

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
Candice W. McGarry, Interim County Administrator, Director of Finance & HR
Amanda B. Spivey, Administrative Assistant/Deputy Clerk
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

Shannon Irvin – Nelson County Public Schools

Ms. Irvin provided the Board an update on the School Budget based on the special session of the General Assembly. She noted she had calculated that they would be receiving \$72,541 less in funding. She did indicate that the Schools would be receiving \$146,899 in Federal ARPA funds which would allow them to give \$1,000 bonuses to staff members next December. She explained that it only covered 136 staff members and they had 304 people on staff. She noted that the additional funds would need to come from the local budget if they treated all employees similarly. She explained that in order to trim their budget from the additional \$3.4 million requested to the \$1.5 million in proposed funding, the budget presented to the School Board at their last meeting included the elimination of seven positions overall, the reduction of the support staff pay scale from a \$20 per hour minimum wage down to a \$15 per hour minimum wage, as well as the removal of the step corrections from the teacher pay scale from step 20 through the end of the scale. She noted they had a budget of \$30,817,769 and would require the additional \$1.5 million from the County in order to balance the budget. She indicated that she was available to answer any questions the Board may have once they got to the budget discussion.

III. CONSENT AGENDA

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

- A. Resolution – **R2022-30** Minutes for Approval

**RESOLUTION R2022-30
NELSON COUNTY BOARD OF SUPERVISORS
APPROVAL OF MINUTES
(March 15, 2022, March 17, 2022, March 22, 2022, March 24, 2022 and March 29, 2022)**

RESOLVED, by the Nelson County Board of Supervisors that the minutes of said Board meetings conducted on **March 10, 2022, March 17, 2022, March 22, 2022, March 24, 2022 and March 29, 2022** be and hereby are approved and authorized for entry into the official record of the Board of Supervisors meetings.

- B. Resolution – **R2022-31** Budget Amendment

**RESOLUTION R2022-31
NELSON COUNTY BOARD OF SUPERVISORS
AMENDMENT OF FISCAL YEAR 2021-2022 BUDGET
NELSON COUNTY, VA
June 14, 2022**

I. Appropriation of Funds (General Fund)

<u>Amount</u>	<u>Revenue Account (-)</u>	<u>Expenditure Account (+)</u>
\$ 17,926.48	3-100-002404-0002	4-100-032020-5650
\$ 2,926.49	3-100-001899-0021	4-100-071020-3019
<u>\$ 297,567.87</u>	3-100-002401-0045	4-100-053600-3164
\$ 318,420.84		

II. Transfer of Funds (General Fund SRO Reserve & Employee Benefits)

<u>Amount</u>	<u>Credit Account (-)</u>	<u>Debit Account (+)</u>
\$ 22,000.00	4-100-999000-9910	4-100-012040-3002
\$ 5,000.00	4-100-999000-9910	4-100-032020-5415
\$ 15,000.00	4-100-999000-9910	4-100-043040-5408
\$ 36,200.00	4-100-999000-9910	4-100-043040-5415
\$ 77,998.00	4-100-999000-9910	4-100-093100-9207
<u>\$ 135,573.13</u>	4-100-091030-5616	4-100-053600-3164
\$ 291,771.13		

III. Appropriation of Funds (Piney River Fund)

<u>Amount</u>	<u>Revenue Account (-)</u>	<u>Expenditure Account (+)</u>
\$ 40,604.00	3-501-004105-0001	4-501-042040-5407
<u>\$ 37,394.00</u>	3-501-004105-0001	4-501-042040-8004
\$ 77,998.00		

C. Resolution – **R2022-32** Approval of Amendment to Deed of Easement

**RESOLUTION R2022-32
NELSON COUNTY BOARD OF SUPERVISORS
APPROVAL OF AMENDMENT TO DEED OF EASEMENT
ROCKFISH RIVER BOAT ACCESS – JANET G. HUNTER**

RESOLVED, by the Nelson County Board of Supervisors that Acting County Administrator, Candice W. McGarry, be and hereby is authorized to accept and approve an amendment to a previously deeded easement on behalf of the Nelson County Board of Supervisors from Janet G. Hunter, Trustee, via attached Amendment to Deed of Easement.

D. Resolution – **R2022-33** Support of Ryan School Nomination to Historic Register

**RESOLUTION R2022-33
NELSON COUNTY BOARD OF SUPERVISORS
SUPPORT OF RYAN HALL ELEMENTARY SCHOOL’S
NOMINATION TO HISTORIC REGISTER**

WHEREAS, Ryan Hall Elementary School is one of the few remaining examples of the type of schools attended by all African American children in Nelson County during the first half of the 20th century; and

WHEREAS, it is a tangible reminder of the segregated educational system that united the African American community in their efforts to overcome it;

BE IT RESOLVED, that the Nelson County Board of Supervisors hereby supports the nomination of Ryan Hall Elementary School for recommendation to the National Register of Historic Places and for inclusion in the Virginia Landmarks Register.

E. Resolution – **R2022-34** VATI Three-Party Agreement

**RESOLUTION R2022-34
NELSON COUNTY BOARD OF SUPERVISORS
AUTHORIZATION TO ENTER INTO THREE PARTY AGREEMENT**

WHEREAS, on August 10, 2021, the Nelson County Board of Supervisors did approve that Nelson County would participate as a partner in the Regional Internet Service Expansion (RISE) project and fully support an application for grant funding through the Department of Housing and Community Development; and

WHEREAS, Nelson County did provide a local match of \$1,125,000 in the form of the December 2020 allocation from the Nelson County Broadband Authority to Firefly Fiber Broadband to provide funding assistance for universal internet service availability in Nelson County; and

WHEREAS, the participating counties cooperated in the VATI 2022 grant application process, with TJPDC as the primary applicant and FIREFLY as the co-applicant, and the parties understand the participating counties remain committed to bringing universal broadband internet access to their residents and businesses; and

WHEREAS, DHCD awarded TJPDC and co-applicant FIREFLY a 2022 VATI grant (VATISF#2022-034 on December 15, 2021) to provide a fiber optic network that would extend through parts of the participating counties;

NOW THEREFORE BE IT RESOLVED, that the Nelson County Board of Supervisors hereby authorize the County Administrator to enter into the TJPDC/FIREFLY/Nelson County Agreement which formally sets forth the respective roles regarding the work and project.

IV. PRESENTATIONS

A. 2023 Hazard Mitigation Plan (Ian Baxter, TJPDC)

Mr. Baxter gave a presentation on the 2023 Hazard Mitigation Plan. He noted that the purpose of the plan was to prepare for natural disasters before they occur. He noted they were looking to reduce loss of life, property damage and destruction of commerce. He explained that FEMA required hazard mitigation plans as a condition for eligibility in certain mitigation grant programs. He pointed out that an update was required every five years to the regional plan to continue Nelson County's eligibility for natural disaster relief funds.

Mr. Baxter listed the required sections of the Natural Hazard Mitigation Plan Document:

1. Planning Process – the process through which the plan was developed, including public input
2. Community Profile – general information about communities in the planning district
3. Hazard Identification and Analysis – general information about potential hazards in the planning district, the historic record of hazard events, and the probability of future events
4. Vulnerability Assessment – analysis of the human impact of hazards could cause, with estimated potential losses for various hazard scenarios
5. Capabilities Assessment – a survey of current local capacity to mitigate natural hazards
6. Mitigation Strategy – goals, objectives, and action items selected to mitigate hazards identified in the region

Mr. Baxter then reviewed the timeline for the plan update and noted they were currently in the Public Comment period on the Draft Plan. He explained that the plan update process took a little over two years to complete and be formally adopted by the localities within the planning district. He explained the Hazard Identification and Risk Assessment (HIRA) noting that it described all natural hazards that affect the Planning District and provided an analysis on location, extent, severity, and probability of occurrence. He noted that the hazards were presented in order of the relative risk they posed to the region and rated based on a risk matrix developed by Kaiser Permanente. He displayed the draft HIRA for the 2023 plan, noting that top three hazards were Hurricane/high wind/windstorms, flooding and winter storms/weather.

Mr. Baxter indicated that they used historical data from the National Climate Data Center and NOAA as well as the National Weather Service to determine how often these types of events were occurring, how dangerous they were, and how much property loss was incurred. He also noted that post-COVID, FEMA indicated the need for the addition of Communicable Disease/Pandemic to the plan. He also indicated that TJPDC used many Hazard Vulnerability Assessment Data Sources at the local, state and federal level to aid in the work on the plan. He explained that local emergency services staff and local newspapers provided more detail on how areas were impacted.

Mr. Baxter explained the Hazard Vulnerability Assessment provided an overview and analysis of vulnerability in the Thomas Jefferson Planning District using factors that included the HIRA, projected

population growth and settlement patterns and the location of existing people and infrastructure. He noted that they used planning tools including FEMA's HAZUS models for hurricanes, earthquakes and flood and the Wildfire Risk Assessment for wildfires. He showed some of the maps produced for modeled hurricane losses and flooding. Mr. Baxter displayed a burn probability metric for wildfires, noting there were pockets in the district that were a little more vulnerable but most of the district had a low probability of wildfire.

Mr. Baxter explained that FEMA wanted each locality to determine Detailed Mitigation Action Items. He noted that the detailed list of action items included the supporting goal, hazard to be mitigated, the party responsible for the implementation, timeframe of implementation, estimate cost and potential funding sources. He then noted that all action items were prioritized and listed in order from high, moderate, to low priority.

Mr. Baxter reiterated that next steps would be receive Public Comments through June 30, 2022 and noted that the draft plan was available on the TJPDC website. He indicated that all comments could be provided directly to him by email or phone, noting his contact information was on the website also. Following the public comment period, the draft would then be submitted to VDEM and then FEMA. He noted that he would return in early 2023 to ask for formal adoption of the plan.

The Board had no questions for Mr. Baxter. Mr. Rutherford thanked him for his time.

