

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
Robert G. “Skip” Barton, South District Supervisor – Vice Chair
Ernie Q. Reed, Central District Supervisor
Thomas D. Harvey, North District Supervisor
J. David Parr, West District Supervisor
Stephen A. Carter, County Administrator
Amanda B. Spivey, Administrative Assistant/Deputy Clerk
Candice W. McGarry, Director of Finance and Human Resources
Dylan M. Bishop, Director of Planning and Zoning

I. CALL TO ORDER

Mr. Rutherford called the meeting to order at 2:00 p.m. with five (5) supervisors present to establish a quorum.

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

II. PUBLIC COMMENTS

- 1. Ed Hicks, Lovingston, VA

Mr. Hicks spoke regarding issues on Front Street in Lovingston with the water and sewer lines. He explained that he had reached out to Mr. Rutherford, the Nelson County Service Authority and DEQ, as well as Mr. Carter several times. Mr. Hicks explained that there had be several sewage backups since 2017. He noted that there had been sewage backup into his pool house on several occasions, flooding it. He explained that they had sewage that would come out of the manholes behind his home and his neighbor’s home. Mr. Hicks also noted the water had burst on more than one occasion, leaving him without water. He explained that a portion of the water line was not buried, which left it to freeze during the winter for days at a time. He noted that the Service Authority had been putting temporary band-aids on the issues instead of fixing the problem by installing new water and sewer lines. Mr. Hicks stated that money had been set aside several years ago to fix the issues during Allen Hale’s tenure on the Board but the money was later redistributed to a project at Wintergreen. He stressed the need for new water and sewer lines in Lovingston. He noted he had his sewer lines inspected by Casey Smith and there were no issues on his side, rather the issues were on the County’s lines. He explained that he had been told that the Service Authority was getting bids for the removal of trees along the lines, noting it was another band-aid fix. He was concerned that the sewage may be running into the creek. Mr. Hicks asked for the Board to help resolve the issues with the water and sewer lines.

Mr. Harvey asked if issues were documented. Mr. Carter noted they had received information from Mr. Hicks’ neighbor, Ms. DeMarsh. Mr. Carter had followed up on issues and noted the age of the pipes. He noted the root intrusion issues and felt the best thing to do would be to replace the lines but there would be a cost to do that. Mr. Rutherford indicated that he had been in contact with the Service Authority to determine the costs associated with replacement. Mr. Harvey said the problem needed to be fixed.

The were no other persons wishing to speak during public comments.

III. CONSENT AGENDA

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

- A. Resolution – **R2022-18** Minutes for Approval

**RESOLUTION R2022-18
NELSON COUNTY BOARD OF SUPERVISORS
APPROVAL OF MINUTES
(March 8, 2022)**

RESOLVED, by the Nelson County Board of Supervisors that the minutes of said Board meeting

April 12, 2022

conducted on **March 8, 2022** be and hereby are approved and authorized for entry into the official record of the Board of Supervisors meetings.

B. Resolution – **R2022-19** Budget Amendment

**RESOLUTION R2022-19
NELSON COUNTY BOARD OF SUPERVISORS
AMENDMENT OF FISCAL YEAR 2021-2022 BUDGET
NELSON COUNTY, VA
April 12, 2022**

I. Appropriation of Funds (General Fund)

<u>Amount</u>	<u>Revenue Account (-)</u>	<u>Expenditure Account (+)</u>
\$733.95	3-100-002404-0006	4-100-022010-5419
\$2,120.30	3-100-002404-0001	4-100-031020-5419
\$105,656.00	3-100-001207-0001	4-100-093100-9207
\$48,190.98	3-100-009999-0001	4-100-093100-9206
<u>\$120,000.00</u>	3-100-003303-0043	4-100-081020-7063
\$276,701.23		

II. Transfer of Funds (General Fund Non-Recurring Contingency)

<u>Amount</u>	<u>Credit Account (-)</u>	<u>Debit Account (+)</u>
<u>\$28,779.00</u>	4-100-999000-9905	4-100-021040-3020
\$28,779.00		

III. Appropriation of Funds (Piney River Fund)

<u>Amount</u>	<u>Revenue Account (-)</u>	<u>Expenditure Account (+)</u>
\$47,377.00	3-501-004105-0001	4-501-042040-5407
<u>\$58,279.00</u>	3-501-004105-0001	4-501-042040-8004
\$105,656.00		

IV. Appropriation of Funds (School Fund)

<u>Amount</u>	<u>Revenue Account (-)</u>	<u>Expenditure Account (+)</u>
<u>\$48,190.98</u>	3-205-004105-0001	4-205-066100-9305
\$48,190.98		

C. Resolution – **R2022-20** Authorization for Public Hearing on Budget

**RESOLUTION R2022-20
NELSON COUNTY BOARD OF SUPERVISORS
AUTHORIZATION FOR PUBLIC HEARING ON FY23 BUDGET**

RESOLVED, by the Nelson County Board of Supervisors that a public hearing on the FY23 Budget is hereby authorized to be held on Tuesday, May 10, 2022 at 7:00 PM in the General District Courtroom of the Courthouse in Lovingson, Virginia.

D. Resolution – **R2022-21** Health Insurance Renewal and Establishment of Rates

**RESOLUTION R2022-21
NELSON COUNTY BOARD OF SUPERVISORS
FY23 HEALTH INSURANCE RENEWAL AND ESTABLISHMENT OF RATES**

WHEREAS, Nelson County participates in the Local Choice Health Benefits Program and the renewal for the next plan year of July 1, 2022-June 30, 2023 was unanimously approved by the Nelson County Board of Supervisors on March 17, 2022; and

WHEREAS, the Key Advantage 250 and Key Advantage 500 plans will be offered;

NOW THEREFORE BE IT RESOLVED, by the Nelson County Board of Supervisors that Nelson County’s 2022-2023 health insurance plan year renewal rates be hereby established for active employees and retirees as follows and submitted to Local Choice:

Active Employees	FY23 (July 1, 2021-June 30, 2023)		
Key Advantage 250	Employee	County	Total
Single, Comprehensive	\$ 73.00	\$ 697.00	\$ 770.00
Dual, Comprehensive	\$ 547.00	\$ 878.00	\$ 1,425.00
Family, Comprehensive	\$ 1,021.00	\$ 1,058.00	\$ 2,079.00
Single, Preventative	\$ 56.00	\$ 697.00	\$ 753.00
Dual, Preventative	\$ 515.00	\$ 878.00	\$ 1,393.00
Family, Preventative	\$ 975.00	\$ 1,058.00	\$ 2,033.00

Key Advantage 500	Employee	County	Total
Single, Comprehensive	\$ -	\$ 697.00	\$ 697.00
Dual, Comprehensive	\$ 411.00	\$ 878.00	\$ 1,289.00
Family, Comprehensive	\$ 824.00	\$ 1,058.00	\$ 1,882.00
Single, Preventative	\$ -	\$ 680.00	\$ 680.00
Dual, Preventative	\$ 380.00	\$ 878.00	\$ 1,258.00
Family, Preventative	\$ 778.00	\$ 1,058.00	\$ 1,836.00

