mr. Parr congratulated the team on a great season and everything they have done to represent the County. He suggested appropriating \$5,000, or \$1,000 per player.

Mr. Rutherford asked where the money would be going, and Ms. Allen indicated that the check could be written to NCYB, adding that they would then take care of cashing that and getting it out to the families. She stated that they leave Monday morning because their games start Wednesday morning, and it is a fifteen-hour drive.

Mr. Harvey noted that would be a lot of money per child, and he does not recall ever giving that amount of money per child for anything. He added this could be setting the bar high for a larger future group. It was noted that the "per child" figure could be taken out and it could be \$5,000 for the team.

Mr. Barton told the team to have fun, noting that he coached baseball for years at the high school. He wished them luck.

Mr. Parr asked what the official name of the organization is, and Ms. Allen stated that they are Madison Heights 15U under Madison Heights Baseball. She then advised that the check would be made out to

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Nelson County Youth Baseball. Ms. McGarry asked when they need the check, and Ms. Allen stated Friday.

Mr. Parr moved to appropriate \$5,000 for Nelson County Youth Baseball to be used on their upcoming trip next week and Mr. Rutherford seconded the motion. Mr. Reed noted that not only is this for the five of these players to give all their best, but it is also to help build the program in the future and inspire young folks following in their footsteps. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion. The players then came up and shook hands with each Board member.

III. CONSENT AGENDA

Mr. Rutherford asked for more information pertaining to Item C. Mr. Gibson advised that the local emergency operations plan is a requirement under the Local Emergency Planning Grant which comes from FEMA. He noted that the plan breaks out different resource sets that could be called upon in the event of an emergency and then outlines how those agencies and groups work together based on the type of emergency. He added that the plan is required to be updated and approved by the County and then submitted to VDEM every four years. He noted that this is the first update from the 2017 plan.

Mr. Parr asked if there are many big changes, and Mr. Gibson stated no, adding that the primary changes are updating contact lists and fire and EMS apparatuses.

Mr. Carter noted that the plan says, in the case of an emergency, how the County moves forward with emergency declaration, contacting State and Federal officials, etc. He added that this is just a step to ensure the County is in compliance over the four-year period, and over the next four years, Mr. Gibson wants to update and improve the plan. Mr. Gibson advised that as the plan exists, it is about 340 pages, and he is working toward creating a more usable executive summary version that would be around 40 pages.

Mr. Rutherford then moved to approve the Consent Agenda as presented and Mr. Parr seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion and the following resolutions were adopted:

A. Resolution – **R2021-38** Minutes for Approval

**RESOLUTION R2021-38
NELSON COUNTY BOARD OF SUPERVISORS
APPROVAL OF MINUTES
(June 8, 2021)**

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RESOLVED, by the Nelson County Board of Supervisors that the minutes of said Board meeting conducted on **June 8, 2021** be and hereby are approved and authorized for entry into the official record of the Board of Supervisors meetings.

B. Resolution – **R2021-39** Amendment of Fiscal Year 2021-2022 Budget

RESOLUTION R2021-39
NELSON COUNTY BOARD OF SUPERVISORS
AMENDMENT OF FISCAL YEAR 2021-2022 BUDGET
NELSON COUNTY, VA
July 13, 2021

I. Appropriation of Funds (General Fund)

<u>Amount</u>	<u>Revenue Account (-)</u>	<u>Expenditure Account (+)</u>
\$ 60,000.00	3-100-002404-0012	4-100-071020-8003
\$ 249.00	3-100-002306-0002	4-100-013010-1010
\$ 19.00	3-100-002306-0002	4-100-013010-2001
\$ 19,466.00	3-100-002306-0001	4-100-013020-1001
\$ 1,489.00	3-100-002306-0001	4-100-013020-2001
\$ 2,344.00	3-100-002306-0001	4-100-013020-2002
<u>\$ 261.00</u>	3-100-002306-0001	4-100-013020-2006
\$ 83,828.00		

II. Appropriation of Funds (School Fund)

<u>Amount</u>	<u>Revenue Account (-)</u>	<u>Expenditure Account (+)</u>
\$ 276,000.00	3-205-003302-0022	4-205-063100-9303
\$ 128,000.00	3-205-003302-0022	4-205-068000-9306
<u>\$ 19,748.53</u>	3-205-003302-0022	4-205-061100-9301
\$ 423,748.53		

C. Resolution – **R2021-40** Local Emergency Operations Plan Update

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**RESOLUTION R2021-40
NELSON COUNTY BOARD OF SUPERVISORS
2021 EMERGENCY OPERATIONS PLAN UPDATE**

WHEREAS, the Nelson County Board of Supervisors recognizes the need to prepare for, respond to, and recover from natural and man-made disasters; and

WHEREAS, the County of Nelson has a responsibility to provide for the safety and well-being of its citizens and visitors; and

WHEREAS, the County of Nelson has established and appointed a Director of Emergency Services

NOW, THEREFORE, BE IT RESOLVED by the Nelson County Board of Supervisors, that this Emergency Operations Plan as revised in July 2021 is officially adopted, and

BE IT FURTHER RESOLVED that the Emergency Services Coordinator, or his designee, is tasked and authorized to maintain and revise as necessary this document over the next four (4) year period or until such time it be ordered to come before the Board.

IV. PRESENTATIONS

A. VDOT Report

Mr. Robert Brown of VDOT was present and gave the following report:

Mr. Brown reported that Route 250 is now open, advising that it was a difficult project, and we were very fortunate to get it open as soon as we did and without anybody getting hurt.

Mr. Brown advised that they should have started grading High Peak Road, the next rural rustic project, yesterday, and they are looking to do the next section of Cedar Creek very soon. He noted that they anticipate having their early paving contractor up on Route 664 at Reeds Gap to complete the paving up there.

Supervisors then discussed the following VDOT issues:

Mr. Barton:

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Mr. Barton referred to the sharp turn issue near Williamstown and getting a sign put up to warn people. Mr. Brown advised he had sent this back to the VDOT traffic engineers to take a look at it again, and he has not heard anything back from them, yet. He noted that when it comes to regulatory signs like that, he has to have a recommendation from the traffic engineers before he can put up that type of sign.

Mr. Barton then referred to the Shipman Convenience Center and noted that the entrance and exit should have been put on opposite sides. He noted that it is hard to look to the right and see traffic coming down Route 56 when exiting. He asked if the County could find out how much it would cost to reverse the entrance and exit there. Mr. Brown noted that VDOT did permit that entrance and exit, adding that he would be glad to work with County Staff to make any modifications or do traffic review. Mr. Harvey noted that he believes the County did it this way for the convenience of the trucks having to come in the bottom and come out at the top with the way it is set up now. Mr. Carter noted that it was designed that way by the engineering consultant, adding that VDOT did review and approve the site distances, etc. It was noted that there is a 35 mile per hour speed zone through there and a passing zone below the exit. Mr. Carter advised that Staff would email Mr. Brown to follow up.

Mr. Rutherford:

Mr. Rutherford noted that he will be meeting with the Mountain Ridge Subdivision about the partnership/revenue sharing concept.

Mr. Parr:

Mr. Parr noted that he will be asking for an update about Firehouse Road before his fire department board meeting next week. He noted that when firemen are turning out of the firehouse going toward 151, it falls off on the sides of the road. Mr. Brown advised that is a secondary road, and since it is a primary access for emergency vehicles, they could maybe use some traffic services County wide money.

Mr. Reed:

Mr. Reed referred to Route 828 Riverview Road. He noted it is paved at the beginning on the steep side and gravel on the part where there are more residents. He asked Mr. Brown to find out if this may qualify to get paved.

Mr. Reed then thanked Mr. Brown and VDOT for the great work on Route 250. He noted that he had requested a traffic count north and south of Route 6 and 151, adding that he would like to revisit that.

Mr. Harvey:

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Mr. Harvey advised that the VDOT Lynchburg District does not maintain any part of Route 250, adding that it is mostly the Culpeper district. He noted that it took a lot of coordination, and the Lynchburg District Staff were just as involved with the efforts. He added that it was a very critical and dangerous spot and thanked VDOT for the work they did. He also thanked County Staff for the work they did with this situation as well as State Police and the Sheriff's Office. Mr. Brown noted that when the crew started working and had equipment on that slope, it was still moving. He added that VDOT will investigate and assess the slope in that area to continue to look for more problem spots, noting that this includes I-64 as well.

Mr. Rutherford asked about the final cost for this, and Mr. Brown noted that he has not yet heard a number but estimated \$5 or \$6 million.

Introduced: Update from Firefly Fiber Broadband

Ms. Melissa Gay came forward and introduced herself as the Communications and Member Services Manager at Central Virginia Electric Cooperative (CVEC). She noted that she also does communications for Firefly Fiber Broadband. She introduced Mr. Galen Creekmore and advised that he is their key accounts representative at CVEC and works closely with her and Mr. Gary Wood, who is the CEO of CVEC and Firefly Fiber Broadband.