B. 2021 Criminal Justice Planner's Annual Report (Neal Goodloe)

Mr. Goodloe expressed his appreciation for Mr. Rutherford for serving on the Community Criminal Justice Board, as well Mr. Jim Hall and Superintendent Martin Kumer of Albemarle-Charlottesville Regional Jail (ACRJ). Mr. Goodloe gave a presentation on Nelson County's utilization of the Albemarle-Charlottesville Regional Jail. He explained that an "intake" is an event in which a person is taken into ACRJ on Nelson County charges, no matter how long their stay, or how many charges they have lodged against them. He noted for the analysis presented, inmates serving multiple weekends were removed from the data as there were differences in the way weekenders were reported in ACRJ's old system and its current system. He further noted that weekenders were the subject of a separate analysis.

He reported that the number of inmates taken into ACRJ on Nelson County charges increased 51% from 2011 to 2021, with the most significant increases observed among white inmates, female inmates and older inmates. He noted that weekenders averaged about 2.4% of all Nelson County intake volume at ACRJ from 2011 to 2021.

Mr. Goodloe explained that an inmate's "intake" could be associated with one or more "bookings" or charges. He stated that from 2011 to 2021, Nelson County booking volume increased 133%, more than twice the 51% increase in intake volume. He pointed out that most of the increase was associated with felony bookings, which were up 352%, while they had a 34% increase in misdemeanor bookings. He then explained that probation violations and narcotics charges experienced the most significant booking growth among the top ten Nelson charge types, by volume.

Mr. Goodloe reported that the average length of a Nelson County inmate's stay increased from 43 days in 2011 to 85 days in 2021, which exerted an upward influence on the number of jail bed days expended on these inmates. He related that the COVID-19 pandemic was associated with decreases in Nelson County intakes at ACRJ, but there were significant increases in the average length of stay. He noted that the entire increase was associated with white inmates.

Mr. Goodloe reviewed the bed day expenditures, noting the cost per inmate day is \$112. He reported that Nelson County's share of bed day expenditures at ACRJ rose from under 5% in 2016 to over 17% in 2021, an increase of 243%. He further noted that the increase in bed day expenditures was associated primarily with white inmates, female inmates, older inmates and those serving longer than 30 days.

Mr. Barton asked why Nelson was so much higher than the other localities. Mr. Goodloe stated he did not know. He noted that was a jurisdictional discussion to have with stakeholders in the County and he was there to provide the data for those discussions.

Mr. Reed asked whether there was any data on the number of bed days or intakes on Nelson County residents. Mr. Goodloe explained that about 50% of intakes were individuals that lived in a zip code not associated with Nelson County. He noted that was very similar for every jurisdiction studied.

Mr. Barton asked how many inmates serving time in the jail were actually transferred to prison. Mr. Goodloe noted that only about 4% of inmates who are booked into ACRJ go to prison. He pointed out that most who are serving two years or less would serve time locally. He noted that the State would provide a per diem of about \$12 per day to support State responsible inmates serving a sentence for a felony, which doesn't cover anywhere near the cost of the inmate's bed day. Mr. Reed asked how many of Nelson

County's inmates were in the 4% of inmates who go on to serve time in prison. Mr. Goodloe noted he would have to get that information

The Board had no further questions for Mr. Goodloe.

C. Smart Scale Pre-Applications – **R2022-35** (Rick Youngblood)

Mr. Rick Youngblood noted that he was present to discuss the three pre-applications that Nelson County had submitted for Smart Scale. He explained that Smart Scale was the program by which VDOT scored and measured performance of transportation infrastructure improvement projects. He noted they were currently in Round 5 of Smart Scale. He indicated that it was a competitive process which occurred on a two-year cycle. He pointed out that the current projects being discussed were the result of some older and newer studies, but had not yet been funded through Smart Scale. Mr. Youngblood noted that Nelson County had been pretty successful to date on applications for improvements along the 151 and 29 corridors. He explained that as a requirement for application, the Board of Supervisors needed to pass a resolution supporting the projects.

Mr. Youngblood highlighted the Route 151/Route 6 Roundabout concept. He pointed out that with inflation, they anticipated the cost estimate of \$13 million to increase to around \$17-\$18 million by the time the project was completed.

Mr. Youngblood then discussed the proposed improvements to the intersection of Route 151 and Tanbark Road. He explained that the project was estimated to cost around \$7 million and it mainly entailed road straightening and a bank cut. He pointed out the significant number of accidents at the intersection. He noted that they had looked at several options to make the intersection safer but the proposed solution was the only way to make it safer. Mr. Youngblood noted that both projects on 151 had been previously submitted to Smart Scale by the Board of Supervisors.

Mr. Youngblood then presented the new project at Route 29/Front Street. He noted the project had been identified through Project Pipeline, which was a new state initiative. He explained that VTRANS identifies Priority 1, 2, 3 and 4 locations. He noted that the intersection at Route 29 and Front street had been identified as a Priority 1 location. He noted that the Priority 1 designation was a direct result of the number of accidents that had occurred at that location. He pointed out that the project had been reviewed and studied over past year and was the only rural location selected.

Mr. Youngblood noted that both roundabouts and RCUTs were alternative intersections. He explained that more RCUTs were coming into Virginia and referenced one going in at Tightsqueeze on Route 29 that would be almost identical to the one proposed for Lovingson. He noted that RCUT intersections were newer to Virginia, but not in other states. He explained that North Carolina put in a RCUT on 17 going from Wilmington to Myrtle Beach. He pointed out that the RCUT was in place before any economic development came into the area and economic development came and still flourished, and they had a safe corridor.

Mr. Youngblood explained that the majority of the traffic moving through the intersection was commuter traffic and heavy freight. He noted that the RCUT is preferred alternative. He explained that the intersection at Route 29 and Front Street currently had 32 conflict points. He noted that the RCUT did not eliminate the conflict points but it did reduce them down to about 24 potential conflict points. He did note that a roundabout would bring the conflict points down to 16 but it was not a feasible option for the location. He explained that the RCUT would still be signalized mainly for left turn movements. He pointed out that the main movement removed is the cross feed from Callohill to Front Street. He noted that U-turns were proven to be more safe and effective.

Mr. Rutherford suggested starting questions with the roundabout at 151 and 6. Mr. Reed asked about the timeline. Mr. Youngblood noted if the project was funded, the start date would probably be around 2027-2028. Mr. Reed commented that it was not soon enough. Mr. Youngblood noted if it was approved and money was available sooner, they would move forward with the project earlier than currently planned.

Mr. Rutherford asked if Mr. Harvey had any questions in regards to 151 and Tanbark. Mr. Rutherford noted the date would be around 2030. Mr. Harvey asked about the work area. Mr. Youngblood noted most would take place to the south of Tanbark with a little bit of intersection work.

Mr. Youngblood noted that the Route 29/Front street pricing was currently estimated around \$9.5 million but would likely escalate to around \$13-\$14 million. Mr. Rutherford noted that he had discussed the RCUT with constituents and safety was the main concern. Mr. Youngblood explained that VDOT reviewed all alternative solutions as required but the RCUT was the best option. Mr. Barton asked how many lights the plan would require. Mr. Youngblood noted there would be four lights, but since they

were two-phase rather than four-phase, it would allow for more through movement and better protected left movements through the corridor.

Mr. Reed noted the planned relocation of Social Services, Building Inspections and Planning and Zoning to Callohill Drive in the future and asked about the increased traffic that would generate. Mr. Youngblood noted the RCUT would be able to handle the volumes and support additional volumes.

Mr. Rutherford noted concern for Nelson to be an experiment for the RCUT. Mr. Barton asked for clarification on how people would move through. Mr. Youngblood explained that if someone was traveling on 29, they could still make right turns into Callohill and Front Street. He noted that protected left turns would be allowed but no through traffic. Mr. Youngblood noted that most of the traffic passing through the intersection was exceeding 60 miles per hour and the RCUT would slow the traffic down.

Mr. Reed asked about the series of stoplights. Mr. Youngblood noted they would be coordinated based upon the oncoming traffic so that when there was a gap in traffic, the left-turn/U-turn movements would be permitted. He noted that it was up to the Board to pursue the project. He pointed out that VDOT would probably be back in two years with the same exact project because there was only so much that could be done to improve the intersection. Mr. Rutherford noted that the state did safety projects all the time and asked why they couldn't take on the project if it was that important. Mr. Youngblood noted that VDOT did not have the money to complete the project from a local perspective. He explained that Mr. Brown did not have that kind of money in his safety operations to fund a \$13 million project.

Mr. Rutherford suggested that Board currently look at removing the Route 29/Front street intersection from the resolution presented. He thought it may be good to spend time educating the community on the proposed project. Mr. Youngblood noted if they proceeded with the application and it was pushed through, he would be happy to comeback to answer questions during public input sessions. Mr. Rutherford asked if the Board had the ability to change their minds if they did not want the RCUT. Mr. Youngblood noted the Board could change its posture after receiving community input.

Mr. Harvey noted that VDOT had the expertise and it was a matter of public safety. Mr. Rutherford noted he could be supportive of the project knowing that the Board could change their posture after community input. Mr. Reed noted that accident data would be helpful. Mr. Youngblood indicated that he would be happy to bring consultants back for a public work session. Mr. Parr noted the pothole on Callohill at Route 29 when making a right hand turn to drive on 29 South. Mr. Youngblood noted the hill would likely be reworked and redone as part of the project.

