

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
J. David Parr, West District Supervisor
Candice W. McGarry, County Administrator
Amanda B. Spivey, Administrative Assistant/Deputy Clerk
Linda K. Staton, Director of Finance and Human Resources
Dylan M. Bishop, Director of Planning and Zoning

Absent: Thomas D. Harvey, North District Supervisor

I. CALL TO ORDER

Mr. Rutherford called the meeting to order at 2:00 p.m. with four (4) Supervisors present to establish a quorum and Mr. Harvey being absent.

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

Mr. Barton congratulated Mr. Rutherford on his engagement to his fiancé. Mr. Rutherford thanked Mr. Barton for his well wishes.

II. PUBLIC COMMENTS

Robert Gubisch, Faber, VA

Mr. Gubisch commented on the Great Barrington Declaration that was published in 2020. He noted that many doctors, scientists and others had declared the lockdowns during the COVID story were unnecessary and actually harmful. He pointed out that people were told that they could not go to church, but they could go to Home Depot. He also noted the lies and deceit that he felt were created to instill fear in as many people as possible so that they would get the shot. He stated that his dream was that the Board and everyone not let the subject die because the people behind it were still in power and making money off of the story.

Florence Hernandez, Fleetwood Community Center, Massies Mill, VA

Ms. Hernandez reported that the Fleetwood Community Center had met its fundraising \$50,000 goal to repair the roof at the Fleetwood Community Center with the 1:1 grant match, which was approved by the Nelson County Board of Supervisors in November 2021. She explained that through the work of volunteers, fundraising events, donations from citizens and local businesses, as well as sponsorships, their fundraising campaign had been a success. Ms. Hernandez reviewed the list of many local groups and businesses that had contributed monetary or in-kind donations. She noted it was a whole community effort and thanked the Board for their support.

The Board congratulated Fleetwood on the success of their fundraising.

III. CONSENT AGENDA

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

- A. Resolution – **R2022-61** Minutes for Approval

**RESOLUTION R2022-61
NELSON COUNTY BOARD OF SUPERVISORS
APPROVAL OF MINUTES
(August 9, 2022)**

RESOLVED, by the Nelson County Board of Supervisors that the minutes of said Board meetings conducted on **August 9, 2022** be and hereby are approved and authorized for entry into the official record of the Board of Supervisors meetings.

B. Resolution – R2022-62 Budget Amendment

**RESOLUTION R2022-62
NELSON COUNTY BOARD OF SUPERVISORS
AMENDMENT OF FISCAL YEAR 2022-2023 BUDGET
November 7, 2022**

I. Appropriation of Funds (General Fund)

<u>Amount</u>	<u>Revenue Account (-)</u>	<u>Expenditure Account (+)</u>
\$ 6,282.10	3-100-001899-0008	4-100-091030-5202
\$ 23,930.72	3-100-001899-0008	4-100-091030-5202
\$ 8,648.00	3-100-002404-0001	4-100-031020-5419
\$ 886.08	3-100-002404-0001	4-100-031020-5419
\$ 59,500.00	3-100-009999-0001	4-100-081020-7063
\$ 33,733.00	3-100-009999-0001	4-100-091050-7019
\$ 10,122.00	3-100-003303-0008	4-100-031020-3037
\$ 11,350.00	3-100-003303-0008	4-100-031020-3036
\$154,451.90		

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

<u>Amount</u>	<u>Revenue Account (-)</u>	<u>Expenditure Account (+)</u>
\$ 8,392.00	4-100-999000-9905	4-100-091050-7019
\$ 8,392.00		

III. Appropriation of Funds (School Fund)

<u>Amount</u>	<u>Revenue Account (-)</u>	<u>Expenditure Account (+)</u>
\$395,000.00	3-205-003302-0030	4-205-063100-9303
\$395,000.00		

IV. PRESENTATIONS

A. VDOT Report

Mr. Robert Brown of VDOT gave the following report:

Mr. Brown reported that the repairs from the flood damage in August had been completed. He noted that they were working on the final mowing along Route 29 for the season and should be finished soon. He reported that all of the unpaved roads scheduled to be hard surfaced for the year with Rural Rustic had been completed. He noted that VDOT was looking for emergency workers with CDLs to help push snow.

Supervisors then discussed the following VDOT issues:

Mr. Barton:

Mr. Barton brought up a safety concern along Route 29 where the veterinarian, a brewery, motel and hardware store are all located. He felt that a turn lane was needed at the hardware store. He noted that there was more traffic with the brewery now open. Mr. Brown noted that all of the development was private and VDOT would not take public dollars to construct turn lanes for private businesses. Mr. Barton noted that the turn lane existed but there was no way to make a left turn into the hardware store from Route 29 South. He asked Mr. Brown to take a look at it.

Mr. Reed:

Mr. Reed thanked for Mr. Brown for the initiation of the meeting held on the 151 corridor study.

Mr. Parr:

Mr. Parr had no VDOT issues to discuss.

Mr. Rutherford:

Mr. Rutherford mentioned an email that he sent to Mr. Brown which discussed the Lovingston Village's proposal to place signs at the entrances to Lovingston to try and bring in more traffic. He noted that he was working with VDOT to see what could be done to add vertical signs with "Lovingston" and the date of its establishment. He commented that the community members and businesses were excited about the idea. He wanted to know what VDOT would allow them to do. Mr. Brown noted that Route 29 was a federal highway and they needed to make sure they complied with federal guidelines.

B. 2023 Legislative Program, David Blount (**R2022-63**)

David Blount, Director of Legislative Services for the Thomas Jefferson Planning District Commission (TJPDC), provided a summary of the draft 2023 Thomas Jefferson Planning District Legislative Program. He presented the top three legislative priorities for 2023. He noted that Public Education Funding was back in the top three. He reported that the Planning District localities were urging the State to fully fund its share of the realistic costs of the Standards of Quality (SOQ) without making policy changes that reduce funding or shift funding responsibility to localities. He noted that what was new in the position was a request for more flexibility when state funds were provided for compensation increases for school employees. He explained that there was also some new language to support adequate pipeline programs for teachers, especially in critical shortage areas.

Mr. Blount reported that the second priority was Budgets and Funding in which the Planning District's member localities were urging the governor and legislature to enhance state aid to localities and public schools, to not impose unfunded mandates on or shift costs to localities, and to enhance local revenue options. He noted that the priority included support for the local option sales tax and strengthening that authority for counties.

Mr. Blount reported that the final priority dealt with Broadband. He noted that the Planning District's member localities urged and supported state and federal efforts and financial incentives that would assist localities and their communities in deploying universal, affordable access to broadband technology in unserved areas. He noted appreciation for federal and state actions that had substantially increased funding for the Virginia Telecommunication Initiative (VATI) as well as the partnership with Firefly to expand broadband across the Central Virginia region.

Mr. Blount highlighted other positions included in the legislative program. He did note that one item not included within the packet was in regards to short term rentals. He explained that the position statements were included in two different sections and they were adequate in expressing support for maintaining local authority. He then noted the Public Safety section which encouraged state support for paid and volunteer fire/EMS/first responders, given the ever-increasing importance they play in local communities. He noted that the Planning District supported state efforts to assist localities in recruiting and retaining law enforcement personnel. He further noted that they encouraged needed funding for successful implementation of policies and programs that would reduce the amount of time police officers must spend handling mental health detention orders. Mr. Blount concluded noting he could answer any questions the Board may have.

Mr. Barton noted that the measures were supported through lobbying efforts and asked if Mr. Blount directed those lobbying efforts. Mr. Blount noted that was part of his role. He explained that the legislative program formed the basis of the positions that he carried on behalf of local governments in the region. He noted that when legislation came up, they communicated with legislators. Mr. Barton asked what kind of support was received from the legislators who represented Nelson County. Mr. Blount explained that the legislators who represented Nelson County had been in the General Assembly for a number of years. He felt that they were well aware of the positions of the local governments they represented. Mr. Barton asked where the legislators were in terms of funding for public education. Mr. Blount commented that Senator Deeds had been very supportive of K-12 education over the years. He noted that Delegate Farris was on the Appropriations Committee for the past several years. Mr. Blount commented that the County had representatives in key positions and they were more educated on budget and finance issues. Mr. Rutherford noted the importance of communicating with delegates when a bill of interest came along. Mr. Blount noted that he kept County Administration apprised when subjects on interest or concern came along.

Mr. Reed thanked Mr. Blount. Mr. Reed noted the Virginia Association of Counties (VACo) conference coming up the following weekend in Richmond. He mentioned the Committee meetings that took place during the conference which helped VACo to craft their legislative program. Mr. Reed asked if Mr. Blount communicated with the committees at VACo. Mr. Blount explained that if there was a regional or multi-jurisdictional issue, he had communication with the VACo Steering Committee. He noted there had been times where he spoke during committee meetings.

Mr. Reed made a motion to approve **Resolution R2022-63** and 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 R2022-63
NELSON COUNTY BOARD OF SUPERVISORS
APPROVAL OF THOMAS JEFFERSON PLANNING DISTRICT
2023 LEGISLATIVE PROGRAM**

WHEREAS, the draft Thomas Jefferson Planning District Legislative Program for 2023 lists three top legislative priorities; and

WHEREAS, the program includes a priority addressing public education funding; a constant position on budget/funding issues that supports state aid to localities and opposes mandates and cost shifting to localities; and a continuing priority on broadband expansion; and

WHEREAS, the Legislative Program also contains additional positions that focus on the most critical recommendations and positions in other areas of current interest and concern to localities in the region;

NOW THEREFORE BE IT RESOLVED, by the Nelson County Board of Supervisors, that the 2023 Thomas Jefferson Planning District Legislative Program be and hereby is approved by said governing body, with the legislative program to serve as the basis of legislative priorities and positions of the member localities of the Thomas Jefferson Planning District for the 2023 session of the Virginia General Assembly, as presented on November 7, 2022, as well as incorporation of recommendations put forth by the Board, as applicable.