Retirees Not Eligible For Medicare (Before County Supplement)	
Key Advantage 250	Retiree
Single, Comprehensive	\$ 770.00
Dual, Comprehensive	\$ 1,425.00
Family, Comprehensive	\$ 2,079.00
Single, Preventative	\$ 753.00
Dual, Preventative	\$ 1,393.00
Family, Preventative	\$ 2,033.00

Key Advantage 500	Retiree
Single, Comprehensive	\$ 697.00
Dual, Comprehensive	\$ 1,289.00
Family, Comprehensive	\$ 1,882.00
Single, Preventative	\$ 680.00
Dual, Preventative	\$ 1,258.00
Family, Preventative	\$ 1,836.00

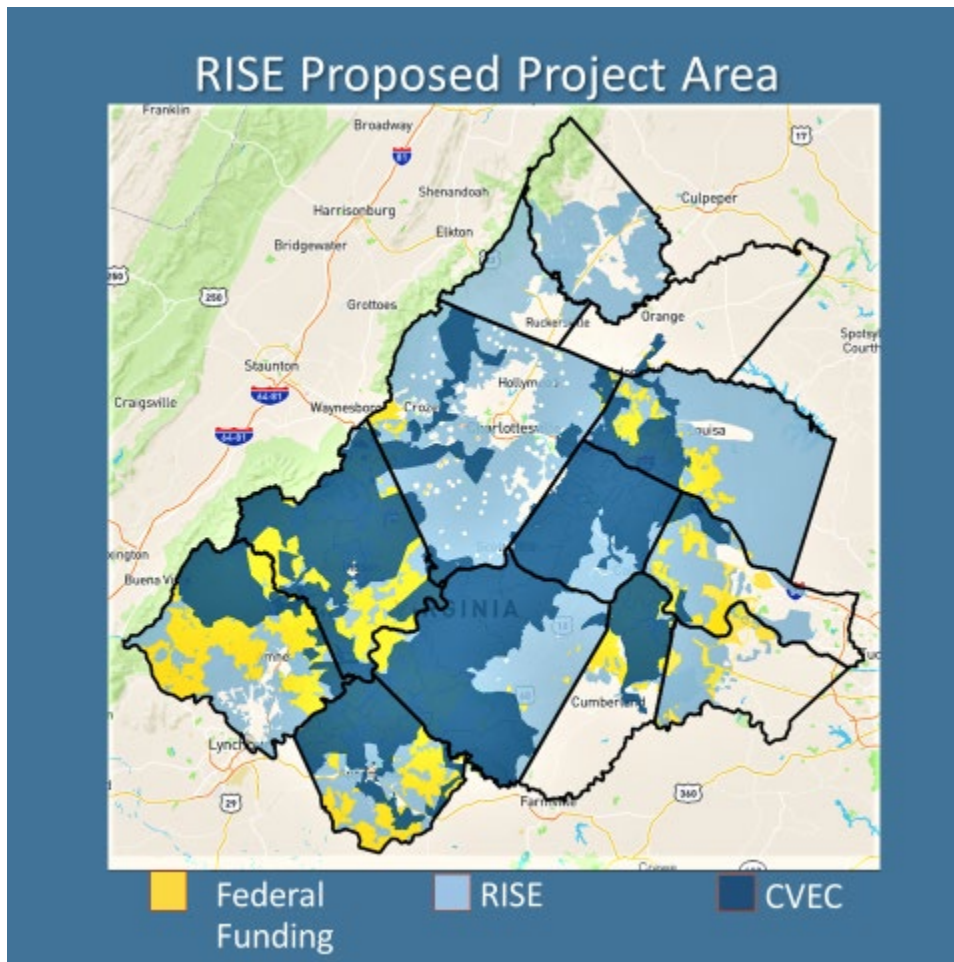
Retiree Medicare Plans (Before County Supplement)	
Advantage 65 (Dental & Vision)	\$ 206.00

IV. PRESENTATIONS

A. Firefly Update

Mr. Rutherford welcomes Mr. Gary Wood and Mr. Galen Creekmore of Central Virginia Electric Cooperative and Firefly Fiber Broadband. Mr. Creekmore noted he was the Key Accounts Representative, which allows him to work with Key Partners like localities. He wanted to provide

updates on the Regional Internet Service Expansion (RISE) project and their successful VATI application for additional grant funding. He thanked the County for their partnership in the project. Mr. Creekmore pointed out that Nelson County would be the first locality that Firefly finished a universal buildout with. He noted that the Thomas Jefferson Planning District Commission (TJPDC) submitted the application which included 13 counties. He showed a map of the project area.



Mr. Wood then took over the presentation to provide updates on connections and construction. He noted the areas in service for Nelson included: Martin’s Store, Wintergreen, Colleen, Gladstone, Midway, as well as County funded CARES projects on Appalachian Power. He explained that they had 8,100 homes with fiber service options and Firefly had 4,093 active accounts. He noted they had installed about 750 miles of fiber in Nelson County and the total investment to date was about \$28,000,000. He noted that work had begun in placing fiber on the Massies Mill circuit of the Piney River substation. He projected that work in Schuyler would probably start in June.

He noted the following AEP areas currently in process by AEP crews with make ready work: 1. Arrington (southside of tracks), 2. Shipman (southside of tracks), 3. Schuyler (timed to connect to new CVEC substation hut) and 4. Buffalo Mines. He explained that AEP was not moving as quickly as needed to stay on schedule. He noted that they had requested AEP to have all of their make ready engineering and construction to be completed by August with the goal to have Firefly fiber complete this year. He noted that CVEC fiber construction was scheduled to be complete by July, followed by splicing and then final service drop, all complete this year. He noted that final AEP fiber connections would likely carry over into early 2023.

Mr. Creekmore outlined the steps of fiber construction and the timeline, which differ from wireless or satellite internet service installations. He noted that while it took longer to install, fiber was a much better product and permanent infrastructure.

Steps of Fiber Construction and Timeline

- Generally, assume six months from start of construction until first in home connections. Will continue to work until all who would like service are connected.
- Each area requires several steps before connections can be made:
 - Data collection (Firefly - NTS)
 - Design (Firefly - Conexon)
 - Make ready engineering (AEP)
 - Make ready construction (AEP)
 - Fiber construction (Firefly - S&N)
 - Splicing (Firefly - S&N)
 - Service extensions to homes (Firefly - S&N)
 - Final connection (Firefly)



Mr. Creekmore showed the pricing for residential service which remain unchanged as Firefly is committed to affordable service. He pointed out that they provided symmetrical upload and download speeds. He noted they had online resources to provide updates on the www.fireflyva.com webpage.

Mr. Rutherford thanked Mr. Wood and Mr. Creekmore both for their time. Mr. Parr asked if there were any remaining homes to be connected from the CARES projects. Mr. Wood noted they had found a few in the Piney River area along 151 and were working to get folks connected. Mr. Wood also took a moment to remind folks to not shoot at the power lines or fiber lines. He noted that the power lines weren't usually affected by it, but the fiber lines would be damaged, causing an outage.

