

Virginia:

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

Present: Jesse N. Rutherford, East District Supervisor –Chair
J. David Parr, West District Supervisor – Vice Chair
Thomas D. Harvey, North District Supervisor
Ernie Q. Reed, Central District Supervisor
Robert G. “Skip” Barton, South District Supervisor
Candice W. McGarry, County Administrator
Amanda B. Spivey, Administrative Assistant/Deputy Clerk
Linda K. Staton, Director of Finance and Human Resources
Kevin Wright, Animal Control Supervisor
Maureen Kelley, Director of Tourism and Economic Development
Dylan M. Bishop, Director of Planning and Zoning

I. CALL TO ORDER

Mr. Rutherford called the meeting to order at 2:03 p.m. with four (4) Supervisors present to establish a quorum and Mr. Harvey arrived shortly after.

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

II. PUBLIC COMMENTS

Chris Sandquist – MACAA Representative for Nelson County

Mr. Sandquist noted that he was speaking as Nelson County’s MACAA representative. He reported that MACAA would be holding a town hall from 4 to 5 p.m., as well as its March Board meeting on Thursday, March 23rd at the Nelson Memorial Library. He explained that the town hall would be a “Meet and Greet” with their Head Start and Early Head Start teachers from Tye River Elementary School and Rockfish River Elementary School. He noted that they would also be conducting a democratic election of constituent board members. He extended an invitation to the Board of Supervisors to attend. He noted that MACAA was committed to Nelson County, and he was happy to be working with the County on MACAA's behalf. He explained that MACAA would have a community needs assessment survey posted to the County website. He noted that the survey would allow constituents to relate their needs to MACAA.

Doris Moyer - Arrington, VA

Ms. Moyer asked the Board to do something about tractor trailers coming through Tye River Road. She reported that they had torn her mailboxes and fence down. She noted they had driven in her yard and were turning around on her blacktop. She indicated that she had spoken to VDOT and the Sheriff. She reported that a tractor trailer had recently attempted to drive through the underpass. She noted that the truck made it through but the trailer was damaged when it hit the underpass. She stated that these were steering wheel holders, they were not drivers. Ms. Moyer asked if the Board could do anything to help.

James Bryant - Arrington, VA

Mr. Bryant reported that he had the same issue with tractor trailers coming off of Route 60 taking Tye River Road. He noted that GPS was showing it as a short cut to 29. He explained that once they got to the underpass, they could not get any further. He noted that most could not back up and they had torn up the yard, knocked down his mother’s mailbox and fence. He also reported that they had run into the back of his truck. He asked if anything could be done. He pointed out that damage to the Norfolk-Southern main line bridge would be a major problem. He asked if GPS could show it as a restricted road.

Mr. Rutherford suggested that Ms. Moyer and Mr. Bryant wait until the VDOT report was finished so they could speak with Robert Brown regarding Tye River Road.

Robert Gubisch - Faber, VA

Mr. Gubisch commented that everyone was experiencing higher prices and the economy was volatile. He asked the Board to consider putting any large expenditure items on the backburner for a year or so as there were a lot of unknowns in the future. He asked that any savings be invested to determine the truths and untruths behind the real COVID story. He noted that people were told that they could not go to church but they could go to Wal-Mart. He felt that some time should be invested to determine what really happened.

Raelyn Allen - Madison Heights, VA

Ms. Allen requested a donation of funds for a project that she was completing as a student in the Blue Ridge Virtual Governors School. She explained that for her senior project, she was asked to choose a project to support her community. She noted that her project focused on ways to improve student engagement in the learning environment. Ms. Allen explained that her idea was to create an outdoor space to allow students to get out of the classroom and experience learning in a natural setting. She reported that Tye River Elementary School had an existing space on a concrete pad in a courtyard area but it did not have an option for shade. She noted that her proposed project was to provide a structure to provide shade and define the space. She reported that she had raised enough funds to start the project. She explained that for phase 1, they would be installing six posts to support a sail shade, and had designed the space to allow for future expansion. She noted that additional phases could include an expansion of the space, the addition of plants or specialized furniture for outdoor learning, as well as walkways to the space. Ms. Allen asked the Board to consider a donation of \$300-\$500 to support the project. She thanked the Board for their time and consideration, noting they could email her if they had any questions.

Sheriff David Hill - Nelson County

Sheriff Hill noted that he had spoken with Ms. Moyer regarding the truck issue on Tye River Road. He also referenced Robert's Brown prior suggestion of potential increased signage. He explained that they had been brainstorming on what could be done to solve the problem. He explained that his deputies would go to take reports and by the time that deputies arrive, the truck would be gone. He reported that in terms of enforcement, there were warning signs up on Route 60 and just as trucks turned onto Tye River Road. He noted that in driving back from a conference in Virginia Beach, they saw height warning signal. He suggested that they should consider some of the new technology to deal with the issues happening at Reed's Gap and Tye River Road. He suggested that it may be something to ask the state for help with. He pointed out if there was an emergency and they could not get through to help someone in need, it would delay the time to get there. He noted Ms. Moyer has reported incidents over the past few years regarding property damage. He explained that drivers see Ms. Moyer's driveway as a good place to turn around as it is paved. He commented that Ms. Moyer has worked hard for what she had and asked if there was anything that the Board could do to help.

There were no others wishing to speak under public comments.

Mr. Rutherford noted that there was a change to the Consent Agenda with the addition of Budget Amendment **Resolution R2023-11A**. Mr. Rutherford pulled Proclamation P2023-01 from the Consent Agenda.

Mr. Reed moved to approve **Proclamation P2023-01** read the proclamation aloud. Mr. Parr seconded the motion. There being no further discussion, Supervisors approved the motion by vote of acclamation and the following proclamation was adopted:

E. Proclamation – **P2023-01** Emergency Management Week

**PROCLAMATION P2023-01
NELSON COUNTY BOARD OF SUPERVISORS
EMERGENCY MANAGEMENT PROFESSIONALS' WEEK**

WHEREAS, the emergency management team of Nelson County and the Commonwealth of Virginia work tirelessly behind the scenes to create a safer, stronger and more resilient Nelson County in the midst of natural disasters, pandemics, civil unrest, terrorism and other man-made and natural threats and hazards; and

WHEREAS, every emergency begins and ends locally; and

WHEREAS, emergency managers are considered vital public service to and between essential services that assist the County to prepare for, respond to and recover from emergencies; and

WHEREAS, emergency managers develop emergency plans and procedures, organize training including first responders and community partners, manage, lead, and provide skills and resources to minimize the impact of disasters, work with state and federal agencies to find the most effective methods of disaster recovery, to increase safety and security, as well as build business continuity; and

WHEREAS, the role of emergency managers in creating a safer more resilient community is more important than ever;

March 14, 2023

NOW, THEREFORE IT BE RESOLVED, that the Nelson County Board of Supervisors do hereby proclaim March 19-23, 2023 as **EMERGENCY MANAGEMENT PROFESSIONALS' WEEK** in Nelson County and encourage all citizens to honor the Nelson County Emergency Management team and to recognize their service behind the scenes and commitment to the health, safety, and welfare of all who live and visit in Nelson County.

II. CONSENT AGENDA

Mr. Parr moved to approve the remainder of the Consent Agenda as presented and Mr. Barton seconded the motion. There being no further discussion, Supervisors approved the motion by vote of acclamation and the following resolutions were adopted:

- A. Resolution – **R2023-10** Minutes for Approval

**RESOLUTION R2023-10
NELSON COUNTY BOARD OF SUPERVISORS
APPROVAL OF MINUTES
(November 7, 2022)**

RESOLVED, by the Nelson County Board of Supervisors that the minutes of said Board meetings conducted on **November 7, 2022** be and hereby are approved and authorized for entry into the official record of the Board of Supervisors meetings.

- B. Resolution – **R2023-11** Budget Amendment

**RESOLUTION R2023-11
NELSON COUNTY BOARD OF SUPERVISORS
AMENDMENT OF FISCAL YEAR 2022-2023 BUDGET
March 14, 2023**

I. Appropriation of Funds (General Fund)

<u>Amount</u>	<u>Revenue Account (-)</u>	<u>Expenditure Account (+)</u>
\$ 7,628.23	3-100-001899-0008	4-100-091030-5202
\$ 528.00	3-100-002404-0001	4-100-031020-5419
\$ 2,333.79	3-100-002404-0049	4-100-032010-5504
\$ 666.21	3-100-002404-0049	4-100-032030-5504
\$ 18,682.56	3-100-002404-0002	4-100-032020-5650
\$ 2,290.00	3-100-002404-0043	4-100-071020-3020
\$ 41,389.38	3-100-002404-0042	4-100-071020-8004
\$ 50,000.00	3-100-003303-0044	4-100-091030-5626
<u>\$ 123,518.17</u>		

II. Appropriation of Funds (Piney River Fund)

<u>Amount</u>	<u>Revenue Account (-)</u>	<u>Expenditure Account (+)</u>
\$ 37,449.25	3-501-004105-0001	4-501-042040-8004
<u>\$ 37,449.25</u>		

III. Transfer of Funds (Employee Benefits and Departmental)

<u>Amount</u>	<u>Credit Account (-)</u>	<u>Debit Account (+)</u>
\$ 8,364.00	4-100-091030-5616	4-100-011010-2005
\$ 10,243.00	4-100-013020-1003	4-100-013020-1001
\$ 1,918.00	4-100-022010-1003	4-100-022010-2001
<u>\$ 20,525.00</u>		

IV. Transfer of Funds (General Fund Recurring Contingency)

<u>Amount</u>	<u>Credit Account (-)</u>	<u>Debit Account (+)</u>
\$ 60,000.00	4-100-999000-9901	4-100-021040-3020
\$ 2,900.00	4-100-999000-9901	4-100-083010-1001
\$ 343.00	4-100-999000-9901	4-100-083010-2002
\$ 25,380.00	4-100-999000-9901	4-100-091050-7020
\$ 30,766.00	4-100-999000-9901	4-100-091050-7089
\$ 37,449.25	4-100-999000-9901	4-100-093100-9207
<u>\$ 156,838.25</u>		

C. Resolution – R2023-11A Budget Amendment

**RESOLUTION R2023-11A
NELSON COUNTY BOARD OF SUPERVISORS
AMENDMENT OF FISCAL YEAR 2022-2023 BUDGET
March 14, 2023**

I. Appropriation of Funds (School Fund)			
	<u>Amount</u>	<u>Revenue Account (-)</u>	<u>Expenditure Account (+)</u>
\$	62,500.00	3-205-004105-0001	4-205-064600-8000
\$	104,402.00	3-205-004105-0001	4-205-063100-9303
\$	60,000.00	3-205-004105-0001	4-205-063100-8000
\$	37,500.00	3-205-004105-0001	4-205-063100-8000
	\$ 264,402.00		
 II. Transfer of Funds (General Fund Year Ending Balance to School Fund)			
	<u>Amount</u>	<u>Credit Account (-)</u>	<u>Debit Account (+)</u>
\$	264,402.00	3-100-009999-0001	4-100-093100-9203
	\$ 264,402.00		

D. Resolution – R2023-12 FY24 Creative Communities Partnership Grant

**RESOLUTION R2023-12
NELSON COUNTY BOARD OF SUPERVISORS
VIRGINIA COMMISSION OF THE ARTS
FY23-24 CREATIVE COMMUNITIES PARTNERSHIP GRANT**

BE IT RESOLVED, by the Nelson County Board of Supervisors that said Board endorses the County’s submission of an application to the Virginia Commission of the Arts for 2023-2024 Creative Communities Partnership Grant funding (formerly Local Government Challenge Grant).