C. Central Virginia Partnership for Economic Development, Helen Cauthen

Ms. McGarry introduced Ms. Helen Cauthen, Executive Director for the Central Virginia Partnership for Economic Development (CVPED). Ms. Cauthen reminded the Board that CVPED was the regional economic development group for eight counties, including Nelson, and the City of Charlottesville. She noted that they were a collaboration of public and private sector. She reported that all of their funding was from local government support, as well as higher education and many businesses. Ms. Cauthen thanked the Board for their support. She reported that Melinda Crawford with the CHO Airport was the Chair for the year. She explained that most of their jurisdiction directors were County Administrators, noting that Ms. McGarry was a fairly new member to the Board but they had worked together over the years, so she was looking forward to continuing that work. Ms. Cauthen commented that Ms. Maureen Kelley was one of the strong Economic Development and Tourism Directors in the region. She noted that Ms. Kelley had lots of ideas and was fabulous to work with.

Ms. Cauthen reported that working under the partnership umbrella were GO Virginia Region 9 and Virginia Career Works Piedmont Region. She explained that CVPED was the support organization for GO Virginia Region 9, noting that the GO Virginia Director, Shannon Holland was on her team. She then noted that Sarah Morton was the Director of Virginia Career Works Piedmont Region. She explained that CVPED was the administrative fiscal agent for that regional workforce board. She thanked Mr. Barton for his support and attendance of the workforce board meetings.

Ms. Cauthen reported that in FY22 they announced 205 new jobs and over \$500 million of new capital investment, noting that much of that was due to the new Amazon Data Center that Culpeper had announced. She reported that their program of work included: Marketing/Business Attraction, Expansion and Retention; Regional Collaboration (Including Site Readiness); and Talent Retention and Attraction. She noted that she was mainly going to discuss Talent Retention and Attraction. Ms. Cauthen reported that centralvirginia.org was their main website for companies, but she announced that they added a new website, www.livingcentralVA.org. She explained that the website had different sections on Live, Work and Play, as well as a section to find a job. She noted that the jobs should be pretty much only jobs in Central Virginia. She noted that under the Live section was a page for Nelson County. She reported that through working with Ms. Kelley and others in the County, they were able to determine what the County page looked like. She explained to the Board that the page could be customized and changes could be made as needed. Ms. Cauthen explained that in the Work section of the website under Agribusiness, there was a video about Bold Rock Hard Cider. She noted that throughout the website they tried to have videos on what it was like to work and live in those places. She noted that there was a lot of information available on the site and it was very easy to access.

Ms. Cauthen reported that there was a new magazine called Livability Central Virginia in which there was a section called Living the Good Life where Blue Mountain Brewery was pictured. She noted that the magazine was available in print and digitally and an ad for Visit Nelson County was included in that edition. She noted that while the magazine focused a little more on Albemarle and Charlottesville, they did a good job including all parts of the region. She hoped they would do another edition next year and noted they

were open to ideas and suggestions. She noted that Ruth Saunders of Silver Creek and Seaman's Orchards was quoted quite a bit in one piece.

Ms. Cauthen discussed Tech Link, which was a new project funded through GO Virginia. She noted that had hired a new talent director, Mary Kay Campbell along with three UVA interns. She explained that they were talking to students about starting their careers in Central Virginia. She noted that a lot of employers were having trouble filling open positions and if they could convince some students to stay in the area and work for a while, it would really help out businesses. She reported that they were mainly focused on tech jobs. She also noted another program called Talent Supply Connector that worked with area high school juniors and seniors and community colleges to help students find internships and apprenticeships in food and beverage and light manufacturing industries. She reported that the Region 9 Internship Collaborative provided internships in all sectors for area high school juniors and seniors through college.

Ms. Cauthen noted the Partnership's support through local investors. She thanked Nelson County for its continued support. She commented that economic development was a long term sport and it took everyone working together to ensure long term success. She thanked the Board for their time and welcomed any questions.

Mr. Barton commented that the primary reason businesses had trouble finding people to work was due to low pay. He felt it was rarely verbalized that certain jobs did not match what it cost to live. He stated that CVPED spread into Nelson County very little and asked if there were any plans to do something in the area. Ms. Cauthen noted that they worked with Ms. Kelley to provide back office support in working with existing businesses or potential new businesses. She encouraged Mr. Barton to have conversations with Ms. McGarry and Ms. Kelley about CVPED's involvement and what they see as the value of working with the organization. Ms. Cauthen noted that she was happy to be present when called upon. She indicated that there were times that she was present but the work was confidential.

Mr. Barton commented that in the last budget session, the previous County Administrator suggested that they not send money to CVPED because they did not do anything for Nelson. Ms. Cauthen noted they would be happy to partner with Nelson County on ways to enhance and increase the value for Nelson County. She noted that on the GO Virginia side, they had been able to secure grants, especially for the adult beverage industry in Nelson. Ms. Cauthen welcomed the Board members to meet with her at any time to discuss in more detail what the partnership did and the value in it.

D. County Office Building Proposal, PMA Architecture

Ms. McGarry introduced the PMA Architecture team who would be speaking more on the proposed office space for the Department of Social Services (DSS), Building Inspections and Planning & Zoning. Mr. Jeff Stodghill of PMA Architecture introduced himself and Ms. Cara Adams, noting she was a project manager and interior designer for the firm. He explained that PMA had a long history of working with Social Service buildings and local government projects. He then introduced civil engineer, Mr. Bruce McCloy, of Timmons Group. He noted that Mr. McCloy was on their team and they had a long history of working together. He noted that the County had selected PMA as the architect and design team earlier in the year.

Mr. Stodghill explained that the way to approach the design of the building was to identify the needs first and then evaluate the site to know how to manage circulation and parking. He pointed out that the current site had a lot of terrain and potentially a lot of rock. He explained that after sitting down with department heads to determine office size needs, they then would determine building foot print. He noted that the building size and site were the drivers of the project cost. He indicated that they needed to discuss the building size and site early, because it was hard to make changes later to adjust the cost. He explained that PMA was there to report on the completed Needs Assessment. He noted that they knew how big the buildings needed to be for DSS, Building Inspections and Planning & Zoning.

Mr. Stodghill reported that the site had been looked at in a general way to understand the magnitude of the costs. He commented that the cost was probably more than what the Board had imagined and going forward, they would need to work together to make decisions on what kind of project they wanted to do.

Ms. Adams explained the Project Planning Process. She reported that she and Mr. Stodghill had met with the department heads of Social Services, Building Inspections and Planning & Zoning to identify space needs. She pointed out that the furniture needed to fit into rooms in a building. She noted that they used typical office standards for size and layout. Ms. Adams noted that they also needed to account for future needs over the next five to ten years to determine the total employee number and space required. She then reviewed functional spaces needs like conference rooms, file storage rooms. She noted that the sizes for each were determined with square footage standards. She explained the process to determine the overall square footage needed (including hallways) for the next ten years.

Mr. McCloy discussed the site location that had been identified by the County, which was about 16.5 acres on Callohill Drive. He reported that civil engineers had walked the property, pulled any information on the property from GIS and utilities so that they could evaluate the site from the outside in. He noted that the roadway needed to be extended to the site. He noted that there was a good amount of terrain on the site and the elevation from one side to the other fell quite a bit towards the road. He explained the process to determine the building footprint and location, noting that access location, zoning and setbacks contributed to footprint location on the site. He noted that a cost driver would be the development of the land. He reported that there may be a good amount of rock on the site and they would need to look for efficiencies and getting the most for their money. He suggested that they look at synergies and how County services function and what groups belong together.

Mr. Stodghill showed a map of the utilities available to the site, noting that there was storm water and sanitary onsite. Mr. McCloy pointed out that was an investment already in place. Mr. Stodghill noted Callohill Drive would need to be upgraded. He noted that Timmons had completed a topo survey which showed a plateau area on the site that would help and be a good place to occupy. He pointed out an area on site that was a bit steeper but could be possible for a Phase 2 area. He noted that the terrain on upper part of the site was a bit too steep to do much with. Mr. Stodghill presented two building layout options: one with the buildings separate and the other with all in one building. He indicated that both options allowed for further development into the middle of the site.

Mr. Stodghill noted that initial estimates were done in house and then, by a third party estimator, Downey & Scott, a project management and cost estimating firm that works all over the state. He noted that he was presenting their estimates. He provided data to show why construction prices were so high. He showed a graph with the lumber prices from 2018 to 2022 and beyond as well as the forecast inflation growth rate for raw construction materials (primary commodities). He noted that costs were increasing and decreasing during the anticipated time that the building would be constructed. He indicated that it would be difficult to predict what the prices might be. He noted that major price increases in last two years with construction prices were due to supply chain shortages and a shortage of workers.

Mr. Stodghill reported that the Downey Scott estimate for Social Services only was \$10.5 million, which was inclusive of all costs. He noted that did include about \$1 million in contingency. He then reported that a second option to includes office space for Social Services, Building Inspections and Planning & Zoning would be about \$12.5 million. He noted that the two buildings together for the project would be of the most value. He reminded the Board that if they chose to do the building just for Social Services, they would still have to do the site work and extend the road and utilities. He thought it made sense to do all of the work up front.

Mr. Stodghill noted that they were present to apprise the Board of what the project looked like, what building size was needed to meet the needs and what the budget looked like. He welcomed any questions from the Board.

Mr. Reed asked about the steeper portion of the property to the west and whether there would be any problems with drainage or water runoff in terms of the proposed building. Mr. McCloy noted that it was not a problem but they would need to bypass the water running down the hill. He explained that they would need to manage the water on the site, did not want to direct water coming down the hill towards the building. He noted that they did not want to create a maintenance issue going forward and would definitely want to divert any water around the building.

Mr. Reed asked if there was any possibility for additional development beyond what was proposed. Mr. McCloy indicated that they could do more but there would be more cost to develop the sloped areas of the site. He suggested that the Board may consider a master plan for the property to determine other services that could co-located on the site. He noted that a master plan could help determine any additional work that could be done in advance to help prepare for the next phases. He indicated that site preparation could be done to excavate the next site and utilities could be sized appropriately and stubbed out.

Mr. Reed noted that the east side of the property was most developable and indicated that some areas not within the proposed footprint may be considered for development later. Mr. McCloy noted that the programming they looked at was for Social Services, Planning and Zoning and Building Inspections only but noted they could look at what else could be there and make provisions for it. He reminded the Board that there was a marginal cost to add more capacity when initially installing utilities. Mr. Reed noted that they had thought about only building for Social Services, but there were so many benefits of co-locating and having multiple services available on the site. He suggested brainstorming what the ultimate footprint might be.