Mr. Harvey made a motion to approve Resolution **R2022-35** as presented. Mr. Parr seconded the motion. There being no further discussion, Supervisors approved the motion by vote of acclamation and the following resolution was adopted:

**RESOLUTION R2022-35
NELSON COUNTY BOARD OF SUPERVISORS
RESOLUTION ENDORSING THE SUBMISSION OF SMART SCALE (HB2)
APPLICATIONS REQUESTING TRANSPORTATION FUNDING**

WHEREAS, the Thomas Jefferson Planning District Commission (TJPDC) in cooperation with VDOT and DRPT completed a comprehensive Rural Long Range Transportation Plan (RLRP 2040); and

WHEREAS, the 2040 RLRP includes the following transportation improvements noted below; and

WHEREAS, during its 2014 session, the Virginia General Assembly enacted legislation in the form of House Bill 2 ("HB2") now titled "Smart Scale", which established new criteria for the allocation of transportation funding for projects within the state; and

WHEREAS, the Commonwealth Transportation Board (CTB) during its board meeting of June 17, 2015, approved the Policy and Guidelines for Implementation of a Project Prioritization Process in accordance with Smart Scale; and

WHEREAS, many of the transportation projects identified by the Commission meet the eligibility criteria for funding under Smart Scale; and

WHEREAS, it is in the best interests of Nelson County to submit Smart Scale applications requesting state funding for eligible transportation projects;

NOW THEREFORE BE IT RESOLVED, that the Nelson County Board of Supervisors does hereby endorse the submission of 2022 Smart Scale applications requesting funding for the following transportation projects:

1. Route 29 and Front Street Signalized R-cut Intersection: Project will replace the current signal with a signalized R-cut at the intersection of US 29 and Front Street in Lovington to increase intersection safety, preserve capacity and decrease travel time through the intersection.
2. Route 6 / Route 151 Intersection Improvements: Project will replace the uncontrolled T-intersection with a single lane roundabout to reduce conflict points and improve capacity.
3. Route 151 at Tanbark Road Intersection Improvements: Project will make a variety of intersection improvements to improve safety, including a regrade of the embankment to improve visibility to Route 151, curve radius modifications, and new stop signs and bars at the Tanbark/151 Intersection.

Mr. Youngblood noted a conversation with Mr. Reed regarding the Route 151 corridor and a past study that had been conducted. He noted traffic concerns along the corridor and announced that a new 151 Corridor study was kicking off in the fall. He explained that traffic counts were conducted at the end of May, noting that more counts would be done in July and then again in the fall to help with the study. He noted that he would be looking to Mr. Harvey and Mr. Reed to help be a part of the study team.

D. VDOT Report

Mr. Brown gave the VDOT report, noting he didn't have too much to discuss. He reported the new pavement at the Nelson Wayside, noting it was an improvement. Mr. Reed asked about the status of the debris pile. Mr. Brown noted they were procuring a contractor to grind up the trees and then remove them. He estimated that to take 90 days or less. He explained that they would then remove the pile of soil and gravel to then have the area cleaned up in hopes to have a canoe launch located there.

Mr. Brown reported that the Rural Rustic project was underway on Wilson Road. He noted they had been mowing on 29. He reported that major patching work was taking place and some widening of Tye River Road in preparation for the addition of a center line.

Mr. Brown indicated to Mr. Rutherford that he would be providing some information to a resident on Piney Mtn. Lane regarding the proposed revenue sharing program for paving. He noted if it did take place, it would be the first he had done in Nelson County. Mr. Youngblood noted that the next round of applications for the revenue sharing program would be in 2023.

The Supervisors had no VDOT issues to discuss.

V. **NEW & UNFINISHED BUSINESS (AS PRESENTED)**

A. Proposed Subdivision and Zoning Amendments

Ms. Bishop gave the following report on proposed amendments to the Kennel ordinance:

The Planning & Zoning Department has received two separate inquiries regarding permitting for a commercial kennel and a service dog facility as the primary use of property. These proposals are attached with this memo, which both propose to locate along Route 151. To facilitate and process these proposals, staff is seeking feedback regarding a potential update to the current definition for "Kennel," a potential new use for "Assistance Dog Facility," as well as its use classification in A-1 and SE-1 Districts.

Ms. Bishop reviewed the first proposal from Service Dogs of Virginia, noting it was a service dog facility in Charlottesville. She explained that the proposal included a training center, adult kennel, nursery, a facility manager's residence, and a client dormitory for people lodge for two weeks while they train with their dog. She pointed out that it was a non-profit agency and accredited through Assistance Dogs International. She showed the 10-acre parcel location along 151 near Chapel Hollow and Blundell Hollow. She explained that if they were going to add a new definition, this would be what it was for.

CURRENT:

"Kennel: A place prepared to house, board, breed, handle, or otherwise keep or care for dogs, cats or similar small animals for sale or in return for compensation."

Currently a by-right use in the A-1 (Agriculture), SE-1 (Service Enterprise), and M-2 (Heavy Industrial); indoor kennel in connection with a veterinary hospital is by-right in B-2 (Light Business).

Not a Special Use Permit in any other district.

PROPOSED OPTIONS:

1. Update current definition of “*Kennel*” to align with State Code and County Code.

“*Kennel*: Any establishment in which five (5) or more canines, felines, or hybrids of either are kept for the purpose of breeding, hunting, training, renting, buying, boarding, selling, or showing.”

Keep current by-right status in A-1 (Agriculture), SE-1 (Service Enterprise), and M-2 (Industrial). Add as by-right use in B-1 (Business).

2. Introduce new use “*Assistance Dog Facility*” and associated definitions. Add as a Special Use Permit (SUP) in A-1 (Agriculture), SE-1 (Service Enterprise). Add as by-right use in B-1 (Business) and M-2 (Industrial).

“*Assistance Dog Facility*: Any organization that provides services such as breeding and training of assistance dogs, and educational and training programs to clients, including lodging facilities.”

“*Assistance Dog*: A generic term for a guide, hearing, or service dog specifically trained to do three or more tasks to mitigate the effects of an individual’s disability. The presence of a dog for protection, personal defense, or comfort does not qualify that dog as an assistance dog.”

“*Client*: An individual who has been accepted by an Assistance Dog Facility to receive an assistance dog. This individual could be accepted and waiting for a dog, undergoing team training, or have completed team training.”

Definitions and research through Assistance Dogs International, Inc. (ADI), a worldwide coalition of accredited not-for-profit programs that train and place Assistance Dogs.

3. Amend current definition of “*Kennel*.”

“*Kennel*: A place where the primary use is to house board, breed, handle, groom, train, or otherwise keep or care for dogs, cats or similar small animals for sale or in return for compensation. Kennels may include associated facilities necessary to support the operation including but not limited to office space, meeting space, and temporary lodging accommodations exclusive to those clients training with the animals.”

Remove from by-right use in A-1 (Agriculture) and SE-1 (Service Enterprise), add as Special Use Permit (SUP) in A-1 (Agriculture) and SE-1 (Service Enterprise). Keep as by-right use in M-2 (Industrial). Add as by-right use in B-1 (Business).

Existing kennels, and kennels as a secondary use in conjunction with a dwelling (home occupation) remain permitted by-right.

Staff recommends that the Board of Supervisors direct the Planning Commission to review and hold a public hearing on either:

1. Options #1 and #2 or;
2. Option #3 or;
3. Request PC recommendation.

Ms. Bishop noted that she was looking for feedback from the Board on which route they would like to take. She reiterated the options: 1) Update current definition of “*Kennel*” to align with State Code and County Code and 2) Introduce new use “*Assistance Dog Facility*” and associated definitions and add as a Special Use, or 3) Expand the current definition of “*Kennel*” to include all of the uses. She noted she was fine with either option presented. She explained that the Planning Commission had reviewed the second option, but not the first. She noted that the Board could also send it back to Planning Commission for their review.

Mr. Barton asked if she preferred one option over the other. Ms. Bishop noted that if the Board were adding a new use, it would be dependent on whether the Board was somewhat supportive of the proposed project in the proposed location. She noted that the addition of a new use did not guarantee approval, but it provided them a use to apply for a Special Use permit.

Mr. Reed asked if there were any particular benefits to having the definition of kennel align with State code. Ms. Bishop noted it was always good to be consistent. Mr. Rutherford felt it was good to align with State

code. Mr. Reed felt it was a good idea to send it back to Planning Commission for their input. The Board was in consensus to send it back to the Planning Commission for their review and recommendation.

Ms. Bishop reviewed the following report regarding proposed Subdivision ordinance updates:

Family Division from Trust

The Planning & Zoning Department sometimes receives questions regarding the requirements for family divisions of land. There are protections that the state provides to reduce the requirements for family divisions, as opposed to subdivisions of land for sale. For example, the minimum lot size requirement for a subdivision is 2 acres, while a family division only requires one acre.

State code allows localities to adopt an ordinance that would permit family divisions of land to beneficiaries of trusts. The purpose of this ordinance update and public hearing is to reflect state code and allow family divisions to be gifted to beneficiaries of a trust.

Ms. Bishop noted that normally with a family division, there were restrictive covenants that did not allow the property to be transferred outside of the immediate family for five years. She indicated that with the trust language, it would be a period of fifteen years.

Ms. Bishop explained that another component for discussion was access width, which is the required right-of way for family division lots which are less than five acres. She noted that currently the required minimum width was 30 feet. She explained that State code indicated that all lots of less than five acres have reasonable right-of-way no less than 10 feet or more than 20 feet providing ingress and egress to a dedicated recorded public street. She stated that the County ordinance was currently not compliant with the State code, so that would go to the Planning Commission.

Ms. Bishop then discussed the subject of minimum lot area. She noted there were concerns that by allowing a one-acre lot to be created, they were effectively creating a non-conforming lot. She explained that normally, the minimum lot size was two acres. She noted that would be another topic of discussion for the Planning Commission unless the Board had any specific feedback.

Ms. Bishop also reported to the Board that there had been some issues with fire code for subdivision roads regarding the slope and grade. She noted that they wanted to help make sure that private roads were safe. The Board was in consensus to send the fire code back to the Planning Commission for discussion and review.

B. Property Acquisition Financing

Mr. Rutherford noted this was Ms. McGarry's first official meeting in her new role as Acting Interim County Administrator. Ms. McGarry reported that Davenport would be issuing the Request for Proposals (RFP) for a bank loan in the amount of \$2.6 million. She explained that the Board would have two options: a three-year term, or a five-year term for financing. She then noted that the County would have three options for the interest rate:

Option A: Tax-Exempt, Non-Bank Qualified

Option B: Taxable

Option C: Tax-Exempt, Non-Bank Qualified, with an option for the County to convert to a Taxable interest rate at its own discretion.

Ms. McGarry explained that the Tax-Exempt, Non-Bank Qualified option would be if the County was only looking to use the property for government functions. She then noted that the Taxable option would be if the County were looking to use the property for private business, which would typically be at a higher interest rate.