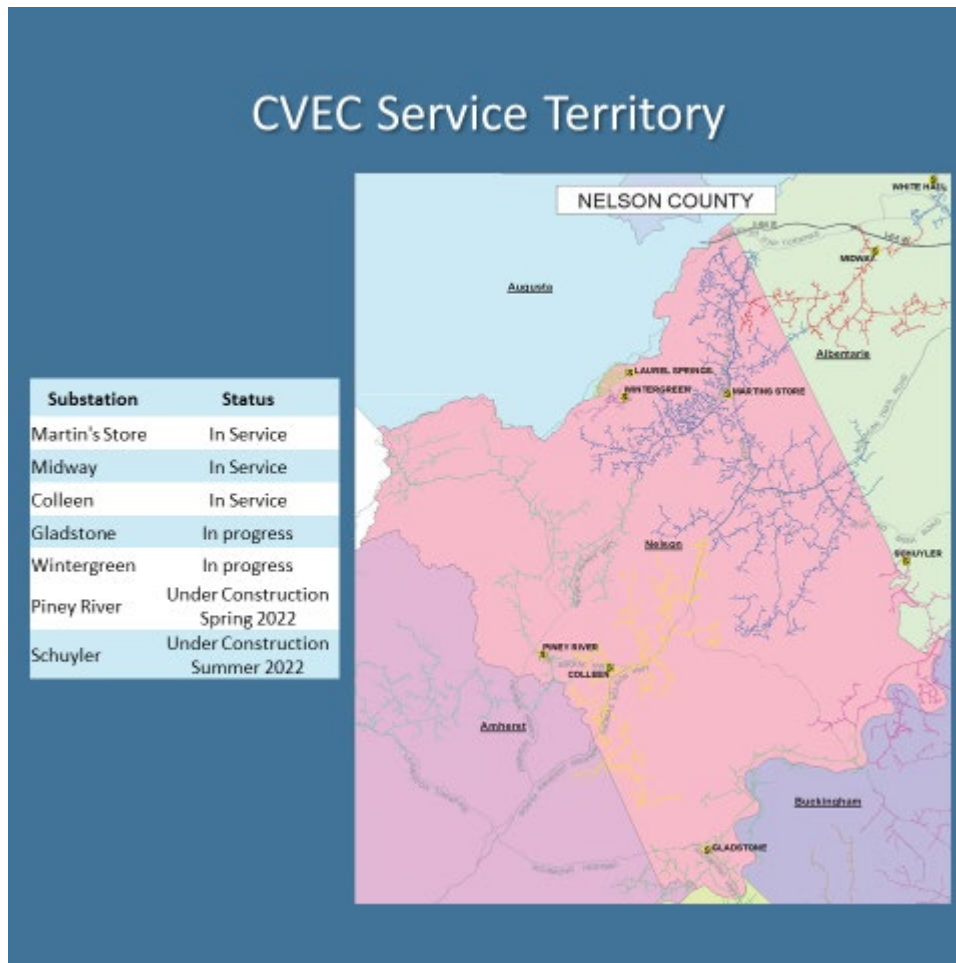
Ms. Gay presented the following PowerPoint slides:

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Regional Internet Service Expansion (RISE) Project

The Power of Partnerships





Ms. Gay advised that CVEC has completed construction of the Martins Store, Wintergreen and Colleen substations making gigabit speed access available to 6800 of the total 8000 CVEC locations in the county.

She noted that the Gladstone substation buildout has been delayed by several river crossings and multiple railroad crossings. The river crossings are complete but CVEC is still awaiting several RR crossings.

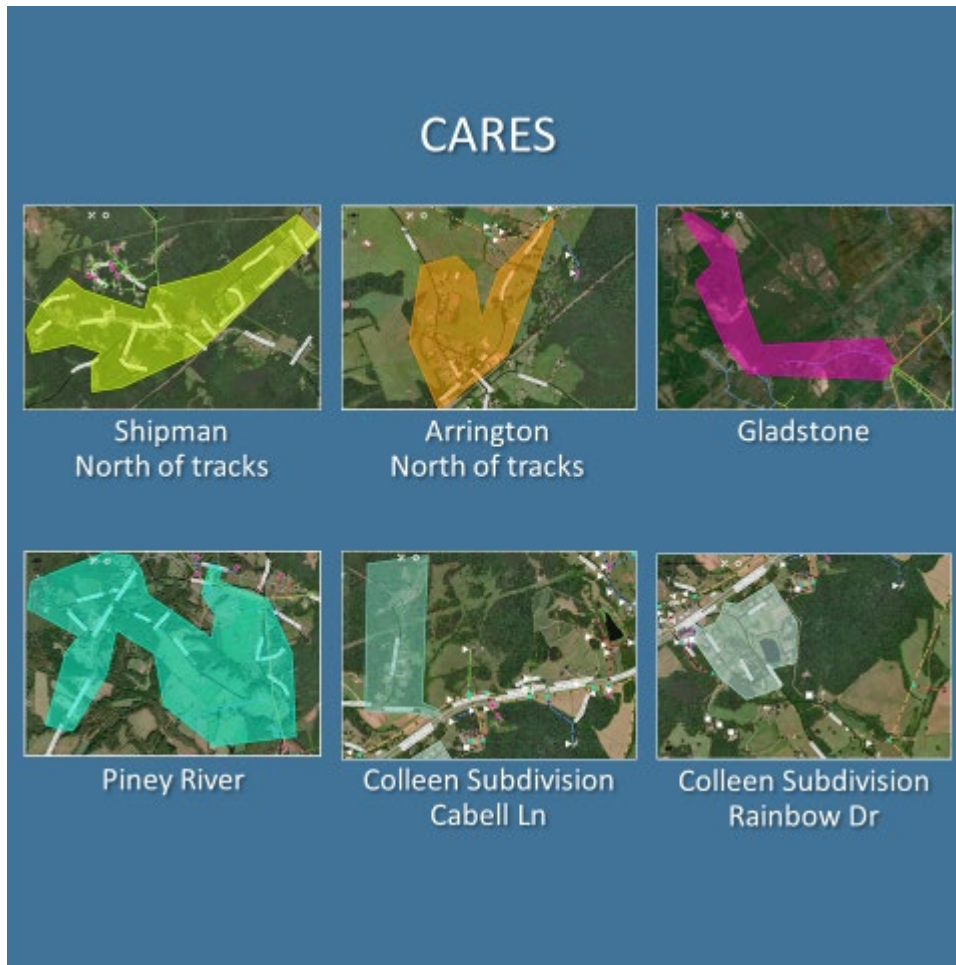
Mr. Barton noted that he has received several calls from people who are in view of the Gladstone substation and asked when they will be connected. Ms. Gay stated that they have been waiting for the first crossing on the Wingina distribution line since last fall, adding that they have not been assigned a flagger to give a date to pull the fiber across the track on the existing poles. Getting the RR crossing in place will let them reach another 250 locations along the river and near Wingina, and they had planned

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to have this work completed early this year. She advised that they are hoping to have this done in the next several months.

Ms. Gay noted that once the box (where the fiber terminates and goes into the home) is on the outside of someone's house, that person should be getting a call, and if they have not gotten one, they can call Firefly anytime to get an update on their specific address. She added that they are currently doing 160-180 installations per week and growing.

She advised that they are presently working in the Schuyler substation area completing make ready work on the electric distribution lines. They have also begun the make ready work in the Piney River substations area. She noted that they expect to have the construction completed in spring of 2022 for Piney River and summer for Schuyler. The connections will then take place after those dates.