Mr. Barton asked if site was more appropriate for one building, whether that would be easier or if it would be about the same. Mr. McCloy noted that it wasn't easier or harder. He stated that if he were in the Board's shoes, he would look at how they wanted to function and think about which offices needed to work next to each other. Noted marginal costs to add. Mr. Barton asked whether rock on the site would change how

they would need to build. Mr. McCloy referenced Rivanna Station where ground penetrating radar was used to map out where the rock was. He explained that they worked with the architects to determine the best decisions on building placement in an economical way. He noted if there was rock, he would consider the options of bringing in fill dirt, blasting, or depending on the type of rock, use of a dozer to excavate.

Mr. Barton asked how inefficient it would be to build one building at a time. Mr. McCloy noted that it was not as economical, he explained that it was better to do all of the project at one time. Mr. Rutherford noted cheaper to do all of the big work ahead. He noted that they needed to get an update on the County's debt capacity relative to interest rates, which would be critical in making a decision to do the full project. He reminded the Board that they also had other capital improvements to keep in mind, including the Schools. Mr. Rutherford indicated that Social Services was probably the priority.

Ms. McGarry asked the Board to consider next steps on whether to do a more in depth site evaluation with Timmons. Mr. McCloy recommended that they look at the geotechnical next. Mr. Reed asked if they should look at the entire site or just the determined area. Mr. McCloy suggested a preliminary investigation with a couple of ground borings and then more work in the site development area. Mr. Rutherford suggested doing the site evaluation as if they were doing the entire project. Mr. Reed suggested evaluating the site up to the tree line and asked how much it would cost. Mr. McCloy noted that the additional space investigated would not increase the cost that much. The Board was in consensus to determine as much as possible with the site evaluation to the tree line. Mr. Stodghill noted that Mr. McCloy would work on getting a proposal together for the cost. Mr. McCloy explained that the ground penetration would be dependent on the weather. He noted that they would also need to evaluate the utilities on site as well as any environmental constraints but those would happen later.

Ms. McGarry asked Mr. Stodghill to explain next steps. Mr. Stodghill explained the steps with the assumption that the Board would be proceeding with the project. He noted that after the soil survey and evaluation of utility capacity, they would then make updates to the cost analysis. He noted that the Board would then be making a decision to move forward in designing the building and PMA would come up with an early design and cost report. He explained that once the Board approved the early design, they would go into more detail in the design, provide an updated budget figure and then bid the project out. He suggested that they could consider looking at designing both options and then see how the market looked before making a decision on which building to proceed with. He noted that what they were talking about was something they wouldn't know the pricing for seven months to a year from then.

Mr. Reed asked for clarification on when the design would take place. Mr. Stodghill explained that they would not work on the design until they knew what the budget looked like. He noted there were a lot of decisions to make that would lead into determining a final budget. He noted the geotechnical work and felt there were budget contingencies in place to deal with rock removal. He explained that the point of the process was to determine costs ahead of the work so there were no surprises later when site work began.

Mr. Barton asked if Social Services was included in the process. Mr. Stodghill noted they had met with Social Services first to evaluate their space needs and would continue to meet with them. Ms. McGarry noted that the building committee would meet regularly throughout the project. She indicated that particularly once they got to the construction phase, there would be monthly meetings with the work group and stakeholders.

E. Proposed Cluster Housing Project in Lovingson (**R2022-64**)

Ms. Bishop introduced a cluster housing project idea for Lovingson. She reported that Planning and Zoning had accepted a meeting request with Rick Byers (Longevity Solutions Va) and Dan Conquest (realtor with Howard Hannah Roy Wheeler Realty) on October 13, 2022. She noted that they were currently under contract for the property at 31 Orchard Road in Lovingson (about 35 acres) and they were proposing to develop workforce housing with about 40 dwellings in a cluster style on small lots. She reported that Mr. Byers had worked with multiple localities including Suffolk and most recently Fluvanna County, on updating their cluster ordinances to accommodate that type of housing, and that it had been modeled in many localities in Virginia. She explained to the Board that Nelson County did not have any ordinances that would permit the scale or density of development. Nothing in ordinance to support housing density.

Ms. Bishop reviewed a chart showing the options for something like the proposed development. She reviewed the current specifics for the proposed development noting the minimum lot size was 5,000 to 9,000 square feet. She reported that the only ordinances that came close were the current R-2 residential zoning or the current cluster ordinance. Ms. Bishop noted that if they rezoned to R-2, that would get the minimum lot size down to 10,000 square feet. She explained that the minimum acreage per the current cluster ordinance required a minimum of 75 acres, with the minimum lot size being 10,000 square feet at a density of one unit per 6.8 acres. She also noted that 40% of the 75 acres would have to be reserved as some type of open space.

	Proposed Development	Current R-2 Residential Reqs.	Current Cluster Ordinance Reqs.
Number of Units	40 dwelling units (SFD)		1 unit per 6.8 acres
Minimum Area	35 acres		75 acres
Minimum Lot Size	5,000-7,000 square feet	10,000 square feet	10,000 square feet
Public Water & Sewer	Yes	Yes	Yes
Other Notes			40% reserved open space

Ms. Bishop noted that Mr. Byers email describing the project was included within the Board packets, along with a concept layout of the development and a document describing the request and benefits of amending the cluster housing ordinance. She indicated that staff was seeking guidance on how to proceed. She explained that the included resolution would refer the subject to the Planning Commission for recommendations on drafting a new ordinance or they could choose to keep the ordinance as is.

Mr. Rutherford noted that the Planning Commission would need to present something for the Board to consider before anything could be done on the project. Mr. Barton asked what type of homes could be done. Ms. Bishop indicated that Mr. Byers was present and could answer questions but noted that what was needed currently was guidance on how to proceed. She explained that the cluster housing ordinance would be for the whole county, not just the one proposed project. Ms. Bishop noted that this would provide an avenue to apply and then provide the application materials. She explained that Planning Commission would be drafting and ordinance and referring it back to the Board. She also noted that there would likely be a special use permit.

Mr. Rick Byers - Longevity Solutions, Glen Allen, VA

Mr. Byers reported that his company worked with the aging and disabled population and had been involved in workforce housing since the 1980's. He noted that he had been a property owner for about seven years and had been visiting Nelson County for many years. Mr. Byers explained that he came from a working class family and was a big proponent of workforce housing. He felt that Lovingston would be a good area for simple stick built, site built homes, in the sub \$300,000 price range. He felt the homes could serve two populations, aging and workforce as they were smaller, one-level homes. He noted that the aging population was living in larger homes that may not be energy efficient. Mr. Byers pointed out that there was some terrain and elevation on the proposed site. He noted that there was still some preliminary engineering work to do, so the site layout could change. He asked that they look at the cluster housing ordinance before he spent a significant amount of money on the project. Ms. Bishop noted that the cluster housing ordinance had been used once but then vacated. Mr. Byers explained that he had done work with cluster developments since the 1990's, noting he had worked with Suffolk in developing their ordinance in 1997. He wanted the Board to see if the cluster ordinance could be more user friendly for the future, not just for his proposed development but for others as well.

Mr. Rutherford noted that if the ordinance was approved, there would still be a Special Use Permit process. Mr. Barton asked about the lot size and house size. Mr. Byers noted the lots were on average about 7,000 to 8,000 square foot and the houses were about 1,250 to 1,450 square feet. Mr. Barton commented that it needed to be in a place that was livable with parks and recreation areas. Mr. Byers noted that green space would be tied in throughout the development and the back portion of the property was steep and would be left undeveloped. He commented that there would likely be some type of coverage picnic area. Mr. Barton asked if Mr. Byers would employ carpenters and construction workers. Mr. Byers noted he was a general contractor and he built homes from the ground up. Mr. Barton asked if Mr. Byers had an apprenticeship program. Mr. Byers indicated he was happy to discuss apprenticeship programs further at another time, he noted the Board's lengthy agenda.

Mr. Reed asked if Mr. Byers had any exemplary cluster housing developments that he had done previously that could be looked at to see what zoning may be in place and any other considerations they may want to think about. Mr. Byers noted he would let Mr. Reed know. Mr. Barton noted he would like to see one of the developments also.

Ms. Bishop explained that they Board needed to adopt the resolution to refer cluster housing development to the Planning Commission for review and development of a report detailing recommendations of amendments including but not limited to requirements for area and density, which would then be provided to the Board.

Mr. Reed made a motion to approve **Resolution R2022-64** and 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 R2022-64
NELSON COUNTY BOARD OF SUPERVISORS
ZONING ORDINANCE, ARTICLE 21 CLUSTER HOUSING DEVELOPMENT
REFERRAL TO PLANNING COMMISSION
FOR REVIEW AND RECOMMENDATIONS FOR AMENDMENT**

BE IT RESOLVED, that pursuant to Appendix A Zoning, Article 16 Amendment and Rezoning, Section 16-2-2 of the Code of the County of Nelson Virginia, the Nelson County Board of Supervisors does hereby refer Appendix A Zoning, Article 21 Cluster Housing Development, to the Nelson County Planning Commission for review and development of a report detailing recommendations of amendments, including but not limited to, the requirements of Section 21-2 Area and Density, to the Board of Supervisors for consideration.

IV. NEW & UNFINISHED BUSINESS (AS PRESENTED)

A. River Access at Allen’s Creek and the James River (R2022-65)

Mr. Rutherford noted that the river access had been removed from the agenda. The Board did not discuss the subject.

B. Authorization for Public Hearing on Proposed Amendments to Chapter 6, Article 4, General Business License, Sec. 6-84, 6-86, 6-88 and new Sec. 6-90 (R2022-66)

Ms. McGarry introduced the proposed amendments to the Business License. She noted that the amendments would incorporate short term rental activities as a business activity; which requires a business license, and update the business license application process to include a compliance review by the Planning and Zoning Department, Building Inspections, and VDOT. She reported that the need for a registry for short term rental of property was negated by the business license requirement in the section. Ms. McGarry noted that Mr. Payne worked on the draft ordinance.

Ms. McGarry reviewed the proposed business license ordinance, noting that the Definitions section had been updated and some definitions of the types of businesses were removed as they were no longer applicable. She noted that short term rental activities had been added to the definition of a business. She pointed out that the definitions of financial services, peddler at wholesale, professional services, real estate services and wholesale merchant were removed from the Definitions section.

She explained that the amendment to Section 6-86 Due Date and Penalties (d), a defunct state code section would be removed. She then noted that under Section 6-88 Exemptions, item (8) would repeal a reference to the sale of bicentennial merchandise.

