

**Virginia:**

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

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

**I. CALL TO ORDER**

Mr. Rutherford called the meeting to order at 2:01 p.m. with four (4) Supervisors present to establish a quorum. Mr. Harvey arrived shortly after the start of the meeting.

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

**II. PUBLIC COMMENTS**

*Daniel Rutherford, Nelson County’s Commonwealth Attorney*

Mr. Daniel Rutherford announced the approval of \$700,000 in funding for a drug court grant. He noted that it was a four-year grant and thanked the Board for their help. He reported that the grant would pay for the majority of the drug court, which would not require the tax payers to bear the full cost of the program. Mr. Rutherford thanked the Board for their support, as well as community partners OAR (Offender Aid and Restoration), Region Ten, local attorney Kyle Hughes who donated his time, and Circuit Court Judge Mike Doucette. Mr. Rutherford explained that drug court was a tool that his office would be using. He noted that drug court was for addicts, it was not for drug dealers, or violent offenders. He explained that it would be a tool to help people break their addiction. He noted that this would benefit the County and the services offered because people would be in the cycle less and in the courts less, and using services less. He further noted that this would free up resources to allow for them to go after traffickers and violent offenders. He pointed out that it would also free up some space in the jail, noting that the incarceration rates had gone through the roof. Mr. Rutherford thanked the Board and citizens again.

Chairman Rutherford congratulated the Commonwealth Attorney's Office and the County, noting it was a great forward. Chairman Rutherford noted that Mr. Reed had been trying to get this started for a few years. Mr. Reed noted he had started working with the Wellness Alliance about five years ago and was glad to see it was finally coming together.

*Beth Phelps, Victim/Witness Advocate*

Mr. Rutherford pulled the October is Domestic Violence Awareness Month Proclamation from the Consent Agenda.

Ms. Phelps thanked the Board for recognizing October as Domestic Violence Awareness month. She reported that last year, the Nelson County Victim Witness Program offered services to 158 victims of crime, 67 of which were victims of domestic violence. She thanked the Sheriff's Office for the work they do with victims. She noted that these types of calls were the most dangerous calls that they answer. She also thanked the Commonwealth Attorney's Office for their work to bring justice to the victims. Ms. Phelps noted that Victim Witness was hosting their annual candlelight vigil on October 20<sup>th</sup> from 5:30 p.m. to 6:30 p.m. at the Courthouse and extended an invitation to all. She noted that they would be recognizing victims of domestic violence and survivors.

**C. Proclamation – P2022-02 October is Domestic Violence Awareness Month**

Mr. Reed read aloud Proclamation P2022-02 and then moved to adopt P2022-02. Mr. Harvey seconded the motion. There being no further discussion, Supervisors unanimously approved the motion (5-0) by roll call vote and the following proclamation was adopted:

October 11, 2022

**PROCLAMATION P2022-02  
NELSON COUNTY BOARD OF SUPERVISORS  
OCTOBER IS DOMESTIC VIOLENCE AWARENESS MONTH**

**WHEREAS**, the problems of domestic violence are not confined to any group or groups of people but cross all economic, racial and societal barriers, and are supported by societal indifference; and

**WHEREAS**, the crime of domestic violence violates an individual's privacy, dignity, security, and humanity, due to systematic use of physical, emotional, sexual, psychological and economic control and/or abuse, with the impact of this crime being wide-ranging; and

**WHEREAS**, no one person, organization, agency or community can eliminate domestic violence on their own—we must work together to educate our entire population about what can be done to prevent such violence, support victims/survivors and their families, and increase support for agencies providing services to those community members; and

**WHEREAS**, the Shelter for Help in Emergency and the Nelson County Victim/Witness Program have led the way in the County of Nelson in addressing domestic violence by providing 24-hour hot line services to victims/survivors and their families, offering support and information, and empowering survivors to chart their own course for healing; and

**WHEREAS**, the Shelter for Help in Emergency commemorates its 43rd year of providing unparalleled services to women, children and men who have been victimized by domestic violence; and

**WHEREAS**, the Nelson County Victim/Witness Program currently provides victim advocates and a support group for those seeking relief from domestic violence in Nelson County;

**NOW THEREFORE, BE IT RESOLVED**, in recognition of the important work being done by the Shelter for Help in Emergency and the Nelson County Victim/Witness Program, the Nelson County Board of Supervisors do hereby proclaim the month of October 2022 as DOMESTIC VIOLENCE AWARENESS MONTH, and urge all citizens to actively participate in the elimination of personal and institutional violence against women, children and men.

**PUBLIC COMMENTS CONTINUED**

Chairman Rutherford expressed his appreciation to Mr. Will Flory for his work writing the drug court application.

*Eleanor Amidon Afton, VA*

Ms. Amidon noted the two projects under consideration by the County, the agricultural center with Amherst County, and a recreational center on the land behind the high school. She asked what would best serve the people of Nelson County. She stated that she thought an ag center was a good idea, but not one in Amherst County. She also thought a rec center would be nice, but asked how many people would actually use it. Ms. Amidon felt that a better option would be to focus on jobs and the economy. She explained that in addition to agricultural workers, Nelson County needed competent help for homeowners such as plumbers, electricians, solar maintenance technicians and small engine repair mechanics. She pointed out that surrounding counties had community colleges, while Nelson had none. She noted that Nelson had the smallest population of its surrounding counties with about 15,000 residents. She indicated that Greene County, with a population of about 20,000 people had a Piedmont Virginia Community College (PVCC) satellite location, and Charlottesville and Albemarle had both PVCC and the Charlottesville-Albemarle Technical Education Center (CATEC). She noted that CATEC was run by the public schools and offered vocational courses for high school students and adult learners. Ms. Amidon noted that Nelson could start small and determine the types of workers that farmers needed, and then find instructors to teach those skills. She commented that farm to table operations might want classes to segue way into the food preparation and hospitality trades. She explained that instructors could provide wish lists for the type of facility that would best serve them and aid in a step wise approach to building a facility specifically tailored to the needs of Nelson County. She noted they could offer courses to obtain certificates in various trades and build a skilled homegrown workforce of people who want to live and work in Nelson County. She highlighted additional examples, noting that Blue Ridge Community College had a program for veterinary technology and Central Virginia Community College which had offered many courses in skilled trades. She suggested that the County could learn what these programs offer and possibly be able to obtain instructors from these schools who would like to live in Nelson County. She asked the Board to take a long term view on how to best facilitate and enhance an adaptable, sustainable, quality of life in Nelson County.

*Tracy Henke and Stephanie Martin, Nelson Community Wellness Alliance*

Ms. Henke thanked Board for their support. She reported that the Nelson Community Wellness Alliance had received a \$3 million grant to build a community healthcare worker training program within Nelson County. She noted this was a culmination of years of work from Ms. Martin and many others, along with Mr. Reed, who had been an instrumental part of the Alliance. She noted that the Commonwealth Attorney’s Office, Blue Ridge Medical Center, and nearly every agency in Nelson had supported the program. She noted that the grant funds could provide the opportunity to partner with the school district and the community college to create a dual enrollment program or, a have an option where residents could receive training with some financial support and then be able to help with the some of the health provider shortage in the area. She noted that this could create new jobs in Nelson County that were more focused on the serving the citizens. She noted they were working on transportation bridges for people in rural parts of the County without transportation to get to medical appointments. She indicated that this would provide an opportunity for students who are not able to attend a four-year college to get training for a job with a lot of job security for them in the area and region. Ms. Henke reiterated how grateful they were for the opportunity to implement the program and noted that they were excited to get started.

Introduction of New Hire

*Linda Staton, Director of Finance and HR for Nelson County*

Ms. Staton introduced the Finance Department’s newest employee, Brianna Clarkson. Ms. Staton reported that Ms. Clarkson was a Nelson County High School graduate and had also attended and graduated from James Madison University with a Bachelor of Science Degree. She noted that Ms. Clarkson had worked for a health care facility in the Charlottesville area for several years where she had worked her way to Business Office Manager before her hire in Nelson. Mr. Rutherford welcomed Ms. Clarkson.