B. Albemarle Charlottesville Regional Jail Renovation

Mr. Martin Kumer, Superintendent of the Albemarle Charlottesville Regional Jail, began his presentation by thanking Mr. Carter for his many years of service. He then introduced Tony Bell of Moseley Architects. Mr. Kumer noted he was there to speak regarding the Albemarle Charlottesville Regional Jail renovation and expansion. He gave a brief history of the jail, noting it opened in 1975 to combine Albemarle County and Charlottesville City jails, with Nelson County becoming the third jail member in 1997. He explained that the final expansion was completed in 2000, which brought the capacity to 329 inmates. Mr. Kumer noted that average daily population had been as high as 600 in 2008, and as low as 265 in January 2022.

Mr. Kumer noted the Facility Condition Assessment findings which showed that the facility required significant upgrades to the HVAC, electrical systems and other major mechanical systems over the next ten years, as well as replacement of interior fixtures, lighting and security devices. He noted that the facility condition assessment did not determine staff, inmate or public needs for the facility.

Mr. Kumer noted that Moseley Architects was then hired to complete a Community Based Corrections Plan (CBCP) to determine the staff, inmate and public needs for the future. He noted that there were no indications in the historical data to suggest that the inmate population would increase substantially in the future. Mr. Barton asked why. Mr. Kumer explained that in 2008, they focused on lowering the jail population and had formed the Community Criminal Justice Board. He noted the purpose of the Board was to determine what caused people to commit crimes. He explained that they worked on programs in the jail and the community to reduce recidivism. He noted that the pandemic had increased the use of home electronic monitoring, which further reduced the jail population. Mr. Kumer reiterated that there would be no addition of beds with the renovation.

Mr. Kumer detailed the improvements needed to the jail structure which included:

- additional toilets and showers to comply with ADA and new building codes
- redesign of inmate housing areas that create an environment to encourage mental and physical well-being
- a dedicated mental health and segregation unit conducive to improving an inmate’s mental health
- replacing major mechanical systems in the original facility to improve climate control and air quality
- additional inmate classroom and programming space
- additional office space for staff
- a larger public visitation area to meet the needs of the public and professional visitors
- additional security measures for staff and inmates

Mr. Kumer identified the goals and objectives of the renovation and expansion project.

1. Create a space conducive to inmate rehabilitation that reduces recidivism
 - use Trauma Informed Design (sound deadening materials, stress reducing colors, natural sunlight) throughout the renovation and expansion
 - addition of classrooms and programming spaces
 - Integrate technology into the classrooms and housing areas
2. Heating, Ventilation and Air Conditioning
 - Replace existing HVAC units with effective and efficient units
 - Install an air filtration system effective against virus and bacteria
 - Increase fresh air ventilation
3. Conservation of Resources
 - Use of efficient water conserving toilets, showerheads and faucets
 - Use natural daylight

Mr. Kumer noted that the renovation would improve the quality and experience for the inmates, community and stakeholders, and the employees. He hoped to help inmates so they could leave the jail health and be less likely to return and draw on local resources.

Mr. Bell then took over the presentation to discuss the project planning, design and construction schedule. He explained that in June 2023, they would advertise the RFP and then get an architect/engineer under contract with final completion of the project in November 2025. He explained the delay in beginning the process would allow confirmation that the State had approved a budget with funding for a 25% reimbursement upon completion of the project. He reminded the Board that the jail capacity would not increase, but they would have a jail that was completely renovated to meet today’s standards.

Mr. Bell then explained the cost estimates. He noted that the total project cost was \$49,021,414 with 25% of that eligible to be reimbursed (\$12,255,353). He noted the total estimated cost to localities was \$36,766,061.

Mr. Kumer discussed how the share of debt was calculated for each locality. He noted the analysis was based on the following assumptions:

- The project adheres to the schedule presented by Moseley Architects
- The total project cost of \$49 million
- The State reimburse 25% (\$12.5 million) of eligible costs
- Debt service is allocated based on locality share of inmate days
- Debt is based on a 20-year bond at 4%
- Locality share remains constant, numbers below reflect current share

Nelson	FY 23	FY24	FY25	FY26	FY27	FY28
Operational	\$1,238,915	\$1,249,308	\$1,259,789	\$1,270,358	\$1,281,015	\$1,291,761
Debt Service	0	\$20,654	\$241,653	\$241,653	\$350,106	\$350,210
Total	\$1,238,915	\$1,269,962	\$1,501,442	\$1,512,010	\$1,631,121	\$1,641,972

Mr. Kumer briefly noted the same assumptions and cost estimations for Albemarle and Charlottesville also.

Mr. Bell noted key decision points going forward. He explained that around August/September, a

resolution would be needed from each locality in support of the project moving forward. He ensured that they would look at every option to reduce costs as they moved forward in planning.

Mr. Reed asked how many mental health and segregation beds the renovation would add. Mr. Bell explained that there would be a seven bed mental health unit and a seven bed segregation unit. He noted that both units were celled with similar layouts and could be set up to be used however needed. Mr. Bell noted there would be a net addition of eight beds to that area.

Mr. Kumer noted that he was available for any questions and offered tours to the Board and any citizens who may be interested. He reminded the Board that he would be returning later for an official approval of the project.

Mr. Harvey asked about the process for prisoners to go from local to state responsibility. Mr. Kumer noted that after 61 days, an inmate becomes the State's responsibility and at that point, the State begins to pay a higher per diem for that inmate. He noted that at that time, the inmate can be transferred to the Department of Corrections. Mr. Kumer pointed out that about 20% of their inmates should be serving sentences in the Department of Corrections, but the pandemic has affected the transfer of inmates.

Mr. Barton asked what percentage of inmates that spend all of their time in the jail. Mr. Kumer estimated that 80% of inmates served all of their time in the local jail. He noted they focused their programs on individuals who are going to be released back into the public, not those serving life sentences. Mr. Bell stressed the need to update the facilities to be able to provide for the programming.

Mr. Reed thanked Mr. Kumer for the tour of the jail. Mr. Kumer noted they would return in the fall to ask for the resolution of support. Mr. Bell noted the Jail Authority's attorney would draft the resolution to be voted on and approved. Mr. Harvey noted this would take away from school funding.

- C. VDOT Report
- D. Secondary Six-Year Plan Work Session (R2022-22)

Mr. Robert Brown discussed the upcoming Rural Rustic Priority list. He introduced the proposed draft of the Secondary Six-Year Plan for FY23.28. He noted it was the same list from last year with priorities 1 through 7.

Nelson County							Draft 04/08/2022
Rural Rustic Priority List FY23/28							
PRIORITY	ROUTE	NAME	FROM	TO	LENGTH	TC - VPD	NOTES
1	666	Jacks Hill	1.82 Mi W RTE 678	1.0 M W 678	0.80 Mi	80	\$162,000
2	654	CEDAR CREEK RD	3 Mi West Rte 655	Rte 661	1.24 Mi	110	\$248,000
3	643	Ball Mt. Road	Rte 639	Dead End	0.60 Mi	40	\$120,000
4	848	Whipperwill Lane	Rte 605	Dead End	0.05 Mi	60	\$10,000
5	765	Honey Suckle Lane	Rte 151	Dead End	0.20 Mi	50	\$52,000
6	674	Cow Hollow	Rte 780	Rte 56	1.10 Mi	60	\$250,000
7	623	Davis Creek Rd	RTE 625	Dead End	1.70 Mi	60	\$352,000
	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

He explained that the Board needed to prioritize the rest of the list and possibly add more roads. He noted there was no need to prioritize the roads in the current meeting, they would discuss them at the public hearing. Mr. Brown noted that they estimated an annual allocation of \$628,000 to \$650,000 for unpaved roads for the next six years. Mr. Brown reiterated that the list would be presented at the public hearing and the Board would be able to make decisions at then. He explained that they could make changes but strongly suggested that they leave the first seven as prioritized.