Ms. McGarry then introduced the proposed new section 6-90 Application requirements. She noted that the new section would prescribe the requirements to obtain a business license including provisions for compliance review and signature approvals by Planning and Zoning, Building Inspections, and VDOT for new businesses or existing businesses that have either changed location or description. She indicated that both Ms. Bishop and Ms. Campbell had requested the changes in terms of modifying the review of business applications.

Mr. Rutherford asked about the VDOT requirements. Ms. Bishop noted that Planning and Zoning did not typically require VDOT approval prior to issuing zoning approval. She indicated that they had that as a disclaimer on their zoning approvals. She noted that if it were a Special Use Permit or Request for Rezoning, VDOT was required to review. She noted that the amendment would require the review. She provided an example of a Special Use Permit for short term rentals on Avon Road. She explained that if those applicants had just gotten a business license, it would not have been required to go to VDOT. She further explained that they did not have adequate parking and the entrance was very wide so VDOT required them to close it in a bit so that the entrance was adequate for a state road.

Mr. Rutherford expressed concern on the VDOT process and asked if small businesses like contractors who worked out of their truck would be required to get a VDOT approval. Ms. Bishop noted that she believed that was what the amendment said. She indicated that she did not need the VDOT approval on typical zoning approvals, noting the disclaimer on the form. She noted that as far as Planning and Zoning was concerned, the VDOT approval was not needed for the license and it was up to the Board as to whether they wanted to include it. Mr. Payne noted that the VDOT requirement could be made optional. Mr. Rutherford noted that it could be burdensome. Ms. Bishop noted she did not have any issue with removing the VDOT requirement. Mr. Rutherford suggested that if anyone moved to approve the resolution, to strike the VDOT requirement.

Mr. Reed referenced the definition of business which would also include transient occupancy. He asked if this applied to single family homes where only a portion of the home or a bedroom was rented out. Mr. Payne noted that was what a bed and breakfast used to be. Mr. Payne felt bed and breakfast covered it, but rooms could also be included if needed. Ms. Bishop noted that the definition of a bed and breakfast was transient occupancy by room, but she could also agree to being extra clear by adding that as well. Ms. McGarry noted that they were discussing authorization for a public hearing, but it was good to know what version of the ordinance to advertise.

The Board discussed the Application requirements proposed in the new section 6-90. Mr. Rutherford noted concerns about having the Building official sign off and knowing whether or not a business could operate in a particular location. He felt that this section may need to come off, in addition to the VDOT approval. Mr. Payne noted that he did not like the application requirements past sub paragraph A, but if any of the items were required, they would have to be in the ordinance. He felt it was an overload of requirements for someone with a very simple business license. Ms. McGarry asked if the ordinance section was meant to keep someone from having a business in an area that wasn't zoned appropriately. Mr. Rutherford guessed that ninety percent of businesses were not located in places weren't zoned business. Ms. Bishop felt that the ordinance amendment helped people putting businesses in places were not zoned for it.

Mr. Reed liked having subsections (i) and (ii) because it would require people to check the Planning and Zoning and Building Inspections boxes. Mr. Reed noted that with short term rentals, for people renting and staying in those, code compliance could be pretty important. Mr. Rutherford indicated that was built prior to 2018, would not pass 2022 building code. Mr. Reed and Mr. Rutherford discussed the building code and what those requirements might be. Ms. Bishop thought that the building code aspect would most likely look at the number of bedrooms, noting if they went over a certain threshold, it would go into a new use category. She noted input would be needed from Building Inspections but at a certain point, sprinkling might be required. Mr. Rutherford suggested they needed to discuss further what compliance might look like.

Ms. Bishop explained that the subject of business licenses came up a few years earlier because there was a spot on the application for Zoning and Building Inspections. She noted that a decision was made internally that any questionable business license applications would be referred by the Commissioner of Revenue to Planning and Zoning first.

The Board discussed how compliance could impact someone's ability to obtain a business license. Ms. Bishop noted that the ordinance would require the application to be reviewed by Zoning and Building Inspections. Mr. Rutherford commented that there would be a lot of applications that would not be considered compliant. The Board discussed the effects of compliance on short term rentals and what that might look like. Mr. Reed indicated that some things may not necessarily prevent someone from obtaining a license for a short term rental, but it would provide a record of non-compliance. Mr. Rutherford did not see how someone could get a license if they were deemed non-compliant.

Mr. Payne noted the question was where to put the short term rental piece. He suggested that they may want to have a zoning definition for short term rentals, which would have its own requirements. Mr. Payne noted there may be a loophole in building code for short term rentals in regards to sprinkling. Mr. Reed recommended that before the ordinance went to public hearing, there needed to be justification for what is included. He felt it was better to have something more thought out and a little tighter. Ms. McGarry noted that section 6-90 could be taken off completely for the moment. She noted the main purpose was to establish short term rentals in the Business definition. Mr. Reed suggested that the Board could consider application requirements after meeting with the short term rental people. Mr. Rutherford asked that they remove the addition of section 6-90 from the resolution and move to adopt Resolution R2022-66.

Mr. Barton moved to approve **Resolution R2022-66** as amended and 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 R2022-66
NELSON COUNTY BOARD OF SUPERVISORS
AUTHORIZATION FOR PUBLIC HEARING
AMENDMENT OF THE CODE OF NELSON COUNTY, VIRGINIA
CHAPTER 6, LICENSES, PERMITS AND BUSINESS REGULATIONS
ARTICLE 4 GENERAL BUSINESS LICENSE

BE IT RESOLVED, that pursuant to §15.2-1427 of the Code of Virginia 1950 as amended, the County Administrator is hereby authorized to advertise a public hearing to be held on December 13, 2022 at 7:00 PM in the General District Courtroom in the Courthouse in Lovingston, Virginia. The purpose of the public hearing is to receive public input on an Ordinance proposed for passage to amend Chapter 6, Licenses, Permits and Business Regulations, Article 4 General Business License. The purpose of these amendments

is to streamline sections 6-84 Definitions and to include short term rental activities in the definition of a Business, 6-86 Due Dates and Penalties, remove an invalid State Code section reference and in 6-88 Exemptions, repeal a reference to sale of bicentennial merchandise.

C. Authorization for Public Hearing on Proposed Amendments to Chapter 11, Article 6, Transient Occupancy Tax, Sec. 11-130, 11-133, 11-140, 11-141 and 11-143 (**R2022-67**)

Mr. Payne introduced the proposed transient occupancy tax amendments. He explained that the ordinance just recommended for public hearing would require all businesses and short term rentals to have a business license. He noted this would mean they would no longer need the short term rental registry. He then explained that the tax collection was difficult to manage when they were dealing with a third party. He noted the addition of Section 11-133 would require that when the taxes are remitted by someone other than the hotel owner, the accompanying report shall list each owner's name, property address and the amount of remittance for each. Mr. Rutherford explained the purpose of amendment required the owner of a short term rental to obtain a business license, regardless of whether a third party entity is maintaining rental. Mr. Payne reminded the Board that they would be eliminating short term rental registry and the fees charged for that. He explained that the enforcement section would allow for the Commissioner to summons those in violation of the code to court.

Ms. McGarry noted the amendment included the addition of bed and breakfast inn, and vacation house to Section 11-130 Definitions. Mr. Reed asked if there was a definition of bed and breakfast inn. Ms. Bishop noted that bed and breakfast was described in the zoning ordinance but it did not include the word inn. Mr. Payne noted the definition of hotel when read together included short term rentals.

Mr. Barton moved to approve **Resolution R2022-67** and 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 R2022-67
NELSON COUNTY BOARD OF SUPERVISORS
AUTHORIZATION FOR PUBLIC HEARING
AMENDMENT OF THE CODE OF NELSON COUNTY, VIRGINIA
CHAPTER 11, TAXATION, ARTICLE 6 TRANSIENT OCCUPANCY TAX

BE IT RESOLVED, that pursuant to §15.2-1427 of the Code of Virginia 1950 as amended, the County Administrator is hereby authorized to advertise a public hearing to be held on December 13, 2022 at 7:00 PM in the General District Courtroom in the Courthouse in Lovingston, Virginia. The purpose of the public hearing is to receive public input on an Ordinance proposed for passage to amend Chapter 11, Taxation, Article 6 Transient Occupancy Tax. The purpose of these amendments is to repeal the section 11-143 Creation of Registry for Short-Term Rental of Property which is negated by requiring a business license for this purpose, in 11-130 Definitions, including bed and breakfast inn and vacation houses in the definition of hotel, in 11-133, adding specific requirements for third party collectors and their remittance of the TOT tax to the Commissioner of Revenue, and streamlining of language in 11-140 Enforcement and 11-141 Violations and Penalties.

VI. REPORTS, APPOINTMENTS, DIRECTIVES AND CORRESPONDENCE

A. Reports

1. County Administrator's Report

Ms. McGarry acknowledged Veterans Day and thanked all veterans for their service. She noted that the green lights on the Courthouse lawn were to commemorate Veterans Day.

Ms. McGarry then reported the following:

A. Comprehensive Plan: The project website is www.Nelson2042.com. The first of four scheduled joint work sessions of the Board of Supervisors and Planning Commission was held on October 25, 2022, the results of the public engagement efforts along with the draft Chapter 1 layout was discussed. Chapter 1 Creating our Guide includes sections on the legal basis for the comprehensive plan, planning jurisdiction, relationship to other plans and policies, process of the creation of the plan, and community engagement summary. The community engagement results and the presentation from the first work session can be found on the project website at <https://www.nelson2042.com/document-library>. Subsequent joint meetings with the Planning Commission will be held on January 18, 2023, March 15, 2023, and May 17, 2023.

B. Larkin Property Acquisition & Development: Another BOS work session is to be scheduled in November and at that time, aggregated public input from the Comprehensive Plan process can be

considered as well as follow up from the first work session. Supervisors will be asked at the conclusion of the November 7th meeting to discuss adjourning and continuing to a date in the last week of November for this work session.