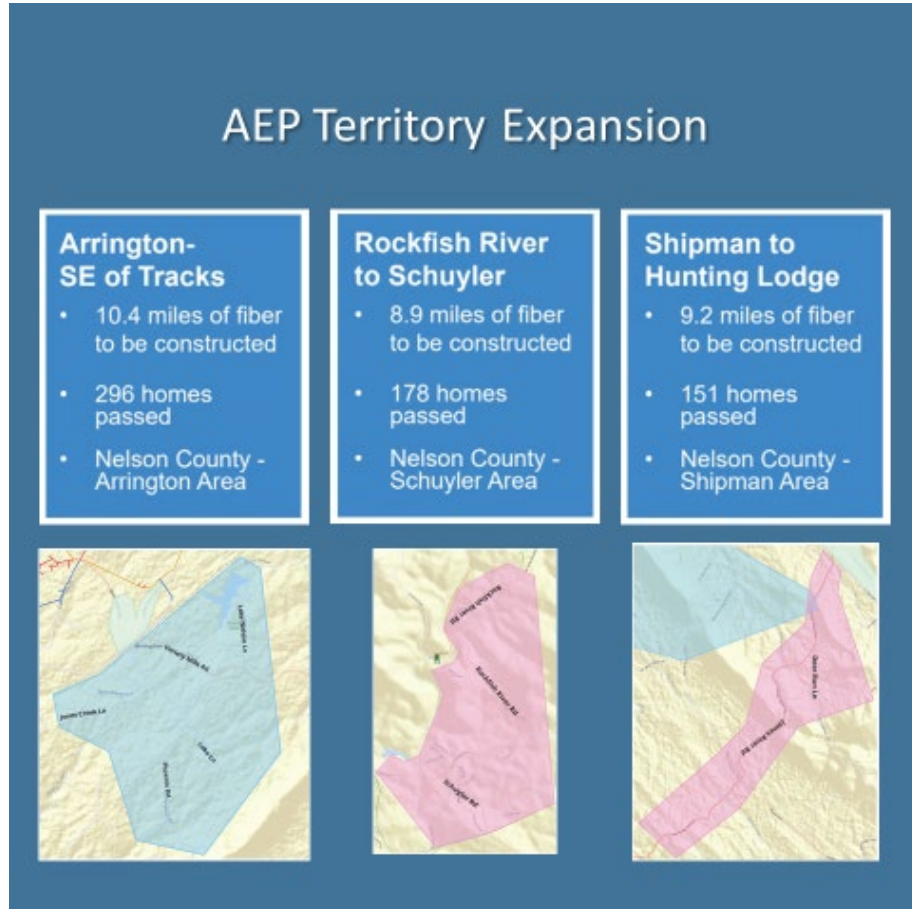


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Ms. Gay advised that they have completed all of the CARES construction with the exception of the Shipman area north of the railroad tracks. The Shipman project was held up due to the amount of rock they encountered. She noted that they have converted that line to overhead and AEP has completed their field design for the work. They anticipate having crews move into the area to perform the make ready construction beginning this week and then Firefly will add fiber to the poles and make connections. The CARES projects make service available to another 400 locations in Nelson.

Mr. Parr referred to the second Piney River project that went up to Lane Ford Bridge to Fleetwood School and asked if that is separate from what is currently being discussed. Ms. Gay confirmed and noted that was with State funding, adding that it was also included with the build.

Mr. Parr noted that it is his understanding that there are a bunch of little white houses in a row between Henderson's Store and Lane Ford Bridge on 151 that are not yet connected. Ms. Gay advised that she would follow up on this and report back. Mr. Parr added that there are about 16 houses at the intersection of 56 and 151 that are not yet served. Ms. Gay noted that she would follow up on this as well.



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Ms. Gay reported the following:

Last December, the Broadband Authority agreed to our plan for universal service in the county and we began the work to reach into the first three areas of the east side of the RR tracks at Arrington and Shipman plus the Schuyler area. These projects will bring service availability to another 625 locations. We coordinated the communications plan with AEP, and then field data collection technicians moved into the area in late winter/early spring. After data collection for Firefly, pole attachment requests were submitted to AEP. AEP has completed most of those design efforts with their field engineers, and we anticipate the final cost estimates coming in by late this month. We have approved all estimates so far to allow them to schedule contractors for construction of the make ready modifications.

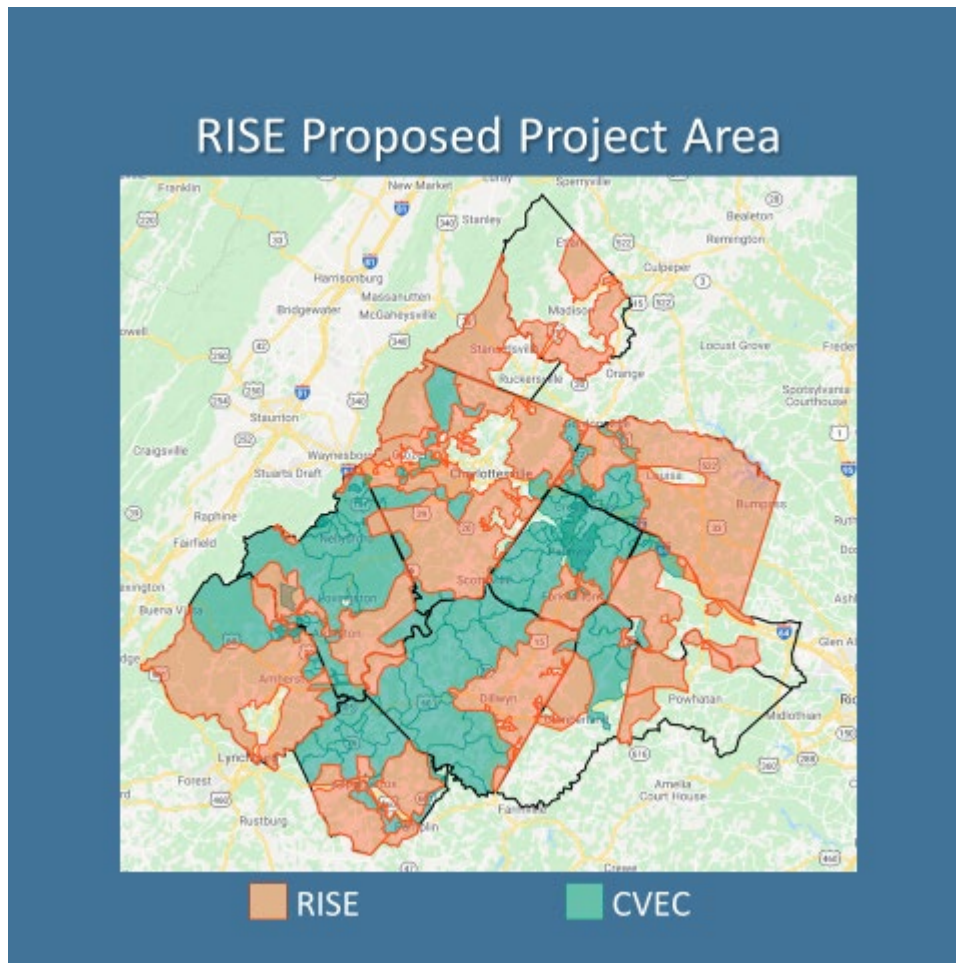
After AEP has completed make ready construction, they will turn the area over for us to place fiber. That could come late this year or early next year for these areas. We had forecast a 12-to-18-month period to get this work completed and we will be on the back end of that schedule. We anticipate that our coordination with AEP will improve, and their timeline will get shortened as we begin having more work in the area.

We will begin the field data collection process for several other areas in the next month after communicating the plans to the residents. We have not marketed any of these areas yet but more than 100 people living within the Arrington/Schuyler/Shipman areas have found our website and signed up without being contacted by Firefly. We anticipate the take rates will be near the 60% rate that we have seen for the past year.

Universal Build in Nelson County

	Project Name	Accounts Passed	Miles	Acct/mile	Cost/ passing	Total Constr Cost
1	Arrington SE of RR	296	10.4	28.4	\$1,584	\$468,750
2	Rockfish River Rd to Schuyler	178	8.9	20	\$2,250	\$400,500
3	Shipman to Hunting Lodge Road	151	9.2	16.4	\$2,742	\$414,000
4	Buffalo Mines to <u>Lowesville</u>	65	6.1	10.7	\$4,196	\$272,727
5	Taylor's Creek	43	6.1	7	\$6,384	\$274,500
6	Salem Road and Rockfish Crossing	58	5.9	9.8	\$4,585	\$265,909
7	Roseland Rd - Dark Hollow-Horseshoe	145	12.3	11.8	\$3,817	\$553,500
8	<u>Massies Mill to Pharsalia</u> (built after CVEC <u>Massies Mill</u> construction)	130	11.6	11.2	\$4,012	\$521,591
9	Findlay Mtn to Williamstown to Cedar Creek	113	11.6	9.8	\$4,601	\$519,886
10	St James Ch-Fishertown-Claypool-Cow Hollow	67	7.2	9.3	\$4,834	\$323,864
11	Glade Rd center to Salem Road	68	9.4	7.3	\$6,204	\$421,875
12	Glade Road west and Hunting Lodge Rd	67	9.7	6.9	\$6,487	\$434,659
13	Lovingston	100	4	25	\$1,800	\$180,000
14	Miscellaneous (est. includes Dominion area at Afton)	170	20	8.5	\$5,294	\$900,000
	Acct and Mileage totals	1651	132.3			\$5,951,761

Ms. Gay noted that after the first three areas are complete, about 1000 other locations on the AEP system will remain. Firefly will get to those as quickly as possible. She clarified that the projects on this list are not in any particular build order.