BE IT FURTHER RESOLVED, said application includes a local match of \$4,500.00 to be confirmed upon formal adoption of Nelson County’s Fiscal Year 2023-2024 Budget by the Board of Supervisors.

IV. PRESENTATIONS

A. VDOT Report

Mr. Robert Brown of VDOT was present to provide the following report:

Mr. Brown reported that VDOT had some snow operations on Sunday on the mountain. He noted that it was a good snow because it did not stick to the roads and pavement temperatures were up. He reported that Route 623 was still closed to thru traffic for a structure replacement. He expected that it should reopen within the next two weeks. He noted that the new structure had been set and they were working on back filling.

Mr. Brown reported that they were currently do ditching operations and shoulder cutting along various roadways. He reported that the Bryant Headquarters had been working on Adial and the Shipman Area Headquarters was doing the same work on their side. He noted that there would be a lot more focus drainage work ditches, shoulders, and replacing pipes. He explained that they were trying to get back to the basics in maintenance operation as it had an impact on how the roads held up.

Mr. Brown noted the current Rural Rustic Priority list on the screen and indicated that they would be working on the Secondary Six Year Plan revisions soon. He explained that the list was what the Board had already asked VDOT to put on the list. He asked the Board to let him know if they wished to include any additional roads. He noted that when they held the public hearing on the Secondary Road Construction Budget, the Board could place priority on the roads if desired. Mr. Brown suggested that the public hearing be held on May 9th at 7 p.m.

PRIORITY	ROUTE	NAME	FROM	TO	LENGTH	TC - VPD	NOTES
1	666	Jacks Hill	1.82 Mi W RTE 678	1.0 M W 678	0.8	80	\$ 162,000.00
2	654	Cedar Creek	3 Mi West RTE 655	RTE 661	1.24 Mi	110	\$ 248,000.00
3	643	Ball Mountain	RTE 639	Dead End	0.60 Mi	50	\$ 120,000.00
This route is already hard surfaced to the end of state maintenance							
4	848	Whipperwill Lane					
5	765	Honey Suckle	RTE 151	Dead End	0.20 Mi	50	\$ 52,000.00
6	674	Cow Hollow	RTE 780	RTE 56	1.10 Mi	60	\$ 250,000.00
7	623	Davis Creek	RTE 625	Dead End	1.70 Mi	60	\$ 352,000.00
	646	Hunting Lodge Road	Rte 604	Rte 645	2.00 Mi	50	\$400,000
	674	Jennys Creek Rd	Rte 56	Rte 151	1.2 Mi	60	\$250,000
	606	Buffalo Station	Rte 626	1.4 Mi East	1.4 Mi	60	\$260,000
	629	Gulleysville Lane	Rte 634	Dead End	1.27 Mi	60	\$200,000
	667	Fork Mt	1.29 Mi North Rt 56	2.29 Mi N	1.00 Mi	130	\$225,000
	613	Berry Hill Rd	Rte 788	1.10 Mi S	1.00 Mi	60	\$200,000
	640	Wheelers Cove Rd	Rte 620	1.50 Mi	1.5 Mi	80	\$300,000
	641	Dutch Creek Ln				40	
	764	Walk Around Ln	RTE 628	Dead End	0.60 Mi	50	\$150,000
	721	Green Field Dr	.70 Mi N RTE 626	2.8 Mi N	2.1 Mi	70	\$450,000
							\$1,835,000

Mr. Barton:

Mr. Barton discussed Ms. Moyer's problem on Tye River Road. He noted the suggestion to have Tye River Road removed as short cut for GPS. He asked if it was possible to add lights to warning sign. He also reiterated the prior concerns that a truck stuck at the underpass would prohibit vehicles from accessing the area in an emergency. He suggested that it be made a priority. Mr. Brown noted he did not disagree with the comments made. He noted that it was a problem when there was a restricted route and they were trying to get the truckers to obey posted signage. He noted that VDOT would be glad to evaluate the road again. He reported that it had been reviewed at least two times by traffic engineers for additional signage and possible improvements. Mr. Brown noted that truckers were not heeding the warnings given on the signs. He suggested that they may need to get creative and think outside the box to try and help the situation. He indicated that there were other issues on roads in the area that had been hard to deal with. He explained that they could continue to work on improvements but truckers needed to understand signage. He suggested that they may need signs with international truck symbols. Mr. Brown also thought that Mr. Barton's suggestion of adding flashing lights to the signs could help. Mr. Brown noted that they had little success in getting GPS companies to make changes at their request. Mr. Barton asked if the GPS companies could be held responsible. Mr. Rutherford noted that they could not do that. Mr. Rutherford suggested that the Sheriff, VDOT and constituents could get together to discuss the matter further.

Mr. Harvey:

Mr. Harvey had no VDOT issues to discuss.

Mr. Reed:

Mr. Reed asked if Mr. Brown was familiar with any other states that may have taken steps to bring their Department of Transportation and the GPS companies into alignment with their maps. He suggested that the Counties, VDOT, and possibly the TJPDC work to get on a legislative agenda to deal with the problem. Mr. Brown noted he was not aware of anything ongoing but he would reach out to others who may be better able to answer the question. Mr. Reed noted he would also reach out to David Blount at the TJPDC for further suggestions also.

Mr. Parr:

Mr. Parr referenced the intersection at 29 and Route 151 at Clifford with the flashing light/dynamic signal and asked if something similar had been considered at the intersection at Route 56 and 29 in Colleen. He noted that intersection seemed to have an increasing number of accidents. Mr. Brown noted that he had not heard any discussions on it. He explained that it had been evaluated a few years earlier because the crash data was so high. He reported that some improvements had been made at the crossover to prevent double stacking. Mr. Brown was not sure whether the crash data had been updated since the adjustments had been made. Mr. Parr noted that two accidents had occurred in the last week. Mr. Parr commented that it was a bad spot and the double stacking occurred even with the signage in place. Mr. Brown noted they could have a conversation about it and look at the crash data since improvements had been made. Mr. Parr also reported that the shoulder on the west side of Saunders Hill had been eaten away pretty bad.

Mr. Reed thanked Mr. Brown for VDOT's work on the 151 Corridor Study particularly as the County was in the process of updating the Comprehensive Plan. He reminded everyone that the public hearing on

the 151 Corridor study would take place on April 7th at RVCC from 4 p.m. to 6 p.m. Mr. Brown noted he would pass the thanks along to Mr. Youngblood.

Mr. Rutherford agreed with Mr. Parr's comments regarding the intersection at Route 56 and 29. He thought rumble strips may be an option. He asked if there were already lights in place. Mr. Parr noted that there were no lights, only a sign. Mr. Rutherford had no other VDOT issues to report. Mr. Parr felt that rumble strips should be a last resort, as the neighbors would not appreciate the noise that they generate.

B. Audit Report – Robinson, Farmer, Cox and Associates

Mr. David Foley of Robinson, Farmer, Cox and Associates presented the FY22 audit performed for Nelson County. He gave an overview of the necessary communications as required by law. He reported that there were no deficiencies found. He gave a clean opinion for the County's FY2022 financial statements. Mr. Foley provided a clean report on the County's internal control over its financial reporting. He also reported on the County's compliance with grant programs. Mr. Foley also provided a clean report on County compliance with grant programs, noting that there were no items of non-compliance. He noted that there was a new accounting standard, GASB Statement No. 87, which changed the way that the County had to account for operating leases. He stated that the County did implement the new standard with no issues.

Mr. Foley reported that there were no difficulties in performing the audit. He commented that County staff did an excellent job in working with the auditors and they were prepared and ready to answer questions if needed. He noted that they understood that County staff had their normal jobs to do, aside from the auditors being on site at the same time. Mr. Foley reported that there were no uncorrected misstatements.

He reported that there were no disagreements with management over accounting or reporting. He noted that if there had been any issues with the audit, he would be required to disclose those.

Mr. Foley offered to answer any questions. Mr. Barton asked if County passed with flying colors. Mr. Foley indicated yes, noting it was a very clean audit.

C. Community Center Coalition

Ms. Margaret Clair of the Nelson Center, reported that the group was present to explain who they were, identify their contributions they made to Nelson County, discuss the challenges they faced, and provide ideas to better collaborate and serve the community. Ms. Clair noted that they created the group to open communication between the centers. She referenced the comprehensive plan update and noted that as it took shape and there were conversations about centralized services, they did not want to lose sight of the labor that had gone into creating and maintaining each center. She commented that they were discussing community centers that were housed in old elementary schools, noting that they did not have representation from each center present at the meeting.

Ms. Clair listed the Nelson County Community Centers and their representatives:

- Schuyler Elementary School/Walton's Mountain Museum (no one present to represent)
- Heritage Center – Johnette Burdette
- Nelson Center – Margaret Clair
- RVCC - Stu Mills and Sara Taylor
- Fleetwood - Florence Hernandez
- Gladstone Depot - Joanne Absher

Ms. Clair discussed the Schuyler Community Center/Walton's Mountain Museum. She reported that it was established in 1991. She noted that the center provided a community center for all activities, with space available to rent. She commented that the Walton's Mountain Museum was a tourist attraction that brought in guests from all over. She noted that the center had space for voting, public health, public meetings and private events. She also pointed out that they had playground equipment and fields.