Ms. McGarry noted that the estimated cost of issuance was about \$87,000 and the estimated interest cost for a rate around the low 4% range was about \$104,000. She explained that the proposals were due July 6th and noted that Davenport would attend the July 12th Board meeting to present the results of RFP. She explained that at that time, they would ask the Board to consider the options and select one to move forward with. She noted that the Economic Development Authority would then meet on or around July 13th because the financing would also need to include them as well. Ms. McGarry estimated that the closing would take place in late July. Mr. Rutherford asked if any actions were needed currently. Ms. McGarry noted it was just informational but action would be needed at the July meeting.

C. Elections Office Modification Request

Ms. McGarry presented Ms. Jackie Britt’s request to fund removal of a wall from her office to provide for an ADA compliant and accessible space for Electoral Board meetings and training for Officers of Election. Ms. McGarry reported that Ms. Britt had only received one quote, but had solicited several. Ms. McGarry reported that the quote was \$4,260 and she noted that Ms. Britt had received verbal approval from the owner of the building to make the renovation.

Mr. Barton made a motion to approve Ms. Britt’s request as presented. Mr. Parr seconded the motion. There being no further discussion, Supervisors approved the motion unanimously by vote of acclamation.

The Board took a brief recess.

Mr. Rutherford introduced Christine Jacobs, Executive Director of the Thomas Jefferson Planning District Commission (TJPDC). Ms. Jacobs reported that the TJPDC had been working with the Department of Rail and Public Transit, as well as private consultants, to look at expanding the transit footprint, which includes Nelson County. She explained that a public hearing would be conducted on June 23rd to some draft network designs on how transit could be expanded from urban areas out. She noted there would also be a survey available to the public and encouraged all to take time to participate. She reminded everyone that a transit plan was only as good as representing what the community’s vision was, and not necessarily what a consultant’s view was.

D. FY23 Budget

Ms. McGarry reviewed the current budget information, noting that the Board needed to remove \$1.1 million related to the proposed increase to the transient occupancy tax (TOT). She reiterated some areas of expenditure reduction, noting that this would maintain the \$1.5 million in New School Operational Funding. She presented a recurring contingency of \$881,750, less \$132,000 for an increase in Solid Waste Hauling costs, which then reduced the recurring contingency to \$749,750. She noted a budgeted transfer of recurring revenue in the amount of \$2,010,000 to debt service reserve which then made the total available recurring revenue come out to \$2,759,750. She explained that in order to cover the reduction in TOT budget revenue, they would reduce the recurring revenue by \$1,150,131, leaving a subtotal of \$1,609,619 in available recurring revenue. Ms. McGarry explained that the staff recommendation was to keep a transfer to Debt Service Reserve of \$610,000 to realize a \$57 million debt capacity in 2023-2024 for future capital projects for both the County and the School Division. She further noted that reducing the available recurring revenue by \$610,000 would leave an adjusted balance of available recurring revenue at \$999,619.

Ms. McGarry reminded the Board that they would need to adopt the budget by June 30th. She noted that the Board would need to make a decision on what they wanted to do with the transfer to Debt Service and the Recurring Revenue Contingency. Mr. Rutherford noted that they would not only adopted the budget, but also appropriate it. He explained that the Board would need to adjourn and continue from the evening session to finalize the budget.

Reduction of Budgeted TOT Revenue to Anticipated 5%	\$ (1,150,131.00)
Areas of Expenditure Reduction w/ \$1.5M New School Operational Funding	
Recurring Contingency	\$ 881,750.00
Staff Adjustment for Solid Waste Hauling Increase	(\$132,000.00)
Subtotal Recurring Contingency	\$ 749,750.00
Budgeted Transfer to Debt Service Reserve (Recurring Revenue)	\$ 2,010,000.00
Total Available Recurring Revenue	\$ 2,759,750.00
Total Available Recurring Revenue	\$ 2,759,750.00
Reduction to Cover reduction in TOT Budgeted Revenue	\$ (1,150,131.00)
Subtotal Available Recurring Revenue	\$ 1,609,619.00
Staff Recommendation:	
Keep Transfer to Debt Service Reserve of \$610,000 to Realize \$57 Million Debt Capacity in 2023-2024	\$ (610,000.00)
Adjusted Balance of Available Recurring Revenue	\$ 999,619.00

Options for Balance Presented by Staff:	
1. Put \$999,619 in Recurring Contingency for Use in Current or Future Fiscal Years	
2. Utilize Some or All of \$999,619 in Another Expenditure Area	
* Note: This analysis does not include changes to other budgeted expenditures	

Ms. McGarry added that staff would like to go ahead and include the \$2.6 million in the budget to be used to purchase the Larkin property before July 1st so that no public hearing or budget amendment would be needed to proceed.

Mr. Reed asked if the current debt service budget was at \$3.3 million. Ms. McGarry noted that was about right. She explained that showed up as a transfer to the Debt Service fund. She noted it was currently \$3.1 million and it was proposed to be \$7,741,000, which included the debt service reserve of \$2.3 million in non-recurring funds and the transfer of \$2,010,000 in recurring funds. Mr. Reed asked to confirm if there was about \$9 million in the Cash Flow Reserve. Ms. McGarry estimated that was close but indicated that she had not assessed the fund balance recently. She explained that was typically what you had after you had the 25% cash reserve that was recommended for cash flow purposes. Mr. Reed asked to confirm whether the \$9 million was the 25% or in addition to the 25% reserve. Ms. McGarry noted that was in addition to the 25%. Mr. Reed asked under what circumstances it would be appropriate to tap into those funds. Ms. McGarry explained that it was best to reserve the fund balance for one-time expenditures, not recurring costs. She stated that they did not want to use non-recurring money on recurring expenditures. She noted that recurring money could be used on non-recurring expenditures. Mr. Reed described the cash flow reserve as a safety net. Mr. Rutherford noted that bond rating could be affected to a degree by cash flow reserve.

Ms. McGarry noted that the Board could agree by consensus on what the numbers for the budget would be and it would then be included in the budget for the adoption and appropriation resolutions.

Mr. Rutherford asked if anything needed to be discussed other than the school funding. He suggested the Board add the \$2.6 million property acquisition for the Larkin property in the budget. The Board was in consensus to include the \$2.6 million for the land acquisition.

Mr. Barton asked about the transient occupancy tax that the Board decided not to act on increasing. Mr. Rutherford noted that it wasn't budgeted, it would come from the recurring revenues. Mr. Barton asked if there was money not allocated to anything. Mr. Rutherford noted there was about \$900,000 not allocated to anything.

Mr. Reed spoke on behalf of the School Division. He noted the request for additional funds was primarily for teachers and staff. He noted that Haley Osborne, a Rockfish Elementary teacher, had been teaching for the last eight years and makes the same amount of money as a first year teacher with no experience. He then named Tom Allen, who had been teaching for seven years and made less than a first year teacher with no experience. He noted that teachers were leaving Nelson due to burnout and the perception of being unsupported by the leaders of the community. Mr. Reed cited a letter from Gordon Dalton, where Mr. Dalton noted that it was disappointing to see veteran teachers leave due to low pay for the most senior staff.

Mr. Reed reviewed information provided by Shannon Irvin, Assistant Superintendent of Nelson County Public Schools, at their last School Board meeting. He explained that from 2014 to 2019, they were averaging a 10% turnover of teachers yearly. He noted that it increased in 2020 to 21% turnover, and had increased even more in 2021. He reported that 52 teachers (35 resignations and 17 retirees), about 34% of the staff were not returning next year. Mr. Reed felt that equated to a crisis.

Mr. Reed noted that the last few years have been trying, as teachers had to do more with less resources. He felt that the cost of being conservative with school funding led to schools and teachers being economically and emotionally underfunded. Mr. Reed stated that investing in the schools was an investment in economic development and the future of the County. He noted that if the tax rate had been kept at \$0.72, they would have been able to fully fund the schools and make the investment to debt service. He reiterated Ms. Irvin's comment that there was about \$70,000 that the Schools were no longer going to receive from the State. He noted that there was almost \$1 million in revenue from the budget available to be allocated. He also noted that they had around \$9 million that they were saving for a rainy day. Mr. Reed felt that the Board needed to consider taking a look at those funds to help the Schools fix salaries so that they could keep teachers and draw in teachers. He felt that they needed to consider this as the rainy day use of funds. Mr. Reed proposed providing an additional \$1 million to go to the schools by using either the balance of recurring revenue or \$9 million Cash Flow Reserve.

Mr. Rutherford clarified that Mr. Reed was proposing to add \$1 million to the \$1.5 million for a total of \$2.5 million in new money to the Schools. Mr. Reed also wanted to mention the 1% step salary increase cost about \$200,000. He noted that the extra \$1 million could help the Schools to finally address the salary steps as they have needed to for the last few years.

Mr. Barton agreed with the idea that money doesn't make good schools, professional teachers do. He noted that if they wanted to have a really good school system, they had to have professional teachers, and they needed to be treated as professionals. He explained that professional teachers, which Nelson County has, create an excellent school system for children to learn and think for themselves.

Mr. Parr asked if the discussion was just regarding operational funding for schools or capital. Mr.

Rutherford confirmed that it was just for operational funding. Mr. Parr agreed that 34% of staff leaving was a crisis, but felt that a lot of factors went into that. He explained that when he was on the School Board, they made a commitment to adjust the pay scale to attract new teachers and it was intentionally heavy on the front end. He agreed that if you were a teacher with eight or nine years of experience making the same as a first year teacher, it didn't sit well. He agreed that there were some bumps that could help work out the pay scale. He reminded everyone that the support staff needed to be taken care also. He noted their importance in keeping the school going.

Mr. Parr reported that three individuals had left one school. He noted that one left the profession, one left for lower pay, and an assistant left, not because of money but because of the environment. He noted that was an issue that needed to be addressed, but it was not the Board's job to address. He stated that the environment for educators was difficult, not just in Nelson, but nationwide. He reminded the Board that money didn't solve everything. Mr. Parr did not agree with dipping into the County's savings account to pay or recurring expenses. He stood behind his adjust the tax rate to help the people of the County. Mr. Parr noted that every teacher was a professional teacher and passion did not come from a paycheck, it came from the heart of teachers like Mr. Barton. Mr. Parr noted how fortunate Nelson was to have some incredible educators and support staff. He closed his comments noting that he could not vote to take money from recurring revenue or savings.