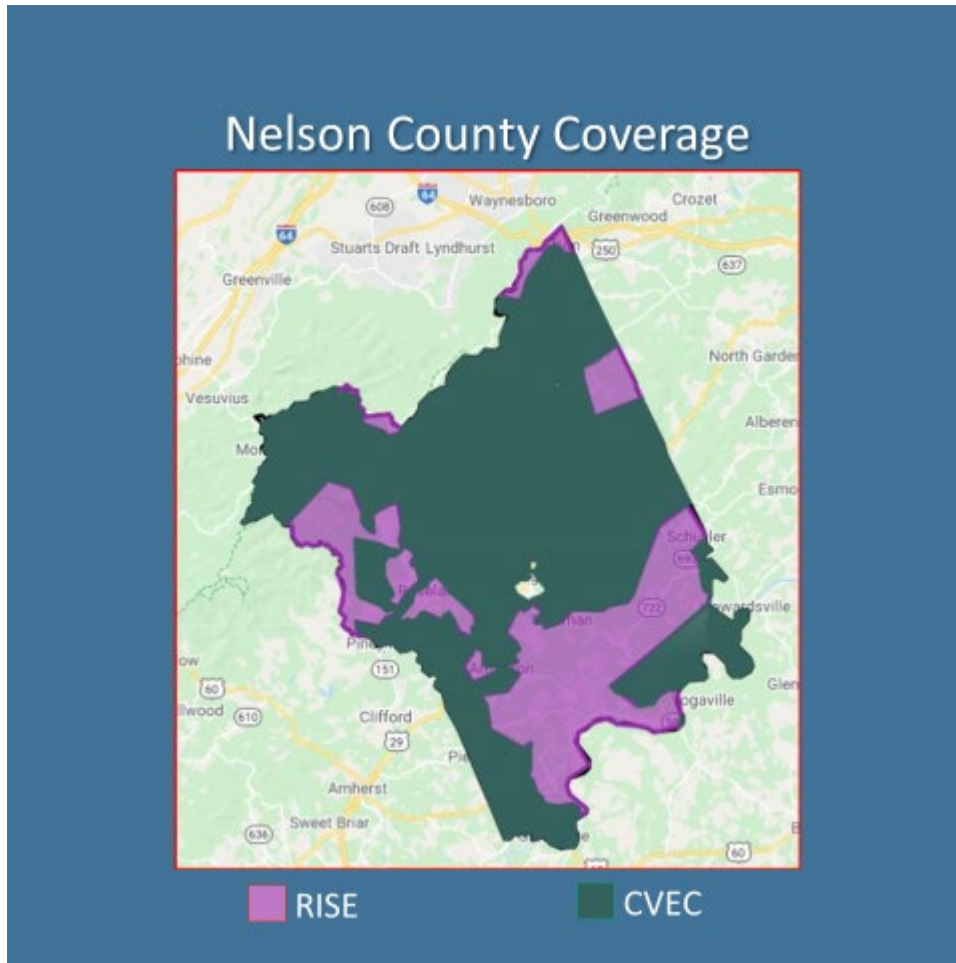


Ms. Gay reported the following pertaining to the Regional Internet Service Expansion (RISE) Project:

Firefly is working on plans for a 12-county project that will bring universal service to all unserved locations across the entire region. Nelson County is way ahead of the curve on this and we will plan our work in a way that assures Nelson continues to get built out as we plan work for this larger project. The RISE project includes a new Firefly Dominion Energy partnership in which Dominion will build fiber on their facilities in certain areas and then lease it to Firefly, allowing Firefly to serve subscribers and then extend that fiber further along rural taps to assure service to all unserved Dominion electric customers in the area. The small area at the top of Afton Mountain will be included in this partnership build out. The RISE project will also seek additional VATI funding and funding from all of the other counties to help offset the costs of much higher costs of building on other utility systems. We will NOT be asking Nelson County for additional funding. We will ask that you sign onto the regional project to allow us to include you in the Dominion build and to allow us to seek VATI funds, if available, in the

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remaining areas of Nelson County to be constructed. We will make this request at one of your regular August meetings. We will work with staff prior to that to review the requested resolution.



Ms. Gay advised that the green area is where the CVEC lines are in Nelson, and the purple is the RISE area. She noted that they are building here regardless of the grant application success. She added that the purple areas are considered underserved or unserved in our territory, which means there will be money from the VATI grant that's available in each county for sections just like this.

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Nelson County Project Partners

Firefly Fiber BroadbandSM

Appalachian Power

Dominion Energy

Nelson County

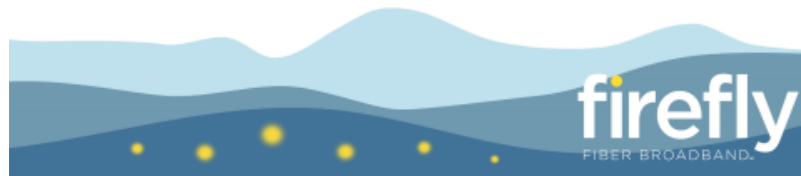


Project Preliminary Estimates

- Total electric accounts in Nelson County
 - CVEC – 9,071
 - Appalachian Power – 2,407
 - Dominion Energy – 137

**Assume 10% of electric accounts will never take broadband service (barns, electric fences, water troughs, etc)*
- Unserved locations for internet (25/3 speed or less)
 - 600 homes and businesses
 - 100 miles of fiber
 - Start construction in 2022, finish by 2024

**Does not include CVEC area which will be finished by summer 2022*
- Preliminary budget and grant requests
 - \$5,000,000
 - State grant funds (VATI) - \$600,000
 - Local grant funds (possibly ARPA funds) - \$0



Ms. Gay noted that this would be a \$5 million build, and there are twelve counties going into this application. For Nelson County, they would like to put in a \$600,000 request for grant funding. She advised that they would not be asking Nelson County for any local grant matches, as Nelson has already made a match, and that match will actually count in the grant. She noted that they would appreciate it, however, if the Board could adopt a resolution next month to join the grant application. She added that as part of the application process, they need to have a resolution from all twelve counties that just says that the county is on board to participate in the grant application to serve those areas. She reiterated that there would be \$0 asked of Nelson County in addition to the funds that have already been allocated.

Project Schedule

Base Proposal

August 2021 – Return to Board of Supervisors with final estimate
Board makes decision on participation

September 14 – VATI application due

December 2021 – VATI awards announced

January/February 2022 – Dominion files for SCC approval for middle mile project area

Later in 2022 – Construction begins

Generally, assume six months from start of construction until first in home connections. Will continue to work until all who would like service are connected.



FAQs

- Same Firefly rates
 - \$49.99 for 100 mbps service
 - \$79.99 for gigabit speed service
 - \$29.99 for telephone if bundled with internet
- Firefly offers simply great service – no catches
 - No contracts, no data caps, no slow downs, no charge for router, no connection fee if service is taken during construction period
- First 2,500 feet of service extension will be placed for free
 - Fund to offset costs for LMI households if they require a longer service run
- Only internet and phone, no television
 - Lots of options for buying cable packages over the internet using streaming
 - DirectTV Now, Hulu, YouTubeTV, Sling,
 - Can receive local channels, as well as movie channels and other cable favorites



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RISE in Nelson

- How residents can help
 - Go online to www.fireflyva.com/riase and take survey
 - We must show that service is not available in unserved areas
 - Provide address, what type of internet you have and anyone who has turned you down for service
 - Speed test for those with CenturyLink DSL or fixed wireless service
- This is a one-time opportunity to overcome the lack of internet
 - Funding available at the state level
 - Potential sources of funds for local match
 - Partnerships that help speed build and offset costs

Join the project – let's get ready to fly!



Questions?

V. NEW & UNFINISHED BUSINESS

A. Amendment to Code of Nelson County, Chapter 3, Animals (O2021-04) – deferred from June meeting

Mr. Carter noted that the Board conducted a public hearing on the draft ordinance during the June regular meeting, and it was carried forward so that all Board members could be present. He advised that the impetus for this was to include a lifetime license fee for licensing of canines. He noted that Mr. Payne drafted the ordinance, which still retains an annual license fee. He added that Mr. Payne did determine that the ordinance should retain an annual license as well as a lifetime license ability. He noted that Staff set the fees at the maximum, adding that the operation of the Animal Control department is right at \$250,000 and revenue from current licensing and shelter fees is at \$14,500. Mr. Carter recommended that the fees be established as presented in the ordinance, if the Board endorses the ordinance. Mr. Carter also noted that there is a provision for service animals, which would be exempted from the fee requirements.

It was noted that the current annual license fee is \$5 for spayed/neutered dogs and \$7 for sexed dogs, and the proposed ordinance would increase both of those to \$10 and add a lifetime option for \$50. Mr. Carter noted that those are the maximums allowed by the State Code.

Mr. Rutherford suggested keeping the annual rates the same and adding the lifetime option for \$30. He noted that this would not change anything except giving constituents one more option.

Mr. Reed noted that he thinks having a lifetime license option is a great idea, adding that he thinks the difference in revenue will be negligible no matter how the Board looks at it.