C. HOME-American Rescue Plan (ARP) Program: The TJPDC will receive \$2,452,270 in these funds, of which each member jurisdiction will receive \$347,404.92. The County may choose to administer these funds itself, pool funding with another member jurisdiction or partner with a current HOME sub recipient such as Nelson County Community Development Foundation. These funds must be used to benefit individuals or families from these qualifying populations: homeless, at-risk of homelessness, fleeing/attempting to flee domestic, dating, or sexual violence and/or human trafficking and stalking, other populations experiencing housing instability, and veterans or families of veterans that meet one or more of these criteria. The TJPDC's consultant has provided data regarding gaps in service and needs for these populations and next steps is for each locality to decide how its funding will be used. Staff has been meeting with TJPDC staff and NCCDF staff to outline a plan, which will be consulted on with other stakeholders prior to presenting something for the Board's consideration at the December meeting. The TJPDC will assemble the draft funding allocation plan and conduct a public comment period prior to submission of the plan to HUD in early March 2023. (see attached background information)

Ms. McGarry noted that they needed to decide the eligible populations they wanted to focus on and prioritize the eligible activities. She noted that it did not need to be an overly detailed plan at the moment. She pointed out that the funds would need to be expended prior to September 2029.

D. Regional Library Agreement Review: Every five (5) years the members of the Regional Library are tasked with reviewing the regional agreement. A meeting of the member localities and Library Director David Plunkett was held on November 3rd to conduct an initial review. The most discussion centered around whether or not to continue to charge a \$30 out of area fee for those who wish to check out books and live outside of the region. In FY22, the total out of area fees collected were \$6,120 and for Nelson were \$60. There was some concern that this fee represents a barrier to access and it presents a customer service issue for library staff. Another item of interest was equal representation of members on the Library Board (Charlottesville & Albemarle each have 3, Nelson, Louisa, and Greene each have 1), other items discussed were of a housekeeping nature. Another meeting will be scheduled and the resulting agreement as proposed will be brought back to the Boards of each member for approval.

E. Emergency Medical Services Licensure: Every two years in October emergency medical services agencies reapply for licensure and are inspected by the State Virginia Department of Health prior to recertification. All agencies have passed inspection with follow up items required except for Gladstone Volunteer Fire and Rescue Services whose EMS agency license and vehicle permits were extended through 11-30-2022; pending completion of a list of agency follow up items provided by the State inspector at their preliminary inspection. GVFRS is working diligently to complete these action items in order to get recertified as a transport agency.

F. Virginia Department of Forestry Sustainability Grant: The 2022 General Assembly established the Forest Sustainability Fund of \$1M administered by the Virginia Department of Forestry (VDOF). Localities with forest use-value assessment may apply for an allocation from the Fund to help to offset lower, or *forgone tax revenue*. The County has submitted its application through the VDOF online web portal showing \$2,998,868.60 in forgone revenue from forested land in land use. VDOF will review the applications and make distributions to localities from the Fund, based upon their proportional share of the total applications received. (see attached)

Ms. McGarry noted that they did not know how much money that could be.

G. Gladstone Depot TAP Grant: The Friends of Gladstone Depot have provided the Board and staff with the appraisal report on the depot building with the "As Is" appraisal being \$80,000. Staff spoke to Mr. Jay Brown, Director of Program Management in the Lynchburg office regarding a couple of items that he wanted to address before moving forward with establishing a draft agreement with VDOT Central Office. Mr. Brown said that while the current award was for Phase 1 of the project with its 20% local match commitment, the VDOT grant agreement would reflect a local obligation of the remainder of the total project estimate. He said that even though the project was phased, each phase was not considered a stand-alone project and recipients were committed to completion of the project as a whole within a 10-20-year period; regardless of how the balance was funded. He noted that if not completed, any VDOT funds would have to be paid back by year 20. He added that since the County didn't have a staff member that had completed the requisite FHWA training, if the Board was willing to commit to the local difference, he could work with the County for VDOT to administer this grant. Staff suggests we advise Mr. Brown to have the agreement drafted by Central Office and provided to the County for the Board's formal consideration upon its receipt. Please advise on this suggestion.

Mr. Rutherford reminded the Board that they would need to figure out the funding for the difference between the project cost and the grant funded amount. He noted that it was important to understand that if

the funds could not be covered, the County would be covering the costs. Mr. Barton commented that Gladstone was looking good since his last visit. He felt that Gladstone had lots of potential and noted the James River State Park nearby. The Board was in consensus to have the agreement drafted. Ms. McGarry noted that once the agreement had been received, it would be brought back to the Board for approval.

H. New Office Building: Jeff Stodghill of PMA Architecture is to review their conceptual design findings based upon a detailed space needs study and functional space requirements at the November 7th meeting. PMA will present these findings and their methodology to the Board along with an opinion of probable construction cost for each department separately. PMA has also provided a memo from Downey and Scott, LLC, a construction management firm that works with construction companies in the Lynchburg and Charlottesville areas detailing their estimate of probable costs for just the DSS building and then both DSS and Planning/Zoning and Building Inspections. Next steps will be to discuss the building life level desired, proceeding or not with building for both departments, and proceeding with a more in-depth soils investigation which could provide more information on site development costs. (See agenda item IV D)

I. Department of Justice FY22 Adult Drug Court: The grant award of \$699,640 in Department of Justice grant funds for implementation of an Adult Drug Court in Nelson County has been accepted. The required local match for this grant over 4 years is \$309,696 of which 60.5% or approximately \$187,296 will be in-kind match and 39.5% or \$122,400 will be cash match. County Administration and Finance staff will continue to meet with CA staff on budgeting and implementation going forward. Initial plans include establishing a Memorandum of Understanding with OAR (Offender Aid Restoration) for administration of the grant funds and the Drug Court, as was done in Fluvanna, and OAR facilitating the hiring of a Drug Court Coordinator for Nelson. The CA staff is planning to provide an update to the Board at either the December or January regular meeting.

Ms. McGarry noted that Mr. Will Flory would soon be seeking a consensus from the Board to advertise for the coordinator hire. Mr. Reed asked about the in-kind match. Ms. McGarry noted that a lot would be the salaries and benefits of the Commonwealth Attorney, Clerk's Office as well as an office space. She commented that the old jury room would be used as an office, noting that it has a restroom that would be used for drug testing.

J. Short-Term Rentals: A meeting invite has been sent out to the overall work-group for November 30th. The subject of the meeting is short-term rental tax collection, reporting, and enforcement. The Group includes 3 members of the short-term rental community, the Commissioner of Revenue, me, Maureen Kelley, Dylan Bishop, Supervisor Reed, and Planning Commissioner Hauschner. We will have an update by Commissioner of Revenue Campbell on this process including recent changes to third-party tax collection and remittance. Today, the Board will consider authorizing public hearings on amendments to the Transient Occupancy Tax Ordinance and Business Licenses. (see agenda item V B & VC)

K. Renaissance Ridge Housing Development: NO NEW INFORMATION to report: 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).

L. Staff Reports: Department and office reports are included within the November 7th agenda document.

Mr. Parr asked about the emergency medical services licensure and whether someone from the County or EMS Council was assisting Gladstone with the process. Ms. McGarry indicated that Curtis Sheets from Wintergreen had been assisting. She noted that she did not think there would be any problem with them meeting the November 30th deadline. She also noted that she was monitoring the situation as all of the forms would need to come to her.

2. Board Reports

Mr. Reed:

Mr. Reed reported that he met with JAUNT Board of Directors representative Dian McNaught and Danny Harris, coordinator for the senior activities at the Nelson Center to discuss the reduced services that JAUNT was currently providing to the Nelson Center. He noted that they also looked at the Comprehensive Plan and discussed ways to return to the level of service that had been previously provided. He noted some of the change in the level of service had been mostly related to funding. Mr. Reed noted that in his discussion with Ms. McNaught, she mentioned that the funding was split between JAUNT and County. He indicated that as they approached planning for the budget, they would see what services could be provided and the cost. He noted that they may need to look at future needs and determine what the services might look like.

Mr. Parr:

Mr. Parr noted that he had no committee meetings to report on. He reported that he had a good meeting with community members Susan McSwain, Woody Greenberg, and Wisteria Johnson. He noted he would share information later with Ms. McGarry.

Mr. Rutherford:

Mr. Rutherford reported that he had a TJPDC meeting as well as the Regional Housing Partnership. He invited the Board, staff and Planning and Zoning to the Regional Housing Partnership event in March. He asked if the Board would be willing to contribute \$1,000 to the Regional Housing Partnership convention. Ms. Clair noted NCCDF may be able to contribute up to \$500. Mr. Rutherford noted that it would show Nelson's commitment to figuring out affordable housing solutions. He noted that most other localities were looking to contribute \$1,000 also. Ms. McGarry noted the Board contributed \$1,000 to the previous in person convention. The Board was in consensus to fund \$1,000 to the Regional Housing Partnership convention.

B. Appointments

The Board discussed the following appointments:

Nelson County Board of Zoning Appeals

Mr. Rutherford noted they had Jerrold Samford as an applicant to the BZA. He pointed out that Mr. Samford did not check the box to indicate whether he was a resident of Nelson or not. Mr. Parr pointed out this Mr. Samford's home address was Arrington on the application.

Mr. Barton moved to appoint Mr. W. Jerrold Samford to the Board of Zoning Appeals and Mr. Parr seconded the motion. There being no further discussion, Supervisors voted by acclamation to approve the motion.

Jefferson Area Board on Aging (JABA)

Mr. Reed moved to reappoint Ms. Mary Cunningham to the JABA Council on Aging and Mr. Barton seconded the motion. There being no further discussion, Supervisors voted by acclamation to approve the motion.

C. Correspondence

Mr. Rutherford noted he received correspondence from the League of Concerned Citizens. Mr. Parr and Mr. Reed both indicated that they had received the same correspondence, noting it was not dated or signed.

D. Directives

Mr. Rutherford asked if the Board would look at their schedules for November 29th for a work session on the Larkin property. The Board decided to meet at 4 p.m. on November 29th in the Old Board Room. Mr. Rutherford noted that they would need to adjourn and continue from the evening session to November 29, 2022 at 4 p.m. Mr. Rutherford noted that he and Mr. Reed were planning to tour the property again with Mr. Jerry West of Parks and Recreation and Ms. McGarry noted she would like to also attend.

Mr. Rutherford noted that he was in contract to purchase 511 Front Street where the Registrar was located. He indicated that he was hoping to house some of his business in basement portion. He noted that this would be in conflict of interest with lease to County and he would need to abstain from any discussions and negotiations as they related to the lease. Mr. Rutherford reported that he had provided the guidance from State Council of Ethic Conflicts to the County Attorney and by email to the Board. He noted that he planned to close on the property in the next month and a half or so.