Mr. Harvey stated he was ready to move forward, he felt the needs had been justified.

Mr. Rutherford noted they were going into a recession and already seeing increasing interest rates and inflation. He cited issues in resignation with the police force and noted that the Sheriff's office would be coming to the Board for more money for salaries. He noted that surrounding counties had already increased the pay for police to a starting range of \$45,000 to \$50,000. He expected to see the same impacts with County staff. Mr. Rutherford noted that he was happy to get to \$1.5 million for the Schools and he didn't think he could see the burden going to \$2.5 million. He noted he wished that the tax rate could have been lower to help out those who were struggling. Mr. Rutherford stated he was not supportive of going above \$1.5 million.

Mr. Reed moved to allocate the money as recommended by County staff to the Schools and to allocate an additional \$1 million to the schools. Mr. Harvey seconded the motion. Mr. Barton agreed with Mr. Parr that the school was not just made up of teachers, but the janitors and cafeteria staff needed to make a living too. Mr. Harvey asked for clarification on the school funding. Mr. Rutherford and Mr. Parr noted that it was a total of \$2.5 million to go towards operations, which was \$1 million more than the \$1.5 million they started with. There being no further discussion, Supervisors voted (3-2) by roll call vote to approve the motion, with Mr. Parr and Mr. Rutherford voting no.

Mr. Rutherford asked if there were any other items related to the budget that needed to be resolved. Ms. McGarry asked where they Board wanted the \$1 million to come from. Mr. Rutherford suggested to take it from recurring revenue. The Board discussed whether to fund the additional \$1 million from recurring revenue or the Cash Flow Reserve. The Board was in consensus to use the funds from recurring revenue as suggested by Mr. Rutherford. Mr. Rutherford asked if any additional motions needed to take place to adopt the budget. Ms. McGarry explained that she would take the changes and make the needed updates to the budget. She noted the Board would need to continue the meeting from the evening session to adopt and appropriate the budget.

Ms. McGarry confirmed that the Board did approve the one time transfer of \$2.3 million to Debt Service Reserve. She asked to confirm if they also were approving the one-time transfer of \$610,000 to Debt Service Reserve to realize a \$57 million debt capacity by 2023-2024. Mr. Parr moved to approve the transfer of \$610,000 to Debt Service Reserve. Mr. Barton 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 reviewed the following report:

- A. Covid-19 (Coronavirus):** Current VDH data for Nelson County, as of June 10, 2022, based upon a 13-week average is 2 new cases of the Covid-19 virus and a seven (7) day average of new daily cases of 2.3 cases. To date the County has had 2,686 case of the virus and 37 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.

Ms. McGarry noted that the questioned the reported numbers as many people have been doing at home testing and those numbers aren't being reported to the Health Department.

- B. 2022 General Reassessment of Real Estate:** The local Board of Equalization has completed its work and the attached report has been submitted. The Board received 25 appeals with 6 assessments being reduced for a total reduction of \$223,700 and 0 increases. Staff will schedule the BOE to report to the BOS at an ensuing regular meeting should this be requested. I would like to thank the BOE members and Ms. Juliana Piedra of County Administration who scheduled and documented the BOE meetings.
- C. Comprehensive Plan:** A joint Board of Supervisors and Planning Commission project kick off meeting with staff of the Berkeley Group was held on May 31, 2022. The process will take approximately 20 months to complete with a final draft ready by late summer of 2023. Community engagement was discussed with the project website of www.Nelson2042.com being launched around June 16th, a citizen survey being available for completion July 1st- August 15th, and public workshops to be held on July 13th, July 20th, and August 3rd. Locations and times will be announced with sessions being held in the evening for 1.5-2 hours. Citizens are encouraged to complete the survey once it is available and attend the public workshops. Thanks goes out to Planning and Zoning staff for spearheading this project.
- D. Piney River Water & Sewer System (Useemco Pump Station):** Repair of the pump station to restore the station to full operational status remains in process and has been more complex than previously reported. One pump and motor was replaced, one pump and motor was cleaned and refurbished, and the wet-well of the pump station cleaned. The 6-inch force main was replaced and remaining work entails replacing both pump discharge pipes and installation of a new VFD (variable frequency drive) which operate the pumps. Parts have been received and this work is tentatively scheduled for the week of June 14th. These repairs should enable the pump station to function for at least 5 more years; however, planning for its replacement is a priority. Staff has had preliminary discussions with Commonwealth Engineering Services out of Ashland, VA to make a site visit and provide a quote for a new pump station for planning purposes. Paul Truslow has been instrumental in getting this work completed.
- E. Repair of Termite Damage:** After an unsuccessful bid process, County Administration reached out to Jamerson-Lewis, the general contractor that completed the Phase 2 Courthouse Project, which included the area where the termite damage was sustained, to request the company's assistance with the repair project. J-L's President, William Cook responded and indicated they would fit the work into their schedule and would provide pricing for the work around June 17th.
- F. New Office Building:** PMA Architecture provided staff with an initial scope of work document in order to begin the contract negotiations for their architectural services for the new DSS/Building Inspections/Planning and Zoning office building. As of June 10th, PMA is working to craft the overall agreement for services with addendums to represent each phase of the work. Generally, Phase 1 is discussion of the overall project scope and building site assessment. Phase 2 is review and approval of a conceptual design and authorization for the design work for the building and site, and Phase 3 is the construction administration phase. Once the contract is finalized, a project kickoff meeting will be scheduled to include staff from Administration, Buildings and Grounds, DSS, Building Inspections, Planning and Zoning and up to 2 Board of Supervisors members if desired. Funds are budgeted in the FY23 budget for AE Services. Funding for the building construction is TBD; however, Virginia Resources Authority (VRA) or Bank Financing are options to explore. See attached scoping document for details.
- G. Director of Finance and HR Position:** This position has been advertised on the County's website, with our usual advertising channels through the Daily Progress/News Advance, and with VML, VACo, and Virginia Government Finance Officers Association (VGFOA). The deadline for applications is July 1st or until filled by qualified applicant and start date is August 1st or as soon as possible. Interviews will be scheduled as immediately as possible after the closing date. I would like to note my appreciation to Linda Staton for her assistance in getting this posted immediately.
- Ms. McGarry noted that Mr. Rutherford and Mr. Reed had both volunteered to serve on the interview panel.
- H. Renaissance Ridge Housing Development:** There has been no change in status on the project since last month. The project developers have submitted a preliminary major site plan to the County's Department of Planning and Zoning. However, the site plan is incomplete and will not be reviewed until a final, fully completed site plan is submitted which could take several months (e.g. no state approvals from VDOT, DEQ or VDH have been received). The project proposes to construct 136 units in a phased development process.
- I. State Biennium Budget (FY22-23 – FY23-24):** As of June 1st, the state's biennium budget has been approved by the General Assembly and is awaiting action by the Governor. The Department of Education has posted the resulting funding templates on the DOE website and staff analysis of

these compared to Governor Northam’s introduced budget (which was the basis for the School Division budget) shows an overall decrease in State funding of approximately \$102,000 and includes \$1.2 in School Construction funds. State Compensation Board budgets were posted June 8th and staff proposes to address these impacts to the County budget after the start of the fiscal year as all indications are that these will be increases to state reimbursements that will offset any unbudgeted increases in expenditures for these offices. VACo’s summary of the General Assembly approved budget was provided to the Board on 6/3/22 and DOE funding templates were provided with the meeting packet under the FY23 Budget agenda item.

J. Fiscal Year 22-23 Budget (County): The County’s FY22-23 Budget can be adopted and appropriated anytime now until June 30, 2022. Discussion of the budget is on the Board’s agenda for today and if the Board concludes its work, staff proposes that the Board continue today’s meeting to another date in June in order to consider its adoption and appropriation.

K. ACRJ County Representation and Renovation and Expansion Project:

Representation: On June 9th, the ACRJ Board of Directors approved the revised Member Agreement that was endorsed by the Board of Supervisors on May 10th, which provides for an additional Nelson County representative for 3 total. This representative shall be either a currently serving Board of Supervisors member or a non-serving Nelson citizen. Given there is no July Authority meeting, staff suggests this appointment be considered in time for the August 11th meeting.

Ms. McGarry noted that both she and the Sheriff serve on the Jail Authority Board and they had an opportunity for a third Nelson County member.

Renovation & Expansion: The ACRJ request for 25% reimbursement from the state for reimbursable expenses was made to the Board of Local and Regional Jails on May 18th with a decision expected to be made at their July 2022 meeting. Immediate next steps include seeking approval to move forward with the project from members with presentations to each member jurisdiction prior to the fall of 2022. Thereafter, with approval, from December 2022 – June 2023, project planning, design and construction schedule, and AE RFP issuance would occur. The current census report shows Nelson with 1,479 prisoner days or 14.5% of the total for the month of April. This equates to approximately 49 Nelson inmates at ACRJ in April.

Mr. Barton asked about the prior reassessment to see if there had been more or less complaints about assessment this time. He asked if there had been more complaints than usual. Ms. McGarry noted that she could pull the information from the prior assessment appeals for comparison.

2. Board Reports

Mr. Barton:

Mr. Barton had no report.

Mr. Harvey:

Mr. Harvey had no report.

Mr. Reed:

Mr. Reed reported that he had met with the Director of Climate Policy at the Community Climate Collaborative. He noted his question of how counties could be involved in advocating for positive climate mitigation initiatives. He reported that he received good suggestions which included Transit and Clean Transportation and conversion of fuel oils. He noted that the Director suggested that the TJPDC may also be a good partner to work with.

Mr. Reed also reported that he attended the DEQ public hearing for bio-solids applications, noting that new applications required a public hearing. He noted that he learned that the bio-solids applied on agricultural fields in Nelson County would come from Northern Virginia, Maryland, or even as far as New York. He reported that the Nelson County Service Authority’s bio-solids were sent to the Shenandoah Valley to be applied there. He noted that it seemed odd to receive bio-solids from such long distances. He reported that the Health Department was not very involved in the process. He did note that people with health issues and adjoining land owners could ask for special buffers because there are hazards that could be associated with the application. Mr. Reed noted there was a 30-day comment period during July for the final plan.