Mr. Rutherford moved to approve Ordinance **O2021-04** keeping the annual spayed, neutered, and sexed dog rates the same and adding an option for a lifetime dog license of \$30. He noted that the kennel rates would also stay the same. Mr. Barton seconded the motion and there being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion and the following ordinance was adopted:

**ORDINANCE O2021-04
NELSON COUNTY BOARD OF SUPERVISORS
AMENDMENT OF THE CODE OF NELSON COUNTY
CHAPTER 3, ANIMALS, ARTICLE II DOGS AND CATS
SEC.3-28 AMOUNT OF LICENSES**

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BE IT HEREBY ORDAINED, by the Nelson County Board of Supervisors that the Code of Nelson County, Virginia Chapter 3, Animals, Article II, Dogs and Cats is hereby amended as follows:

Sec. 3-28 Amount of License Tax

The annual license tax shall be collected as follows:

(a) Spayed or neutered dogs \$5.00

(b) Sexed dogs \$7.00

(c) Lifetime dog license \$30.00

A lifetime license shall be valid only for as long as the dog's owner resides in this County and the dog's rabies vaccination is kept current.

(d) Kennels

5-10 dogs \$25.00

11 to 20 dogs \$50.00

21 to 50 dogs \$75.00

(e) No license tax shall be levied on any dog that is trained and serves as (i) a guide dog for a blind person, (ii) a hearing dog for a person who is deaf or hard of hearing, or (iii) a service dog for a mobility-impaired or otherwise disabled person. As used in this section, "hearing dog", "mobility- impaired person", "otherwise disabled person" and "service dog" shall have the same meanings as assigned in Virginia Code Section 51.5-40.1.

BE IT FURTHER ORDAINED, that this Ordinance becomes effective upon adoption.

B. Authorization for Public Hearing on Proposed Board of Equalization Ordinance **(R2021-41)**

Mr. Carter advised that this is a proposal to amend the County Code to set specific dates for the Board of Equalization to complete its work following the completion of the General Reassessment of Real Estate in the County. If approved, this would permanently set the dates in the Code so that the Board would not have to consider it prior to the completion of each General Reassessment. He noted that the dates would be April 15th for applications to the Board, and then the Board would complete its work by the first of June. He added that this would abbreviate the process, instead of allowing appeals throughout the year following the General Reassessment.

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Mr. Carter noted that today's consideration is authorizing a public hearing to consider the enactment of that ordinance.

Mr. Rutherford moved to approve Resolution **R2021-41** as presented and Mr. Parr 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 R2021-41
NELSON COUNTY BOARD OF SUPERVISORS
AUTHORIZATION FOR PUBLIC HEARING
AMENDMENT OF THE CODE OF NELSON COUNTY, VIRGINIA
CHAPTER 11, TAXATION, ARTICLE 2 REAL PROPERTY TAX, DIVISION 1

BE IT RESOLVED, that pursuant to §15.2-1427 of the Code of Virginia 1950 as amended, the County Administrator is hereby authorized to advertise a public hearing to be held on August 10, 2021 at 7:00 PM in the General District Courtroom in the Courthouse in Lovingson, Virginia. The purpose of the public hearing is to receive public input on an Ordinance proposed for passage to amend Chapter 11, Taxation, Article 2 Real Property Tax to incorporate provisions pertaining to the Board of Equalization application deadlines.

C. Capital Improvement Projects

Mr. Carter noted that the first three out of the four subjects listed were all Board priorities established at the end of January of this year. He advised that the radio subscriber upgrade was introduced by Staff during either the May or June meeting, and there is a deadline by Motorola that is looming, and Staff wants to make sure the Board considers this again.

1. Business Park Project

Mr. Carter noted that the Board in the last few years has wanted to focus growth on Route 29, and this would certainly accomplish that directive, if the business park would be realized. At the state and regional level for economic development, one of the state partnership's goals is larger business parks of this scale. He noted that what would be assessed with this project is two parcels under common ownership that comprise roughly 1,000 acres, and if the Board approved this project and continued to work through it, the goal would be to develop the properties to a tier 4 or tier 5 development, if they could be purchased. He added that the County would then be much more in a competitive position than we are today to attract new business and industry into the county. He advised that this is a goal he has repeatedly heard at the Regional Economic Development Partnership meetings, where he represents the

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County. He noted that there is only one large business park in the region right now under development, which is in Louisa in the 64 corridor. He added that Louisa has been very successful with obtaining Go Virginia funds to help them with that, and that is something that we would also pursue.

Mr. Carter advised that the first step in this project would be the assessment of the two parcels that comprise about 1,000 acres. It is a very in-depth evaluation, and it would report to the Board whether or not all of the land, some of the land, or none of the land is suitable for development. He noted that it would also look at the infrastructure in the county that would support the property if it was developed for business and other purposes.

Mr. Rutherford noted that he thinks it is fair to proceed, as it is still in the study phase.

Mr. Carter noted that the next subject to be considered is the recreation facility project, and this would help with that, even if the Board decided not to go forward with the business park. He emphasized that it is a long-term process, will be expensive, and even if they build it, there is no guarantee that they will get a return on investment anytime soon. He added that it would significantly enhance the county's ability to attract new business and industry as well as new jobs.

Mr. Barton noted that he welcomes talking about this, however, he can't imagine that large industry would be attracted to Nelson County. He noted that he thinks certain businesses would be attracted, but not the scope of what is being talked about. Mr. Carter noted that is all to be determined because the target industries would be discussed at an ensuing phase. He then added that a downside to this is whether there is a concern that this could change the character and complexity of the county as we know it today.

Mr. Barton suggested that they limit the scope of what they are looking at. Mr. Carter noted that it is a question of whether the Board wants to be competitive or not. He then noted that it does not necessarily mean that it would be a large industry.

Mr. Rutherford noted that how we think of the term business park is not necessarily as intense as one might think. Mr. Parr stated that he thinks there are businesses that would be attracted to the infrastructure we have, proximity to 29, and the available internet. He added that those businesses do not necessarily have to be ones like Glad or Buffalo Air Handling.

Mr. Carter noted that businesses want a site that is ready to go and not to have to come in, buy the land, and develop it themselves, adding that this is what Tier 4 or 5 status would entail. He stated that a question for the Board is whether this would change the character of the county or not.

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Mr. Reed spoke of the Comprehensive Plan and asked how this fits in with our current plan. Mr. Carter noted that one of the overriding principles in the plan is maintaining the rural character and quality of the county. He stated that he would not suggest that this project change that, adding that if the County develops and owns the park, the Board would get to decide who goes into the park.

Mr. Reed asked what the timeframe would be for this report, adding that the Board will be in process with the Comprehensive Plan next year, and the public will have opportunities to comment on what the visions for that area of the county might be. Mr. Carter advised that per the proposal from Timmons, this report would be completed in roughly 60 to 90 days. He noted that the Comp Plan is probably going to take two years. Mr. Reed noted that it is important to him that these two things don't come into conflict with each other, adding that he doesn't know that they would.

Mr. Rutherford noted that he does not foresee or want major industry such as a Glad factory coming to Nelson, adding that scenario does not exist for Nelson County because we do not have the workforce to do that. He stated that he thinks this business park could complement something higher niche, like a software developer or other smaller groups of people.

It was noted that the study would cost \$63,000, and the budget for this year, prior to receiving the proposal, has \$50,000 for this project.

Mr. Reed referred to Mr. Rutherford's comments about the availability of labor force. Mr. Carter noted that this would be addressed and discussed in the next step, adding that it could be added to the first step if the Board would like.

Mr. Carter noted that this property, once the Board has the assessment, could be looked at as a mixed use development with business, housing, retail, etc. and the Board could shape it the way they want. He added that the assessment will give the Board a significant amount of information on whether or not it's worthy of consideration to be acquired.

Mr. Harvey asked about the ideal population for the county, and Mr. Carter advised that they are projecting it to stay about the same for the next twenty or more years. Mr. Harvey noted that the population now is less than it was back in the 1920s and 30s, adding that is what will tell what quality of life we will have.

Mr. Rutherford noted that Nelson is lacking in young families and young families need places to live. He stated that two questions need to be answered: how are they going to survive in Nelson and what are the businesses that complement that?

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Mr. Carter noted that ever since he has worked for the County, the demographic has been 50% or more of the county's working population commute out of the county.

Mr. Parr noted that the Board met in January and brainstormed their priorities and came up with a list of things that they as a Board unanimously agreed on that they wanted to do. He added that they had agreed that they wanted to attract business, build infrastructure, and have a positive impact on the quality of life for the residents. He stated that they have been looking at this piece of land as a potential site for this county for probably twenty years or longer, and they now have the once in a lifetime opportunity to act on it. He added that they need more information to decide if they want to pursue this, and the information will help them make an informed decision on what they want to do with the property. He stressed that they have the responsibility to move forward.