Mr. Parr acknowledged the situations that had been going on at the High School and Middle School. He asked if staff would reach out to the School Board office to have a conversation and offer any assistance if possible. He noted the School Division was not present at the meeting as they were busy dealing with the situation. Ms. McGarry noted that she had spoken to Dr. Yarzebinski and Ms. Crystal Choate briefly, but staff would reach out. Mr. Parr pointed out that it was easy as a community to say what was needed, but the data may say differently.

VII. CLOSED SESSION PURSUANT TO §2.2-3711 (A)(7)

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. Parr seconded the motion. There being no further discussion, Supervisors voted unanimously (4-0) 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 (4-0) 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. Barton seconded the motion and there being no further discussion, Supervisors voted unanimously (4-0) by roll call vote to approve the motion.

VIII. ADJOURN AND CONTINUE - EVENING SESSION AT 7PM

At 5:33 p.m., Mr. Barton made a motion to adjourn and continue to the evening session at 7 p.m. Mr. Parr seconded the motion. There being no further discussion, Supervisors approved the motion by vote of acclamation and the meeting adjourned.

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

I. CALL TO ORDER

Mr. Rutherford called the meeting to order at 7:00 p.m. with four (4) Supervisors present to establish a quorum and Mr. Harvey being absent.

II. PUBLIC COMMENTS

Mark Franklin, Roseland, VA

Mr. Franklin noted his understanding that County budget item Community Development was actually Nelson Tourism. He stated that per the County budget synopsis, Tourism received 5% increase to its budget while Parks and Recreation, while understaffed, underfunded and underachieved, received a decrease of 5% or more to its budget. He asked where the community development was in the equation. He asked the Board to start explaining how Community Development was a good expenditure of almost \$400,000 per year. He felt that that Nelson Tourism was no more than a marketing department for a select number of businesses and that was not community development. He stated that the County had redundant and outdated webpages. He felt the County was doing the job that the Chamber of Commerce should do. He felt that the Board needed to prove that the marketing was a good use of tax payer money. He stated that while the County wasted tax dollars to attract tourism, the Board chose not to increase the transient occupancy tax. He indicated that the Board was leaving tax revenue on the table. He asked what was being done to collect more of the tax revenue that was due.

There were no other persons wishing to speak under public comments.

Mr. Rutherford made an adjustment to the agenda to put item B Ordinance O2022-04 before item A SUP #717 Restaurant.

III. PUBLIC HEARINGS

B. Ordinance O2022-04 - Creation of Agricultural & Forestal District – Glass Hollow – 364.68 acres

Per the Code of Nelson County, Virginia, Chapter 9 "Planning and Development," Article V, "Agricultural and Forestal Districts," the creation of a new district requires a public hearing.

Ms. Bishop presented the following:

The Planning & Zoning Department has received an application from Mr. Ben Kessler to create a new 364.68 acre Agricultural and Forestal District to be known as the Glass Hollow Agricultural and Forestal District. The proposed District is located along Glass Hollow Rd (SR 609) and the surrounding area.

“The Agricultural and Forest Conservation District Program is a voluntary program in which farmers, foresters and landowners form an Agricultural and/or Forest Conservation District for the purposes of conserving areas that are rural and agricultural. The property owner continues to hold fee simple title to the land, but the easement restrictions run with the land, for a set term of years. The agreements usually include exceptions that permit the landowner to withdraw from the program under certain circumstances.

Agricultural-Forestal Districts (AFDs) were established by the State of Virginia as a means for counties to offer incentives to landowners to maintain their property in agriculture and forestry. These benefits include (1) eligibility for Land Use taxation, (2) protection from eminent domain and municipal annexation, and (3) protection from frivolous nuisance complaints. These protections are in effect for the duration of the contract period. As a result, the County is able to more accurately plan land use in the region, since the owner agrees not to convert the property to a more intensive use for the duration of the contract. The rural nature of the landscape is maintained and the tax rates remain low since residential development is slowed and county resources are not overburdened.”

Creation of Agricultural & Forestal District – Glass Hollow – 364.68 acres

Per the Code of Nelson County, Virginia, Chapter 9 “Planning and Development,” Article V, “Agricultural and Forestal Districts,” the creation of a new district requires a public hearing.

Parcel Number	Owner	Acreage
6 A 109	Rufus D. Fisher II	6
6 A 105	Kay W. Fracher & Julian Webb, Jr.	53.67
6 A 122	Joseph & Stephanie Shifflett	5.7
6 A 85C	James & Ellen Ewell	13.35
6 5 C9, C10	Roy & Deborah White	23.76, 23.34
6 A 121A, 121	Ben Kessler	20, 60.11
6 5 B1, 6 18 4	Dan Lysy	3.07, 8.44
6 5 C1	Brian & Lori McDermott	4
6 5 C5	Patsy Floyd	7.3
6 5 C4	Heidi Cochran	4.14
6 A 119	Brendon Green & Brenda Pilas	9.56
6 A 107C, 107B	Bobby Bryant	17.19, 3.51
6 18 3	Jane Taylor by Maria Chi (POA)	5.21
6 5 C3	Emily Cochran	2.205
6 A 85	Bruce Wachtel	20
6 5 C3B	Erica Cochran	2.205
6 A 123	Robert Wolfe	5.2
6 A 120C, 120D	Raymond Glass, Sr.	3.35, 4.46
6 A 117	Kenton Trimble	17.14
6 A 118, 120B	Mike Garth	8.51, 0.32
6 5 C2	Dale Grubb	4
6-A-86F	Paul Hudspeth	10.62
6-A-103	Jeri & Lyman Lloyd	14.55
6-A-108	Daniel Monahan	3.77

Please reference Section 9-201 “Evaluation Criteria” for a list of factors to be considered by the Advisory Committee, Planning Commission, and the Board of Supervisors when reviewing the application for AFD #670, as follows:

- a) *The agricultural and forestal significance of land within the district or addition and in areas adjacent thereto;*
- b) *The presence of any significant agricultural lands or significant forestal lands within the district and in areas adjacent thereto that are not now in active agricultural or forestal production;*
- c) *The nature and extent of land uses other than active farming or forestry within the district and in areas adjacent thereto;*

- d) Local developmental patterns and needs;
- e) The comprehensive plan and, if applicable, zoning regulations;
- f) The environmental benefits of retaining the lands in the district for agricultural and forestal uses; and
- g) Any other matter which may be relevant.

In judging the agricultural and forestal significance of land, any relevant agricultural or forestal maps may be considered, as well as soil, climate, topography, other natural factors, markets for agricultural and forestal products, the extent and nature of farm structures, the present status of agriculture and forestry, anticipated trends in agricultural economic conditions and such other factors as may be relevant.

The advisory committee met on July 25 to review and discuss the application and unanimously recommended approval of the application to the Planning Commission (Minutes attached).

A public hearing was held at the Planning Commission meeting on August 24. More information was requested regarding the purpose and implications of AFDs, therefore another public hearing was scheduled for October 26. Additional landowners have joined.

At their meeting on October 26, the Planning Commission voted (6-0) to recommend approval of the application to the Board of Supervisors with the below conditions.

Proposed Conditions:

As a condition to creation of the district, the requirements stated in Section 9-202 of the Code of Nelson County will apply; in addition, the following conditions will also apply:

1. No parcel within the District shall be developed to a use more intensive than that existing on the date of creation of the district, other than uses resulting in more intensive agricultural or forestal production;
2. Parcels of land within the District may only be subdivided by purchase or gift to immediate family members. However, subdivided parcels shall remain in the District for at least until the time of the next scheduled District renewal; and
3. Parcels of land within the District may be sold in their entirety to a non-family member during the term of the District. However, the parcel under new ownership shall remain in the District at least until the time of the next scheduled District renewal.

The Board had no questions for staff.

Mr. Rutherford opened public hearing for Ordinance O2022-04.

Ben Kessler, Afton, VA

Mr. Kessler commented that the neighborhood and Glass Hollow were very ecologically rich with an enduring agricultural history. He noted that it was a tight and neighborly neighborhood and everyone loved it and the way it had been for many years. He indicated that they would like to have the formal designation of their neighborhood to recognize its ecological and historical value. He noted that the designation was a small way to honor the Glass family heritage there.

Susan McSwain, Shipman, VA

Ms. McSwain reported that in 2003, the County approved the very first AFD, the Dutch Creek AFD. She pointed out the following year, she would have 20 years of AFDs in the County. She reported that so far, no one had pulled out of an AFD, so she assumed people were pretty happy being in an AFD. She noted that there was over 8,000 acres in four AFDs, with 98 families. She explained that the Comprehensive Plan referenced AFDs as one of four methods to promote the wise use of agricultural and forestal land, to protect clean water, clean air and the rural nature of the County. She expressed her happiness to see an application come in along the 151 corridor.

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

Ms. McGarry noted that there were three conditions proposed by the Planning Commission and the ordinance contained a total of five. She reviewed the additional items included in the proposed ordinance:

(d) Membership in this AFD does not preclude building a home on land on which no structure exists, or construction of guest house, garage, workshop, barn or similar auxiliary structure as allowed by County Regulations.