**II. CONSENT AGENDA**

Mr. Parr moved to approved the remaining items on the Consent Agenda. Mr. Harvey seconded the motion. There being no further discussion, Supervisors approved the motion by vote of acclamation and the following resolutions were adopted:

- A. Resolution – **R2022-57** Minutes for Approval

**RESOLUTION R2022-57  
NELSON COUNTY BOARD OF SUPERVISORS  
APPROVAL OF MINUTES  
(July 12, 2022)**

**RESOLVED**, by the Nelson County Board of Supervisors that the minutes of said Board meetings conducted on **July 12, 2022** be and hereby are approved and authorized for entry into the official record of the Board of Supervisors meetings.

- B. Resolution – **R2022-58** Budget Amendment

**RESOLUTION R2022-58  
NELSON COUNTY BOARD OF SUPERVISORS  
AMENDMENT OF FISCAL YEAR 2022-2023 BUDGET  
October 11, 2022**

**I. Appropriation of Funds (General Fund)**

<u>Amount</u>	<u>Revenue Account (-)</u>	<u>Expenditure Account (+)</u>
\$ 2,711.00	3-100-002404-0035	4-100-031020-7048
\$ 71,432.00	3-100-002404-0035	4-100-031020-7049
\$ 1,704.00	3-100-002404-0035	4-100-031020-7042
<u>\$ 105,943.26</u>	0-100-009999-0001	4-100-031020-5419
<b>\$ 181,790.26</b>		

**IV. PRESENTATIONS**

**A. VDOT Report**

Mr. Daniel Brown of VDOT gave the following report:

Mr. Brown reported that the low shoulder along Route 151 at Bold Rock had been fixed. He then noted that on Route 627 Spruce Creek, brush had been removed and the trees had been trimmed back at the intersection with Route 151 to improve sight distance.

Mr. Brown reported that grade work had been completed on Route 687 North Fork Road to fix the washout areas. He noted that crews were scheduled to start work on Route 680 Cub Creek Road that day. He indicated that the work had been pushed back because of the storm clean up.

Mr. Brown also reported that the structure had been delivered and was being assembled for Route 722 Glade Road. He anticipated that the road would be open by the end of the week. He noted that the slope repairs on Route 718 Mountain Cove Road were nearly complete and the road would be open again by Thursday of that week.

Supervisors then discussed the following VDOT issues:

Mr. Barton:

Mr. Barton had no VDOT issues to discuss.

Mr. Harvey:

Mr. Harvey had no VDOT issues to discuss.

Mr. Reed:

Mr. Reed thanked Mr. Brown for the work.

Mr. Parr:

Mr. Parr noted his appreciation for the work completed with the pipe replacement for Mr. Cottrell's driveway on Lowesville Road. Mr. Rutherford asked the if easement issues had been resolved for the cell tower in Piney River. Mr. Parr noted that it was his understanding that Verizon was moving forward and he thought something had been worked out.

Mr. Rutherford:

Mr. Rutherford had no VDOT issues to discuss. He noted that he had a few conversations with VDOT's Shipman office about some road issues that were taken care of quickly.

**B. Pathways from Poverty to Prosperity – Sarah Hanks, MACAA**

Mr. Chris Sandquist, Nelson County's Monticello Area Community Action Agency (MACAA) representative and Dr. Sarah Hanks, Executive Director of MACAA were present. Mr. Sandquist noted that he and Dr. Hanks had met with Mr. Rutherford a few times to talk about what was being presented. Dr. Hanks gave a presentation on Pathways from Poverty to Prosperity. She provided an overview of the work that MACAA does. She noted that as the state and federally appointed anti-poverty agency, MACAA begins every meeting by reciting the promise of community action. She recited the Promise of Community Action: "Community action changes people's lives, embodies the spirit of hope, improves communities, and makes America a better place to live. We care about the entire community, and we are dedicated to helping people help themselves and each other." Dr. Hanks noted that she has seen the community pull together in Nelson, and recognizes that through the partnership with the Board and other agencies in the County. She noted that MACAA was moving toward being recognized as the go-to poverty elimination leaders in Nelson. She expressed that MACAA would like to be recognized as experts and resources on poverty resources for solutions. She noted that they would like to focus on external collaborations with partners to reach mutual community goals. She noted they wanted to active in the community in regards to economic development and solutions to poverty. She expressed that they wanted to be acting on behalf of and advocating for the people of Nelson County. She noted that they wanted to have expertise and understanding of local needs and wanted to work towards solutions, solving problems, collective impact models and convening of leaders. Dr. Hanks indicated that MACAA wanted to focus more on eliminating the causes of poverty and work at a community level for sustained, lasting change.

Dr. Hanks provided a snapshot of services in Fiscal Year 2022 (FY22). She reported that MACAA operated three primary programs in Nelson: Head Start, Emergency Assistance and Project Discovery. She reported that they operated two Head Start preschool classrooms in Nelson for students ages 3 to 5, both at Rockfish and Tye River Elementary Schools. She noted that both classrooms were fully enrolled in FY22 and have remained fully enrolled at capacity. She explained that they were extending the wait list for students to enroll in preschool at those locations.

Dr. Hanks reported that the Emergency Assistance Program provided assistance to more than 95 households in FY22. She explained that in comparison to the other communities they served, MACAA was seeing that the rate of requests was 62% higher in Nelson, based on the population size. She noted that they had work to do in Nelson to alleviate and eliminate the causes and conditions of poverty.

Dr. Hanks then reported on Project Discovery, which supports high school students in pursuing post-secondary educational opportunities and workforce development career paths, staying in Nelson County when possible, and pursuing opportunities to return to the community and to provide services long term.

Dr. Hanks presented a Portrait of Poverty noting that 13.7% of Nelson households were experiencing poverty which was higher than the 9/9% average in Virginia and just slightly above the national average. She reported that most of the households experiencing poverty were individuals with disabilities, senior citizens, veterans, and households with single parents – primarily women head of households. She provided what an example of poverty might look like, noting it might be a single mother with three children ranging from preschool through fifth grade, who had recently left her partner who, after a construction accident had turned to drug use. She noted that this person was just one of 763 households receiving SNAP benefits, who had enrolled her child in Head Start and had to apply on more than one occasion for utility, rent or mortgage assistance because her income did not meet her needs. She noted that this person had found herself in the described situation because of the extenuating circumstances in the community that lead to sustained cycles of generational poverty. Dr. Hanks noted that MACAA was hopeful to break those cycles.

Dr. Hanks described the Crisis Continuum and its stages.

She explained that individuals in Stage 1 poverty were experiencing mild or moderate circumstances, and those individuals were able to financially recover and remain financially stable after short term intervention. She noted this was typically less than six months.

She explained that Stage 2 was a more severe stage that might require interventions that last up to one year. She pointed that in Stage 3, they were talking about long term sustained community interventions. She noted that many of the individuals experiencing poverty in Nelson, were also engaging in many of the other social services in the community. She explained that by not interrupting those cycles, they were perpetuating generational poverty.

Dr. Hanks reported that the final stage, Stage 4, was a permanent or end stage condition. She noted that those individuals must receive sustained support in some form of economic or direct service for the remainder of their life. She noted that when thinking about the continuum, they wanted to determine the trigger points that could interrupt an individual's progression through the stages and down a pathway toward poverty. She reported that they hoped to develop in partnership with the Board and other agencies in Nelson, a way to identify those individuals early in Stage 1 or 2, and then provide the lasting kind of coaching and change interventions to help individuals and families proceed toward a financially resilient future.

Dr. Hanks explained that in the Pathways to Prosperity, it would be essential to have interagency, coordinated, strategic, resourced approaches. She noted that they needed to do things differently in order to be successful and explained that they wanted to take a two-generation, whole family approach. She noted that many services provided by MACAA and other agencies were only focused on one individual of the household, and not the whole family. She wanted to invite community partners and the Board to engage in a planning conversation to determine how they could achieve a whole family, two-generation approach.