Mr. Rutherford noted that they needed to set the public hearing. Mr. Reed made a motion to adopt Resolution R2022-22 and Mr. Parr seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote and the following resolution was approved:

**RESOLUTION R2022-22
NELSON COUNTY BOARD OF SUPERVISORS
AUTHORIZATION FOR PUBLIC HEARING
FY23-FY28 SECONDARY SIX-YEAR ROAD PLAN**

AND CONSTRUCTION PRIORITY LIST

WHEREAS, The Virginia Department of Transportation and the Board of Supervisors of Nelson County, in accordance with Sections 33.2-331 and 33.2-332 of the Code of Virginia, are required to conduct a public hearing to receive public comment on the proposed Secondary Six-Year Plan for Fiscal Years 2023 through 2028 in Nelson County and on the Secondary System Construction Budget for Fiscal Year 2023,

NOW THEREFORE BE IT RESOLVED, that a public hearing will be held for this purpose in the General District Courtroom of the Nelson County Courthouse, 84 Courthouse Square, Lovingston, Virginia at 7:00 pm on Tuesday, May 10, 2022.

Supervisors then discussed the following VDOT issues:

Mr. Barton:

Mr. Barton had no VDOT issues to discuss.

Mr. Harvey:

Mr. Harvey had no VDOT issues to discuss.

Mr. Reed:

Mr. Reed asked for an update on the brush clearing at Drumheller Lane and Serenity Ridge. Mr. Brown confirmed that the brush clearing was still in process and was hopeful that it would be finished the following week.

Mr. Parr:

Mr. Parr asked how Cow Hollow looked. Mr. Brown noted they had put down new stone and it was in good shape. Mr. Rutherford asked if Cow Hollow would be taken care of once the project on the Rural Rustic list was complete. Mr. Brown confirmed that all of Cow Hollow would be hard surfaced after that.

Mr. Rutherford:

Mr. Rutherford had no VDOT issues to discuss.

V. REPORTS, APPOINTMENTS, DIRECTIVES AND CORRESPONDENCE

A. Reports

1. County Administrator's Report

Mr. Carter presented the following report:

A. Covid-19 (Coronavirus): Current VDH data for Nelson County, as of April 7th, based upon a 13-week average is -23 new cases of the Covid-19 virus and a seven (7) day average of new daily cases of -12.43. To date the County has had 2,570 cases of the virus (revised from the previously reported 2,679 cases), and 34 deaths. Per the CDC Nelson County is at a Low Risk status. CDC guidance for Low Risk areas include: 1) Stay up to date on Covid 19 vaccines; 2) Get tested if you have symptoms. The CDC site also has an online guidance tool regarding exposure to or contracting the virus.

B. 2022 General Reassessment of Real Estate: The local Board of Equalization continues to be in process with reassessment appeals. To date the Board has heard all appeals. The Board's ensuing hearings are scheduled for the first two weeks of May. The application deadline for appeals in April 15th. Mr. Carter noted the Board of Equalization would provide the Board with a report once their work is completed.

C. Planning: 1) Comprehensive Plan Project – County and Berkley Group staff conducted a project kick off meeting via Zoom on March 30th. An ensuing meeting is to be scheduled with the Board and Planning Commission. 2) Smart Scale – Three project pre-applications were submitted by TJPDC staff on behalf of the County to VDOT by the April 1 deadline. The proposed County projects include: a) Intersectional Improvement at Rt. 29 and Callohill Drive; b) Round-about at the intersection of Routes 151 and 6 (Martins Store); c) grading improvement at Rt. 151 and Tanbark Drive. Rick Youngblood, Director of Planning for VDOT's Lynchburg District will report to the Board at the May 10th regular session on the Rt. 29 and Callohill Drive project.

D. New County Office Building: Three responses (proposals) were received by the 3-25 deadline from architectural firms for provision of services for the design and construction of a new County office building. The ensuing step include interviews with a minimum of two firms, firm selection and contract. A specific timetable for project completion is pending but projected to be 3rd or 4th quarter of 2023.

E. Piney River Water & Sewer System: Repair and reinstallation of Pump #1 at the Rt. 56 pump station is in process with reinstallation and start up anticipated by not later than the week of April 25. Purchase of a new primary pump is also in process and will be warehoused as a system replacement. County staff have also conferred with NCSA staff on the repair status of out of service fire hydrants. NCSA staff indicated significant supply issues have delayed repair parts for the hydrants as well as for parts for NCSA utilities.

F. Repair of Termite Damage: An invitation for bids for the repair of termite damage to an area of the hallway accessing the Circuit Courtroom in the 1940s era addition will be issued on 4-8 with bid responses due on 4-19. The IFB includes specifications for the repair from structural engineering staff of Master Engineers through a contract addendum for the project with Architectural Partners. The repair is more extensive due to the need for strengthening the underlying floor support system. Mr. Carter noted that a new exterminator had contracted to treat the building also.

G. FY22-23 Budget: Public hearing will be conducted on 4-28 to set the real estate tax rate, per the 2022 general reassessment, and to consider an increase in the local Transient Occupancy Tax from 5% to 10%. The Board will also set the balance of local property tax rates, and the personal property tax relief percentage on 4-28. A public hearing on the FY22-23 Budget is scheduled for the May 10th regular session. Budget approval can be completed 7 days following the public hearing and must be completed by 6-30.

2. Board Reports

Mr. Barton:

Mr. Barton had no report.

Mr. Harvey:

Mr. Harvey had no report.

Mr. Reed:

Mr. Reed had no report.

Mr. Parr:

Mr. Parr had no report.

Mr. Rutherford:

Mr. Rutherford noted the TJPDC was working on the Regional Housing Partnership and discussing affordable housing.

B. APPOINTMENTS

MACAA Board of Directors

Ms. Spivey noted they had an existing vacancy on the MACAA Board of Directors and there were two applications to consider for the appointment, Chris Sandquist and Seanan Maranzano. She noted a letter of recommendation had been received from Ms. Sarah Hanks of MACAA, recommending the appointment of Mr. Sandquist. Mr. Reed made a motion to appoint Chris Sandquist to the MACAA Board of Directors and Mr. Barton seconded the motion. Mr. Rutherford called for a vote without objection, and there being no objections, the motion was approved.

C. CORRESPONDENCE

Mr. Reed noted that Friday, April 15th was the deadline for applications to the County Administrator position. Ms. Spivey confirmed that eleven applications had been received currently. Mr. Reed indicated that the interview group would look at the applications the following week and they would be sent around to the Board also.