Ms. Johnette Burdette, Executive Director of the Nelson Heritage Center, was present to provide background information on the center. She reported that Nelson Heritage Center was established in 1991 and was formerly the Nelson Memorial High School for blacks prior to integration. She explained that the Millennium Group, a 501(c)(3) organization, operated and maintained the Nelson Heritage Center. She reported that they had been very busy and she thanked the Board for their continued support. Ms. Burdette noted that they had completed the \$400,000 project to renovate their gymnasium and were waiting on a few last minute items before they obtain full occupancy of the space. She commented that they were looking forward to use of the gym and partnering with Parks and Recreation and other organizations to create a safe space for all to enjoy.

Ms. Burdette also reported that they were currently under construction for the health department. She explained that they were working with Wall Construction to renovate the southern end of the building, noting that about 30 percent of the building would house the health department. Ms. Burdette reported that they had been in conversation with the Nelson Community Wellness Alliance about ongoing partnerships. She noted that they had space within the building for long term tenants, as well as space for the community to rent at an affordable rate. She reported that the Heritage Center was fully booked through the third week of June. She commented that they were working to renovate the auditorium, their most rented space. She explained that they were in the process of obtaining quotes to renovate the auditorium, restrooms and lobby. She noted that they were extremely excited about the various renovation projects and what the building would continue to mean for the community.

Ms. Clair provided information on the Nelson Center. She explained that it was a \$3 million project where the Nelson Center, the County, NCCDF and JABA worked together to renovate the old Lovington Elementary School. She reported that the Nelson Center primarily operated as a hub for services in the County. She noted that the Recreation department, Cooperative Extension, PT Plus, NCCDF, and MACAA. She explained that the Wellness Alliance had also been located there as well. Ms. Clair noted that they rented out the auditorium, and worked with Recreation to use the field space. She also noted that they worked with the Library to make sure they had parking lot space available for patrons. She stated that it was a nice campus and a great asset to Lovington, and the County as a whole. Ms. Clair commented that the Nelson Center was happy to work with the County to keep the space rented and in use as a public asset.

Mr. Stu Mills and Ms. Sara Taylor were present to represent the Rockfish Valley Community Center. Mr. Mills reported that RVCC was formed in 2000 and they were now in their 23rd year of offering social, educational, cultural and recreational opportunities to the Rockfish Valley. He explained that they served constituents in Mr. Reed's and Mr. Harvey's territories. Mr. Mills explained that RVCC did strategic planning every three years and they were currently working toward long range planning, particularly for recreational services. He reported that RVCC had invested significant amounts of money to improve their recreational facilities that are offered to constituents. He offered to provide expertise in recreation to the County as they begin to work on recreational services. He hoped that the Board would look to the Community Center Coalition for advice as they work on the development of services for the constituents.

Ms. Florence Hernandez spoke on behalf of the Fleetwood Community Center. She reported that Fleetwood was established in 1995 when Fleetwood Elementary closed. She explained that Fleetwood has mainly operated mainly as a recreational facility and has housed equestrian trail rides twice per year. She announced that in April, they would celebrate their 30th anniversary for trail rides. She reported that the center had spent the last two years reaching out to the community to work towards a historical renovation of the building. She noted that they had bids in for their roof project. She also noted that bids were in for a nine hole, par 3, disc golf course that would be installed once the weather warmed up, along with a new basketball court. She explained that their focus has been on the outside until inside of the building is fixed. She reported that they had also focused on fishing, along with a harvest festival which showcased apples from all of the local orchards. She also noted that they had done tie dye, arts and crafts. Ms. Hernandez indicated that they were excited about working together, rather than competing.

Ms. Joanne Absher was present on behalf of the Gladstone Community Center and Depot. She reported that they were in the beginning stages of renovation and were not open to serve as of yet. She noted that they did try to serve in other ways. She reported that they had a candlelight ministry that came in once per week to provide food to seniors and those in need. She noted that they were looking forward to being a part of the Community Center Coalition.

Ms. Clair noted that quite a few services were independently provided to the community like office spaces, meeting spaces, recreational areas, cultural spaces and commercial spaces. She explained that one of their challenges was that the buildings were old. She noted that it had been 20 years since the Nelson Center was renovated. She also pointed out security issues like theft, vandalism and overuse/abuse of space. She noted that they had trash dumping take place at RVCC when the collection center was closed. She reported that funding was a challenge as well, noting that they were always looking for funding to help renovate.

Ms. Clair reiterated that the centers had opportunities to collaborate and maximize what they were doing, rather than competing with each other.

Ms. Burdette thanked the Board, as well as the community. She noted that all of the centers served specific needs in all areas of the County. She indicated that they needed help and would continue to need help in the future to provide benefits to the community. She pointed out that they provided meeting spaces to other organizations at little to no cost. She reported that the Coalition had been able to meet, talk and collaborate. She noted that they had also been able to discuss grant funding. She wanted the Board to know that they were working to make Nelson a better place and would continue to partner with each other and the County.

Mr. Parr asked about the health department project timeline. Ms. Burdette noted they were looking at having the health department in the building by early fall. She reported that they were working on a revised timeline, and were waiting on some approvals from VDH. Ms. Burdette noted that she planned to return with a full presentation on the Heritage Center.

D. Nelson Community Wellness Alliance

Ms. Tracey Henke, co-executive director of the Nelson Community Wellness Alliance (NCWA), was present along with co-executive director Mr. Ryan Lightner. She pointed out NCWA Board president, Ms. Christy McClain, who was also present in the audience. Ms. Henke commented that there had been many changes to their organization in the last few years, and they wanted to start providing regular updates to the Board. Ms. Henke reported that NCWA founder Stephanie Martin was now the Director of Enabling Services and they had hired Afton Root as their full-time program manager. She explained that they were a team of about 4.5 people with some part time help, noting they had a lot more staff than they used to.

She noted that their current mission had expanded beyond substance abuse into health and wellness. She stated that their mission was to serve as a catalyst for improved health outcomes in Nelson County through meaningful partnerships and programs. She noted that NCWA was not a service provider, rather they acted as a facilitation group and to sponsor grant funding and programs to help existing programs. Function.

Ms. Henke noted that the NCWA's vision was to see Nelson free of barriers where all residents can enjoy easily accessible resources and a high quality of life. She commented on the NCWA's values, that NCWA believe that all Nelson residents should enjoy the opportunity to thrive within every social determinant of health. She noted that the NCWA improved partnerships among neighborhood, social and community context, education, economic stability, and healthcare resources.

Ms. Henke stated that one of the top NCWA priorities was improving health outcomes. She pointed out that those health outcomes were lower in rural communities. She noted that Nelson was recognized as a health care shortage area, in which people were not able to access resources. She pointed out that doctor's offices, dentists and other healthcare professionals were few in the County. She noted that where someone lived and their transportation affected their ability to get to health resources. Ms. Henke also noted other NCWA priorities were to expand collaboration between agencies, organizations, and the community; raise the quality of life for all Nelson residents; increase access and remove barriers for all social determinants of health; and educate professionals and the public on health and wellness.

Mr. Lightner reported on the 2022 HRSA grant, noting that the Nelson Community Wellness Alliance was awarded \$3 million over three years to develop and implement a community health worker training program for the residents of Nelson County and the surrounding areas. He described a community health worker as a person who served as a liaison between healthcare providers and the community. He noted that they could help people navigate the services they needed. He pointed out that it tied in with their mission because they were creating a pathway to train people to start a career in the health service industry. He explained that the program would be open to graduating high school students and adults. Mr. Lightner reported that the course was a six-week program that the NCWA worked with PVCC, the Virginia Department of Health and Virginia Career Works and other organizations, to develop the curriculum for virtual online courses to gain certification as a community health worker. He explained that there was also a year-long apprenticeship as part of the training. He noted that they were working with NCWA partners to guide the trainees into paid apprenticeships.

Mr. Lightner explained that while applying for the grant, they thought about what may deter someone from going through the program. He noted some examples of Providing Enabling Services to people.

- Community hub – making sure that program participants are having all of their needs met.
- Affordable childcare – He noted there was no licensed childcare available for children under 2 years old. Mr. Lightner reported that NCWA was working to open a daycare center in the Heritage Center, and half of the spots would be reserved for people going through the CHW program, while the other half would be for people in the county. He noted that they were working with Social Services and United Way to find ways for people to bring their children to the daycare, regardless of income level.
- Job Placement and Training – He noted they were making sure that apprenticeships were lined up along with training modules.
- Transportation – He noted that transportation continued to be a big problem for people.

Mr. Lightner reported that the CHW training program was projected to start in August 2023. He noted that they were also helping with the renovation of the Heritage Center for a childcare center. He reported that they were hoping to launch the community hub by the end of the calendar year.

Mr. Lighter noted that NCWA needed support for the hub launch, reporting that they needed funding and staffing. He reported that they would be advertising soon for the positions at the daycare. He noted the need for scholarships to the childcare center to ensure access to affordable childcare. He pointed out that they would need funds to cover gaps in operational expenses that the grant could not support.

Mr. Lightner thanked their community supporters in Nelson and the surrounding areas. He noted that they wanted to make sure everyone knew how to utilize the resources available and live their best lives.

Mr. Lightner stressed the importance of the CHW program, noting it was a huge step in preventative care. He noted that all across the country, people did not have access to healthcare resources, mental and behavioral health, and drug treatment programs. Mr. Lighter shared that his youngest brother was a law enforcement officer in Harrisburg, Pennsylvania and also on their Crisis Intervention Team (CIT). He noted that the number of calls were increasing for crisis intervention. Mr. Lightner noted that was not in Nelson, but it was happening everywhere. He voiced safety concerns for law enforcement and those needing help. He wanted Nelson to become the gold standard for preventative health in the community.

Mr. Barton asked about the grant funding and whether the grant was renewable. Ms. Henke noted they were not sure as it was a pilot program. She noted that Nelson County was under a spotlight as many of the other recipients were much larger agencies. She explained that everyone was watching to see how things went. She thanked the Board for their support and noted that they wanted to continue to partner with Nelson. She wanted to make the program self-sustaining. Mr. Lightner noted if the grant program was not renewable, there were opportunities to seek additional funding from other sources. Ms. Henke noted that the program was gaining popularity nationwide because they were trying to provide for the health worker shortage.

Mr. Barton asked about daycare, noting it was very important. He asked who they were working with. Ms. Henke noted that they were working with Ready Kids, Childcare Aware Virginia, United Way, Social Services, the Department of Education, and any entity that could help with licensing requirements or funding. Mr. Lightner explained that they would start with infant care, and toddlers possibly at the same time. He noted that their goal was to provide care for up to age five and have a preschool in the area.

Mr. Barton asked if they were partnering with the schools. Ms. Henke noted they were working with schools and were aware of the afterschool care issues. She noted that the problem was that they were not currently licensed, did not have licensed staff or a location. Ms. Henke noted that the would be piece mealing it and it was a moving target. Mr. Lightner noted they could offer a short drop off period without licensure. Ms. Henke noted there were different licensure requirements depending on the level of care. Ms. Henke thanked the Board again for their support.