Dr. Hanks listed the six components of two-generation approaches: building social capital, health (including mental health), economic assets, early childhood education, K-12 education, and postsecondary and employment pathways. She noted that all of the components put together would create the system needed to intervene on behalf of children and families.

Dr. Hanks reviewed the next steps, which were to convene an interagency collaborative group of professionals, assess the needs of the community, develop a comprehensive plan, and then begin execute the plan. She noted that none of the agencies or individuals would be doing that work alone and they would focus on a whole family, two-generation approach. She stated that they believed they could interrupt the stages of poverty early and ensure that families, especially children, had a bright future. Dr. Hanks ended her presentation with an invitation to the Board to visit the Head Start classrooms. She noted that it was Head Start Awareness Month.

Mr. Barton asked about MACAA's relationship with the Department of Social Services (DSS) in Nelson. Dr. Hanks noted that MACAA's staff had close relationships with Social Services. She explained that they worked with Social Services on a case by case basis, primarily assessing for rent, mortgage and utility support. She noted that they always wanted to make sure they were maximizing funding from external sources prior to using County or agency funding.

Mr. Barton asked how MACAA knew when someone needed help. Dr. Hanks noted that they did receive referrals for particular kinds of services. She explained that either an individual or family would reach out directly for services, or they would be referred by another Social Services organization. She reported that the agency was continuing to meet food needs, fuel and medication assistance, rent and mortgage assistance, as well as utility assistance. She noted that a primary focus in Nelson has been ensuring that families maintained safe, stable housing which meant, running water, electric and food. Mr. Barton asked if schools made recommendations. Dr. Hanks indicated that they did and noted that most social service organizations in Nelson County would refer families to MACAA for one of those services.

Mr. Sandquist noted that in addition to there being instances of duplicated efforts, there were often times when help arrived late in process. He further explained that help arrived and people were already further down the Crisis Continuum than they should be. Mr. Sandquist noted that if there were some sort of intervention and better communication among the agencies, they would be able to get to people before they got too far down the crisis continuum. He explained that MACAA was happy to sponsor convening an interagency group but they needed the Board to endorse an interagency meeting so they could discuss as a group, ways to intervene sooner. Mr. Barton asked if the jail would refer former inmates who do have trouble finding work after getting out of jail. Mr. Rutherford and Mr. Sandquist were unsure if the jail worked with any of the agencies on that. Mr. Barton noted he would ask about it at the Jail Board meeting. Mr. Sandquist explained that the idea was to get out in front of the issues, rather than duplicate effort or be behind curve. He noted they needed to be talking among the different agencies.

Mr. Rutherford referenced the Crisis Continuum and noted that if Stages 1 and 2 weren't taken care of, poverty became generational. He noted that there was some duplicity in services with different agencies that the Board funded. He asked how the redundancy could be complimented and how other organizations could expand on that. He felt that this helped to identify which groups of people they were trying to help and with which agencies.

Mr. Parr asked if MACAA had a physical presence in Nelson County or if they were just in Charlottesville. Dr. Hanks noted there was an office in the Nelson Center. Mr. Parr asked how people could obtain services, whether they could walk in the office for assistance. Dr. Hanks reported that were currently meeting with people by appointment only, noting that they were facing staffing shortages and working to fill vacant positions. She that they would ultimately like to institute a whole family two-generation, coaching model in Nelson County. She reported that it had worked across the state, noting there had been several pilot programs conducted and funded by Virginia Department of Social Services. She indicated that MACAA saw a great opportunity in Nelson to interrupt the systems and cycles of poverty in Stage 1 and 2.

Mr. Parr mentioned Head Start and Bright Start, noting that that Head Start was federal and Bright Start was state. He asked if it was safe to say that Social Services was more local and MACAA was federal. Dr. Hanks explained that MACAA and Social Services both received state funding. She noted that their Community Services Block Grant (CSBG) funding was federal appropriation entitlement funding for each locality that was designed to provide infrastructure and innovation funds to fight poverty. She noted that Social Services had a directive from the state for their funds. She explained that CSBG funds passed from federal to state and then to community action organizations, which there were 31 in the state. She noted they would be eligible to receive funds from Social Services and those funds would be administered by Social Services. She explained that the Department of Education did not administer Head Start funds, noting that those were direct federal funds. Dr. Hanks noted that in each locality, the State requested that Head Start classrooms be filled first to ensure that federal funds were utilized to serve the most vulnerable students, because restrictions for enrollment in Head Start were more stringent than VPI enrollment and the idea was then to maximize state and local funding to serve children with different needs.

Ms. McGarry asked if MACAA was participating in the Nelson interagency council. Ms. Hanks indicated that they were currently participating. She noted that MACAA was hopeful that in addition to the regular conversations about activities, events and services, that they could convene in a strategic long-term planning way with partners and other members of the community to ensure that they could identify families early in their need, rather than a referral. Mr. Rutherford asked when the interagency council met. Dr. Hanks noted she would follow up on the meeting date as it was on her calendar. Mr. Rutherford noted it would be good to have a Supervisor or two attend the meeting. Dr. Hanks thanked the Board for the opportunity to speak. She noted that she would follow up with each of them regarding the invitation to visit the Head Start classrooms, as well as additional information in document form for their review. Mr. Rutherford thanked Dr. Hanks and Mr. Sandquist for their work.

### C. Superintendent's Report

Dr. Amanda Hester thanked the Board for the opportunity to provide an update on the schools. She noted she was still new to Nelson, having been in the County for about three months. She read the mission of Nelson County Public Schools, which is to educate students to become skilled, responsible citizens, productive and enlightened who contribute to society. She then noted that the vision of Nelson County Public Schools was empowering generations through excellence in education. Dr. Hester announced that all four (4) Nelson County Public Schools had been fully accredited for 2022-2023 school year. She noted that they were proud of the hard work that had been put in by all staff, students and the community.

She noted that they were focused on Division Engagement. She reported that she had a Superintendent Advisory Council that was looking for ways to get all staff together. She reported that they held a Homecoming tailgate event for all School Division staff. She noted that the National Honor Society had been allowed to "Nelsonize" by putting up the mark of the Governor and NC throughout the school. Dr. Hester reported that at the beginning of the school year, the Division held a Convocation day which was professional learning day as well as a celebration. She noted that Dee Shaver was the School Division's Teacher of the Year. She also mentioned their engagement with bus drivers, custodians and cafeteria workers, noting it was an "all in" effort.

Dr. Hester noted that they were also working on Community Engagement. She explained that they used social media to help provide information to the community so that they were able to see what was going on at the schools. She reported that the Homecoming game was a taste of normalcy, and it was great to have the community there. She noted that the School Division also wanted to be present not just at the school buildings, but out in the community. She reported that the School Division had a book bus at the Touch-A-Truck event over the summer. She also highlighted the Drive Your Tractor to School Day which was not only fun, but educational as well. She noted her appreciation for the support from Farm Bureau as well as the community. Dr. Hester mentioned OneNelson awards, noting that anyone could nominate a student, staff member, community member or organization that exemplified the OneNelson spirit. She noted that October was kindness month and it tied back into being a positive contributor to the community. She also noted Rock kindness, which is where people write kind messages on rocks and place them throughout the community to generate a positive message. She noted the generosity and hospitality that was present throughout Nelson.

Dr. Hester noted that instruction was a huge part of what was done daily. She pointed out that they were heavily invested in instruction. She noted that legislation put a big emphasis on literacy plans and supporting that. She explained that literacy plans contributed to the success of students and their future employability. She noted that the students were the cornerstone and they tried make decisions in the best interest of the students. Dr. Hester reported that they had attended conferences and classes to help learn innovative ways to continue to push the schools forward. She reiterated that they were looking to make all students successful, not just certain students. She noted the importance of offering Career and Technical Education classes (CTE).