Mr. Rutherford noted the water and sewer issues in Lovingson that had already been discussed during Public Comments.

D. DIRECTIVES

Mr. Reed and Mr. Rutherford reminded the Board to speak into the microphones to allow for people streaming on YouTube to better be able to hear. Mr. Reed noted they may want to consider lapel microphones at some point.

VI. NEW & UNFINISHED BUSINESS (AS PRESENTED)

The Board had no new or unfinished business to discuss.

VII. ADJOURN AND CONTINUE – EVENING SESSION AT 7PM

At 3:50 p.m., Mr. Parr made a motion to adjourn and continue to 7:00 p.m. and Mr. Reed seconded the motion. Mr. Rutherford called for a vote of acclamation and there being no objections, the motion passed and the meeting adjourned.

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

I. CALL TO ORDER

Mr. Rutherford called the meeting to order with four (4) Supervisors to establish a quorum. Mr. Harvey was absent from the evening session.

II. PUBLIC COMMENTS

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

III. PUBLIC HEARINGS

A. Special Use Permit #517 – Antique, Craft, or Gift Shop

Consideration of a Special Use Permit application requesting County approval to allow an Antique, Craft, or Gift Shop use to construct and operate a glassblowing studio on property zoned A-1 Agriculture. The subject property is located at Tax Map Parcel #6-A-161B on Rockfish Valley Highway in Afton. The subject property is 8.15 acres and owned by Martin Minh & Anna Shapiro.

Ms. Bishop provided the following report:

BACKGROUND: This is a request for a special use permit for an “antique, craft, or gift shop” use for a hot glass studio and gallery on property zoned A-1 Agriculture.

Public Hearings Scheduled: P/C – January 26 (completed); Board – April 12

Location / Election District: Rockfish Valley Hwy / North District

Tax Map Number(s) / Total Acreage: 6-A-161B / 8.15 acres +/- total

Applicant/Owner Contact Information: Minh Martin & Anna Shapiro, 603 Nettle Court, Charlottesville, VA 22903, 540-290-0561 / 917-881-4988, minhmartin1@gmail.com / annaesthetic@gmail.com

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

Comments: This property is currently vacant aside from an existing barn. The applicant is requesting a Special Use Permit to construct a hot glass studio and gallery. Activities feature live glass blowing demonstrations, and a gallery featuring glass made on site as well as work from other artists in a variety of mediums. The applicant anticipates to be open to the public 4-5 days a week during normal day time hours. The proposed barn structure is approximately 2,500 square feet.

DISCUSSION:

Land Use / Floodplain: This area is residential and agricultural in nature. Zoning in the vicinity is A-1 and there is a floodplain located on the east side of the property. Heading north on Route 151, the property is located on the east side just before Brewing Tree.

Access / Traffic / Parking: The property is proposed to be accessed by a new entrance on Rockfish Valley Hwy (Route 151). The applicant will be required to have an entrance designed by an engineer and approved by VDOT.

Utilities: Well and septic permits will be required to be designed by an engineer and approved by the Health Department.

Erosion and Sediment Control: Should land disturbance for the project exceed 10,000 square feet, an Erosion and Sediment Control Plan will be required to be approved by the Building Inspections office.

Comprehensive Plan: This property is located in an area designated rural and farming in the Comprehensive Plan, which “would promote agricultural uses and compatible open space uses but discourage large scale residential development and commercial development that would conflict with agricultural uses. The Rural and Farming District would permit small scale industrial and service uses that complement agriculture.”

The public hearing was held at the Planning Commission's meeting on January 26, and there were no speakers. At their meeting on February 23, the Planning Commission voted (4-0-1 abstention) to recommend approval of this application to the Board of Supervisors.

Ms. Bishop noted the applicants were present and had provided a presentation in the meeting packet.

Mr. Minh Martin and Ms. Anna Shapiro, both of Charlottesville, spoke regarding their application. Mr. Martin noted he was a glass artist and his wife, Ms. Shapiro was a textile artist. Mr. Shapiro explained that they wanted to build a barn that would house a studio and gallery. He noted that they planned to have artist demonstrations, private lesson and seasonal workshops, along with retail for their art and other regional artists.

The Board had no questions for the applicant.

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

Mr. Reed asked about agricultural zoning and compatible uses. He asked if there were other craft or gift shops operating along 151 as single stand-alone entities. He thought it could be argued that the use was not compatible for the area. He asked if this set a precedent if there were others in the area. Ms. Bishop noted there were B-1 zoning pockets along the corridor that did have some retail. She noted she was unaware of any Mr. Reed pointed out the antique mall further south on 151. He didn't know if it would open the door to more similar development in the future. Ms. Bishop felt that the comprehensive plan would help determine what areas of the 151 corridor would be good for service oriented type of uses. She noted that some areas of 151 had already become mixed-use service oriented. Mr. Rutherford felt that the business may be a great compliment to the area.

Mr. Reed motion to approve **Special Use Permit #517** and Mr. Parr seconded the motion. There being no further discussion, Supervisors voted unanimously (4-0) by roll call vote to approve the motion.

B. Special Use Permit #406 – Campground

Consideration of a Special Use Permit application requesting County approval to allow a campground on property zoned A-1 Agriculture. The subject property is a 1.916 acre portion of Tax Map Parcel #71-A-32 on Hunting Lodge Rd in Schuyler. The subject property is owned by Daryl & Teresa Ann Mann.

Ms. Bishop provided the following report:

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

Public Hearings Scheduled: P/C – March 23; Board – April 12

Location / Election District: 27 Redbud Lane (Wingina) / East District

Tax Map Number(s) / Total acreage: 71-A-32P / 1.916 acres +/- total

Applicant/Owner Contact Information: Daryl Mann, 2365 Hunting Lodge Road, Schuyler, VA 22969, 434-531-4903, silverleafhuntclub@gmail.com

Comments: The applicant is proposing to establish 16 RV campsites for rental purposes to members of the Silver Leaf Hunt Club. According to the applicant, he has been utilizing the property for this purpose for approximately 10 years. He applied for an electrical permit, which was the impetus for this application. The use is **not** legally nonconforming, and would be required to secure a Special Use Permit. The barn "lodge" structure and port-a-johns are used by the lodgers for restroom facilities. The plat provided by the applicant does not indicate specific sites; the request is for 16 unspecified RV sites. If this application is not approved, he would not be permitted to utilize the property as a campground, and would be required to have all present RVs removed from the site.

DISCUSSION:

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

Access / Traffic / Parking: The property is currently accessed from Redbud Lane. Comments from VDOT indicate that the existing access on the non-state maintained road is acceptable, and the entrance along Hunting Lodge should be closed under a VDOT permit.

Utilities: Restroom facilities currently include several port-a-johns as well as the restroom in the barn structure. Campgrounds require the provision of potable water and sanitary facilities. The applicant is currently working with the Health Department to determine minimum requirements. Ms. Bishop noted that the Health Department had received an application from Mr. Mann and while a permit had not been issued, the Health Department staff felt confident that the applicant would be able meet the regulatory requirements for issuance of a campground permit for self-contained recreational vehicles. Ms. Bishop noted a septic system would not be required since there were other facilities to use on site.