The Board thanked Ms. Henke and Mr. Lightner for their time.

E. Nelson County Community Fund (R2023-13)

Mr. Ken Heise of the Nelson County Community Fund (NCCF) was present to share information on the background of the NCCF. He reported that NCCF was created in the year 2000 with a donation from Gordon Smyth. He reported that their mission was to award grants to organizations addressing humanitarian needs of people living in Nelson County. He reported that they were an all-volunteer board of about 10 to 15 volunteers. He noted that they did maintain a leadership group of a President, Vice President, Treasurer and Secretary. Mr. Heise reported that NCCF gained 501(c)(3) status in 2019. He noted that over 1,000 donors had contributed to NCCF.

Mr. Heise explained that the NCCF tried to raise awareness of challenges faced by Nelson residents through presentations, social media, and engagement with individuals and groups. He noted that they were actively fundraising to support grants from private donors, local businesses and special events. Mr. Heise explained that NCCF had two grant cycles per year, with awards in February (application due December 31st) and August (applications due June 30th). He noted that the application process was a formal, but simple process. He explained that the NCCF completed a site visit of every potential grantee.

Mr. Heise explained that grants were typically one year in duration with the average grant size around \$6,400. He noted that current award averages were more like \$8,000. He reported that it took 15 years to reach the first \$1 million awarded, and another 8 years to reach nearly \$2 million. He noted that the average yearly award of \$85,000 had increased to around \$100,000 since 2013.

Mr. Heise reported that NCCF had to date (12/31/22), issued 306 grants to 676 organizations. He noted that many of the organizations had received multiple grants over the years. He noted several of the organization were present in the audience. He noted they awarded an average of 15 to 17 grants per year. Mr. Heise discussed the different sectors of funding, noting that health, housing, and education were in the top three. He showed the proportion of grant by category of award, noting that in recent years there had been an increase in the amount of funding going to housing.

Category	Amount	Percent
Health	\$ 629,254	32%
Housing	\$ 523,100	27%
Education	\$ 370,060	19%
Food Security	\$ 175,610	9%
Community	\$ 124,401	6%
Social Services	\$ 91,821	5%
Child Services	\$ 38,000	2%
Grand Total	\$ 1,952,246	100%

He provided examples of recent accomplishments with their grantees by each category.

- Central Virginia Farm Workers – achieved near 100% immunization rates for migrant farm workers
- Foothills Child Advocacy – helped train 487 people on issues of child abuse through 14 training events
- CASA (Court Appointed Special Advocate) - 3 new volunteers recruited for Nelson County
- Collaboration with Blue Ridge Medical - Medication Assistance Program aided over 400 people to access low-cost medications
- Completed Phase 2 renovation of the gym at the Heritage Center
- Helped facilitate emergency repairs, rent and utility assistance for hundreds of families
- Support environmental education in schools
- MACAA – scholarships for “first in family” students attend post-secondary schools
- Helped organization provide weekend food for students

Mr. Heise noted areas of possible support and collaboration between the Board of Supervisors and NCCF. He thanked the Board for their help in identifying potential NCCF board members. He indicated that NCCF would welcome an endorsement by the Board of Supervisors in the form of an adopted resolution. He asked for the Board’s help in raising awareness of NCCG in parts of the County less well served. He also asked the Board for help in connecting NCCF with other community organizations and encouraging them to submit grant applications to NCCF. He noted that most grantees were based in Nelson but NCCF served as a bridge to organizations wanting to expanding activities into Nelson.

He thanked the Board for their time and offered to answer any questions they might have. Mr. Barton asked about the Smyth scholarship at the school and whether it was a part of the NCCF. Mr. Heise assumed it was separate but complimentary. Mr. Barton noted that the Smyth’s gave handsomely to the County and asked if money was still there.

Ms. Cheryl Klueh noted that she was the Treasurer of NCCF. She reported that the Smyth family gave funds originally and funds were put into the CACF (Charlottesville Area Community Foundation). She noted that the Smyth’s were the start 23 years prior.

Mr. Reed moved to adopted **Resolution R2023-13** and Mr. Parr seconded the motion. There being no further discussion, Supervisors voted to approve the motion by vote of acclamation and the following resolution was adopted:

March 14, 2023

**RESOLUTION R2023-13
NELSON COUNTY BOARD OF SUPERVISORS
RESOLUTION OF SUPPORT FOR THE EFFORTS
OF THE NELSON COUNTY COMMUNITY FUND**

WHEREAS, the Nelson County Community Fund, Inc. (NCCF), an all-volunteer organization of Nelson County residents, has worked since 2000 to raise and disburse funds to address critical humanitarian needs in our community, and

WHEREAS, NCCF has successfully awarded over \$2 million dollars (through February, 2023) in grant funding to local non-profits to address these critical needs, and

WHEREAS, these funds are awarded only after a thorough review by the NCCF Board, representing a broad spectrum of the local community, and

WHEREAS, NCCF supports both new and well-established organizations to accomplish their program goals,

NOW THEREFORE BE IT RESOLVED, the Board of Supervisors of Nelson County adopts this resolution of support for the efforts of the Nelson County Community Fund, Inc., acknowledging its contributions and encouraging continued support for its efforts to address critical needs in Nelson County.

Mr. Rutherford thanked NCCF for all of their work.

F. FY24 Budget Introduction and Proposed Schedule

Ms. McGarry thanked all of the community organizations for being present. She introduced a new revised draft budget calendar. She reported that they were proposed to start off with the first budget work session on March 28th. She explained that even though the schedule had been revised, they were able to keep it to four budget sessions scheduled on Tuesdays and Thursdays starting on March 28th. She pointed out that April 6th was the deadline for any decisions to be made by in regards to any tax increases. She noted that would be when the Board would authorize a public hearing if they wished to increase any taxes. She explained that the Board would authorize the public hearing on the budget at their Tuesday, April 11th meeting. She noted that the budget public hearing would take place on May 9th. She pointed out that they had scheduled an additional budget work session for April 13th if needed. She explained that if they were to hold a public hearing on tax increases, it would take place on April 20th. Ms. McGarry noted that April 20th was also the proposed joint meeting date with the School Board. She noted that they would seek to adopt and appropriate the budget at the June 13th meeting. Mr. Rutherford noted that was a good start and they could make changes to the dates and times as they meet. Ms. McGarry reminded the Board that they would continue the current meeting to the next day for the joint meeting with the Planning Commission, and then continue to March 28th if that date was suitable for the Board. Mr. Reed noted that he had no scheduling conflicts with what was presented. Mr. Rutherford noted he had a few conflicts but they could work it out as they went along.

The Board took a quick five-minute recess.

V. NEW & UNFINISHED BUSINESS

A. National Opioid Settlement Participation (R2023-14)

Ms. McGarry reported that the County was already participating in an opioid settlement and noted that there was an additional settlement that involved Teva, Allergan, Walmart, Walgreens, and CVS. She explained that it involved the Board authorizing her to sign the participation forms and return them to the state by April 18th. She reported that the County would be eligible to receive direct allocations as a result of the opioid settlement with the state of Virginia. Ms. McGarry noted that **Resolution R2023-14** would provide the needed authorization for her to sign the necessary forms for participation. She stated that she did not know how much in funding they would be receiving yet.

Mr. Reed moved to approve **Resolution R2023-14** and Mr. Parr seconded the motion. There being no further discussion, the Board approved the motion by vote of acclamation and the following resolution was adopted:

**RESOLUTION R2023-14
NELSON COUNTY BOARD OF SUPERVISORS**

A RESOLUTION APPROVING OF THE COUNTY’S PARTICIPATION IN THE PROPOSED SETTLEMENT OF OPIOID-RELATED CLAIMS AGAINST TEVA, ALLERGAN, WALMART, WALGREENS, CVS, AND THEIR RELATED CORPORATE ENTITIES, AND DIRECTING THE COUNTY ATTORNEY TO EXECUTE THE DOCUMENTS NECESSARY TO EFFECTUATE THE COUNTY’S PARTICIPATION IN THE SETTLEMENTS

WHEREAS, the opioid epidemic that has cost thousands of human lives across the country also impacts the Commonwealth of Virginia and its counties and cities, including the County of Nelson, by adversely impacting the delivery of emergency medical, law enforcement, criminal justice, mental health and substance abuse services, and other services by Nelson County’s various departments and agencies; and

WHEREAS, the Commonwealth of Virginia and its counties and cities, including Nelson County, have been required and will continue to be required to allocate substantial taxpayer dollars, resources, staff energy and time to address the damage the opioid epidemic has caused and continues to cause the citizens of the Commonwealth and Nelson County; and

WHEREAS, settlement proposals have been negotiated that will cause Teva, Allergan, Walmart, Walgreens, and CVS to pay billions of dollars nationwide to resolve opioid-related claims against them; and

WHEREAS, the County has approved and adopted the Virginia Opioid Abatement Fund and Settlement Allocation Memorandum of Understanding (the “Virginia MOU”), and affirms that these pending settlements with Teva, Allergan, Walmart, CVS, and Walgreens shall be considered “Settlements” that are subject to the Virginia MOU, and shall be administered and allocated in the same manner as the opioid settlements entered into previously with opioid distributors McKesson, Cardinal Health, and AmerisourceBergen, and opioid manufacturer Janssen Pharmaceuticals; and

WHEREAS, the County Attorney has reviewed the available information about the proposed settlements and has recommended that the County participate in the settlements in order to recover its share of the funds that the settlement would provide;

NOW THEREFORE BE IT RESOLVED that the Nelson County Board of Supervisors, this 14th day of March, 2023, approves of the County’s participation in the proposed settlement of opioid-related claims against Teva, Allergan, Walmart, Walgreens, CVS, and their related corporate entities, and directs the County Attorney to execute the documents necessary to effectuate the County’s participation in the settlements, including the required release of claims against settling entities.

B. Proposed Amendments to Chapter 3, Animals (R2023-15)

Ms. McGarry introduced proposed draft amendments to Chapter 3, Animals in the County Code. She noted that they were only looking to authorize a public hearing on the proposed amendments. She noted that the original impetus was for the Board to consider an ordinance to would prohibit livestock at large. She explained that when the County looks to amend ordinances, the County Attorney reviews the code to see if any areas need to be cleaned up. She noted that the proposed resolution would authorize a public hearing to receive public input on an ordinance proposed for passage to amend Chapter 3, Animals, which would incorporate provisions pertaining to the fence law as it related to livestock, make proposed fee changes and remove code sections that were duplicative of state law.