Dr. Hester reported that Pupil Personnel worked in all aspects of students with disabilities. She noted that the current year was a monitoring year, so they had a constant focus on all the programs run for the students. She reported that ongoing training and professional development was constant, which supported the teachers so they could be able to give back to the students.

Dr. Hester reported that they were using a pilot for an Alternative Education program, called the Governor Pride School (GPS) which was geared to help people find their way back to the classes they needed to be in. She explained that the program was a way to cut down on the amount of lost instructional time due to certain discipline or behavioral issues. She noted that they wanted to hold their students accountable but also support them to be successful in the future. She explained that this would help with attendance rates and on-time graduation rates, which were components of school accreditation.

Dr. Hester reported that Human Resources was continuing to recruit and train highly qualified staff, noting there was shortage of qualified educators. She indicated that they had shifted recruiting to all across the state, as well as the East Coast and Mid-Atlantic. She also reported that they were using creative ways to solve staffing problems. She noted they were using work based learning opportunities to allow an individual to work in the school cafeteria and it had been going very well. Dr. Hester reported that they had held a few workshops, noting they were looking for substitutes as well as bus drivers. She reported that they had done some revamping of evaluations based on the Virginia Department of Education (VDOE) criteria and reviewed expectations with staff.

Dr. Hester reported that Michael Cargill was the new supervisor of Technology. She noted that Mr. Cargill had done a great job introducing some new hardware and software for teachers and instructional assistants to be able to incorporate into teaching. She explained that Mr. Cargill was able to obtain photos of Tye River via drone to determine the best ways to eliminate congestion along the drop off and pick up areas. She noted that Mr. Cargill was helping to create videos and find ways to keep the community engaged.

Dr. Hester credited the School Division's Maintenance department and custodial staff for their constant work in getting the buildings and facilities looking great for the start of the year. Dr. Hester reported that the Greenhouse project was a big project and had taken a long time, but they were closer to completion. Dr. Hester noted the addition of a safe entry at the front of Rockfish River Elementary School to eliminate exterior access points and keep staff and students safe. She reported that Tye River had a new walk-in freezer installed, noting it was a community effort to get completed as the food had to go somewhere while the installation took place. Dr. Hester noted the work done by the Maintenance department to install gravel for the new car rider line at Tye River. She also noted the new lighting on the ballfields at Nelson County High School.

Dr. Hester discussed Transportation, noting that the bus drivers had a very important job in transporting students to and from school safely. She reported that they been training new employees so they could take their CDL tests. She noted they were working with the DMV to obtain third party testing certifications, which would allow them to test in house, rather than going to Roanoke. Dr. Hester reported that Mr. Taylor Ashley, along with other Transportation staff, attended a class in Roanoke to be able to have training on site.

Dr. Hester reported on School Food and Nutrition. She explained that based on the number of students from low-income families in the schools, the School Division had a Community Eligibility Provision. She noted that this meant that all students were provided free breakfast and lunch. She noted the importance of meeting basic needs like food, as it was hard to expect children to be able to focus and learn if they were hungry. She stated how much she appreciated the cafeteria workers for their hard work and involvement in school activities. Dr. Hester reported that the schools had just celebrated Farm to School week, noting they coordinated with local farms and businesses to include locally grown food. Dr. Hester thanked Mr. Danny Johnson of Blue Dog for the freezer space provided to store food while the new freezer was installed at Tye River.

Dr. Hester discussed the OneNelson movement. She noted that the School Division had stepped in to assist families with after school childcare when the YMCA was no longer able to do so. She noted they would continue to assist families and would also reach out to MACAA to work together. Dr. Hester stated that it took a collective effort to be able to make a school division successful. She noted the good working relationships with the Sheriff's Department and County Administration and the School Division staff. She stated that the OneNelson mentality was that everyone was valued and essential.

Dr. Hester thanked the Board for the opportunity to be able to share what is going on at the schools. She noted her appreciation for the opportunity to work together.

Mr. Barton noted education was a participatory sport. He thanked Dr. Hester for the opportunity to be a part of it. Mr. Barton asked about the teacher shortage. Dr. Hester reported that their Human Resources department had done a great job in filling vacancies. She noted they were interviewing for a Spanish position and students were currently participating in an online course. She explained that they had to offer world language as part of the curriculum for the advanced diploma. Mr. Barton asked if there were any programs to allow people to teach while they obtained licensure. She noted provisional licensure was an option. She explained that the Virginia Department of Education was working to market to individuals to get them interested in Education as a career. She noted there had a particular interest in provisional licensure of people in the private sector to allow them to teach Career and Technical Education classes. Mr. Barton noted hard to find places to live in Nelson. He stated that there were people from Nelson who were highly educated, who he felt would be excellent teachers. He asked if they were interested in teaching, if the schools would hire them. Dr. Hester encouraged interested persons to call Crystal Choate, the Director of Human Resources, to learn how to work through the process.

Mr. Rutherford noted state's need to address shortages of teachers and other professions like nursing. Dr. Hester noted she had heard that they were working to streamline the education process to get people into the workforce sooner.

The Board had no other questions. Dr. Hester noted that the pupil count was in the verification process and they hoped to have numbers soon.

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

### **A. Gladstone Depot Project**

Ms. McGarry provided an update to the Gladstone Depot Project, noting she was hoping they would be ready to take action on the subject but staff had not yet received the agreement for the Transportation Alternatives Program (TAP) Grant from the Virginia Department of Transportation (VDOT). She reported that the County was awarded a Transportation Alternatives Grant for the historic Gladstone Depot project. She noted that they received \$586,966 in federal funding, which required a 20% match of about \$147,000.



She noted that once the agreement had been received, that would be a commitment that the Board would be making in local funds or an in-kind match. Ms. McGarry explained that the TAP grant funds were on a reimbursement basis, which meant that the County would front the money for the entire project, and then the federal funds would be drawn down as they were expended on the project. request reimbursement.

Ms. Joanne Absher, President of the Friends of Gladstone Depot, noted that the Friends of Gladstone Depot group was successful in its application for the Transportation Alternatives Grant. She noted that the next step was to work to acquire the 20% match, which was \$147,000. She explained that a recent appraisal of the property had the depot currently valued at \$85,000. She requested that the Board sign the Project Administration agreement once received and that they also provide the remaining balance of the 20% match, which was \$62,000. She noted that they had not received a deadline yet, but hoped to have that information once the agreement had been received. Ms. Absher noted that the full 20% match would need to be budgeted by the start of the project. She also explained that the TAP grant required that the project reach construction or have a contract within four years of awarding the first federal funds. She noted that she along with the Friends of Gladstone Depot would work tirelessly to make the Gladstone Depot a successful community center and transportation museum. She reported that they had many dedicated volunteers, such as John Funk, Vice President of Coleman-Adams Construction Company, who would be volunteering to help manage the project. She noted that in the future, they were looking to form partnerships with the C&O Historical Society, Old Dominion Chapter of Historical Railways, the Department of Conservation and Recreation, James River State Park, Virginia Canals and Navigational Society and the Roanoke Transportation Museum. Ms. Absher explained that the community center would be a venue for a variety of uses like weddings, reunions, senior citizen meetings and future youth programs.

Ms. Absher reported that they also planned to establish a Blueway trail with the assistance of the Department of Conservation and Recreation. She explained that to sustain the community center, they planned to focus on their historical, recreational and tourism resources to become financially independent and an asset to the County. Ms. Absher closed noting that the Friends of Gladstone Depot were anxious to get to work in making the Gladstone Depot a success. She thanked the Board for the time and consideration.

Mr. Rutherford noted a few Board members had visited the Gladstone Depot. Mr. Barton complimented the work done by Ms. Absher to obtain \$586,000 in funding and would only cost the community \$62,000. Ms. Absher noted paperwork for appraisal would be ready later in the week and copies would be provided to the Board. She pointed out that the subject to completion appraisal would be \$755,000. Mr. Reed asked for clarification on the in-kind match, whether that was part of the \$62,000. Ms. Absher noted that the \$147,000, the part that was in-kind was the appraisal amount.