Comprehensive Plan: This property is located in an area designated rural and farming in the Comprehensive Plan, which "would promote agricultural uses and compatible open space uses but discourage large scale residential development and commercial development that would conflict with agricultural uses. The Rural and Farming District would permit small scale industrial and service uses that complement agriculture. Protection of usable farmland should be encouraged. Clustering of any new development in areas of a site without prime or productive soils will enhance the protection of prime or productive soils for future agricultural uses."

At their meeting on March 23, Planning Commission voted (6-0) to recommend approval of this application to the Board of Supervisors with the following conditions:

1. Only 16 total RV sites shall be permitted.
2. The sites shall be utilized exclusively by members of the Silver Leaf Hunt Club. The sites shall not be rented to lodgers that are not members of the Hunt Club.
3. A minor site plan shall be submitted that indicates the locations of the proposed sites that shall be approved by all applicable agencies.

The Board had no questions for Ms. Bishop.

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

Mr. Barton asked Ms. Bishop if the Health Department was going to ensure the applicant was able to handle the requirements. Ms. Bishop confirmed that health department indicated a permit would be issued.

Mr. Reed asked if the Health Department had noticed a camper parked by Hunting Lodge Road that was discharging directly into the ditch by the side of the road. Ms. Bishop responded that the Health Department did not mention any findings of that nature. Mr. Reed said he had seen the pipe directed to the ditch during a site visit. He felt it was strange to approve something when things were happening that were not compatible with the health code. Mr. Carter reported that it was against the law to discharge wastewater into the environment.

Applicant Teresa Mann of Schuyler, VA commented on Mr. Reed's concerns. She noted that the camper owner had been spoken to and the issue was resolved. Mr. Reed asked whether there would be any disposal facilities onsite. Ms. Mann noted that Bell's Septic would be providing porta johns for use. Mr. Rutherford noted if applicants could adhere to the conditions, he would hope to see the permit be approved.

Mr. Parr moved to approve **Special Use Permit #406** Campground with conditions as presented from the Planning Commission. Mr. Barton seconded the motion. There being no further discussion, Supervisors voted unanimously (4-0) by roll call vote to approve the motion.

C. Rezoning #552 – A-1 to B-1

Consideration of a Rezoning application requesting County approval to rezone property from A-1 Agricultural to B-1 Business. The subject property is located at Tax Map Parcel #67-A-9D at 8151 Thomas Nelson Hwy in Lovingston. The subject property is 1 acre and owned by Lovingston Herd Health LLC.

Ms. Bishop provided the following report:

BACKGROUND: This is a request to rezone property from A-1 Agriculture to B-1 Business, to allow the existing veterinary clinic to complete construction of a second building and bring the use into compliance.

Public Hearings Scheduled: P/C – March 23 / Board – April 12

Location / Election District: 8151 Thomas Nelson Hwy / East Election District

Tax Map Number / Total acreage: 67-A-9D / 1.00 acre +/- total

Applicant/Owner Contact Information: Lovingston Herd Health LLC (Jessica Ligon), P.O. Box 304, Lovingston, VA 22949 / (434) 263-4881 / jessligon@gmail.com

Comments: According to the applicant, this structure has been utilized as a veterinary clinic since the early 1970s. Because it is located within the A-1 district where veterinary clinics require a Special Use Permit, this is considered a nonconforming use. With the adoption of the revised Nonconforming Ordinance in March 2021, it became prohibited to expand a nonconforming use. The applicant would like to complete construction on the second proposed building, which is accessory to the vet clinic. A site plan will provided at the meeting.

DISCUSSION:

Land Use / Floodplain: The subject parcel is zoned A-1 Agricultural. The property is adjoined by both A-1 Agricultural and B-1 Business zoning. This area is mixed use in nature, with a combination of agricultural, residential, and commercial uses. Vito's Pizza & Grill adjoins the parcel to the east. There are no floodplains on the property.

Access and Parking: This property is accessed by an existing entrance on Henry Hill Lane. Because there is no proposed increase in traffic, VDOT is requesting that the entrance onto Route 29 from Henry Hill Lane be paved.

Utilities: The property is served by existing utilities.

Comprehensive Plan: This property is in an area designated as "Mixed Commercial" on the Future Land Use Map (west of Route 29 in Lovingston). 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 application.

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

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

At their meeting on March 23, the Planning Commission voted (6-0) to recommend approval of this application to the Board of Supervisors. There was one speaker at the public hearing in support.

The applicant was present but did not wish to speak.

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

Mr. Barton made a motion to approve **Rezoning #552 A-1 to B-1**. Mr. Parr seconded the motion. There being no further discussion, Supervisors voted unanimously (4-0) to approve the motion.

D. Rezoning #553 – B-1/R-1 to M-2

Consideration of a Rezoning application requesting County approval to rezone property from B-1 Business /R-1 Residential to M-2 Industrial. The subject property is located at Tax Map Parcels #64-A-80 and 64-A-81 at 3535 Patrick Henry Hwy in Piney River. The subject properties are 7.955 and 0.156 acres respectively and are owned by B T Ramsey & Sons Inc.

Ms. Bishop provided the following report:

BACKGROUND: This is a request to rezone property from B-1 Business and R-1 Residential to M-2 Industrial, to allow the existing sawmill to construct a new building and bring the use into compliance.

Public Hearings Scheduled: P/C – March 23 / Board – April 12

Location / Election District: 3535 Patrick Henry Hwy / West Election District

Tax Map Number / Total acreage: 64-A-80 & 81 / 8.15 acres +/- total

Owner Contact Information: B.T. Ramsey & Sons Inc. / P.O. Box 556, Piney River, VA 22964 / (434) 989-4276 / mill44rat@aol.com

Applicant Contact Information: David Collins (agent) / 1188 Berry Hill Road, Nellysford, VA 22958 / (434) 361-1113 / dlc.ls.pe@gmail.com

Comments: According to the owner, this property has been in operation as a sawmill since the 1920's, and the Ramseys located there in 2008. Because it is located within the B-1 district where sawmills are not permitted, this is considered a nonconforming use. With the adoption of the revised Nonconforming Ordinance in March 2021, it became prohibited to expand a nonconforming use. The owner is proposing to construct a new building that is 3,920 square feet.

DISCUSSION:

Land Use / Floodplain: The subject parcel is split-zoned B-1 Business with a buffer of R-1 Residential to the west. The property is adjoined by both B-1 Business and R-1 Residential zoning. 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 accessed by an existing entrance. VDOT requests that the open access along Route 151 be channelized for public safety and roadway function in accordance with a VDOT permit.

Utilities: The property is served by existing utilities.

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: There are no proffers submitted with this application.

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

1. Good Zoning Practice

2. Public Necessity
3. General Welfare
4. Convenience

At their meeting on March 23, the Planning Commission voted (6-0) to recommend approval of this application to the Board of Supervisors.

Mr. Raymond Ramsey and Mr. David Collins spoke regarding the rezoning application. Mr. Ramsey stated that the goal was to turn the mill to have all of the lumber coming out where the new building would go. He noted this would keep them from using Firehouse Road and 151 to move material from one side of the mill to the other.