Mr. Parr:

Mr. Parr reported that the EMS Council met last month and they were returning to monthly meetings, starting June 21st. He noted that it was requested that Russell Gibson get back to attending the meetings. Ms. McGarry confirmed that she would also try to attend the June meeting. He asked what the status was on the generator for the NEMS building. Ms. McGarry noted she had not gotten any updates on the generator. Mr. Parr noted that either the NEMS building or Company 1 needed a generator pretty soon. Mr. Harvey pointed out that all of stations would need to be taken care of. Mr. Parr suggested taking care of a few at a time, rather than having to replace them all at once. Mr. Harvey suggested that the biggest generators be addressed first. Mr. Parr noted he would confirm which location in Lovington was most urgent. Mr. Rutherford suggested they get quotes for replacement. Mr. Parr indicated that he would report back to the EMS Council. He also noted that department inspections were coming up in October for EMS. He noted no one was in attendance from Gladstone at the last meeting, so they weren't sure how things were going there. He noted the Council had discussed concerns about the inspection coming up. Mr. Harvey noted that it needed to be stated that participation in certain things was expected if they wanted part of the money. Mr. Parr noted they had a low percentage of responding calls.

Mr. Rutherford:

Mr. Rutherford reported that the TJPDC had its first in person meeting in a few years. He noted they had been holding virtual meetings for the last two years. He noted the changes over the past few years, and that having Christine Jacobs take over has been great. He noted the short term rental conversation and that he was currently working to schedule a meeting with stakeholders.

B. Appointments

JAUNT

Mr. Rutherford noted the Ms. Dian McNaught's term on JAUNT was expiring and she was seeking reappointment to serve again. Mr. Reed moved to appoint Dian McNaught to JAUNT. Mr. Harvey seconded the motion. There being no further discussion, Supervisors unanimously approved the motion for appointment by vote of acclamation.

Nelson County Library Advisory Committee

Mr. Rutherford noted they did not have any applicants to serve in the North District and Ms. Ellen Bouton was stepping down. Mr. Rutherford noted that Ms. Gloria Ashley was interested in serving again at the East District representative. Mr. Reed moved to re-appoint Gloria Ashley to serve as the East District representative on the Nelson County Library Advisory Committee. Mr. Barton seconded the motion. There being no further discussion, Supervisors unanimously approved the motion for appointment by vote of acclamation. Mr. Harvey asked that a thank you letter be sent to Ms. Bouton for her service.

Region Ten Community Services Board

Mr. Reed moved to re-appoint Ms. Patricia Heggie to the Region Ten Community Services Board and Mr. Barton seconded the motion. There being no further discussion, Supervisors unanimously approved the motion for appointment by vote of acclamation.

Nelson County Social Services Board

Mr. Rutherford noted that Ms. Edith Napier wished to continue her service as the West District representative on the Social Services Board. He also indicated that Ms. Erin Loving had also submitted an application. Mr. Parr pointed out that Ms. Loving's application and resume were impressive. He did note that Ms. Napier had done a fantastic job and recommended that she be re-appointed to serve another term. Mr. Parr moved to re-appoint Ms. Edith Napier to the Nelson County Social Services Board as the West District representative. Mr. Barton seconded the motion. There being no further discussion, Supervisors unanimously approved the motion by vote of acclamation.

Mr. Rutherford noted that Brad Johnson was up for re-appointment to serve as the East District representative for the Nelson County Social Services Board. He suggested that the Board reappoint Mr. Johnson for another term. Mr. Parr moved to reappoint Brad Johnson as the East District representative and Mr. Barton seconded the motion. There being no further discussion, Supervisors unanimously approved the motion by vote of acclamation.

Planning Commission

Mr. Harvey moved to re-appoint Ms. Phillipa Proulx as the North District representative on the Planning Commission. Mr. Reed seconded the motion. There being no further discussion, Supervisors unanimously approved the motion by vote of acclamation.

Mr. Reed moved to re-appoint Mr. Robin Hauschner as Central District representative for the Planning Commission. Mr. Parr seconded the motion. There being no further discussion, Supervisors unanimously approved the motion by vote of acclamation.

Mr. Rutherford made a recommendation to re-appoint Mr. Charles Amante as the East District Planning Commission member. Mr. Parr moved to re-appoint Mr. Charles Amante as the East District Planning Commission member. Mr. Reed seconded the motion. There being no further discussion, Supervisors unanimously approved the motion by vote of acclamation.

Nelson County Service Authority

Mr. Barton made a motion to re-appoint Mr. Robert McSwain, Mr. Ernie Reed and Mr. Justin Shimp to the Nelson County Service Authority. Mr. Reed seconded the motion. There being no further discussion, Supervisors unanimously approved the motion by vote of acclamation.

Nelson County Board of Building Code Appeals

Mr. Reed made a motion to re-appoint Mr. Robert Yoder and Ms. Robin Meyer to the Board of Building Code Appeals. Mr. Parr seconded the motion. There being no further discussion, Supervisors unanimously approved the motion by vote of acclamation.

Economic Development Authority

Mr. Parr moved to re-appoint Mr. Natt Hall and Mr. Alphonso Taylor to the Economic Development Authority. Mr. Barton seconded the motion. There being no further discussion, Supervisors unanimously approved the motion by vote of acclamation.

Region 2000 Service Authority

Mr. Rutherford noted that both Mr. Stephen Carter and Ms. Candice McGarry needed to be re-appointed. Mr. Barton made a motion to re-appoint Mr. Stephen Carter as Region 2000 Service Authority Board member and Ms. Candice McGarry as Region 2000 Service Authority Board alternate. Mr. Reed seconded the motion. There being no further discussion, Supervisors unanimously approved the motion by vote of acclamation.

Thomas Jefferson Planning District Commission

Mr. Rutherford indicated that he would like to be re-appointed and also noted that Mr. Reed would like to serve in Ms. Dylan Bishop's place. Mr. Parr moved to appoint Mr. Rutherford and Mr. Reed to the TJPDC. Mr. Barton seconded the motion. There being no further discussion, Supervisors unanimously approved the motion by vote of acclamation.

Agricultural and Forestal District Advisory Committee

Mr. Rutherford noted that Mr. Andre Deredyn had been a serving member and had passed away. Ms. Spivey noted that no applications had been received for the position.

C. Correspondence

Mr. Reed announced the Juneteenth celebration at the Nelson Heritage Center coming up that weekend. He noted that there would be an art exhibit on Friday, June 17th, a Youth Extravaganza on June 18th and then a tailgate community picnic on June 19th.

D. Directives

Mr. Parr asked about the fire hydrant in Piney River. Ms. McGarry noted that she had not received any updates. Mr. Harvey asked for clarification on what was going on with the hydrant. Mr. Parr explained that the Fire Department wanted to relocate the fire hydrant to a better location to provide easier access for the fire trucks. Ms. McGarry noted that one quote had been provided. Mr. Parr asked if there could be some explanation as to what was included in the quote, whether it was just parts and labor or if it also included hookup fees.

VII. CLOSED SESSION

Mr. Reed moved that the Nelson County Board of Supervisors convene in closed session to discuss the following as permitted by Virginia Code Sections 2.2-3711 (A)(7). "Consultation with legal counsel and briefings by staff members pertaining to actual litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body" – Litigation

pertaining to the Region 2000 Services Authority.” Mr. Harvey seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

Supervisors conducted the closed session and upon its conclusion, Mr. Reed moved to reconvene in public session. Mr. Parr seconded the motion and there being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

Upon reconvening in public session, Mr. Reed moved pursuant to the requirements of Chapter 37, Virginia Freedom of Information Act and Section 2.2-3712 of the Code of Virginia, that the Nelson County Board of Supervisors certify that to the best of each member’s knowledge (i) only public business matters lawfully exempted from open meeting requirements under this chapter and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting by the public body. Mr. Parr seconded the motion and there being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

VIII. ADJOURN AND CONTINUE - EVENING SESSION AT 7PM

At 5:19 p.m., Mr. Parr moved to adjourn and reconvene at 7:00 p.m. for the evening session. Mr. Barton seconded the motion. 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 to order at 7:00 p.m. with four (4) Supervisors present to establish a quorum and Mr. Harvey being absent.

II. PUBLIC COMMENTS

There were no persons wishing to speak under public comments.

III. PUBLIC HEARINGS

A. Special Use Permit #577 – Campground

Consideration of a Special Use Permit application requesting County approval to allow a 2-site campground on property zoned A-1 Agriculture. The subject property is located at Tax Map Parcels #27-A-37 & 38A on Crabtree Falls Hwy in Montebello. The subject property is 34.65 acres and owned by JEM Retreats LLC.

Ms. Bishop presented the following information:

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 – April 27; Board – June 14

Location / Election District: Crabtree Falls Hwy / West District

Tax Map Number(s) / Total acreage: 27-A-38 & 38A / 34.65 acres +/- total

Applicant/Owner Contact Information: James McCullough (JEM Retreats LLC), 5020 Lynnhaven Pkwy 102, Virginia Beach, VA 23464, (916) 345-4445, jimbamac@gmail.com

Comments: This property is currently vacant with existing logging roads. The applicant is proposing rustic camping with outdoor activities such as forest bathing, fishing, yoga, and hiking. Two platforms are proposed to allow tent camping at two sites along an existing logging trail. These activities are not open to the general public. The applicant also intends to apply for a building permit this Spring for a single-family dwelling for personal use.

DISCUSSION:

Land Use / Floodplain: This area is residential and agricultural in nature, in an area with large lot sizes. Joe’s Creek borders the western boundary of the property, and the South Fork of the Tye river to the

south. Zoning in the vicinity is A-1 and C-1 Conservation (George Washington National Forest). The creek and river are both located within approximated flood zones, where recreation activities are permitted. The property is approximately half a mile west of the Crabtree Falls Trailhead.

Access / Traffic / Parking: Property is accessed by Crabtree Falls Highway. A VDOT Land Use Permit for a low volume commercial entrance is required.

Utilities: With only two rustic sites, a VDH campground permit is not required.