Ms. McGarry reviewed the proposed ordinance noting that several parts of Chapter 3 had been struck through by Mr. Payne as they were duplicative of state law. She noted that the main item under consideration was an addition to Article V. Fence Law. She reviewed the changes to the Fence Law. She explained that in proposed new section 3-82, it would be unlawful for livestock to run at large. She noted that the section also stated that “any owner or manager who allows such animal to run at large shall be deemed to have violated this section which shall be punishable as a Class 1 misdemeanor.” She noted that the State Law reference for that section was Virginia Code §55.1-2820.

Ms. McGarry then explained that section 3-83 would be added to address the costs associated with the recovery and confinement of animals found to be running at large.

Ms. McGarry explained that when the County changed to a fence-in county, it allowed for the County to also have a livestock ordinance.

Ms. McGarry explained that the fees to be changed in the ordinance were the adoption fees and the daily impoundment fees. She noted that the fees had not been changed for a long time.

Mr. Rutherford reminded the Board that they were just authorizing a public hearing.

Ms. McGarry reviewed the proposed fee increases. She noted that the daily impoundment fees would increase from \$5 to \$10. She explained that the dog adoption fee of \$70 would increase to \$160, which included spay/neuter, rabies vaccination, a tattoo of the adoption number and a license tag. Ms. McGarry noted that for cats, the adoption fee of \$65 would increase to \$90, which also included spay/neuter, rabies vaccination and a tattoo of the adoption number. Officer Wright noted that the fees had not changed for at least 10 years.

Mr. Reed asked about the authorization resolution. He felt it was complicated as to what was covered and asked if it could be simplified. He felt that if the public did not understand, there would be a lot of questions. Ms. McGarry noted that the advertisement for public hearing would be much more informative.

Mr. Parr moved to approve **Resolution R2023-15** and Mr. Harvey seconded the motion. There being no further discussion, Supervisors approved the motion by vote of acclamation and the following resolution was adopted:

RESOLUTION R2023-15
NELSON COUNTY BOARD OF SUPERVISORS
AUTHORIZATION FOR PUBLIC HEARING
AMENDMENT OF THE CODE OF NELSON COUNTY, VIRGINIA
CHAPTER 3, ANIMALS

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 April 11, 2023 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 3, Animals, to incorporate provisions pertaining to the fence law, proposed fees and removal of sections that are duplicative of state law.

C. Shipman Historic District Planning Grant Application

Ms. Maureen Kelley introduced the Shipman Historic District Planning Grant Application. She noted that it was Cost-Share Grant time with the Department of Historic Resources (DHR). Ms. Kelley reported that the County currently had five historic districts and they were in the process of adding Warminster as the sixth historic district. She stated that Arrington and Shipman were the next locations that they would really like to have some survey work done. She noted that they had a good list of properties that they think should be included in the survey. She indicated that Oak Ridge was interested in being involved in the process, which was very exciting. She explained that they would continue to work with the Department of Historic Resources, but she needed the Board's guidance and input on district boundaries. She noted that there were costs involved and they could choose to do it in phases or as a whole. She explained that with the Cost Share Grant, the County would need to appropriate at least 50 percent of the survey cost. She encouraged that the Board do a little more than 50 percent as it related to the rating system for the grant. She explained that could be contributed with in-kind services such as staff help, copying and mailing, and public meeting space.

Ms. Kelley explained that they were looking at about 150 properties in total. She noted that they could do it all at once, which would be about \$32,000, or just a preliminary information form which was less information and some property surveys which was estimated at \$8,000 with the County share at least \$4,000. She reported that the application was due April 7th. Ms. Kelley noted that she just needed direction from the Board to proceed and indicated that the County's share would either be just over \$16,000 or a little more than \$4,000.

Mr. Barton asked if it was a good thing. Maureen noted they had six historic districts and she always asked the question at the public hearing if the historic district affected property values. She commented that Mr. Joe Lee McClellan was present at a hearing and he stated that it did not change how things were operated or maintained. Ms. Kelley explained that they were voluntary districts and they did not restrict what property owners did or what color their houses were. She noted that the importance was to survey properties more than 50 years old. She also pointed out that there was an archeological component to the project as they looked at graveyards on private property. She also noted the historical pieces in Shipman which included the railroad and African American culture.

Mr. Barton suggested the \$16,000 option. Mr. Reed asked if the \$16,000 covered all of the yellow dots on the map. Ms. Kelley noted that they were hopeful that the funds would cover as much as possible. Mr. Reed asked about the boundaries of the historic district. Ms. Kelley noted that DHR would need to drive out to Nelson to see the boundaries. Mr. Reed noted that one of the results from the investment would be a map from DHR with the boundaries. Ms. Kelley noted that informational meetings would take place just

as they did recently for the Warminster district and letters would go out to those property owners in the proposed district as well as adjacent properties. She pointed out that the meetings help people understand what a historic district was and what it was not. She noted people get concerned about property rights.

Mr. Reed felt there was great value with creating a historic district. He asked that the Board be kept informed of the process and when the public meetings would take place. Ms. Kelley noted that a real value for the voluntary historic districts was that if a property owner within the district decided to do a rehabilitation within certain historical restrictions, they could get up to 45 percent in federal tax credits and 40 percent in state tax credits.

Ms. Kelley noted that there was a file on every property within the Lovingson Historic District at the Nelson Memorial Library and they were very well used files.

Mr. Barton moved to approve \$16,000 for the Shipman Historic District Planning Grant application and Mr. Reed seconded the motion. There being no further discussion, Supervisors approved the motion by vote of acclamation.

VI. REPORTS, APPOINTMENTS, DIRECTIVES AND CORRESPONDENCE

A. Reports

1. County Administrator's Report

Ms. McGarry provided the following report:

A. Comprehensive Plan: The project website is www.Nelson2042.com. The 3rd of four scheduled joint work sessions of the Board of Supervisors and Planning Commission will be held on March 15, 2023 at 6:30 PM and will entail review of draft chapters pertaining to Housing and Economy.

B. County Website Redesign: In February, the consultant worked on new layouts based on our feedback, customized the theme, and started creating the style guide to include color palette, fonts and general page layout. We are in Stage 1 of content organization and initial site structure for menus and navigation.

C. Piney River Wastewater Pump Station Repairs: Repairs at the pump station were completed in late February as well as additional work to reprogram the variable frequency drives that operate the pumps was required this month. Operations are reportedly back to normal.

D. Nelson 151 Corridor Study: VDOT has released a survey as part of the 151 Corridor Study which can be accessed at <https://metroquestsurvey.com/vz37>, from the link provided on the County's website, and this VDOT project page [Route 151 Corridor Study - Nelson County - Projects | Virginia Department of Transportation \(virginiadot.org\)](https://www.virginiadot.org/projects/Route-151-Corridor-Study-Nelson-County). Two public engagement sessions will be held within the study area, with the first being on **April 7th at the Rockfish Valley Community Center from 4-6 PM.**

E. Amherst County Solar Project: County Administration was advised by Amherst County of a Special Exception Request by Piney River Solar, LLC for a utility-scale project on property in Amherst County that adjoins the Virginia Blue Ridge Railway Trail. The project site will utilize the parcels' 431.4 total acres with approximately 169 acres being used for solar arrays. These parcels have frontages on 2508 Patrick Henry Highway and 1187 Roses Mill Road. County Staff including Dylan Bishop, Jerry West, and Maureen Kelley met on site with the project developer and advised that due to the topography and anticipated sight lines, the solar arrays should not be visible from the railway trail. The Amherst Planning Commission will hold a public hearing on the project on Thursday, March 16th at 7:00 PM in the Amherst County Administration building.

F. Virginia Outdoors Foundation Grant: On March 7th, a Virginia Outdoors Foundation – Preservation Trust Fund grant application was submitted by Jerry West for \$195,000 in funding for the Sturt Nature Park property with no local match required. The grant funds are proposed to cover costs related to a professional survey of the property, master planning work, and development of a trail system, entrance, and parking area. If awarded the grant, staff will seek the Board's approval for grant acceptance.

G. Opioid Abatement Funds: County staff met with Region Ten staff to discuss the potential for a regional application to the State Opioid Abatement Authority that would benefit the member localities of Region Ten including Nelson, Charlottesville, Albemarle, Fluvanna, Greene, and Louisa. The proposal would use \$1,363,961 in these grant funds to expand their Crisis Response services, CITAC services, and Community Outreach services that are currently available to its members. As reported by Region Ten, 55 percent of the adult client population they serve in Nelson has a diagnosis of a Substance Abuse Disorder. These applications must be submitted by a member locality who would also serve as the fiscal agent on behalf of Region Ten and its members; Albemarle County has agreed to serve in this role. **Region Ten will present this proposal at the April Board meeting and seek the Board's official support of the regional application which is a grant requirement.** The application submission deadline for this funding round is May 5th.

H. New Office Building: PMA is proceeding with having the consulting engineering subcontractor Timmons Group conduct the more in depth geotechnical work on the Callohill site which includes 15 borings, analysis, and reporting as well as seismic refraction to identify soil thickness, depth to identify weathered rock and solid rock in proximity of the proposed building, parking, and drive areas. Staff is verifying the timeframe for completion of this work.

I. FY24 Budget: As will be reported at the meeting, staff is proposing to introduce the draft budget and begin work sessions later this month and a revised draft calendar has been provided for the Board's review and consideration. The State's budget has not been finalized with the General Assembly to resume its work in April. The School Division approved its FY24 budget at their March 9th meeting with the additional requested local funding being \$1,582,639 for a total request of \$18,884,261. A packet of School Division budget information will be provided at the March meeting and the School division has requested the opportunity to present their budget at a joint meeting with the Board on April 20th, just prior to their regular meeting agenda.

Ms. McGarry thanked the School Board and School Division staff for keeping her apprised of their budgetary decisions and what it would look like in terms of the local contribution.

J. Albemarle-Charlottesville Regional Jail: The Regional Jail Authority Board approved its FY24 Budget last week in the total amount of \$9,453,000, a 4.6% increase over FY23. Member contributions are based on the individual member's 5-year average % of population and Nelson's percentage increased from 12.99% in FY23 to 14.74% in FY24, resulting in a \$219,783 increase in our share of operations for a total share of \$1,393,372. This includes an estimated share of interest only debt service for the anticipated interim financing related to the proposed jail renovations of \$38,766. Proceeding with the interim financing will commence once the Governor has signed a budget containing the funding for the 25% reimbursement of eligible costs for the renovation project.