The Board had no questions for the applicant.

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

Mr. Barton made a motion to approve **Rezoning #553 – B-1/R-1 to M-2** as presented. Mr. Reed seconded the motion. There being no further discussion, Supervisors voted unanimously (4-0) to approve the motion.

E. Special Use Permit #520 – Mobile Home Park

Consideration of a Special Use Permit application requesting County approval to allow a mobile home park on property zoned A-1 Agriculture. The subject property is located at Tax Map Parcel #45-A-25A on Thomas Nelson Highway in Lovington. The subject property is 204.4 acres and owned by Francis B. Green Living Trust.

Ms. Bishop provided the following report:

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

Public Hearings Scheduled: P/C – February 23; Board – April 12

Location / Election District: Thomas Nelson Hwy / Central District

Tax Map Number(s) / Total Acreage: 45-A-25A / 204.4 acres +/- total

Applicant (Contract Purchaser) Contact Information: Shimp, Inc. (Justin Shimp), 148 Tanbark Drive, Afton, VA 22920, 434-227-5140, justin@shimp-engineering.com

Owner Contact Information: Francis B. Green Living Trust, 2820 Stage Bridge Road, Lovington, VA 22949

Comments: This property is currently vacant. The applicant is requesting a Special Use Permit for a mobile home park. The site plan submitted by the applicant shows a configuration of 51 mobile homes. Section 4-8 of the Zoning Ordinance requires at least 4,000 square feet of ground for each mobile home lot, with a minimum distance of 25 feet between each mobile home. The applicant and contract purchaser intends to maintain ownership of the park, and rent the lots using a phased development approach. A memo and narrative submitted by the applicant are attached with this report, which further detail the proposal. Should the SUP be ultimately approved, a Major Site Plan will be required to be submitted to the Planning Commission.

DISCUSSION:

Land Use / Floodplain: This area is residential and agricultural in nature. Zoning in the vicinity is A-1 and R-1. The Muddy Creek flows through this property which is bounded by flood Zone AE, or the "Special" Floodplain District. Existing Ridge Crest Heights subdivision is located along Route 29, and is zoned R-1. The property is adjacent to Ridgecrest Baptist Church, and 4 single-family dwellings.

Access / Traffic / Parking: The property is proposed to be accessed by a new entrance on Thomas Nelson Hwy (Route 29). Note that the proposed entrance location has been relocated from north of the church and existing dwellings, to south of the church. This revision occurred after the Planning Commission meeting and was made based on VDOT's initial review.

Comments from VDOT regarding the proposed entrance will be provided at the meeting. Ms. Bishop noted she had received comments from VDOT regarding the new proposed entrance location. VDOT had no issue with the relocation and the 200-foot taper and left turn lanes are still requested to address u-turn movements. She noted that VDOT commented that if the property was reduced to ten units, those requirements would not be needed. She noted that the new proposed entrance no longer followed the Atlantic Coast Pipeline easement.

Utilities: According to the Health Department, the applicant will be required to have an engineer design a decentralized wastewater system. They will also be required to secure permitting for a public waterworks well from the Office of Drinking Water. She noted that the applicant was proposing various drain fields in phases the project develops.

Erosion & Sediment Control / Stormwater: When total land disturbance of a development exceeds 10,000 square feet, an Erosion and Sediment Control Plan is required to be approved by the Building Inspections Office. When total land disturbance of a development exceeds one acre, a Stormwater Management Plan is required to be approved by DEQ.

Comprehensive Plan: This property is located in an area designated rural and farming in the Comprehensive Plan, which “would promote agricultural uses and compatible open space uses but discourage large scale residential development and commercial development that would conflict with agricultural uses. The Rural and Farming District would permit small scale industrial and service uses that complement agriculture.”

At their meeting on February 23, the Planning Commission first voted (2-3) to recommend denial and the motion failed. PC then voted (4-1) to recommend approval of this application to the Board of Supervisors with the following conditions:

1. The number of mobile home park sites shall be limited to 51.
2. An on-site supervisor is required.
3. The 35 acres as shown on the applicant's presentation dated 2/23/22 shall be reserved as open space.
4. A maintenance plan is required to be submitted prior to final approval.

The applicant, Mr. Justin Shimp, provided a presentation to the Board. He noted the change of the entrance location from Planning Commission's public hearing. He showed a layout with 51 sites and a greenspace area. Mr. Barton asked how far the entrance would be located from the house next door to Ridgecrest Church. Mr. Shimp estimated about 100 feet. Mr. Shimp noted the importance of having somewhere affordable to live but also have space for children to be able to enjoy the outdoors.

Mr. Shimp noted the increase in housing prices in the area. He felt that a mobile home park could be a way to help people find somewhere affordable and provide a neighborhood similar to that of a subdivision. He had a proposed resident investor community plan, which would allow residents the option to purchase a share or rent. He felt that when people were invested in a community, they would help take better care of the neighborhood.

Mr. Shimp noted the significant increases in construction over the last few years. He noted that affordable housing could not be built without the use of some type of manufactured or modular housing.

Mr. Shimp explained that there were 51 units in the plan for feasibility of development costs. He noted the entrances off of Route 29 were a costly investment. He pointed out that the site was convenient to Charlottesville, Lynchburg and Waynesboro.

Mr. Shimp provided examples of public salaries in Nelson. He noted that not all people could afford traditional housing. He stated he was looking to build a well-managed park with an investment opportunity for residents that would break a cycle and create wealth for families.

Mr. Barton noted he had questions but wished to hear from the public first.

Mr. Rutherford opened the public hearing.

1. Larry Shelton Lovington, VA

Mr. Shelton noted he owned property on Stagebridge and a portion of his property adjoins the property under discussion. He asked if the County had a standard for maintaining a mobile home park and who would oversee the park. He asked if a study would be done to see any what affects the park would have

on the wetlands. He asked if they had determined what affects the septic system would have on the creek and Rockfish River. Mr. Shelton asked whether there would be community well or 51 individual wells drilled to support the homes, and what the impacts may be to the water source for the area. He asked if a traffic study had been done on Route 29. He noted the location was bad for traffic. He asked if trash service was planned for the park, or if they would be going to the collection centers. Mr. Shelton wondered if the mobile home park would bring more parks like it to the area. He noted concerns about people using the open space on the property and potentially moving onto neighboring properties.

2. Thomas Ireman, Lovington, VA

Mr. Ireman noted that his property was not directly adjoining but close by. He understood the interest in providing affordable housing. He noted that he and his wife looked for a long time to find a place to retire and wouldn't want anything to change in the area. Mr. Ireman noted concerns that the mobile home park did not fit into the comprehensive plan. He asked what covenants would be in place to keep the community from going downhill. He didn't want property values to decrease and wanted to have good neighbors. He had concerns with the proposed new entrance concerns and cited the dangers with u-turns. He asked what development in phases would mean. He wanted to understand how water, sewer, and trash would be taken care of. He noted concerns with sewage and the possibility of his well going dry.