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 April 27, the Planning Commission voted (6-0) to recommend approval of SUP #577 with the following condition:

1. Only two tent sites are permitted.

Mr. Rutherford invited the applicant forward to speak. Mr. Jim McCullough with JEM Retreats addressed the Board. He explained that they were looking to do some very rustic Nelson County camping with some additional activities available like forest therapy, fishing guides, and potentially some yoga on the mountain. He noted that they planned to keep the mountain as it is. He noted the two campsites would have minimal impact with a simple 12x12 platform to put a tent on.

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

Mr. Reed asked if the existing logging roads would be used to access the site. Mr. McCullough noted that parking would be just off of Crabtree Falls Highway and campers would then hike in to the site. He noted one site was a few hundred feet off of the road and the other was about one-quarter mile. The Board had no further questions for the applicant or staff.

Mr. Parr moved to approve Special Use Permit #577 with the Planning Commission’s condition of only two permitted tent sites. Mr. Reed 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 #611 – Class C Automobile Graveyard

Consideration of a Special Use Permit application requesting County approval to allow a class C automobile graveyard on property zoned R-1 Residential/A-1 Agriculture. The subject property is located at Tax Map Parcel #68-A-208D on James River Rd in Shipman. The subject property is 12.51 acres and owned by Sam Hughes Jr.

Ms. Bishop presented the following:

BACKGROUND: This is a request for a special use permit for a class C automobile graveyard use on property zoned R-1 Residential/ A-1 Agriculture.

Public Hearings Scheduled: P/C – April 27; Board – June 14

Location / Election District: James River Rd / South District

Tax Map Number(s) / Total acreage: 68-A-208D / 12.51 acres +/- total

Applicant/ Owner Contact Information: Sam Jr. & Regina Hughes, 10271 James River Rd, Shipman, VA 22971, (434) 841-6598, hughesregina64@yahoo.com

Comments: The Planning & Zoning Department issued a violation notice for the property in October 2021 for an automobile graveyard. The owners are proposing to allocate an approximately quarter-acre portion of the property as a permitted automobile graveyard with a maximum of 10 vehicles. This area of the property is within the A-1 Agricultural zoning. According to the application, some of the vehicles are personal, and some are related to the logging business. Some are waiting for repair and others are used for parts.

DISCUSSION:

Land Use / Floodplain: This area is residential, agricultural, and industrial in nature. Zoning in the vicinity is A-1 Agriculture, R-1 Residential, and M-2 Industrial. There are no floodplains located on the property.

Access / Traffic / Parking: Property is accessed by an existing entrance on James River Rd. As a private non-commercial use that does not generate additional traffic, the existing access is adequate.

Utilities: No utilities are required for this use.

Comprehensive Plan: This property is located in an area designated Rural Village and Rural Residential in the Comprehensive Plan. The Rural Village models “a center of rural activity that captures the vitality and sense of community of Nelson’s rural villages by promoting a mixture of uses – single family homes and other uses that support and enhance the daily needs and quality of life of its residents.” The Rural Residential district “would allow low density residential and compatible non-residential uses in rural areas where agriculture is not the predominant use.”

At their meeting on April 27, the Planning Commission voted (6-0) to recommend approval of SUP #611 with the following conditions:

- 1. The number of inoperable/unregistered vehicles shall not exceed 10.**
- 2. Landscaped screening as shown on the site plan shall be required to prevent the automobile graveyard from being visible to adjoining properties and roadways. Plantings must be evergreen, which shall have a projected height of at least ten (10) feet at maturity and be staggered so that sprawl will prevent gaps in the natural buffer.**

The applicant was present at the public hearing but did not wish to speak.

Mr. Rutherford opened the public hearing. There being no persons wishing to speak, the public hearing was closed.

Mr. Barton noted that he had been in contact with the neighbor across the street. He indicated that with the conditions put forth by the Planning Commission, she was fine with the project. The Board had no questions. Mr. Rutherford indicated that the Board could approve the permit with the conditions given by the Planning Commission.

Mr. Barton made a motion to approve Special Use Permit #611 for a Class C Auto Graveyard. Mr. Reed seconded the motion. Mr. Reed asked to amend the motion to include the conditions placed on the permit by the Planning Commission. Mr. Barton accepted the amendment to the motion and Mr. Reed amended his second to the motion. There being no further discussion, Supervisors voted unanimously (4-0) by roll call vote to approve the motion.

C. Special Use Permit #633 – Outdoor Entertainment Venue

Consideration of a Special Use Permit application requesting County approval to allow an outdoor entertainment venue on property zoned SE-1 Service Enterprise. The subject property is located at Tax Map Parcels #22-A-39 & 39A at 56 Rodes Farm Dr. in Nellysford. The subject property is 12.25 acres and owned by Nelson Addy LLC.

Ms. Bishop presented the following:

BACKGROUND: This is a request for a special use permit for an outdoor entertainment venue use on property zoned SE-1 Service Enterprise.

Public Hearings Scheduled: P/C – May 25; Board – June 14

Location / Election District: 56 Rodes Farm Drive / Central District

Tax Map Number(s) / Total acreage: 22-A-39 & 39A / 12.25 acres +/- total

Applicant/Owner Contact Information: Nelson Addy LLC – Seth Liskey, 534 Park Street, Charlottesville, VA 22902, 540-421-5504, nelsonaddyllc@gmail.com / Christopher Kabbash, 1017 E Market Street, Charlottesville, VA 22902, 434-566-1978, cbash5@gmail.com

Comments: This property is currently home to the Mark Addy Inn, which received a Special Use Permit (#744) in 1988 for a hotel use. It currently operates as a bed and breakfast with capacity for 25 guests. The new owners (Nelson Addy LLC) are requesting to utilize the property as an event venue, primarily for private weddings, up to 150 guests. Any Category 1 event is required to apply for and receive a Temporary Event Permit (TEP), which is reviewed by the Health Department, VDOT, Emergency Services, Sheriff's Office, State Police, Building Inspections, etc. A site plan, traffic plan, and safety plan are required. With a recommended condition limiting the maximum guest count to 150, a Category 1 TEP would be required for any event at which admission is charged or goods and services are sold. Category 2 events would not be permitted. No new permanent infrastructure, structures, or parking is proposed, therefore, a site plan is not required with this application. The proposed expansion in use as an event venue requires a Special Use Permit. Planned renovations and updates to the property for maintenance purposes include replacing Quest piping, painting, and replacing furniture and fixtures. Current food service is being eliminated - the kitchen will be updated and available to guests, but not as a commercial kitchen. Food, tents, and beverage service at events will be per event and not set up permanently. The Health Department will regulate food service, Building Inspections will regulate the tents, and beverage service is regulated by ABC. Should a permanent structure or infrastructure for events be proposed in the future, the applicants would be required to submit a new SUP request or amendment.

DISCUSSION:

Land Use / Floodplain: This property is zoned SE-1 Service Enterprise and there are no floodplains. Surrounding zoning is RPC Residential Planning Community (Wintergreen), A-1 Agriculture, R-1 Residential, and B-1 Business. Surrounding use is primarily residential.

Access / Traffic / Parking: Comments from VDOT indicate that the current access on Rodes Farm Drive is acceptable to support the proposed use, and no improvements are required. The existing commercial entrance is adequate based on the maximum of 150 attendees. Any more, and VDOT would request a traffic study to include both the entrance and intersection of Route 151 and Route 613.

Utilities: Comments from the Health Department will be provided at the meeting. Ms. Bishop indicated that she had spoken with the Health Department and the applicant had applied for a hotel permit, so they were working with the Office of Drinking Water on a Waterworks well and an engineered assessment of the current septic system.

Comprehensive Plan: This property is located within the Neighborhood Mixed Use area as identified on the Future Land Use Map, or Nellysford. The Neighborhood Mixed Use development area is defined as, "a central gathering place able to fulfill the diverse needs and interests of nearby residents and visitors to the County, all within a focused, walkable and identifiable place."

"Appropriate Neighborhood Mixed Use land uses include both single family and multifamily residential, a variety of commercial establishments, professional offices, civic and public uses, and parks or recreation facilities. Some of the preferred uses include a grocery store, restaurants, cultural and entertainment opportunities, a drugstore, doctor and dentist offices, and churches. For public use, a library, farmers market and space for recreation are appropriate. Over time, a neighborhood mixed use community may expand to offer a wider variety of retail and civic uses."

The Rural Residential model, located both north and south of Nellysford, "would allow low density residential and compatible nonresidential uses in rural areas where agriculture is not the predominant use. Clustering of residents further protects rural areas."

Ms. Bishop presented a map done by Shimp Engineering to show site circulation and parking. She noted that a calculation had been done to determine the number of vehicles at a 150-person event and it was determined that would be about 70 vehicles.

At their meeting on May 25, the Planning Commission voted (4-2) to recommend approval of SUP #633 with the following conditions:

- 1. The maximum number of attendees at any event shall not exceed 150.**
- 2. There shall be no amplified sound after 8:00 p.m. on Sunday through Thursday or after 10:00p.m. on Friday and Saturday.**
- 3. Lighting shall be directional and glare shielded to prevent light pollution onto neighboring properties, roadways, and the dark night sky.**
- 4. A traffic plan shall be submitted.**

5. The existing tree buffer shall be maintained.

Ms. Bishop noted some staff recommendations to be considered in addition to the Planning Commission conditions:

Ms. Bishop noted the change to condition #1 would read “The maximum number of attendees at any event shall not exceed 150, and shall be the total number of attendees each day.”

She then noted that for #4 traffic plan, staff recommended amending it to state that “Applicant shall secure and maintain an Annual Permit from VDOT for a signage and traffic control plan prior to any events.”

She explained that additional proposed amendments to the conditions would include a maximum of 25 events per year permitted, and events shall be limited to one day (or no multi-day events).

Ms. Bishop indicated that the applicant had planned to attend but was not yet present. Mr. Rutherford suggested opening the public hearing for comments and then if the applicant was still not present, they would move on to the next public hearing and circle back to discuss.

Mr. Rutherford opened the public hearing.