Ms. McGarry noted that with TAP grant funds for the Blue Ridge Tunnel Project, the value of the tunnel was used as an in-kind match, so this project would function similarly. She noted that the cash match would be \$62,000. The Board thanked Ms. Absher and the group for their work. Mr. Rutherford noted they would see Ms. Absher again in November.

The Board took a five-minute recess.

## B. Mutual Aid Agreement with Other Localities

Ms. McGarry reported on the Resolution authorizing the County Administrator to sign joint aid agreements with other localities. She explained that the Code of Virginia provided that a locality may, by ordinance or resolution, authorize its chief administrative officer to arrange for provision of aid to other localities or receipt of aid from other localities in situations where a locality does not declare a local emergency, including approval by the chief administrator of agreements with other localities, subject to availability of resources. She noted this item had come about because the County had lost its Building Official and the current staff were not certified to do certain tasks. She explained that staff had reached out to Amherst to about utilizing their staff for assistance. She noted that Amherst would not be comfortable doing so, unless there was a Mutual Aid agreement in place. She noted that the request was to provide a blanket authorization to enter into mutual aid agreements and then specifically to enter into a mutual aid agreement with Amherst for the provision of local building official services and Erosion and Sediment Control Services.

Ms. McGarry reported that another memorandum of understanding was in the works with Amherst regarding the Blue Ridge Rail Trail where needed bridge deck repairs require both counties to complete the work. She noted that the trail was in both Nelson and Amherst. She noted that the authorization would apply to that memorandum as well. Mr. Barton asked if they resolution would only apply to the specific situations mentioned. Ms. McGarry clarified that the resolution did provide blanket authorization to the County Administrator to enter into mutual aid agreements, but the two specific items mentioned were currently under consideration and would need to be signed. Mr. Harvey asked if the resolution would allow Ms. McGarry to sign any time needed. Mr. Rutherford noted it would within reason. Ms. McGarry

explained that it should allow her to do so any time, but noted that she would report to the Board when entering into those types of agreements.

Mr. Barton moved to approve **Resolution R2022-59** and Mr. Harvey seconded the motion. There being no further discussion, Supervisors approved the motion by vote of acclamation and the following resolution was adopted:

**RESOLUTION R2022-59  
NELSON COUNTY BOARD OF SUPERVISORS  
AUTHORIZATION OF COUNTY ADMINISTRATOR  
TO SIGN JOINT AID AGREEMENTS WITH OTHER LOCALITIES**

**WHEREAS**, Section 15.2-1300.1 of the Code of Virginia, 1950 as Amended provides that a locality may, by ordinance or resolution, authorize its chief administrative officer to arrange for provision of aid to other localities or receipt of aid from other localities in situations where a locality does not declare a local emergency, including approval by the chief administrator of agreements with other localities, subject to availability of resources; and

**WHEREAS**, Nelson County is temporarily in need of mutual aid from a neighboring locality for the provision of local building department building official services and erosion and sediment control services pursuant to Section 36-105 and Section 62.1-44 15:58 of the Code of Virginia, 1950 as Amended;

**NOW THEREFORE BE IT RESOLVED**, by the Nelson County Board of Supervisors that pursuant to Section 15.2-1300.1 of the Code of Virginia, 1950 as Amended, the County Administrator is hereby authorized to arrange for the provision of aid to other localities or receipt of aid from other localities in situations where a local emergency has not been declared, including approval by the County Administrator of agreements with other localities, subject to the availability of resources.

**BE IT FURTHER RESOLVED**, the County Administrator is hereby authorized to enter into a Mutual Aid Agreement with Amherst County for the provision of local building department building official services and erosion and sediment control services pursuant to Section 36-105, and Section 62.1-44 15:58 of the Code of Virginia, 1950 as Amended.

**VI. REPORTS, APPOINTMENTS, DIRECTIVES AND CORRESPONDENCE**

A. Reports

1. County Administrator’s Report

Ms. McGarry reported that she had a note to add the bridge decking repair on the Blue Ridge Rail Trail to her report. She indicated that they had \$30,000 in the budget for the repairs. She explained that the County would pay the \$30,000 in costs and Amherst County would provide the labor for the project. She also noted that Amherst would provide two years of boom axe work along the entire length of the trail. She reported that Amherst County owned a boom axe. She explained that as part of the agreement Amherst County would maintain both sides of the trail, once or twice per year, for the next couple of years. She indicated that once the memorandum of understanding was signed, the materials could be ordered and work would begin once the lumber arrived. She noted that the lumber could take 75 to 90 days to arrive.

Ms. McGarry also reported that there were some functionality issues with the County’s website. She noted that she was unsure of the extent but she did know that the framework for the website was about ten years old. She commented that staff was assessing the situation to see what needed to be done to fix it and noted that they would update the Board as they had more information.

Mr. Reed asked how much of the Blue Ridge Rail Trail was in Nelson and how much was in Amherst. Ms. McGarry noted that she would have to check on that information. Mr. Parr estimated about three miles of the trail was in Nelson and five miles were in Amherst.

Ms. McGarry then reported the following:

**A. Covid-19 (Coronavirus):** Current VDH data for Nelson County, as of October 7, 2022 reflects 2 new cases reported in the last week, and we have a seven (7) day average of new daily cases reported of -.1. There have been 259 cases and 2 deaths over the past 13 weeks as of October 7<sup>th</sup>. Per the CDC Nelson County’s community risk level has changed from Medium to Low. CDC guidance for this level includes: Stay up to date with COVID-19 vaccines. Get tested if you have symptoms. Wear a mask if you have symptoms, a positive test, or exposure to someone with COVID-19. Wear a mask on public transportation. You may choose to wear a mask at any time as an additional precaution to protect yourself and others.

**B. Comprehensive Plan:** The project website is [www.Nelson2042.com](http://www.Nelson2042.com). The next public participation opportunity will be a public input results forum to be held on October 16, 2022 which was rescheduled

from October 2<sup>nd</sup> due to anticipated inclement weather from Hurricane Ian. Four joint work sessions of the Board of Supervisors and Planning Commission will follow on October 25, 2022, January 18, 2023, March 15, 2023, and May 17, 2023.

**C. 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 will be known and can be considered as well as follow up from the first work session.

**D. Courthouse Termite Remediation Project:** This project began September 16<sup>th</sup> and was completed by Jamerson-Lewis Construction on September 30<sup>th</sup> at a cost of \$13,250 with only \$750 of the \$3,000 MEP allowance used.

**E. Local Assistance and Tribal Consistency Fund (LATCF) -ARPA Payments to Counties with Federal Lands:** The County was notified by the U.S. Department of Treasury that it will receive two annual payments of \$50,000 in Federal Fiscal Years 2022 and 2023 under the American Rescue Plan Act (ARPA), a total of \$100,000. These federal LATCF funds have been predominantly awarded to Counties who receive federal Payments in Lieu of Taxes (PILT) funds. Counties must apply for these funds through the Treasury portal by January 31, 2023 and recipients of these funds may use them on any governmental purpose other than lobbying activities. Per Treasury guidance, these funds may be used to meet the non-federal cost-share or matching requirements of other federal programs.

Ms. McGarry noted that one suggested use of the funds was to potentially provide the local match for the Gladstone Depot Project, which was up to the Board.

**F. New Office Building:** The Building Committee meet with PMA Architecture to review their conceptual design findings based upon a detailed space needs study and functional space requirements. PMA developed a high and a low preliminary opinion of probable construction cost of \$12.6M and \$9.6M using a 5-10 year planned staff size of 30 for DSS requiring 9,188 square feet and a 5-10 year planned staff size of 10 for Building Inspections and Planning and Zoning requiring 4,666 square feet – a total of 13,854 Square feet. The difference in the high and low costs correlates to costs associated with either a 50 year building life or a 20-30 year building life. These cost estimates vary greatly from previous estimates due to the current higher cost construction climate resulting in a higher cost per square foot, an in-depth analysis of DSS staffing that indicated that the previous staffing levels used were underestimated, as was the required individual office space needed to accommodate standard furnishings, resulting in a total square footage difference of 4,254 sf. PMA will present these findings and their methodology to the Board at the November meeting along with an opinion of probable construction cost for each department separately. 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 would provide more information on site development costs. Ms. McGarry noted that in looking at a Social Services cost only, the low end cost would be \$6.4 million and high end cost would be \$8.4 million. Mr. Rutherford noted that the estimates came in much higher. He felt it was imperative that they do the DSS building, and possibly consider making updates to the McGinnis building for Building Inspections and Planning and Zoning. Mr. Barton echoed Mr. Rutherford comments regarding the shock from the much higher estimates received from PMA.