Mr. Reed noted the additional \$13,000 cost for this that was not budgeted. He added that this property is not going to be something that is within the scope of reason at this time to become something that the County can invest in. Mr. Carter noted that is still to be determined, and Mr. Parr stated he does not have enough information to answer or comment on that. Mr. Carter added that the assessment would help with determining that.

Mr. Rutherford moved to accept the proposal from Timmons for the business park study and Mr. Parr seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

2. Recreation Facility Project

Mr. Carter noted that Staff has sent the Board the proposal from Architectural Partners, adding that as with Timmons, Architectural Partners was competitively procured through a Request for Proposals process. He stated that this first phase of study would entail an update of the 2012 study and work that Moseley Architects did for the development of a recreation facility. He noted that Staff have relayed the Board's previous comments to Architectural Partners, and they have revised their proposal; the question is now consideration to approve the proposal to initiate the study. He added that Architectural Partners could potentially work with Timmons, as one of the elements of the rec study is to also identify a suitable site. He noted that the cost from Architectural Partners is \$21,000, and the budget for this was \$30,000. He added that a preliminary site assessment could cost \$2,500 per site, and if it gets into a more detailed assessment, it is \$15,000 per site. He advised that they can probably keep it within the \$30,000 that is budgeted.

Mr. Carter stated that this would look at a large scale project encompassing an indoor facility with multipurpose facilities including a pool as well as an outdoor swimming pool only. He noted that the study would look at everything and then report each of those elements back to the Board.

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Mr. Reed noted that he was very happy to see the bullet points that were included in this from the conversation with Claire Richardson, the County's Parks and Recreation Director. He added that the third to the bottom bullet point states a splash park "should be included," and he feels it should instead say "could be included." Mr. Carter advised that Staff would make that change.

Mr. Barton asked how extensive of a recreation center the Board has in mind. Mr. Harvey stated that he does not want to shortchange it and suggested looking at it from the big standpoint so that they do not have regrets later. Mr. Rutherford noted that it is part of a larger scale of increasing the quality of life for our community, adding that athletics are a good thing. He stated that he believes this is a great opportunity.

Mr. Parr noted that the Board has been talking about the goal of having some sort of recreational facility for a long time, adding that he thinks this study is the right step in that direction. He stated that he would like to see a facility somewhere on the west side of 29 that would have a building that would house both an indoor and an outdoor swimming facility, maybe a splash park, an indoor track, and meeting facilities for groups. He added that he would like part of the grounds to include ball fields because the County does not currently own any ball fields. He agreed with Mr. Harvey and noted he wants to envision something like this before deciding if they cannot afford it and have to go smaller.

Mr. Barton emphasized that he sees a swimming area as something for both recreation and the community. He urged that the county have a minimum of an outdoor pool.

Mr. Reed noted that this opportunity would put another focus on this part of the county and fills out what every rural county would dream of having, which is a beautiful mix of recreational opportunities. He added that he is ready to go forward with this study, and when it comes down to nitty grittying the costs and details, he is ready to go there as well.

Mr. Rutherford then moved to approve the Architectural Partners recreation facility project proposal and Mr. Barton seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

The Board then took a short recess.

3. Agriculture Center Project

Mr. Carter noted that the primary consideration today is the proposed conduct of a joint meeting with the Amherst Board to discuss this project jointly.

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Mr. Parr noted that before going to that step, he believes they should have a committee meeting with the 2 representatives of each county, the County Administrators, the ag committee reps, and Extension Agent. He stated that there is some confusing and conflicting information being shared right now and some things need to be addressed by the committee before moving forward as two full Boards.

Mr. Harvey noted that this is a tremendous project that will likely be very expensive. Mr. Parr agreed and noted that the commitment by the Counties right now is only proposed to be three things: a 50/50 share in acquisition of the land, a study of the land/property, and resources of the two Counties to help facilitate grant funds and that type of thing.

Mr. Reed noted at this point, the only commitment that the Board has is contributing bodies to that committee. He added that he is prepared to get a report and recommendation from the committee that is clear about how they should proceed so that the Board has something substantive that they can actually talk about. He agreed with Mr. Parr that the committee should meet again.

Mr. Carter advised that County Staff would work with Amherst to coordinate a date for the committee meeting.

4. Radio Subscriber Upgrade

Mr. Carter referred to the proposition from Motorola to upgrade the mobile and portable radios that the County has from the previous radio system project. He noted the current mobile and portable radios that are used by the County, Fire/Rescue, the Schools, and NCSA are no longer supported, and Motorola has proposed a total cost of just over \$1.6 million and offered almost \$550,000 in trade-in allowance, making the total outlay \$1,058,161. He noted that there are also options from Motorola for financing the radios, if the Board elected to do that, and the trade-in allowance expires at the end of this month. He added that Staff has asked Motorola to extend that allowance until September, but they have not heard back, yet.

Mr. Rutherford asked about Harris, and Mr. Carter noted that judging by Ms. Rorrer's inquiries, Harris radios may not be as good as the Motorola radios.

Mr. Reed asked if this is something that some of the CARES money could be allocated towards, and Mr. Carter noted that is possible, but Staff needs to research and confirm.

Mr. Harvey stated that he is against this, adding it is ridiculous that they spent that kind of money and only got six years out of the radios. He noted that he doesn't think the County needs to buy all of the radios, adding that they can include Fire/Rescue and the Sheriff's Office. He stated that it should be up

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to the School System if they want to buy their radios. He noted that he would like to look at other options besides Motorola, and Mr. Reed agreed.

Mr. Carter noted that Staff will strongly encourage Motorola to extend the deadline.

VI. REPORTS, APPOINTMENTS, DIRECTIVES AND CORRESPONDENCE

A. Reports

1. County Administrator's Report

Mr. Carter presented the following report:

A. Covid-19 (Coronavirus): Current VDH data for Nelson County, as of July 9th, reported minus 1 (-1) new cases of the coronavirus, (0) new cases of the virus for the most recent seven (7) day average, 0 cases per 100,000 over the past seven days and minus -6.740 total new cases per 100,000 over the past fourteen days. Cumulatively, to date, the County has had 892 total reported cases of the coronavirus. Of this total, forty-one (41) persons have been hospitalized and there have been thirteen (13) deaths from the coronavirus.

AS of the week of July 5th, the mask requirement for County facilities has been revised to an honor system with fully vaccinated persons not required to wear masks while unvaccinated persons are still required to wear masks but no one will be asked their vaccination status when entering County facilities. As noted, the mask requirement is now an honor system.

B. American Rescue Plan: The first one-half, \$1,449,988.50, of federal ARP funding to Nelson County was received on June 1st. The balance of ARP funding, also \$1,449,988.50 will be received approximately one year from 6-1-21. The County's FY21-22 includes the total ARP funding the County will realize. The current task is for County staff to identify uses of the funding that comply with ARP requirements and report recommendations on funding use to the Board. This work continues to be in process.

C. Piney River Wastewater System - Usemco Pump Station (Refurbishment): The project is still in process due to additional work to repair one of the wastewater pumps that is not functioning correctly.

D. Comprehensive Plan: County Planning and Zoning staff are working with TJPDC staff on a Request for Proposals. A meeting is scheduled the week of July 12th to discuss the RFP to move it to completion. The completed RFP will be circulated to the Planning Commission and to the Board of Supervisors for review and comment before it is publicly issued.

E. Cigarette Tax: Information on establishing a regional cigarette tax program through the TJPDC was emailed to the Board on 7-9. This subject will be included on the Board's August 10th meeting agenda for discussions and decisions pertinent enacting the tax and participating in the regional entity.

F. 2022 General Reassessment: In process. A status report from Wampler-Eanes is planned for the Board's September meeting.

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G. VDOT- Transportation Alternatives (Grant) Program: Pre-applications were submitted to VDOT by the July 1st deadline for the Gladstone Depot and Lovingson Revitalization projects. The pre-applications were completed by TJPDC in consultation with County staff. The ensuing step is the submittal of a final application should VDOT select both projects for submittal of final applications. VDOT's decisions should be announced in the late July-August time period.

H. Redistricting: Final information and direction on completion of redistricting the County's election districts is pending receipt. County staff's current understanding is Census information will be received by August 18th (approximate) after which work on redistricting could begin.

2. Board Reports

Mr. Parr:

Mr. Parr noted that they had their second capital improvement committee 2x2 meeting with the School Board, and Mr. Carter and himself attended. He stated that they talked about the greenhouse project, which they had projected to cost \$255,000. Due to Covid, there has been a huge increase in demand for greenhouses being constructed, so the project came in at \$450,000. He noted that local funds of \$441,000 have been allocated, so it is not that big of a hit. He advised that the project should be completed by January 1st. He noted that another upcoming project is some safety vestibules that they will be putting in. They had planned on that being \$75,000 and it ended up coming in at \$191,000, but they have funding and are able to use some safety grant money. He noted that the schools received \$3.7 million from the American Rescue Plan, and they are looking to allocate \$1.5 million of that for the high school roof and renovation project. He advised it will probably be around a \$3 million project, and they may be looking to the County to assist with the additional \$1.5 million of that project, which would include the roof, some brickwork, and then renovating which will probably include some asbestos tile removal. It was noted that the additional \$2.2 million of the school system's ARP money would go towards learning loss.