(e) The period before first review is five (5) years

Mr. Reed moved to approve **Ordinance O2022-04** and Mr. Parr seconded the motion. There being no further discussion, Supervisors voted unanimously (4-0) by roll call vote to approve the motion and the following ordinance was adopted:

**ORDINANCE O2022-04
NELSON COUNTY BOARD OF SUPERVISORS
AMENDMENT OF THE CODE OF NELSON COUNTY, VIRGINIA
CHAPTER 9 “PLANNING AND DEVELOPMENT,” ARTICLE V,
“AGRICULTURAL AND FORESTAL DISTRICTS”
CREATION OF THE GLASS HOLLOW AGRICULTURAL AND FORESTAL DISTRICT**

WHEREAS, Mr. Ben Kessler has filed application #670 to establish the Glass Hollow Agricultural and Forestal District centered along Glass Hollow Road (Rte. 609) near Rockfish Valley Highway (Rte. 151) from Mill Lane (Rte. 609), extending west south in a nearly continuous swath for approximately 1.4 miles, and ending approximately 0.3 miles before the terminus of Glass Hollow Road, and extending north and south to include properties also accessed by Glass Hollow Road, for a total of **364.68** acres; and

WHEREAS, the parcels to be included in the Glass Hollow Agricultural and Forestal District are as follows:

<u>Parcel Number</u>	<u>Owner</u>	<u>Acreage</u>
6 A 109	Rufus D. Fisher II	6
6 A 105	Kay W. Fracher & Julian Webb, Jr.	53.67
6 A 122	Joseph & Stephanie Shifflett	5.7
6 A 85C	James & Ellen Ewell	13.35
6 5 C9, C10	Roy & Deborah White	23.76, 23.34
6 A 121A, 121	Ben Kessler	20, 60.11
6 5 B1, 6 18 4	Dan Lysy	3.07, 8.44
6 5 C1	Brian & Lori McDermott	4
6 5 C5	Patsy Floyd	7.3
6 5 C4	Heidi Cochran	4.14
6 A 119	Brendon Green & Brenda Pilas	9.56
6 A 107C, 107B	Bobby Bryant	17.19, 3.51
6 18 3	Jane Taylor by Maria Chi (POA)	5.21
6 5 C3	Emily Cochran	2.205
6 A 85	Bruce Wachtel	20
6 5 C3B	Erica Cochran	2.205
6 A 123	Robert Wolfe	5.2
6 A 120C, 120D	Raymond Glass, Sr.	3.35, 4.46
6 A 117	Kenton Trimble	17.14
6 A 118, 120B	Mike Garth	8.51, 0.32
6 5 C2	Dale Grubb	4
6-A-86F	Paul Hudspeth	10.62
6-A-103	Jeri & Lyman Lloyd	14.55
6-A-108	Daniel Monahan	3.77

WHEREAS, all of the property owners voluntarily agreed to subject their properties to the requirements stated in Section 9-202 of the Code of Nelson County and in addition, the following conditions will also apply:

- a. No parcel within the District shall be developed to a use more intensive than that existing on the date of creation of the district, other than uses resulting in more intensive agricultural or forestal production;
- b. Parcels of land within the District may only be subdivided by purchase or gift to

immediate family members. However, subdivided parcels shall remain in the District for at least until the time of the next scheduled District renewal; and

- c. Parcels of land within the District may be sold in their entirety to a non-family member during the term of the District. However, the parcel under new ownership shall remain in the District at least until the time of the next scheduled District renewal; and
- d. Membership in this AFD does not preclude building a home on land on which no structure exists, or construction of guest house, garage, workshop, barn or similar auxiliary structure as allowed by County Regulations.
- e. The period before first review is five (5) years; and

WHEREAS, all procedural matters have been completed pursuant to §15.2-4300 et seq. of the Code of Virginia, 1950 as amended and pursuant Article V, Agricultural and Forestal Districts of the Code of Nelson County; and

WHEREAS, after reviewing the Planning Department’s report, the Agricultural and Forestal Districts Advisory Committee’s recommendation, and considering the comments from the public received at its public hearing held on **November 7, 2022**, it is the Board’s finding that there are significant agricultural and forestal lands within the proposed expanded Districts and the newly proposed District and that they meet the requirements for such designation;

NOW THEREFORE BE IT ORDAINED, by the Nelson County Board of Supervisors that the Code of Nelson County, Chapter 9 “Planning and Development,” Article V, “Agricultural and Forestal Districts” be amended to create the Glass Hollow Agricultural and Forestal District as proposed with the conditions (restrictions) as stated in the applications; which each property owner voluntarily agreed to place on his and/or her property; and

BE IT FURTHER ORDAINED, by the Nelson County Board of Supervisors that this Ordinance becomes effective upon adoption.

A. Special Use Permit #717 – Restaurant

Consideration of a Special Use Permit application requesting County approval to allow a Restaurant use on property zoned A-1 Agricultural. The subject property is located at Tax Map Parcel #22-A-15 at 2884 Rockfish Valley Hwy in Nellysford. The subject property is 2.652 acres and owned by Scott DeFusco & John Washburn.

Ms. Bishop presented the following:

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

Public Hearings Scheduled: P/C – October 26; Board – November 7

Location / Election District: 2884 Rockfish Valley Hwy / Central District

Tax Map Number(s) / Total Acreage: 22-A-15 / 2.652 +/- total

Applicant/Engineer Contact Information: Jamey L. White, P.E., P.O. Box 1334, Forest, VA 24551, 434-660-3007, jwhite@whiteeandd.com

Owner Contact Information: Scott DeFusco, 24 Barn Owl Lane, Nellysford, VA 22958, 703-989-0556, scott@capturelife.com / John Washburn, 10808 Patrick Henry Hwy, Roseland, VA 22967, 434-987-6704, norburn2018@gmail.com

Comments: This property currently contains a single-family dwelling that is proposed to be demolished. The owner is proposing to construct an approximately 3,200 square feet structure to be utilized as a breakfast restaurant with a drive-thru service window. There is another structure near the entrance (on Adial Road) approximately 1,500 square feet that is proposed to be driven through for aesthetic purposes. Both structures are proposed to be barn-style for a “charm of the farm” theme, with the circulation on-site around a fenced area with miniature “Belties,” or Belted Galloway cattle. They are proposed to serve café-style coffees and scratch-made biscuits with hours of operation from 7:00 a.m. to 2:00 p.m.

DISCUSSION:

Land Use / Floodplain: This area is commercial and residential in nature. Zoning in the vicinity is A-1

Agriculture, R-1 Residential, B-1 Business, and RPC Residential Planned Community (Wintergreen). This property is located on the corner of Route 151 and Adial Road. Businesses in the immediate vicinity include the Valley Green Shopping Center, Stoney Creek Family Medicine, Wells Fargo, and Giuseppe's. There are no floodplains located on the property.

Access / Traffic / Parking: There is an existing shared entrance on Adial Road that is proposed to be upgraded to a commercial entrance to serve the restaurant. Comments from VDOT indicate that this entrance will require a minor update that is "practical to accomplish." There is sufficient parking as outlined in Section 12-7-6a of the Zoning Ordinance.

Utilities: An email from Jay Divers with Aqua Virginia, Inc. indicates that they will provide sewer service to the property. They would tap the line on the west side of Route 151, and it would be the developer's responsibility to secure a VDOT Land Use Permit and bore under the roadway to connect service. The applicant submitted information to the Office of Drinking Water who indicated that a public waterworks well would be required.

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

Comprehensive Plan: This property is located in Nellysford, an area designated Neighborhood Mixed Use on the Future Land Use Map in the current Comprehensive Plan. This development model is 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." One principle is to "direct small-scale commercial and residential development into areas designated... Neighborhood Mixed Use..." Additionally, "parking lots should be placed behind buildings or in other areas where the impact of the lot on the neighborhood is minimized. Dark sky lighting and unobtrusive signage is appropriate for all new development." Appropriate land uses in this model 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."

Conditions: At their meeting on October 26, the Planning Commission voted (3-3) to recommend approval of SUP #717 for a restaurant at tax map number 22-A-15 with the following conditions:

1. Hours of operation shall be limited to 7:00 a.m. to 2:00 p.m. daily.
2. Landscaped screening (acceptable to the Director of Planning & Zoning) of the parking lot area from neighboring properties is required to be shown on the final site plan.
3. Lighting shall be directional and glare shielded to prevent light pollution onto adjoining roadways, properties, and the dark night sky.
4. Project shall be served by sewer through Aqua Virginia, Inc. and shall not be served by private septic.

Due to a tie vote of (3-3), the motion failed.

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

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

Ms. Bishop indicated that the applicant would like to request two years to diligently pursue construction of the project. She noted that within the board packets were several comments that had been received from neighbors in the vicinity, as well as one that day from a property owner.

Applicant Jamey White was present to address the Board.

Jamey White - Forest, VA

Mr. White stated that he was with White Engineering and Design. He provided handouts to the Board with updated site plans, noting they had added evergreen buffer to be placed between the property and the neighboring property. He referenced the criteria for special use permits, noting that the use shall not change the character of the area. He pointed out that the area of Nellysford included businesses throughout with some residential as well. He felt that the proposed use was a good fit when you looked at the neighborhood. He noted that another criteria regarding service by adequate utilities and he indicated that AquaVA had confirmed that they could connect for service. Mr. White also noted that they already had a commercial entrance which only needed a few minor changes per the VDOT engineer.

Mr. White addressed the historical significance of the property. He noted that it was an old home that had been vacant for a long time and no one could recall when last occupied. He referenced an environmental assessment that had been performed which revealed asbestos was present throughout. He noted that that the owners had hoped to use the existing building but it would require extensive funds to upgrade. He reported that the owners had already scheduled to take the home down since it was a liability. Mr. White pointed out that neither the State, nor the Department of Historic Resources had the authority to force an owner to upgrade a home and bring it into compliance, or restrict someone from tearing a home down. He noted that the house would be torn down regardless. Mr. White noted the restaurants across the street on Adial Road and 151. He reported that the proposed restaurant would only have breakfast items on the menu.

Mr. Barton asked if the applicant had the asbestos report. Property owner Mr. John Washburn noted he didn't have the report on hand but he could forward the report. Mr. White noted that asbestos was found in numerous location in the house.

Mr. Rutherford opened public hearing.

Steven Patrick, Nellysford, VA

Mr. Patrick noted he was the owner of Ashley's market and commented that he was present to in support of the project. He indicated that he would like to see business promoted in Nellysford. He commented that Nelson County had done a great job in laying out business in the County and in the Nellysford area. He noted that they did need more businesses in the area with restrooms. He noted that his business picked up a lot of the slack in that area. He reported that he spent \$92,000 for an engineered system that needed to be pumped once per year. He noted that some may say he benefits from people stopping at his business, but he noted that buses regularly stop and the people do nothing but use his restrooms. He indicated that it was an issue on that side of 151.

John Washburn, Roseland, VA

Mr. Washburn thanked Board for considering the application and for all that they had done to preserve Nellysford. He stated that he had been a property owner and resident for more than 30 years. He commented that when he developed Bold Rock Hard Cider, there were two elements needed for entrepreneurial development - vision and precision. He stated that precision could be acquired but you could not buy vision. He described the "wants" that expressed the vision. He stated that the community and tourists wanted coffee, biscuits, cider and wine. He then noted that Nelson wanted a development that reflected the rural beauty of Nelson. He commented that he was all about the beauty of Nelson and his track record showed that. Mr. Washburn noted he had spoken to the neighbor, Mrs. Dodd. He stated that she was happy with the project and she wanted to have a green, year round barrier to obscure the parking lot. He then noted that Mrs. Dodd and her family did not mind that the building was to be removed. He noted that Mrs. Dodd wanted biscuits there like her grandmother made. Mr. Washburn stated that he and his business partners wanted to create something special. rural, country, rustic, agricultural, and special. He noted that they were willing to take a risk and put over \$1 million in it.