Ms. McGarry noted that in defense of the previous architect's estimates, it was a pretty high level review based on numbers that had been provided to them many years before and they had updated the square foot costs and applied an escalation factor to their previously estimated square footage. Ms. McGarry noted that the prior architect was only tasked with updating the numbers originally provided. She explained that they were not asked to do an in depth space study to determine the space needs for the next five to ten years. She pointed out that PMA was hired to provide a more in depth analysis of needs for the future. She noted that PMA designed the offices around the furniture needed for the space, which increased the square footage. Mr. Rutherford encouraged that they strongly consider the scenario with DSS only. Ms. McGarry suggested that evaluating the soils at the proposed site would be a good thing to do since they did not currently have another site option.

**G. Community Business Launch Grant (CBL):** Congratulations to Maureen Kelly in securing \$45,000 Community Business Launch Grant funds; a local match of \$11,250 is required for total program funding of \$56,250. CBL is administered through the Virginia Department of Housing and Community Development (DHCD) and seeks to fill vacant storefronts with community-based expansion or startup ventures. Local CBL programs train entrepreneurs and small-business owners on business planning practices, culminating in a group of finalists pitching their ideas to a panel of judges with winners receiving grant funding and support services from the community to kick-start their new venture.

**H. Department of Justice FY22 Adult Drug Court:** Congratulations to the Commonwealth Attorney's Office on receiving notice of award of \$699,640 in Department of Justice grant funds over 4 years for implementation of an Adult Drug Court in Nelson County. The required local match for this grant is

\$309,696. County Administration and Finance staff will be meeting with CA staff in the very near future to look at the particulars of the award for budgeting and implementation going forward.

Mr. Parr asked if the \$309,000 was over a four-year period. Ms. McGarry noted that she assumed it was, but she had not reviewed it closely enough to know for sure. She commented that would make sense.

**I. Virginia Tourism Corporation (VATC) 2021 Economic Impact Report:** VTC released 2021 economic impacts of tourism in the State and its localities. 2021 tourism spending for Nelson County as reported by VTC reached approximately \$83 million. Direct economic impact and spending by industry was as follows: \$33.3M lodging (including second home spending), \$17.8M food and beverage, \$9.1M retail, \$11.9M recreation, and \$10.8M transport (including both ground and air transportation).

**J. Short-Term Rentals:** Staff is working with the Chair in scheduling the convening of the overall work-group on this subject in November.

**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). As of the first week of July, plans and a revised traffic report have been submitted to VDOT, plans and permit applications for storm water management have been submitted to DEQ, and copies of these submissions along with E&S fees were submitted to Planning and Zoning and Building Inspections. The developer also reported that Army Corp of Engineers and FEMA LOMA permitting was in progress as was Environmental Reporting. The project proposes to construct 136 units in a phased development process.

**L. Staff Reports:** Department and office reports are included within the October 11th agenda document.

Mr. Reed noted he was going to bring up the meeting with Mr. George Miller of the Service Authority, but suggested that Ms. McGarry may be able to provide more information. Ms. McGarry reported that she, Ms. Spivey, Mr. Reed and Mr. McSwain met with George Miller and Jennifer Fitzgerald of the Nelson County Service Authority. She noted they met to discuss all of the different projects underway, as well as the potential to transfer the Piney River System to the Service Authority, the Service Authority's participation in the Comprehensive Plan. She indicated that they also discussed the current capacity of the system and what could potentially be done to increase the capacity in Lovingston, as well as the southern end of the County. She noted that they had discussed evaluating the Larkin property for a reservoir as a way to increase water capacity and possibly serve as a swimming location similar to Lake Monocan in Nellysford. Ms. McGarry noted that the suggestion could be worth looking into further. She explained that there were hurdles to turning over the Piney River System to the Service Authority, one of which being rates. Mr. Reed noted that the rates had not been changed for about ten years. Ms. McGarry suggested looking at potentially increasing the rates, regardless of what happened with ownership of the system.

## 2. Board Reports

### Mr. Barton

Mr. Barton reported that the Jail Authority had not met for the month and the Piedmont Workforce met quarterly.

### Mr. Harvey:

Mr. Harvey had no report.

### Mr. Reed:

Mr. Reed had no report.

### Mr. Parr:

Mr. Parr had no report.

### Mr. Rutherford:

Mr. Rutherford reported that the TPJDC had a meeting and the Regional Housing Partnership had met that morning. He noted they had discussed holding some fundraisers. He reported that the meeting in March and the theme was "Coming Back Home."

Mr. Barton reported that he had gotten a call Mr. Tanger, who was part of the Friends of the Rivers of Virginia, and the Blueway Trail, as well as Float Fisherman of Virginia. He noted that Mr. Tanger and his group had lost river access at Allen's Creek in Gladstone. Mr. Barton explained that Mr. Tanger had found another access point and it had been determined that Weyerhaeuser owned land. Mr. Barton noted that Mr. Tanger along with a few others, wanted to purchase a few acres of land from Weyerhaeuser to obtain a permanent access. Mr. Barton indicated that Mr. Tanger had asked if the Board would support a resolution, noting that he wanted to be on the agenda for the next meeting. Mr. Barton reiterated that no money was wanted, just want support from the County in the form of a resolution that states the County was in favor of the group purchasing the land. Mr. Barton noted that the intention was to provide public access to the river. Mr. Rutherford asked Mr. Barton to have Mr. Tanger reach out to Ms. McGarry regarding details for being added to the November agenda under New and Unfinished Business. Mr. Barton noted that Ms. Absher also knew about the Blueway and this could provide a real opportunity in terms of tourism.

B. Appointments

Board of Zoning Appeals

Mr. Rutherford indicated that they did not currently have any applicants. Ms. Spivey noted they were currently advertising the expiring term.

Nelson County Library Advisory Committee

Ms. Spivey reported that they had received an application from Ms. Jennifer Page that day, noting that she was a North District resident with experience as a librarian. Ms. Spivey indicated that Ms. Susan Huffman, Nelson Memorial Library’s librarian had actually helped connect Ms. Page to the County. Mr. Harvey moved to appoint Jennifer Page as North District representative on the Nelson County Library Advisory Committee. Mr. Reed seconded the motion. There being no further discussion, Supervisors approved the motion by vote of acclamation.

C. Correspondence

The Board had no correspondence to discuss.

D. Directives

The Board did not have any directives.

**VII. CLOSED SESSION PURSUANT TO §2.2-3711 (A)(1) & (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)(1) - “Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body;” – Personnel

(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 (5-0) by roll call vote to approve the motion.

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

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

**VIII. ADJOURN AND CONTINUE - EVENING SESSION AT 7PM**

At 4:56 p.m., Mr. Reed made a motion to adjourn and continue to the evening session at 7 p.m. Mr. Barton 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 five (5) Supervisors present to establish a quorum.

**II. PUBLIC COMMENTS**

*Jeri Lloyd, Afton, VA*

Ms. Lloyd stated she was there to voice concerns regarding the noise levels from a few of the alcohol establishments and asked who was supposed to be monitoring it. She noted that the noise from Brewing Tree was disturbing and the sound traveled. She asked who was responsible for monitoring the sound levels. Mr. Rutherford noted that the complaints should go through the Sheriff’s Office.