Mr. Barton noted that the amount of money that the County was having to contribute based on the number of inmates from Nelson, took a huge leap a few years prior and it had not abated. Ms. McGarry noted that it was holding steady at a higher rate as the member jurisdictions shares were determined based on a five-year average. She noted that if it remained the same or increased, then the County's share would increase. She noted that the County's average was losing the years where the population numbers were lower so now they were gaining the higher population years in the average. Mr. Barton felt that the Commonwealth Attorney, Daniel Rutherford, should come in and report on why the numbers are up.

Mr. Barton also commented on the jail renovation project, noting that most of the renovation related increasing the quality of the jail and the services provided to deal with recidivism. He noted that he was impressed by the people working in the jail and the number of years many of the people had been working there. He felt that the Albemarle-Charlottesville Regional Jail (ACRJ) was superior to the other jails in the state and he supported what they were trying to do, but it would cost some money. Mr. Rutherford asked what percentage the state would be contributing to the renovation project. Ms. McGarry noted that 25 percent was earmarked in the budget, but they would not know until the Governor signed it. She indicated that 25 percent equated to about \$12 million. Ms. McGarry reported that the project impacts would begin in FY24 with an interest only payment, and they would start to see a higher debt service in FY25.

Mr. Barton noted the travel time for the Sheriff's Office to and from the jail. He did not know what other options they may have. Mr. Rutherford noted that former County Administrator, Steve Carter had evaluated what a change in jail memberships could look like. Mr. Rutherford noted they would have to pay to get out of one jail and then pay another entity to join in their jail. He noted that the costs were significant. Mr. Rutherford commented that ACRJ was exceptional, noting that they had really good practices. Ms. McGarry confirmed that she would keep the Board posted, and nothing else would be required until the Governor's budget was approved with the 25 percent included.

Mr. Barton also noted that Jail Superintendent Col. Kumer spoke very highly of the relationship between the jail and Nelson County. Ms. McGarry reminded the Board that the jail was very happy to provide a tour to anyone interested in touring the facility. Mr. Barton noted that Col. Kumer had been before the Board many times and was happy to discuss what they wanted to do at the jail.

K. Compensation Study: As time permits, Staff continues to review and vet the information provided by the consultant in order to have a better understanding of the resulting pay classifications. More discussion on this is anticipated during the budget work sessions with the Board.

L. Short-Term Rentals: No Change from the February Report. The Commissioner and County staff have participated in three demos with vendors that provide STR tracking services. Staff is now in the process of checking references from current users in order to provide a recommendation regarding the procurement of such services. The approximate cost of this basic service (Address identification and compliance/rental monitoring) from 2 of the vendors is \$25,000 to \$35,000 with both offering additional

services that can be added on. These companies utilize programs that “scrub” the internet for STR listings and provide dashboards of related data. The Commissioner’s office is receiving payments from third party collectors such as VRBO and Airbnb with FY23 collections on track to exceed budget.

M. Regional Library Agreement Review: No Change from February Report. Every five (5) years the members of the Regional Library are tasked with reviewing the regional agreement. The paramount consideration is keeping or not the out of area (OA) fee and its impact on member library costs; which primarily impacts Charlottesville and Albemarle. This analysis was provided by JMRL Executive Director Plunkett late last week for the committee’s review and discussion. Any proposed amendment to the agreement will need approval by each of the Member governing bodies.

N. Gladstone Depot TAP Grant: No Change from February Report. Staff is working with Jay Brown of the Lynchburg District VDOT office and Friends of Gladstone Depot to schedule a meeting to discuss the Project and the draft TAP Agreement. The TAP agreement will then be presented for consideration by the Board.

O. Renaissance Ridge Housing Development: No change from the February report: Steve Driver of Terra Engineering provided an update to the Planning Department on the status of the Renaissance Ridge Development. The storm water management plan is currently in review with DEQ. They are having an environmental study done which will be sent to the Army Corps for review within the next few weeks. They are getting close to VDOT approval. They are applying for a letter of map amendment to FEMA to update the flood zone and are required to submit a Joint Permit Application with the Virginia Marine Resources Commission. There still has not been an official submission to the County.

P. Staff Reports: Department and office reports for March have been provided.

Mr. Parr asked what was currently in place, should Piney River Solar LLC come to Nelson County wanting to put in a 400-acre solar farm. Ms. McGarry noted she was not closely familiar with it, but the County did have a large scale solar ordinance in place that should address it. Mr. Rutherford and Ms. McGarry noted they would most likely need a special use permit. Mr. Parr noted his concern that the solar arrays for the solar project in Amherst “should not” be visible from the rail trail. Ms. McGarry noted that may have been the language that she used in her report. She noted that Mr. West, Ms. Bishop and Ms. Kelley were there and based on the drawings, they did not feel that the solar arrays would be visible. Mr. Parr had concerns that about them being visible, noting it would have been helpful if they could do something like a balloon test that they do for cell towers to show line of sight. Ms. McGarry noted that she could send the information that she had with the drawings and sight lines for the project. Mr. Barton asked who was doing the project. Ms. McGarry explained that it was Piney River Solar LLC, but the project was in Amherst County. Mr. Parr explained that a company was planned to lease the land to put a solar farm up and sell the electricity to the power company. He noted that it was not going to benefit the local surrounding electricity users. Mr. Barton noted that Amherst would receive some tax revenue from it.

Mr. Rutherford asked about tax revenues from Firefly. Ms. McGarry noted that she would have to check, but she thought the County should be getting it as it came online and was being used. She explained that the County received a report from the SCC on the values, which they then estimate the increases based on the report. Mr. Rutherford asked if the infrastructure depleted over time. Ms. McGarry noted that Firefly would probably depreciate the infrastructure over time. Ms. McGarry noted that the revenues came in under Public Service Tax and she had estimated an increase for the upcoming year.

2. Board Reports

Mr. Barton:

Mr. Barton noted that he had discussed the jail already. He reported that he attended the workforce meeting and they were trying to find workers but there was not much helping Nelson County. He noted that on March 23rd they were having a career day at NCHS. He felt that the primary reason that they can't find people to work is based on the amount of money that jobs paid. Mr. Barton noted that the workforce helped people find work and also acted on behalf of companies to find workers. He commented that in Europe, most industries take responsibility for training their workers. He noted that in the U.S., industries made people think it was the responsibility of the schools to prepare people for work. He wished the workforce board was doing something to help Nelson County, but he did not think that he could say that was the case.

Mr. Harvey:

Mr. Harvey had no report.

Mr. Reed:

Mr. Reed reported that he was not able to attend the TJPDC meeting due to illness. He reminded the Board that the Housing Summit was coming up on March 24th. He commented on the Board's field trip to the Larkin property, noting that George Miller and Jennifer Fitzgerald of the Nelson County Service Authority (NCSA) were present and had a chance to look at Dillard Creek. He thought there were wheels turning to see about a water plan or water impoundments, and how it could affect development in Lovington and Arrington. He asked that they work to see what they could make happen, noting it would take the County and NCSA working together to make it all come together. Ms. McGarry noted initial comments from NCSA staff, that it would require a preliminary engineering study. She pointed out that was not something that Architectural Partners would do as part of the master planning process.

Mr. Parr:

Mr. Parr reported that the EMS council did not meet due to weather. He noted that Social Services was in the process of advertising and receiving applications for their director position.

Mr. Rutherford:

Mr. Rutherford thanked staff for providing a Rappahannock County Board of Supervisors a tour of the Courthouse. He explained that Rappahannock was considering renovating their Courthouse. Mr. Rutherford noted that Ms. McGarry and Mr. Truslow were great assets during the tour. He reported that the TJPDC meeting was focused on transportation issues to the north of Nelson, the fiber internet buildout, and the Regional Housing Partnership Summit coming up later in the month. He noted that Nelson would have good representation in attendance. He noted the earlier discussion of Shipman as a historic district. He commented on the number of homes now dilapidated that people used to live in. He asked what the replacement of housing stock would look like. He noted that he needed to get some information from Building Inspections, as well as the number of 911 addresses. He commented that new addresses typically meant new homes. Mr. Rutherford also noted the Larkin tour.

B. Appointments

Economic Development Authority (EDA)

Mr. Rutherford noted that they had two applicants, Larry Saunders and John Conway. He pointed out that they both could fill a role as there were two positions open. Mr. Reed asked what the role of the EDA was. Ms. McGarry noted that the EDA served as a vehicle for bond issuances for County and the School Division. She commented that they met quarterly and noted that they could likely do more than what they were currently doing. Mr. Reed asked how the bond process worked. Ms. McGarry commented that she thought it was a Ground Lease to the EDA that served as a collateral for the bonds, and then it was leased back to the County. She pointed out that was the financing vehicle approved by the state for bond issuance.

Mr. Barton asked if the EDA could refuse to do a bond for the County. Mr. Rutherford and Ms. McGarry noted that they could, but it was the Board of Supervisors who appointed them. Mr. Reed noted that the mission of EDA was to promote diversity and growth. He felt diversity was key and thought it might be a good idea to leave it open for a period of time to see if they could get a more diverse selection of people to appoint. Mr. Rutherford suggested appointing Larry Saunders in Robert Doyle's place which was set to expire on June 30, 2023. Mr. Barton moved to appoint Larry Saunders to serve the remainder of Robert Doyle's term and Mr. Reed seconded the motion. There being no further discussion, Supervisors approved the motion by vote of acclamation.

Nelson County Drug Court Advisory Committee

Mr. Reed noted that he was happy to serve but noted he did have a conflict with the first meeting in May. Mr. Barton volunteered to sit in on the first meeting in Mr. Reed's place. Mr. Barton moved to appoint Mr. Reed as the board representative on the Nelson County Drug Court and Mr. Parr seconded the motion. There being no further discussion, Supervisors approved the motion by vote of acclamation.

Economic Development Authority

The Board circled back to discuss the second vacancy, which was Kim Bryant's position with an expiration of June 30, 2025. Mr. Reed asked to leave the position open at least one more month to dry and draw more applicants. The Board was in agreement to wait another month.