Mr. Harvey:

Mr. Harvey referred to the Vietnam Memorial Museum group and noted that Creigh Deeds is going to introduce a bill that could access them to some money. He noted that Senator Deeds had indicated that if the Board of Supervisors would endorse this, it would make a lot of headway with the State. Mr. Rutherford noted that this would give the group an opportunity to get a bit of a head start, since they have been unable to fundraise. He added that this is just an endorsement from the Board. Mr. Carter noted that Mr. Saunders gave him a copy of the letter during the earlier Broadband Authority meeting and added that what is proposed is for Senator Deeds to introduce a budget amendment for the next session to get some State funding for this. He noted that Mr. Saunders indicated that Governor Northam may include this in his budget proposal for the next biennium budget, adding that they certainly want the

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Board's endorsement. He reiterated that they are not asking for County funding, just the Board's support.

Mr. Rutherford noted that this exact letter does not have to be used, and the Board could instruct Mr. Carter to draft a letter of endorsement.

Mr. Reed noted that he is just now seeing the letter for the first time and asked if it is okay to defer this until the next meeting. Mr. Carter stated that Mr. Saunders indicated that the deadline is Friday. It was noted that the letter was printed this morning and Staff received it at the end of the Broadband Authority meeting.

Mr. Harvey moved to endorse the presented letter with Staff's discretion to edit and Mr. Rutherford seconded the motion. There being no further discussion, Supervisors voted (4-1) by roll call vote to approve the motion with Mr. Reed voting No.

Mr. Rutherford:

Mr. Rutherford noted that he is the Chairman of the Thomas Jefferson Planning District Commission (TJPDC) now, and they are trying to get away from virtual meetings starting in August. He noted that he just received word that the Regional Housing side has just gotten a grant of \$2 million, which will flow into the communities of the TJPDC.

Mr. Rutherford referred to the Water Authority and advised that they are supposed to get a report on Thursday about the status of the Wintergreen and Schuyler projects and some other capital improvements.

Mr. Barton:

Mr. Barton had no report.

Mr. Reed:

Mr. Reed referred to the Jefferson Area Board for Aging (JABA) and noted that the doors are all open for the senior centers and facilities. Due to the age of everybody, some Covid protocols are still in place so they can begin getting their programs up and running again. He noted that people are showing up and happy to get back together again.

B. Appointments

Ms. Mawyer reviewed the following table:

(1) New Vacancies/Expiring Seats & New Applicants :					
Board/Commission	Term Expiring	Term & Limit Y/N	Incumbent	Re-appointm ent	Applicant (Order of Pref.)
N.C. Economic Development Authority	6/30/2021	4 Years/ No term limit	Kim Bryant	Y	
N.C. Library Advisory Committee	6/30/2021	4 Years/ No term limit	Jean B. Holliday - South District	Y	
Local Board of Building Code Appeals	6/30/2024	4 Years/ No term limit	Steve Crandall (Builder)	N	Ben Butler
(2) Existing Vacancies:					
Board/Commission	Terms Expired				
Social Services Board	6/30/2023	4 Years/ 2 term limit	Tanya Stewart - South district (T1)	N-stepped down	None
JAUNT Board	6/30/2021	3 Years/ No term limit	Delores J. Green	N	None

Ms. Mawyer noted that Kim Bryant has indicated that she wishes to be reappointed for another term on the Economic Development Authority. Mr. Rutherford then moved to reappoint Ms. Bryant to the EDA and Mr. Harvey seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

Ms. Mawyer then noted that Jean Holliday has indicated that she would like to be reappointed to the Nelson County Library Advisory Committee to represent the South District for another term. Mr. Barton moved to reappoint Ms. Holliday to the Nelson County Library Advisory Committee and Mr. Parr seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

Ms. Mawyer also noted that Ben Butler has submitted an application to fill the vacancy on the Local Board of Building Code Appeals. Mr. Harvey moved to appoint Mr. Butler to fill Steve Crandall’s position on the Local Board of Building Code Appeals and Mr. Barton seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

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Mr. Rutherford asked if there are any building code appeals coming up, and Mr. Carter stated yes, noting that Building Inspections gave notice to a property owner who constructed a building within the flood plain without a building permit. He noted that the Building Official gave them a year to address it, and they didn't, so the department gave notice to remove the structure. The property owner has retained legal counsel and is appealing that directive from the County to the Building Code of Appeals.

Ms. Mawyer noted that there are still vacancies on the Social Services Board and JAUNT Board.

C. Correspondence

Mr. Parr thanked Mr. Carter for his work with the Route 250 issue, adding that his pressure and communication really helped the situation on Route 6. Mr. Carter noted that VDOT staff were very responsive, adding that it just took a bit of persistence to get them to do a little bit more. Mr. Parr noted that it was a coordinated effort with State Police and local law enforcement as well as VDOT. He then stated that the public sharing of information on the situation on Route 6 made a huge impact on the County's ability to act on this, adding that this public information mainly came from posts that people were making on Facebook.

D. Directives

Mr. Reed noted that he has had a couple requests pertaining to the plastic bag tax, adding that he does not know the current information on this. He stated that it is his understanding that the County now has some ability to either levy a charge or restrict single use plastic bags at retailers. Mr. Carter noted that it may be a change in State law that became effective July 1st, and he advised he would look into this.

VII. OTHER BUSINESS (AS PRESENTED)

There was no other business considered by the Board.

VIII. ADJOURN AND CONTINUE – EVENING SESSION AT 7 PM

At 5:11 PM, Mr. Rutherford moved to adjourn and reconvene at 7:00 PM and Mr. Parr seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion and the meeting adjourned.

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

I. CALL TO ORDER

Mr. Reed called the meeting to order at 7:01 PM, with all Supervisors present to establish a quorum.

II. PUBLIC COMMENTS

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

III. PUBLIC HEARINGS

A. Rezoning #319 – R-1 to A-1

Consideration of a Rezoning application requesting County approval to rezone the R-1 portion of the property to A-1. The subject property is located at Tax Map Parcel #7-A-55 at 1224 Avon Rd. The subject property is 8.6 acres and is owned by Betty Garey.

Ms. Bishop provided the following report:

BACKGROUND: This is a request to rezone property from Residential, R-1 to Agricultural, A-1 to align the zoning designation with the use of the property.

Public Hearings Scheduled: P/C – June 23; Board – July 13

Location / Election District: 1224 Avon Road / North District

Tax Map Number(s) / Total acreage: 7-A-55 / 8.16 acres +/- total

Owner/Applicant Contact Information: Betty Garey, 1224 Avon Road, Afton, VA 22980, 540-569-6481, bettygarey@mindspring.com

Comments: This property contains two zoning designations, also referred to as “split-zoning.” It is staff’s understanding that a strip of R-1 Residential zoning along each side of the road was established when the Zoning Ordinance and Map were adopted. Paper maps from 1995 show this strip of zoning as well. As shown on the *Afton Zoning* attachment, these roads include Afton Mountain Road, Avon Road, Critzer Shop Road, and Old Turnpike Road. This also includes portions of Route 151, Tanbark Drive, and Windy Acres Circle. It is staff’s belief that the purpose of this was to concentrate areas of residential development, and protect agricultural properties in the Afton area.

According to documents submitted by the applicant, this property has been operating as a farm since the 1940s. The application indicates that there are turkeys, goats, ducks, and pigs on the property, some of which are bred for sale. The property contains 2 ponds which are currently being dredged, a hay field, and vegetable and herb gardens. Structures on the property include a single-

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family dwelling, pole barn for equipment storage, barn, and other accessory structures supporting the farm operation. The applicant also owns approximately 60 acres on the west side of Avon Road, however the property is not part of this request. There are no development plans submitted as part of this request.

DISCUSSION:

Land Use / Floodplain: This area is residential and agricultural in nature. Zoning in the vicinity is a strip of R-1 along each side of the road with A-1 zoning behind and beyond. There are no 100-year floodplains on this property.

Access / Traffic / Parking: Property is accessed by an existing entrance on Avon Road, and no improvements are required as part of this request.

Utilities: The property is currently served by private well and septic.

Proffers: There are no proffers submitted as part of this request.