Andy Wright, Shipman, VA

Mr. Wright commented that he was representing the Nelson Historical Society. He stated that the Society was opposed to destruction of the dwelling at the proposed location. He reported that the house was a contributing resource to the South Rockfish Valley Rural Historic District and a rare example of a large house built in a village context. He noted that County ordinance required all applications for special use permits to be reviewed. He noted the criteria that "the proposed use shall not result in the destruction, loss or damage of any feature determined to be of significant ecological, scenic or historic importance" and stated that was exactly what the applicant was attempting to do. Mr. Wright stated that one of the goals of the current Comprehensive Plan was to preserve and protect the historic features of Nelson County. He noted that the abandoned Atlantic Coast Pipeline had been required by the federal government to provide mitigation for the adverse effects created by the pipeline to only two sites in the entire 300-mile length of its route through Virginia - Nelson County's Warminster Historic District and the South Rockfish Valley

Historic District. He stated that they should do as much as they could to protect those historic resources and others in the county. Mr. Wright pointed out that if the current owner or another owner wished to preserve the house, its designation as a contributing resource by the Department of Historic Resources would make it eligible for state and federal tax credit. He indicated that the Society would be happy to assist in the process. He concluded by asking that the Board deny the permit.

Paul Davis - Nellysford, VA

Mr. Davis stated that he had spoken with Mrs. Dodd personally. He explained that there were five lots from the corner of Adial northbound on 151. He noted that Mrs. Dodd's home was the lot next door to the north of the property being discussed. He then noted that the next lot to the north had a home scheduled for demolition also due to its disrepair and beside that was a vacant lot owned by Mrs. Dodd. Mr. Davis then explained that the next lot had gravel and trucks, noting that he understood someone from the Harvey family owned that. He then noted the next lot beyond that had a historic brick home, Mr. Davis expressed concern for what could happen in the future if the permit was approved. He also noted that one of the Planning Commission members was commenting on the number of special use permits that were coming along. Mr. Davis clarified that Mrs. Dodd would prefer to not have the project happen, but if it were approved, she did not want to see the parking area. He reminded the Board that as businesses were coming in, there were real people that would be impacted.

Steve Bayne - Nellysford, VA

Mr. Bayne requested the Board to deny the special use permit. He asked the Board to consider that the house was a historical treasure and to protect it. He noted that the property was currently zoned residential and stated that the zoning processes were important in managing the overall growth of the County. He commented that tearing down a historical treasure and replacing it would diminish the quaint appeal of Nellysford.

Peter Farley - Roseland, VA

Mr. Farley thanked the Board for the opportunity to endorse the project. He stated that he was a partner in many projects in the area, noting that he was an owner of an office building near the property. He explained that when he worked to design that office building, they also tried to adhere to the spirit of Nelson County which was rural and agricultural, so their office building looked like a big farmhouse. He noted that it was a big office building that had an open feel with an agricultural concept of the area. He also noted that they had a subdivision completed for about 50 homes, reporting that they had built and sold 20 to 25 of the homes within the year. He commented that the people would love to walk down the street and get a coffee and breakfast. Mr. Farley felt that Mr. Washburn was trying to elevate and keep the rural attitude of the County that everyone loves. He noted that Mr. Washburn was not trying to compete directly with any other business based on what he was doing. He commented that it was new and different. He felt it would be a nice attribute to the community.

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

Mr. Reed asked if Ms. Bishop's memo should have included information on the South Rockfish Valley Historical District (SRVHD). Ms. Bishop noted she had not encountered it in a special use permit or rezoning application and it was not something that the County regulated. She indicated that they were getting a layer from Virginia Cultural Resource Information System added on GIS, which would show all of the historic properties in the districts. Mr. Reed asked when the SRVH district was created. Ms. McGarry and Ms. Bishop noted that it was created in 2016. Mr. Rutherford commented that it was during the pipeline timeframe.

Mr. Barton asked when the application for the special use permit was made. Ms. Bishop noted it was submitted at the end of September and went to the Planning Commission on October 26th. Mr. Barton asked about the Planning Commission meeting and the objections. Mr. Rutherford felt that while there were objects, no one really gave a good reason why they objected. He thought that Mr. Harman (PC) was erring toward the fact that it was a historical building. Ms. Bishop commented that Mr. Hauschner (PC) indicated that he felt it did not meet three of the four criteria for a special use permit. Mr. Barton thought that Ms. Allen (PC) felt that there had been a lot of special use permits coming through. Mr. Rutherford noted that had been Ms. Allen's comment at the beginning of the Planning Commission meeting. Mr. Barton noted that he had been to visit the property and it seemed that the area to the north and east of Adial maintained a rural and agricultural atmosphere in Nellysford.

Mr. Barton asked Mr. Washburn who he sold Bold Rock to. Mr. Washburn noted he founded Bold Rock and then sold Bold Rock and became an ambassador for Bold Rock and partner of the new company Artisanal Beverage Ventures. He pointed out that Bold Rock was the second biggest hard cider company in the United States.

Mr. Barton asked Mr. Washburn what his motives were for the proposed restaurant. Mr. Washburn noted the project was about a mission, not about money. Mr. Barton noted that one of his missions was to maintain the rural character of Nelson. Mr. Washburn explained that the only reason he and Mr. DeFusco purchased the property was because they were told by VDOT that they would be the only location eligible for a commercial entrance. He noted the reason was that they were on 151 but they had enough road frontage on Adial for a commercial entrance. He did not feel that the other parcels would take over because VDOT would not allow any additional commercial access along Route 151. Mr. Washburn also noted 25 mph speed limit on Adial. Mr. Barton felt that the Board needed to put off a decision for the time being.

Mr. Barton noted housing shortage and felt the building had potential to house people. Mr. Washburn noted he could not get anyone to come by and go in the house. He reported that the house had shifted on its foundation. He indicated that the asbestos abatement would cost around \$20,000 and noted that the roof, tiling, and the shed all had asbestos. Mr. Washburn further noted that the compound that binds the drywall also had asbestos. Mr. Washburn asked Mr. Barton what he thought would happen there if they let it go. Mr. Barton commented that in order to answer the question, he would need time to think about it.

Mr. Reed noted there were other items he would like to discuss and he felt that Mr. Harvey's input would be important. He wanted for Mr. Harvey to be present to hear the discussion. He agreed with Mr. Barton's suggestion to put it off for a month. He felt that they did not have a lot of time to be thoughtful about it. Mr. Reed also noted that they had received a lot of information during the comprehensive plan process. He indicated that he would also like to wait and give Mr. Harvey an opportunity to weigh in. Mr. Washburn noted he planned to be away from December 20th through March 15th. Mr. Rutherford commented that if they delayed a decision until the next month, that would put it at December 13th.

Mr. Parr indicated that he did not have a problem waiting another month. He noted that he was familiar with location. He pointed out that it was a corner spot and the proposal made sense given surrounding businesses. He thought it looked like a good plan. He respected a delay to allow for Mr. Harvey's input.

Mr. Rutherford noted preserving historical buildings in Nelson was of interest. He noted that asbestos was a serious feat to deal with, just like lead paint. He agreed that the Board should wait for Mr. Harvey's input.

Mr. Reed moved to defer **Special Use Permit #717 Restaurant** to the December meeting. Mr. Barton seconded the motion. There being no further discussion, Supervisors approved the motion by vote of acclamation.

Ms. Bishop asked the Board if they would like to have any additional information before the next meeting. Mr. Barton requested information on asbestos. Mr. Reed wished to see the application or information on the establishment of the South Rockfish Valley Historic District.

IV. OTHER BUSINESS (AS PRESENTED)

Ms. Bishop reported that staff was aware that the Board members had expressed interest in scheduling additional meetings for stakeholders as the Berkley Group began drafting individual chapters for the Comprehensive Plan update. She provided a tentative schedule for the chapters and topics to be discussed at upcoming joint work sessions, noting they were subject to change. and County staff could facilitate additional engagement meetings led by consultants with agencies. She explained that four stakeholder listening sessions were held during the public engagement phase over the summer on Housing and Development, Hospitality, Lodging and Tourism, Agriculture and Agritourism, and Community Organizations. She reported that information request forms had been sent out to applicable departments and agencies for the chapter on Community Facilities and Infrastructure.

Ms. Bishop noted that the Berkley Group and county staff communicated and collected information electronically for each chapter throughout the process. She then noted that County staff planned to reach out to applicable agencies and individuals for feedback. She suggested that County staff could also facilitate meetings with stakeholders internally for additional input. She reported that if the Board desired a higher level of engagement with area organizations and service providers led by the consultants, a scope amendment would be required. She noted that meetings on topics such as transportation, schools, utilities and housing had been discussed. She indicated that the cost to be incurred for four additional meetings would be \$3,600. Ms. Bishop asked the Board if they would like staff to work to get feedback internally or if they would like to pay for the consultants to hold additional sessions.

Ms. Bishop noted there had been suggestions to have a meeting dedicated to the housing issue. Mr. Rutherford commented that if they had additional meetings, they needed to only be about the specific subject of discussion. Ms. Bishop noted these meetings would take place during the drafting of the chapters before the joint work session between the Board and Planning Commission. Ms. Bishop noted that if there were one or two agencies that the Board wanted input from, staff could lead them internally. She then noted that if they wanted the Berkley Group to lead a meeting with a group of people, that would be a little

different. Ms. Bishop also indicated that the Board did not need to make a decision immediately, but she wanted them to be thinking about it. Ms. McGarry noted that staff would be happy to accommodate whatever the Board wanted to do. Mr. Reed felt that the consultants had done a good job getting comments from the public on what they think. He felt it made more sense to have focused internal discussion than another public forum and have to discuss again internally. He did not feel they would have any additional information that they didn't already have.

The Board chose to not take any action on the proposal for additional stakeholder sessions with Berkley Group.

The Board had no other business to discuss.

V. ADJOURN AND CONTINUE TO _____ FOR A WORK SESSION ON THE LARKIN PROPERTY DEVELOPMENT.

At 8:10 p.m., Mr. Parr made a motion to adjourn and continue to November 29, 2022 at 4:00 p.m. for a work session on the Larkin property development. Mr. Reed seconded the motion. There being no further discussion, Supervisors approved the motion by vote of acclamation and the meeting adjourned.