3. Tonya Bradley, Lovington, VA.

Mr. Bradley indicated that she was highly opposed to the trailer park, for several of the reason the other speakers had already given. She stated the use of the property was violation of the deed. She noted that it was in a dangerous area on 29, and cars traveled at a high rate of speed. She pointed out that several accidents had happened along that stretch of road. She noted that it would affect her and other residents in that area, as well as the church and cemetery. She cited concerns about the trash, road safety and impacts to wells. She noted she had just finished fighting the Atlantic Coast Pipeline and now she was having to deal with the proposed project. She referenced a deed from W. L. Bridgwater in 1959 that listed trailers as prohibited in the Ridgecrest Heights subdivision. She noted that trailers would depreciate and was concerned that it would cause her property value to decrease.

4. Tim Alsrue, Lovington, VA

Mr. Alsrue noted that the property adjoined his property. He appreciated the need for affordable housing in the County. He was concerned about precedent being set. He noted that 51 homes on a rural property was a lot of people, regardless of whether it was a subdivision of homes or a trailer park. He was concerned about the additional use of water and increased traffic. He was concerned whether this would bring more parks in like it. He appreciated Mr. Shimp's idea of equity ownership but did not see how someone bringing in a \$20,000 trailer could afford a \$30,000 share in ownership. He asked what the minimum number of shareholders would be, noting it may be possible to have enough people with ownership to help keep the place up.

5. John Silverman, Lovington, VA

Mr. Silverman noted that he resides at the end of Old Ridge Road. He understood that the subject property was 204.4 acres, asked if there were any assurances that the project wasn't going encompass the entire property.

There was no one else who wished to be recognized and the public hearing was closed.

Mr. Barton asked the applicant whether market considerations and working people not able to afford a home in Nelson pushed the idea for the project. Mr. Shimp noted that the increases in wages were not able to keep up with the increases in housing and construction costs. Mr. Barton raised concerns as to whether a mobile home park would help solve the affordable housing problem. He did not feel it would benefit the residents in the long run and did not feel he could support the project.

Mr. Reed asked if the density of 51 homes was to make the project cost affective. Mr. Shimp noted the expense for the turn lanes on 29 was \$300,000 to \$400,000 and he needed 40 to 50 homes to make the project viable. Mr. Reed asked what the expected occupancy would be. Mr. Shimp expected phases of about 10 sites at a time. He would plan to do the first ten sites and then install the turn lanes to proceed with then next ten sites. He noted all sites should be of equal value.

Mr. Reed asked Mr. Shimp to address the questions about water. Mr. Shimp expected to have two to three community wells to share between the properties. He noted that the creek on the property formed a geological divide so no ground water movements would happen across it. Mr. Shimp stated he could get a withdraw permit for water from the creek also, but he was not going to do that. He noted there was ample water on site. Mr. Reed asked whether there would additional water storage. Mr. Shimp did not

think it would be needed. Mr. Reed asked if there was anything to keep Airstreams or RVs from parking there. Mr. Shimp noted he would not allow that in his rules and regulations.

Mr. Parr asked about concerns of phases. Mr. Shimp clarified that the maximum phase would be 51 sites, he would work in increments until he met the 51 sites. Mr. Parr asked about assurances to not be able to place mobile homes anywhere other than permitted by the special use permit. Mr. Shimp stated that is his expectation that he would not be able to place mobile homes anywhere else other than where indicated on the map. Mr. Parr then asked about the concern mentioned regarding the deed. Mr. Shimp noted that the subdivided lots were restricted by the covenants in the deed but they did not apply to the larger parcel.

Mr. Rutherford asked Ms. Bishop about the VDOT entrance. Ms. Bishop confirmed that in correspondence with VDOT, they had no issues with the new entrance and proposed two-hundred-foot taper. She noted that left turn lanes for the adjoining median crossovers to the North and South are still requested to address the U-turn movements generated by the movement from the development but could be reduced to one-hundred-foot taper and one hundred foot turn lanes. She added that VDOT would not require the median turn lanes and tapers if the development was limited to ten sites. Mr. Rutherford asked about the water and sewer. Ms. Bishop noted water would be through Office of Drinking Water and sewage would be addressed by the Health Department. The Board had no further questions for Ms. Bishop or the applicant.

Ms. Bishop reiterated the conditions from Planning Commission which limited the development to 51 sites, an on-site supervisor would be required. Ms. Bishop noted that in discussions with Mr. Shimp, he was considering placing a single family home on the property to house the site supervisor. Ms. Bishop reminded the Board that Mr. Shimp had two housing developments that had already been approved by the Board – one special use permit for four units at Andersons Store, which was under a building permit but had no recent activity and the other had been rezoned for Rockfish Apartments to add new units. Ms. Bishop noted other conditions recommended by the Planning Commission were that the 35 acres be reserved as open space and that a maintenance plan be submitted prior to final approval.

Mr. Rutherford asked for the Board to discuss. He noted that in the event there was a split vote at 2-2 the motion would not pass.

Mr. Reed had additional comments on density of the housing. He felt there were some aspects that were positive but density was a concern. He was concerned that the density was needed to cover costs and the location may not be the best. Mr. Barton noted that applicant is responding to what is needed, but does not think it would help in the long run.

Mr. Parr noted not everyone can afford a piece of land to build any house on, regardless of size. He felt there was some pride in ownership with the equity shares offered. He voiced his support for the project.

Mr. Rutherford noted you can't have the word affordable without the word density. He felt the ownership option was unique. He noted that he was in support.

Mr. Rutherford asked for guidance from the Board, particularly with Mr. Harvey's absence. He noted concerns on a 2-2 vote and pointed out that the motion would fail either way. Mr. Carter explained that if the motion fails and permit application denied, applicant would have to wait one year to come back. Mr. Carter asked what the economic benefit would be to the County by approving the development. Mr. Parr felt that the benefit would be that people had a place to live. Mr. Carter noted incidents of law enforcement at the type of location proposed, as well as incidents with Social Services.

Mr. Shimp, the applicant, noted the Board could propose a lower number, or possibly defer a decision for the time.

Mr. Parr felt it would be good to wait and study more, particularly since they did not have a full Board present. Mr. Reed felt it would be good to also continue the special use permit to allow time for more information and to get Mr. Harvey's input.

Mr. Parr made a motion to continue the special use permit to the next month's meeting. Mr. Reed seconded the motion. There being no further discussion, Supervisors voted (3-0) by roll call vote to approve the motion, with Mr. Barton abstaining from the vote. Mr. Rutherford noted that the permit would be discussed again at the next regular evening meeting. He reminded everyone that there would not be another public hearing on the subject, but they could speak under public comments.

IV. OTHER BUSINESS (AS PRESENTED)

The Board had no other business to discuss.

April 12, 2022

V. ADJOURN AND CONTINUE TO APRIL 28, 2022 AT 7 PM FOR PUBLIC HEARINGS ON PROPOSED 2022 TAX RATES

At 8:37 p.m., Mr. Reed made a motion to adjourn and continue to April 28th at 7 p.m. Mr. Parr seconded the motion. There being no further discussion, Mr. Rutherford called for a vote of acclamation and the motion passed without object and the meeting adjourned.