*Philip DeJong, Afton, VA*

Mr. DeJong followed up on the noise level comments, noting that it had been a significant problem. Mr. DeJong explained that he was one-quarter mile up the hill from Brewing Tree, but he could hear the lyrics to the music. He noted that he had made calls to the establishment several times. He noted that he had also called the Sheriff’s Office but was told that Sheriff’s Office was not going to respond to the complaint. He stated that something needed to be done regarding the enforcement of the noise ordinance.

There were no other persons wishing to speak under Public Comments.

**III. PUBLIC HEARINGS**

**A. Special Use Permit #716 – Multifamily Dwelling**

Consideration of a Special Use Permit application requesting County approval to allow a Multifamily Dwelling use on property zoned A-1 Agricultural. The subject property is located at Tax Map Parcels #6-A-131 and 6-A-163D at 9485 Rockfish Valley Hwy in Afton. The subject property is 10.94 acres and owned by Rockfish Valley Events LLC.

Ms. Bishop presented the following:

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

*Public Hearings Scheduled:* P/C – September 28; Board – October 11

*Location / Election District:* 9485 Rockfish Valley Hwy / North District

*Tax Map Number(s) / Total Acreage:* 6-A-131 & 163D / 8.13 & 2.81 respectively, +/- total

*Applicant (Contract Purchaser) Contact Information:* Charles Meade & Quakeela Teasley, 4804 Craigs Mill Court, Glen Allen, VA 23060, 804-916-9545 / 804-564-4138, cmeade2261@gmail.com / quateasley3@yahoo.com

*Owner Contact Information:* Rockfish Valley Events LLC (Todd Rath), 161 Wood House Lane, Nellysford, VA 22958, 434-996-7133, toad.rath@bluetoadhardcider.com

*Comments:* This property currently contains several structures, some of which are nonconforming to current setback requirements. The applicants and contract purchasers are proposing to remove these structures and construct two multifamily buildings approximately 5,000 square feet in size each, each with six one-bedroom apartments for use as an “active senior living community” for those 55+ years of age. This is a total of 12 dwelling units, and

would require resubmittal of a Major Site Plan to the Planning Commission. The below section from the Zoning Ordinance addresses multifamily dwellings in the A-1 Agriculture District:

4-10

*Multifamily dwellings.*

*The Board of Supervisors may authorize the issuance of a Special Use Permit for multifamily housing units of up to six (6) units and not more than two (2) stories, provided that the gross density is not greater than one (1) unit per acre for the first four (4) units and one-half (½) acre for units thereafter up to six (6) units. Multifamily dwellings shall be located seventy-five (75) feet or more from any street or highway right-of-way which is fifty (50) feet or greater in width or one hundred (100) feet or more from the centerline of any street less than fifty (50) feet in width. The minimum frontage shall be two hundred fifty (250) feet along a road built to county or state standards.*

*In addition to the guidelines and standards concerning compatibility with existing uses in the neighborhood of the proposed multifamily housing units as outlined in Section 12-3-6 of this ordinance, the Board of Supervisors may require:*

- (1) Evidence from a qualified soil scientist that the soils at the proposed site are suitable for septic fields.*
- (2) Evidence that adequate supplies of drinking water are available.*
- (3) An opinion from the Virginia Department of Highways that the traffic generated will not occasion the need for road improvements.*
- (4) A detailed site plan showing landscaping and screening.*

The applicants have provided items 1-4 above. The existing parcels would be required to be reconfigured as shown on the submitted site plan to comply with density requirements. Ms. Bishop noted that to have six units, they would need to have at least five acres of land.

The applicants met with neighbors in the area to discuss the proposed project on September 21<sup>st</sup>, and it was determined that the applicants would remove all current existing structures on the property. This is noted due to the engineered sewer design showing a potential future retail space in one of these existing structures. Any future proposed retail use would require a separate SUP request and is not included as part of this application.

The applicants have provided a narrative for reference. As a reminder, rent control is not a zoning power and shall not be considered in the review of this land use request. Criteria for Special Use Permit review are included at the end of this report.

**DISCUSSION:**

*Land Use / Floodplain:* This area is residential and agricultural in nature. Zoning in the vicinity is A-1. This property is located on the west side of Route 151, directly across from Silverback Distillery. There are no floodplains located on the property.

*Access / Traffic / Parking:* Ramey Kemp Associates has submitted a Turn Lane Warrant Analysis and Trip Generation Information for the proposed use. According to the report, no additional roadway improvements are required. Comments from VDOT indicate that a standard commercial entrance will be required.

*Utilities:* Aqua Nova Engineering has submitted a Preliminary Design Summary for two conventional onsite sewer systems, attached with this report. Although the report indicates the systems are designed for the two apartment buildings and a retail space, the retail space is not part of this application and the structure shown will be demolished, as noted above. The applicant submitted information to the Office of Drinking Water, who indicated that permitting for a public waterworks well from the Office of Drinking Water is not 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. When total land disturbance of a development exceeds one acre, a Stormwater Management Plan is required to be approved by DEQ.

*Comprehensive Plan:* This property is located in an area designated Rural and Farming in the Comprehensive Plan, which “would promote agricultural uses and compatible open space uses but discourage large scale residential development and commercial development that would

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

*Comprehensive Plan, continued:* The property is located between two Rural Residential Districts which would allow low density residential and compatible nonresidential uses in rural areas where agriculture is not the predominant use. Clustering of residents further protects rural areas... These areas are not expected to be served by water or sewer and therefore must be developed at a density consistent with groundwater availability and the lot sizes need to accommodate septic systems.”

*Conditions:* At their meeting on September 28, the Planning Commission recommended approval (4-1) of SUP #716 for multifamily dwellings at tax map numbers 6-A-131 & 163D with the following conditions:

1. Dwelling units shall only be rented to those individuals 55+ years of age.
2. The maximum number of units shall not exceed 12 units, and each of the two buildings shall not exceed 5,000 square feet each.
3. All existing structures on the property shall be removed prior to the start of construction.
4. The existing boundary lines shall be reconfigured to comply with density requirements in Section 4-10, prior to the issuance of a building permit.
5. A landscape buffer along Route 151 is required, as shown on the site plan dated September 14, 2022.
6. A fence 6' in height lined with evergreen vegetation shall be installed along all property boundaries.
7. All lighting shall be directional and glare shielded to prevent light pollution onto adjoining properties, roadways, and the dark night sky.

Additional staff recommended condition following the Planning Commission meeting:

8. The units shall not be utilized for short-term rental purposes.

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

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

Ms. Bishop noted that should the Board approve the special use permit, the applicant would be looking to have a two to three-year time frame to begin construction, as opposed to the normal one-year time frame.

Applicants, Ms. Quakeela Teasley and Mr. Charles Meade were present to address the Board. Ms. Teasley introduced herself and Mr. Meade. She noted that Mr. Meade had thirty years of facilities management experience, working in hospitals, nursing homes, assisted living and independent living facilities. Ms. Teasley noted that she grew up in Nelson on the family farm and had spent ten years as a nurse, with half of those years caring for many adults in their homes. She explained that she and Mr. Meade decided to combine their skillsets in working with the elderly to form the DeLander at Nelson.

She explained that they were looking design a boutique community specifically for those age 55 and older. She noted that their goal was to populate the DeLander with at least 50% Nelson residents, where every member would be family, living in a warm, safe, socially active and low maintenance space. She explained that the objective was to stimulate the family members by offering in-home activities including but not limited to games, our treat meals, happy hour, outside entertainment and classes. She also noted scheduled outings, including but not limited trips to the grocery store, doctor’s office, library and community event visits. Ms. Teasley explained that herself and Mr. Meade would serve in the key roles as property administrator, facilities director and hospitality companion. She assured the Board that they had no interest



in transitioning the project into anything other than a home for seniors. She noted that they did not want to transition into an Airbnb or an assisted living facility, and confirmed that there would be no retail space there.