C. Correspondence

Mr. Rutherford noted that he had gotten a lot of calls and emails regarding the NETS soccer field. He explained that he was on one of the first teams to play on the field when NETS started taking care of the field. He explained that Parks and Recreation desired to use the fields for three games and one week of soccer camp in the summer. Mr. Rutherford indicated that he had received correspondence from Mr. Ferren (NETS) that there were no conflicts in the schedule. Ms. McGarry noted that as far as they knew, there were still no conflicts with those dates. Mr. Rutherford commented that the NETS entity did a lot of work and fundraising for the fields. He thought that one of the reasons that the fields were taken on by NETS was that there were teams that refused to play against Nelson's travel team after trail rides at the Fleetwood field. He noted that playing a higher level required a better field. He explained that the fields were very emotional to a lot of players, coaches, and referees. He understood that the fields were maintained by NETS only. He noted that the fields weren't paid for by tax dollars but they were on tax dollar property. Mr. Rutherford noted that the NETS may have been caught by surprise on the request and he hoped for quicker conversations in the future. Ms. McGarry noted that they hoped to have better, more collaborative conversations in the future in terms of field usage and maintenance. Mr. Rutherford noted it was the best field in the County. Ms. McGarry noted that the County was working on the quality of the fields. She noted that the County was currently using the field at Tye River and renting the fields at the Rockfish Ruritan Park. Mr. Harvey felt that the people who had built the fields should be the ones to use it. Mr. Rutherford noted that the NETS had raised around \$25,000 to improve the fields. Mr. Rutherford offered to be a part of the conversation if needed and was happy to field concerns. He thought that NETS may be able provide some guidance on how to have a high quality field.

Mr. Barton noted the walk at Larkin. He felt that if the County could build a park where the people of Nelson could go with their families to swim and enjoy the surrounding natural beauty, it would be like they were on vacation all the time.

D. Directives

The Board had no directives.

VII. ADJOURN AND CONTINUE – EVENING SESSION AT 7PM

At 5:15 p.m., Mr. Harvey made a motion to adjourn until the evening session at 7 p.m. Mr. Parr seconded the motion and there being no further discussion, Supervisors approved the motion by vote of acclamation and the meeting adjourned.

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

I. CALL TO ORDER

Mr. Rutherford called the meeting back to order at 7:00 p.m. with five (5) Supervisors present to establish a quorum.

II. PUBLIC COMMENTS

Mark Franklin - Roseland, VA

Mr. Franklin noted his thanks for the work to allow Parks and Recreation to start using the field at Rockfish Elementary. He stated that they needed to see more communication between the County and School Board on collaboration opportunities for the community. He commented that it was a bad idea to jump into debt building recreation centers, ag centers and swimming pools. He felt it was a better idea to use what was already available. He suggested collaboration with the community centers and organizations working hard for the community. He commented that the school properties and community centers could be developed to serve the community now. He noted that smaller investments could be made to provide a bigger impact immediately. He noted that the gym at the Heritage Center could be ready for use with just a little more work to go. Mr. Franklin suggested redevelopment of unused areas like the baseball/softball fields at the elementary schools. He pointed out the initiative of the travel soccer league to develop public property, noting they had highlighted the need and demand for more soccer fields. He commented that fields were available at the community centers that could be used immediately, they just needed soccer fields. He noted that they needed practice fields and game fields so that teams did not have to share fields or hold a later practice in the evening. He suggested that they could eliminate expenditures on tourism marketing that only benefitted a few select business and do good for the community. He reiterated taking small steps to

restore what they already had and take time in making development plans to make sure the investment was not wasted as it had been in the past.

There being no other wishing to be recognized, public comments were closed.

III. PUBLIC HEARINGS

A. Special Use Permit #838 – Class C Automobile Graveyard

Consideration of a Special Use Permit application requesting County approval to allow a Class C Automobile Graveyard use on property zoned A-1 Agricultural. The subject property is located at Tax Map Parcel #7-6-3 at 110 Family Ln in Afton. The subject property is 1 acre and owned by Alvin Carpenter.

Ms. Bishop presented the following:

BACKGROUND: This is a request for a special use permit for a Class C automobile graveyard (more than five vehicles) use on property zoned A-1 Agriculture.

Public Hearings Scheduled: P/C – February 22; Board – March 14

Location / Election District: 110 Family Lane / North District

Tax Map Number(s) / Total Acreage: 7-6-3 / 1.0 acre +/- total

Applicant/Owner Contact Information: Alvin Carpenter, 110 Family Lane, Afton, VA 22920, 540-480-9271

Comments: The Planning & Zoning Department issued a violation notice for the property in August 2022 for an automobile graveyard. The owner is proposing to designate the area behind the shop at 110 Family Lane as an automobile graveyard for up to 6 inoperable vehicles. Shown on the site sketch is proposed fencing 50' in length which would provide screening of the vehicles from adjacent properties and roadways. The application indicates, "Got over 5 cars not tagged, they are for sale [by owner], 3-race cars. Only one car, one truck have body, part off the "grill" and headlights. 1-car body only. "Roller" for sale no engine or transmission." This is not proposed to be a commercial salvage yard or junkyard. Commercial automobile and salvage yards are required to secure permits from Department of Motor Vehicles (DMV) and Department of Environmental Quality (DEQ). After conferring with Nelson County's Emergency Services Director, DMV, and DEQ, this request does not meet their thresholds for permitting.

DISCUSSION:

Land Use / Floodplain: This area is primarily residential in nature. Zoning in the vicinity is A-1 Agriculture, R-1 Residential, and M-2 Industrial (Zenith Quest). There are no floodplains or streams located on this property.

Access / Traffic / Parking: The property is accessed by an existing entrance from Family Lane, which is located at the northern end of Avon Road. VDOT has no comments on the existing entrance.

Utilities: There are no utilities proposed or required for the requested use.

Comprehensive Plan: This property is located in an area designated Rural Residential (Avon) in the current Comprehensive Plan. The Rural Residential District would allow low density residential and compatible non-residential uses in rural areas where agriculture is not the predominant use. These sites are adjacent to identified development areas and adjacent to existing institutional or small-scale industrial uses. These areas are not expected to be served by water or sewer.

Recommendation: At their meeting on February 22, 2023, the Planning Commission voted (6-0) to recommend approval of SUP #838 for a Class C automobile graveyard with the following conditions:

1. The number of inoperable vehicles shall not exceed 6.

Ms. Dylan noted the applicant was requesting that the limit be increased to 10 vehicles.

2. Fenced screening at least 6' in height as shown on the site sketch shall be required to prevent the automobile graveyard from being visible to adjoining properties and roadways.

All applications for Special Use Permits shall be reviewed using the following criteria:

- a. The use shall not tend to change the character and established pattern of development of the area or community in which it proposes to locate;
- b. The use shall be in harmony with the uses permitted by right in the zoning district and shall not affect adversely the use of neighboring property;
- c. The proposed use shall be adequately served by essential public or private services such as streets, drainage facilities, fire protection and public or private water and sewer facilities; and
- d. The proposed use shall not result in the destruction, loss or damage of any feature determined to be of significant ecological, scenic or historic importance.

Mr. Reed asked about the violation issuance in August 2022. He asked the process since the issuance of the notice of violation. Ms. Bishop described the process. She explained that when they receive a complaint, Ms. Hjulstrum goes out to inspect it and determine whether there is a violation. Ms. Bishop noted that property owners or either issued a correction notice or violation notice, depending on the circumstances. She noted that they typically gave the property owner about 30 days to either contact the Planning office, or correct the violation. She noted that her office would give options to correct the violation and in the current case, the options were to clean up the site, get below five cars, or apply for a Special Use Permit to have more than five cars. She stated that the goal was to work with the property owner, noting it was typically not effective to take them to court. She noted that they work with the owners to get them into compliance. Ms. Bishop state the property had been cleaned up significantly since the notice of violation had been given. She noted that the applicant decided they wanted to keep more than five vehicles, so they applied for a Special Use Permit (SUP).

Mr. Barton asked about the cleanup process. Ms. Bishop explained that vehicles had been scattered all over the property and it had been cleaned up and reduced to six vehicles originally requested on the application. She was unsure of how many vehicles were originally on the property.

Mr. Reed commented that he voted in favor of moving the application forward to the Board of Supervisors, but he had not gotten to visit the property. Mr. Reed noted that he went to the property and counted 13 vehicles and one motorcycle. He noted that there were some were on trailers and some were registered vehicles. He asked what happened if the SUP applicant did not abide by conditions after issuance. Ms. Bishop indicated that the Board could decide to revoke the permit based on non-compliance.

Mr. Rutherford invited the applicant, Mr. Carpenter forward. Mr. Carpenter explained that there were nine cars on site, the rest had tags and were his customers. He noted that he had cleaned up a whole lot. He explained there were six cars for sale that he was fixing and he was hoping to be down to zero cars by the end of summer. Mr. Rutherford asked how long Mr. Carpenter had been working there. Mr. Carpenter noted he had been there since 1972. He noted that he took care of the road, and scraped the road and paid for the gravel. He explained that he only had one neighbor complain. Mr. Harvey asked how long the neighbor had been there and Mr. Carpenter noted that they had all moved in there around the same time. Mr. Harvey commented that he had never heard any complaints.

Mr. Rutherford opened the public hearing. There were no persons wishing to speak and the public hearing was closed.

Mr. Harvey asked if that was the entire property. Mr. Carpenter noted that was the whole property, he just had one acre.

Mr. Rutherford reviewed the Planning Commission's recommendation that the number of inoperable vehicles shall not exceed six, and noted that the applicant was requesting 10 inoperable vehicles. Mr. Reed noted the second condition was fence screening at least six feet in height.

Mr. Reed moved to approve Special Use Permit #838 Class C Automobile Graveyard with the Planning Commission's conditions that the number of inoperable vehicles shall not exceed six and fenced screening at least six feet in height.

Mr. Rutherford asked about the request to increase the number of vehicles to 10. Mr. Reed noted the condition of the vehicles on site. He supported the Planning Commission's recommendations and did not support the increase to 10 vehicles. Mr. Harvey noted that the business had been there as long as his

business had. He had not gotten one complaint on it. The Board discussed the options to increase to 10. Mr. Barton suggested they could consider increasing to eight vehicles.

Mr. Parr asked Mr. Carpenter about his plans to get rid of some vehicles since it sounded like he planned to get rid of the cars by the end of the summer. Mr. Parr asked what the increase of four more vehicles would do. Mr. Carpenter noted that he had three drag cars that were recreation vehicles but he was still counting them.

Ms. Bishop indicated that if vehicles were registered or had antique tags, they did not include in the count. She asked Mr. Carpenter if he still wanted to do the 10 cars. He confirmed that he did.

Mr. Harvey preferred to base the permit on the one acre, rather than a number of cars. Mr. Rutherford noted that could be a lot of cars and that was not what Mr. Carpenter wanted. He suggested that the Board move towards 10 cars.

Mr. Rutherford called for a roll call vote. There being no further discussion, Supervisors approve the motion (4-1) by roll call vote with the conditions as recommended by the Planning Commission, and Mr. Harvey voted no. Mr. Harvey commented that it was grandfathered in and should have never come before the Board.