Mr. Phillip Purvis, Shipman, Virginia

Mr. Purvis noted he was speaking on behalf of City Elders. He noted he was in favor of marriages and was not necessarily opposed to wedding venues. He voiced concerns about the traffic on 151. He noted that during the Planning Commission, it was stated that most guests departing the venue would be making a left-hand turn to head North on 151. He noted his biggest concern was the safety of people traveling along 151. Mr. Purvis also felt that it would be difficult to monitor a 150-person limit.

There being no other persons wishing to be recognized, the public hearing was closed.

Mr. Reed had a question for Ms. Bishop. He noted that he liked the additions recommended for the conditions. He reported that a new 151 corridor study would be starting soon. Mr. Reed asked if the decision could be postponed up to a year from the application date. Ms. Bishop confirmed that the Board had up to a year from the application date to make a decision. Mr. Reed asked if the Board could wait until the traffic study could be completed so they may review the results before making a decision. He noted he was surprised that more people weren't in attendance regarding the public hearing as safety along 151 is what he frequently received concerns about. He suggested they postpone any decisions until the traffic study was completed.

Mr. Rutherford noted that the applicant was not yet present asked if they could move to the next public hearing and then circle back. The Board was in agreement to circle back to discuss.

D. Special Use Permit #603 – General Advertising Signs

Consideration of a Special Use Permit application requesting County approval to allow general advertising signs on property zoned B-1 Business. The subject property is located at Tax Map Parcel #66-A-42A on Thomas Nelson Hwy in Arrington. The subject property is 0.384 acres and owned by Bible Ridge Farms LLC.

Ms. Bishop reported to the Board that the applicant, Taylor Smack was unable to attend the meeting as his youngest son had an end of the year baseball party. She then reported the following:

BACKGROUND: This is a request for a special use permit for general advertising use on property zoned B-1 Business.

Public Hearings Scheduled: P/C – April 27; Board – June 14

Location / Election District: Thomas Nelson Hwy / West District
Tax Map Number(s) / Total acreage: 66-A-42A / 0.384 acres +/- total

Applicant Contact Information: Blue Mountain Barrel House, 495 Cooperative Way, Arrington, VA 22922, (434) 263-4002, taylor@bluemountainbrewery.com

Owner Contact Information: Mary Kim Cangialosi (Bible Ridge Farms LLC), 2986 Allens Creek Rd, Gladstone, VA, (434) 944-0959, bibleridgefarms@gmail.com

Comments: This property is currently vacant. Blue Mountain Barrel House placed two trailers on the lot, with vinyl advertising signs that are approximately each 384 square feet in size (48'x8' each). They are required to secure a permit from VDOT and the County in order for the advertising signs to remain in this location.

DISCUSSION:

Land Use / Floodplain: This area is primarily commercial in nature with some surrounding industrial and residential uses. Zoning in the vicinity is primarily B-1 Business. There are no floodplains located on the property. This property has frontage on Thomas Nelson Hwy, Colleen Rd, and Stage Rd, and is located between the old BP gas station and the old Colleen Drive In.

Access / Traffic / Parking: Property is accessed by an entrance on Stage Rd. VDOT requires County approval of the advertising signs before they will issue a permit.

Utilities: None.

Comprehensive Plan: This property is located in an area designated Light Industrial/ Mixed Commercial in the Comprehensive Plan. "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." The Mixed Commercial model 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."

At their meeting on April 27, the Planning Commission voted (6-0) to recommend approval of SUP #603 with the following conditions:

- 1. Total sign area shall not exceed 768 square feet.**
- 2. Only two (2) signs are permitted and shall advertise only Blue Mountain Barrel House.**

Mr. Rutherford opened the public hearing. There being no persons wishing to speak, the public hearing was closed.

Mr. Reed asked if the County had an existing sign ordinance. Ms. Bishop noted there was one and it wasn't very good. Mr. Reed asked if the application fell under the ordinance guidelines. Ms. Bishop noted there was a chart of permitted signage by-right and by district and the maximum sign size. She noted in the A-1 section, general advertising signs are listed as a Special Use permit and there was no additional guidance on that. She noted that the applicant would apply for a special use permit for what they want to have and it could be limited down from there.

Mr. Reed asked if the County had ever approved signs of this size before. Ms. Bishop indicated that there had not been any during the three years she had been working in Nelson.

The Board had no further questions for Ms. Bishop.

Mr. Barton stated he did not really see any issues with the signs and had not gotten any complaints about them. Mr. Rutherford noted the need to advertise businesses.

Mr. Reed did not want to show preference just because they were beer businesses. He did not want to set a precedent with their approval. He didn't think the signs were very attractive. He noted they did have another sign that indicated the correct area to turn. He stated that he would hate to see signs like that along the 29 and 151 corridors. He felt there was a need for a better sign ordinance.

Mr. Rutherford noted a similar issue his family had with signs. He noted they ended up putting a box truck on side of road and painted their sign on truck to advertise and use for storage. He noted there was no good way to advertise along 29. He noted that no special use permit set a precedent, there was the option to vote against it.

Mr. Parr noted he had been approached by owner of the brewery a few years ago on advertising on farmland. Mr. Parr noted he had made the suggested to get a box trailer and place a vinyl sign on it. He noted his original suggestion included a storage unit for the Almost Home shelter and putting a sign on the back but the applicant found the proposed location on his own. Mr. Parr then noted he had been unaware of the Special Use Permit application and he had placed his business advertisement banner on the backside of the trailer with the Blue Mountain banner. He noted he thought that Blue Mountain owned the space and was unaware of the property ownership. He explained that the applicant had told him he

could advertise on the back of the trailer. Mr. Parr noted that he was advertising to local traffic only. Mr. Parr noted he would be abstaining from the vote and was unsure whether his banners would be able to remain in place.

Mr. Barton moved to approve Special Use Permit #603 with the conditions from the Planning Commission. Mr. Rutherford seconded the motion. There being no further discussion, Supervisors approved the motion (2-1) by roll call vote, with Mr. Reed voting no and Mr. Parr abstaining.

Mr. Parr noted he would take his banner down as part of the conditions stated that only Blue Mountain Barrel House could advertise.

Special Use Permit #633 – Outdoor Venue

Mr. Rutherford indicated that the applicant was now present. Ms. Bishop gave a quick review of SUP #633. She noted that new owners Nelson Addy LLC are proposing to hold 150 person wedding events. She reviewed the conditions proposed by the Planning Commission:

1. The maximum number of attendees at any event shall not exceed 150.
2. There shall be no amplified sound after 8:00 p.m. on Sunday through Thursday or after 10:00p.m. on Friday and Saturday.
3. Lighting shall be directional and glare shielded to prevent light pollution onto neighboring properties, roadways, and the dark night sky.
4. A traffic plan shall be submitted.
5. The existing tree buffer shall be maintained.

Ms. Bishop reviewed the staff recommendations to be considered in addition to the Planning Commission conditions:

Ms. Bishop noted the change to condition #1 would read “The maximum number of attendees at any event shall not exceed 150, and shall be the total number of attendees each day.”

She then noted that for #4 traffic plan, staff recommended amending it to state that “Applicant shall secure and maintain an Annual Permit from VDOT for a signage and traffic control plan prior to any events.”

She explained that additional proposed amendments to the conditions would include a maximum of 25 events per year permitted, and events shall be limited to one day (i.e. no multi-day events).

The applicant was invited to address the Board. He explained that they were looking to have by the night rentals and wedding events, they were not looking to have ticketed events. He noted he had never done this before and he wasn't sure how many events they would have but they were fine with limit of 150 people. He was unsure whether they would even have 24 events per year. He noted they would have whole house rentals and by the night rentals.

The Board had no questions for applicant. Ms. Bishop noted there was a manager's house on site with someone residing there full-time. The applicant noted they did have full time facilities manager present during events and they were retaining the Mark Addy's inn keeper on staff.

Mr. Reed reiterated his comments regarding safety along 151. He pointed out that the sight lines on Rodes Farm were problematic. He noted the new traffic study to take place along 151 to be completed in the fall. He recommended that they had a year to take action on the application and should have more information from the study to take action on.

Mr. Barton noted location on 151. He noted that the Mark Addy had been in business for many years and they had weddings in the past. He didn't see that approving the special use permit would exacerbate the problem.

Mr. Parr explained that he had lived on Lodebar Estates many years ago and was very familiar with the area and the Mark Addy. He noted that he had been to events at the Mark Addy as well. Mr. Parr felt the conditions from Planning Commission and added staff recommendations would be good. He voiced his support for the special use permit.

Mr. Rutherford noted there were plenty of special use permits that had been before the Board where operations had been taking place for years before anyone knew they needed a special use permit to operate in a particular location. He noted that the Mark Addy had been in operation for many years and operated as a wedding venue. He pointed out that all of the proposed could be done in A-1 zoned locations nearby. He noted the Smart Scale application just north of the venue that would hopefully

resolve some issues with 151. Mr. Rutherford also noted he was in support of the special use permit with conditions provided by the Planning Commission and staff.

Mr. Parr moved to approve Special Use Permit #633 Outdoor Entertainment Venue for Nelson Addy LLC as presented with conditions and amended conditions by staff. Mr. Barton seconded the motion. There being no further discussion, Supervisors voted (3-1) to approve the motion with Mr. Reed voting no.

IV. OTHER BUSINESS (AS PRESENTED)

Mr. Rutherford mentioned an issue with at large pigs in his district, as well as Mr. Barton's district. He noted that Animal Control had expressed that they did not have the tools available to address the situation. He noted the original ordinance did not provide what is needed to address the situation. Mr. Rutherford asked staff to confer with Animal Control and Mr. Payne to see what options were available to use to address the issues. He noted it may need to be an item for discussion at the July meeting.

Mr. Parr reported that a local donation of a funds for Animal Control to purchase a cattle trailer had been received. He noted Animal Control would now be able to move forward with the purchase of the trailer.

Mr. Rutherford reminded the Board that they were looking to adjourn and continue to meet to approve the budget. The Board agreed to meet on June 27th at 9 a.m.

V. ADJOURNMENT

At 7:54 p.m., Mr. Barton made a motion to adjourn and continue to June 27, 2022 at 9 a.m. Mr. Parr seconded the motion. Supervisors approved the motion by vote of acclamation and the meeting adjourned.