Comprehensive Plan: This property is located in an area designated rural residential in the Comprehensive Plan, "which would allow low density residential and compatible non-residential uses in rural areas where agriculture is not the predominant use. Clustering of residents further protects rural areas... These sites are adjacent to identified development areas and adjacent to existing institutional (typically schools) or small-scale industrial uses. These areas are not expected to be served by water or sewer and therefore must be developed at a density consistent with groundwater availability and the lot sizes needed to accommodate septic systems."

At their meeting on June 23, the Planning Commission voted (4-0-1) to recommend approval of this application to the Board of Supervisors.

It was noted that the applicant was unable to attend the meeting. The Board had no questions for Ms. Bishop.

Mr. Reed then opened the public hearing.

There were no persons wishing to be recognized, and the public hearing was closed.

Mr. Harvey then moved to approve **Rezoning #319** and Mr. Parr 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 #324 – Public Garage

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Consideration of a Special Use Permit application requesting County approval to allow a Public Garage use on property zoned A-1. The subject property is located at Tax Map Parcel #45-A-41 at 12689 Thomas Nelson Hwy. The subject property is 30.31 acres and is owned by Elizabeth Pierce.

Ms. Bishop provided the following report:

BACKGROUND: This is a request for a special use permit for a public garage on property zoned A-1 Agriculture.

Public Hearings Scheduled: P/C – June 23; Board – July 13

Location / Election District: 12689 Thomas Nelson Hwy / East District Tax

Map Number(s) / Total acreage: 45-A-41 / 30.31 acres +/- total

Applicant Contact Information: Aaron Fulkerson, 567 Rio Road East, Charlottesville, VA 22901, 434-996-6060, vgmana21@yahoo.com; Fred Fulkerson, 1636 Townwood Court, Charlottesville, VA 22901, 434-962-1072, fredfromva@gmail.com (contract purchasers)

Owner Information: Elizabeth Pierce, 176 League Lane, Lovingson, VA 22949 Comments:

This property currently contains two single-family dwellings – one will be the primary residence of the applicant, and the second will be a residential rental. The proposed public garage building is approximately 2,400 square feet, and proposed hours of operation are Monday through Friday, 8:00 a.m. to 5:00 p.m. The proposed garage is approximately 200 feet from the edge of the right of way.

DISCUSSION:

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

Access / Traffic / Parking: Property is accessed by an existing entrance on Thomas Nelson Highway which serves the existing two dwellings. The same entrance is proposed to be utilized to access the garage, and will be required to be upgraded to satisfy commercial entrance requirements. The parking ordinance requires 2 parking spaces for each service bay. The applicants are proposing 20 spaces, which more than satisfies this requirement.

Lighting: The applicants are proposing a maximum of two light poles in the parking lot, with supplemental lighting attached to the front of the building. Lighting shall be arranged to deflect glare away from adjoining properties and public streets.

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Utilities: The property is currently served by private well and septic. Each dwelling is on its own system. Comments from the Health Department indicate that the proposed garage can be served by the existing septic system.

Erosion & Sediment Control: Because land disturbance is proposed to exceed 10,000 square feet, an Erosion & Sediment Control Plan will be required.

Comprehensive Plan: This property is located in an area designated rural residential in the Comprehensive Plan, "which would allow low density residential and compatible non-residential uses in rural areas where agriculture is not the predominant use. Clustering of residents further protects rural areas... These sites are adjacent to identified development areas and adjacent to existing institutional (typically schools) or small-scale industrial uses. These areas are not expected to be served by water or sewer and therefore must be developed at a density consistent with groundwater availability and the lot sizes needed to accommodate septic systems."

At their meeting on June 23, the Planning Commission recommended approval of this application (5-0) with the following conditions:

- 1. A final site plan shall be approved by all appropriate agencies.**
- 2. Hours of operation shall be limited to Monday-Friday, 8:00 a.m. to 5:00 p.m.**

Mr. Reed asked if a site plan is required for this permit, and Ms. Bishop stated it is required as part of the Special Use Permit. She added that it is not required to be previously submitted for the Board to see ahead of time.

The applicant did not wish to come up and speak.

Mr. Reed then opened the public hearing.

There were no persons wishing to be recognized, and the public hearing was closed.

Mr. Rutherford then moved to approve **Special Use Permit #324** as recommended by the Planning Commission. Mr. Harvey advised that he would like to see the hour restriction taken off. Mr. Rutherford amended his motion to strike the hour requirement and Mr. Parr seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

C. Special Use Permit #329 – Campground

July 13, 2021

Consideration of a Special Use Permit application requesting County approval to allow a Campground use on property zoned A-1. The subject property is located at Tax Map Parcel #28-6-7A at 11100 Crabtree Falls Hwy. The subject property is 8.36 acres and is owned by Richard Norman.

Ms. Bishop provided the following report:

BACKGROUND: This is a request for a special use permit for a campground use on property zoned A-1 Agriculture.

Public Hearings Scheduled: P/C – June 23; Board – July 13

Location / Election District: Crabtree Falls Hwy / West District

Tax Map Number(s) / Total acreage: 28-6-7A / 8.36 acres +/- total

Applicant/Owner Contact Information: Richard Norman, 40959 Pacer Lane, Paeonian Springs, VA 20129, 571-212-8880, rnorman@richardnorman.com

Surveyor/Engineer Information: Saunders Surveys, Inc. (P. Massie Saunders), 329 Crabtree Falls Hwy, Roseland, VA 22967, 434-277-8574, massie@saunderssurveys.com

Comments: This property is currently home to the Cabins at Crabtree Falls, where several cabins are available for lodging. The applicant is proposing to construct four decks above ground to be utilized as “glamping” sites, and a bath house. One of the four decks has been constructed as an observation deck that is currently utilized by guests of the cabins. This operation spans multiple parcels; this request for a campground is specific to parcel 28-6-7A, which contains the existing office and home for management.

DISCUSSION:

Land Use / Floodplain: This area is residential and agricultural in nature. Zoning in the vicinity is A-1 and C-1 Conservation (George Washington National Forest). There are no 100-year floodplains on this property.

Access / Traffic / Parking: Property is accessed by Crabtree Falls Highway. The western entrance will be required to be modified and upgraded to a commercial entrance, while the eastern entrance will be vacated.

Utilities: The applicant is currently working with an engineer and on-site soil evaluator on the sewage system for the proposed bath house, which shall be approved by the Health Department.

Comprehensive Plan: This property is located in an area designated rural and farming in the Comprehensive Plan, which “would promote agricultural uses and compatible open space uses but

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discourage large scale residential development and commercial development that would conflict with agricultural uses. The Rural and Farming District would permit small scale industrial and service uses that complement agriculture.”

At their meeting on June 23, the Planning Commission recommended approval of this application (5-0) with the following condition:

- 1. A final site plan shall be approved by all appropriate agencies. The site shall be constructed in compliance with the final approved plan.**

Mr. Reed asked what a glamping site encompasses and invited the builder, Ben Butler, to come forward to answer this question. Mr. Butler advised that glamping is glamorous camping with the idea that everything you need is there other than your luggage. He noted that they build a platform for the tents, and they’ll have power, Wi-Fi, a wood stove, a king sized bed, and table in each one. He added that the bath house will serve all four of them, and there will be four individual units in the bathhouse. He noted that when someone checks in to their tent, they get a key to their bathroom. He advised that one of the sites will be ADA accessible, and they believe this will be a nice fit to the applicant’s current business.

The Board had no other questions, and Mr. Reed then opened the public hearing.

There were no persons wishing to be recognized, and the public hearing was closed.

Mr. Harvey noted that Mr. Massie Saunders was in attendance and invited him up to speak. Mr. Saunders noted that he is the surveyor/engineer and put the drawing together for this. He advised that he met with VDOT and the adjoining owners.

Mr. Parr then moved to approve **Special Use Permit #329 – Campground** as amended by the Planning Commission and Mr. Rutherford seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

IV. OTHER BUSINESS (AS PRESENTED)

Mr. Harvey referred to the Afton Overlook and noted that the viewer is now up there. He urged everyone to stop by when they have the chance. He noted the main viewer is at standard height and there is a smaller one attached to it for children or the handicapped. He added that they had put sod down, however, the place is so busy, that it is just brown dirt now. He advised that pea gravel has been recommended to be put down there, and they also need to do some trimming on the other side of the wall. He advised the place is staying pretty clean and the picnic tables are working out well.

Mr. Parr asked if the email the Board received about the departure of Claire Richardson from the Parks and Recreation department is public. Mr. Carter noted that July 27th is her last day, and he has reached

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out to Emily Harper, who is the former director for that department, to see if she could come in and hold the fort down until a replacement is found. Mr. Parr asked Mr. Carter to pass along the Board's gratitude and well wishes to Ms. Richardson. It was noted that she will be the Activities Director for Blue Ridge Community College.

V. ADJOURNMENT

At 7:22 PM, Mr. Rutherford moved to adjourn and Mr. Parr seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion and the meeting adjourned.