B. Rezoning #837 – A-1 Agricultural to M-2 Industrial

Consideration of a Rezoning application requesting County approval to rezone property from A-1 Agricultural to M-2 Industrial for a cabinet shop use. The subject property is located at Tax Map Parcel #64-5-5A on Patrick Henry Highway. The subject property is 26.147 acres and owned by Michael & Danita Massie.

Ms. Bishop presented the following:

BACKGROUND: This is a request to rezone property from A-1 Agriculture to M-2 Industrial, to construct a cabinet shop.

Public Hearings Scheduled: P/C – February 22 / Board – March 14

Location / Election District: Patrick Henry Hwy / West Election District

Tax Map Number / Total acreage: 64-5-5A / 26.147 acres +/- total

Applicant (Contract Purchaser) Information: Benuel Esh, 1337 Indian Creek Road, Amherst, VA 24521, 605-949-0384, beneshon101874@gmail.com

Owner Information: Michael & Danita Massie, 1194 Dickie Road, Roseland, VA 22967, 434-944-0766, Danita.massie@gmail.com

Comments: This property is currently vacant. The southern portion of this parcel is zoned M-2 Industrial and adjoins existing M-2 Industrial zoning. The contract purchaser owns and operates a cabinet shop at his home in Amherst County, and is requesting this rezoning to permit construction of a new cabinet shop to relocate his business to Nelson. The applicant has provided three potential site layouts for reference, favoring 'Option #1.' Also included with the application are proffers submitted by the applicant, indicating the uses in the M-2 Industrial District that are proposed to be eliminated. Should the rezoning request be approved, a Major Site Plan would be required to be submitted and approved if the building exceeds 5,000 square feet, or if more than an acre of land is disturbed.

DISCUSSION:

Land Use / Floodplain: The subject parcel is split-zoned primarily A-1 Agriculture with a small portion to the south being zoned M-2 Industrial. The property is adjoined by R-1 Residential, A-1 Agriculture, and M-2 Industrial zoning. On the east side of Route 151 to the north is B.T. Ramsey and Sons Sawmill, which was rezoned from B-1 Business and R-1, to M-2 Industrial in April 2022. This update has not been reflected on the County's GIS. This area is mixed use in nature, with a combination of agricultural, residential, commercial, and industrial uses. There are no floodplains on the property.

Access and Parking: This property is proposed to be accessed by a new commercial entrance on Patrick Henry Hwy (Route 151). Comments from VDOT indicate that access satisfying VDOT commercial entrance and spacing requirements with a Land Use Permit is required.

Ms. Bishop noted that VDOT had confirmed that there was adequate site distance.

Utilities: The property is located in an area where the developer is required to connect to public water and sewer. Comments from the Service Authority indicate that the owner would need to contact their office regarding connection fees and estimated installation.

Comprehensive Plan: This property is in the Piney River area, which is designated as “Secondary Light Industrial” on the Future Land Use Map. The Light Industrial Model “combines both industrial uses and an activity center of residences, shops, and amenities that support the nearby industries, all within a walkable, clearly defined area.”

Proffers: Attached with this report are proffers submitted by the applicant, which eliminate a significant number of uses in the M-2 Industrial District.

Recommendation: At their meeting on February 22, 2023, the Planning Commission voted (6-0) to recommend approval of Rezoning #837 from A-1 to M-2 with proffers submitted by the applicant as of February 22, 2023.

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

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

The applicant, Mr. Benueal Esh was present. He commented that he built parts for cabinet makers, like the drawer boxes and doors. He indicated that option 1 was his first choice but he was unsure of the best location. He noted that the location could change if they determine a better spot for the building on the site. Mr. Barton asked about the size of the building. Mr. Esh was guessing at the largest, it would be around 80 x 125, but it depended on the cost. He was planning on 7,000 to 8,000 square feet of building space. Mr. Barton asked about the number of employees. Mr. Esh noted it was just him and his son currently, but he may want to hire a few people in the future. He commented that he was restricted from hiring any help at his place in Amherst, noting he was operating from his farm.

Mr. Rutherford opened the public hearing.

Mark Franklin - Roseland, VA

Mr. Franklin commented that he lived in the West District and was familiar with Piney River. He felt that it was a no brainer, noting there were not a lot of residences in the area. He guessed it was probably not a great place to build new homes. He pointed out that it was a new business to the County.

There were no others wishing to speak and Mr. Rutherford closed the public hearing.

Mr. Harvey asked about the size of the land. Ms. Bishop noted it was just over 26 acres. Mr. Parr asked if water and sewer hookup were available. Mr. Parr thought water and sewer was on the other side of 151. Ms. Bishop noted the only comment from the Service Authority was that the owner needed to contact the office for connection fees and installation. Mr. Parr asked why it was not a special use permit, instead of a rezoning application. Ms. Bishop explained that a cabinet shop was a by-right use in M-2 and all uses crossed out in the proffers were eliminated in perpetuity. She commented that the highlighted items were only what would be permitted on the property and explained that if someone wanted to do something that was crossed out, they would have to come back and request the change. Mr. Parr noted his heartburn with rezoning was resolved with the proffers. Mr. Parr also noted lighting was directional and glare shielded.

Mr. Barton moved to approve Rezoning #837 A-1 to M-2 with the proffers submitted by the applicant. Mr. Reed seconded the motion. Mr. Harvey did not see why it needed any restrictions or proffers. Ms. Bishop noted there were some concerns during Planning Commission and the other property owner was comfortable with the proffers.

There being no further discussion, Supervisors approved the motion unanimously (5-0) by roll call vote with the proffers. Mr. Rutherford noted that Mr. Esh could return if he wanted to make any changes to the proffers in the future.

C. Rezoning #850 – A-1 Agricultural to B-1 Business with concurrent Special Use Permit #849 – Multifamily dwelling

Consideration of Rezoning and Special Use Permit applications requesting County approval to rezone

March 14, 2023

property from A-1 Agricultural to B-1 Business with a concurrent special use permit for a multifamily dwelling. The subject property is located at Tax Map Parcel #67-A-15 at 8207 Thomas Nelson Hwy. The subject property is 0.874 acres and owned by Salvatore Mannino.

Ms. Bishop presented the following, noting that the applicant was unable to be present as he was out of town:

BACKGROUND: This is a request to rezone property from A-1 Agriculture to B-1 Business, with a concurrent special use permit for a multifamily dwelling.

Public Hearings Scheduled: P/C – February 22 / Board – March 14

Location / Election District: 8207 Thomas Nelson Hwy / East Election District

Tax Map Number / Total acreage: 67-A-15 / 0.74 acres +/- total

Owner Information: Salvatore Mannino, 8181 Thomas Nelson Hwy, Lovington, VA 22949, 434-390-5087, totomannino@yahoo.com

Comments: This property is adjacent to the Vito's property and contains an existing structure that has been vacant for some time. Previously approved as a residential unit on the second floor and a commercial unit on the first floor, the owner is proposing to construct a second structure for a similar purpose. The application indicates that this second structure would contain 2-3 commercial units on the first floor, and 2-3 dwelling units (or apartments) on the second floor. The owner has demolished a dilapidated addition and does not have formal plans developed yet.

DISCUSSION:

Land Use / Floodplain: The subject parcel is zoned A-1 Agriculture. The property is adjoined by B-1 Business and A-1 Agriculture zoning. Just southeast of the property on Henry Hill Lane is the Lovington Vet office, which was rezoned from A-1 Agriculture to B-1 Business in April 2022. This update has not been reflected on the County's GIS. This area is mixed use in nature, with a combination of agricultural, residential, commercial, and industrial uses. There are no floodplains on the property.

Access and Parking: This property contains multiple existing entrances on Thomas Nelson Hwy (Route 29). Comments from VDOT indicate that access satisfying VDOT commercial entrance and spacing requirements with a Land Use Permit is required. The site plan will need to also utilize access management requirements to consolidate these substandard commercial entrances. VDOT also indicates that the owner may consider shared access with Henry Hill Lane if possible.

Utilities: The property is served by existing public water and sewer service to this location. Comments from the Service Authority indicate that the owner will need to coordinate with their office as the project progresses.

Comprehensive Plan: This property is in an area designated as "Mixed Commercial" on the Future Land Use Map (west of Route 29 in Lovington). This is "a commercial center offering regional shopping and county-wide services as well as multifamily housing near a primary highway but dependent on internal access and connectivity so all stores and attractions may be reached without continued reliance on the primary highway."

Proffers: There are no proffers submitted with this request.

Recommendation: At their meeting on February 22, 2023, the Planning Commission voted (6-0) to recommend approval of Rezoning #850 from A-1 to B-1 and SUP #849 for multifamily dwelling.

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

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

All applications for Special Use Permits shall be reviewed using the following criteria:

- a. The use shall not tend to change the character and established pattern of development of the area or community in which it proposes to locate;
- b. The use shall be in harmony with the uses permitted by right in the zoning district and shall not affect adversely the use of neighboring property;
- c. The proposed use shall be adequately served by essential public or private services such as streets, drainage facilities, fire protection and public or private water and sewer facilities; and
- d. The proposed use shall not result in the destruction, loss or damage of any feature determined to be of significant ecological, scenic or historic importance.

Ms. Bishop noted that the Planning Commission had no recommended conditions.

Mr. Rutherford opened the public hearing, there were no persons wishing to speak, and the public hearing was closed. Mr. Rutherford noted that it was in his district and he recommended approval as presented

Mr. Parr moved to approve Rezoning #850 from A-1 to B-1 and Special Use Permit #849 for a multifamily dwelling as presented. Mr. Barton seconded the motion. There being no further discussion, Supervisors approved the motion unanimously (5-0) by roll call vote.

IV. OTHER BUSINESS (AS PRESENTED)

The Board revisited the outdoor learning project funding which was requested during the afternoon session by a high school student. Mr. Rutherford noted that the Board could contribute funds to the high school for the project.

Mr. Parr moved to approve a \$500 contribution to the outdoor learning project at Tye River Elementary. Mr. Harvey seconded the motion. There being no further discussion, Supervisors approved the motion by vote of acclamation.

V. ADJOURN AND CONTINUE TO MARCH 15, 2023 AT 6:30 P.M. FOR A JOINT MEETING BETWEEN THE BOARD OF SUPERVISORS AND THE PLANNING COMMISSION.

At 7:44 p.m. Mr. Reed moved to adjourn and continue the meeting to March 15, 2023 at 6:30 p.m. and Mr. Barton seconded the motion. There being no further discussion, Supervisors approved the motion by vote of acclamation and the meeting adjourned.