Ms. Teasley explained that they currently were consulting with an architect in Charlottesville with whom they intended to hire if the project was approved. She noted that they envisioned a facility with a non-commercial appearance and country feel to fit into the surrounding environment to include a beautiful courtyard which would be landscaped and equipped to enjoy with family and friends. She also noted that the driveway and parking spaces would be paved, and a six-foot-high fence along property boundaries would aid in personal safety. Ms. Teasley explained that the interior community spaces would include a kitchen, dining and living space, workout room, laundry room, office and half bath. She noted that each private apartment would also include a kitchen, bathroom, one bedroom, closets and personal HVAC units. She reported that safety was a high priority, noting that indoor and outdoor spaces would be equipped with security cameras and non-intrusive lighting. She noted that the structures would include smoke detectors, sprinklers and an emergency evacuation plan. She explained that only senior community members would be allowed to live on the property, but family, friends and children were welcome to visit as they wished.

Ms. Teasley noted that even though they would be a non-medical community, their members' health statuses were very important. She noted that they would be in constant monitoring of mental and medical changes and would relay concerns to family members and loved ones if alterations became evident. She indicated that they would encourage the use of a medical alert system for all members. She explained that their application process included an evaluation to ensure that applicants would be able to perform all necessary activities of daily living by completing a physical exam with a health care provider. She noted that the business side of the application included normal financial and personal background checks, verification of ability to pay and reference checks. She noted that they did not knock the idea of government assistance housing but the DeLander would not be considered affordable housing. Ms. Teasley noted that they hoped to finance the endeavor with personal funds and a small business loan.

Mr. Rutherford asked if the Board had any questions for the applicant or staff. Mr. Reed asked if there was a second entrance on Rockfish Valley Highway. Mr. Meade noted that there was only one entrance, which was across the road from Silverback Distillery. Mr. Meade and Ms. Teasley reported that the current structures on the property would be removed. Mr. Reed asked about earlier discussion of retail space. Mr. Meade and Ms. Teasley noted they were not looking to have retail space, noting there was an old Country store on the property, but that would be coming down.

Mr. Rutherford opened the public hearing.

*Jeri Lloyd, Afton, VA*

Ms. Lloyd noted her property adjoined the proposed location on the south side and across from it as well. She cited concerns about more traffic in and out of the driveway. She noted two accidents had happened in front of her driveway and had concerns about additional traffic in that particular spot. She did not think that the residents would be independent individuals. Ms. Lloyd noted that she did not agree with an additional time frame beyond the one year. She noted that she did not mind the proposal and felt it was much better than the alcohol special use permits. She noted that she felt that some of the beauty was going to be taken away.

*Deanna Mitchelson-Shaver, Shipman, VA*

Ms. Shaver noted she was speaking on behalf of the applicants, Ms. Teasley and Mr. Meade. Ms. Shaver noted that both she and Ms. Teasley were native daughters of Nelson County, coming from a long line of citizens who had invested a lot of time and energy in the community. Ms. Shaver reported that she was in her seventh year teaching in Nelson County and had recently closed on a new construction home and intended to retire in Nelson. She noted the need for senior housing in the County and Ms. Teasley and Mr. Meade were offering to fulfill that need. Ms. Shaver noted that often times people had to travel outside of Nelson to fulfill a need. She thought it would be great to be able to fulfill a need locally. Ms. Shaver noted that Ms. Teasley was not an outsider, rather a graduate of Nelson County High School, seeking to reinvest in her community. She asked that the Board allow Ms. Teasley the opportunity to fulfill a need.

*Brad Johnson Shipman, VA*

Mr. Johnson noted that the family had been in the County for seven or more generations and that Ms. Teasley was coming back to help improve and build upon the success of the County. He asked the Board to give the project serious consideration.

*Phillip DeJong, Afton, VA*

Mr. DeJong noted that they hosted gathering with the neighbors and applicants to discuss the project vision. He noted that the project was not his first choice. He indicated that his property would be impacted but, he hoped, in a way that would be positive in nature. He encouraged the application to go forward.

*Philip Purvis, Shipman, VA*

Mr. Purvis stated that he was in favor of property rights but had concerns about traffic on 151 with all of the special use permits through there. He felt that a different location would be better and noted that he would rather see single family homes. He felt that all the special use permits being issued were contributing to the traffic on 151. He cited two recent accidents on 151, one of which resulted in a fatality.

*C'ta Mitchelson-Delaurier Shipman, VA*

Ms. Mitchelson-Delaurier asked the Board to consider and approve the applicant's proposal. She noted that Ms. Teasley was a native of Nelson and looking to serve the community.

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

The Board had no questions for staff or the applicants.

Mr. Barton noted that he was a widower and intended to live as long as he could in his own home. He felt that if he had to go somewhere, he would benefit from being there and cared for by Ms. Teasley. He felt that the project would benefit many people, greatly.

Mr. Rutherford suggested approval with conditions from the Planning Commission and the suggested condition from staff. Ms. Bishop reminded the Board of the consideration of a time period longer than one year. Mr. Rutherford felt that was a reasonable addition and noted conditions 1-8, plus a two to three-year timeframe to diligently pursue construction.

Mr. Parr noted there were some valid concerns brought up. He asked what the timeframe extension was needed for. Mr. Meade noted they were unsure of the timeline and having all of the details together. He felt that the land clearing could likely happen sooner. Mr. Meade and Ms. Teasley noted that the land acquisition was scheduled close on October 14<sup>th</sup>, but it was contingent on the approval of the special use permit. Mr. Parr felt that the project helped to balance out some of the other projects that had been approved along the 151 corridor and noted that the project was geared towards the seniors of Nelson. He noted that they relied on VDOT's expertise and recommendations. Mr. Meade noted they were working with Daniel Brown of VDOT in Lynchburg. Mr. Parr felt that the project may help buffer some of the noise.

Mr. Rutherford noted the construction timeframe meant materials had to go up. He noted that he did not think that site clearing could be considered in that. Ms. Bishop noted that Mr. Rutherford was correct. She explained that there was an opinion from the County attorney that confirmed that the construction timeframe meant exactly that. Mr. Rutherford reiterated that materials must go up. Ms. Bishop noted that they did not know what the footprint of the land disturbance would be, but if it was over one acre, they would have to get land disturbance approvals through DEQ which often could take over one year. Ms. Bishop noted that VDOT had initiated its Route 151 corridor study which should be completed by spring. Mr. Reed asked Ms. Bishop to read the 9th proposed condition. She noted that construction be pursued within 2 years of the approval date. Mr. Reed asked if that condition was not met, whether the applicants would have to reapply. Ms. Bishop indicated that was correct.

Mr. Rutherford noted that he was excited about the project. Mr. Reed noted the presentation was exemplary and he would like to see more applicants do that.

Mr. Harvey asked about the size of the property. Ms. Bishop noted that it was close to 11 acres and the lot sizes would have to be reconfigured to have at least 5 acres each. Mr. Harvey asked if they could add more houses or units. Ms. Bishop noted that this was the highest density that could be achieved. She noted the density rate was one units per acre and then a half acre per additional unit. She showed the parcels on the screen.

Mr. Reed moved to approve Special Use Permit #716 with the seven conditions from the Planning Commission, the additional staff recommended condition and the ninth condition requiring that construction happen within two years of the approval date. Mr. Barton seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

**B. Ordinance O2022-03 – Dogs Running at Large**

Consideration of an Ordinance proposed for passage to amend Chapter 3, Animals, Article 2 Dogs and Cats to incorporate changes to the provisions pertaining to the prohibition of dogs running at large. This amendment will eliminate written warnings for dogs running at large and make it punishable as a Class 1 misdemeanor. **Exemptions to this ordinance remain in effect for hunting dogs, during field trials or training, when in a fenced in dog park or exercise area, service dogs when leashing is not required, during public service training, and working farm dogs engaged in guarding or herding farm animals.**

Mr. Harvey commented on the Dogs Running at Large, stating he did not know why it was on the agenda again. He noted that they had spent a lot of time talking about it, and it was what it was. Ms. McGarry explained that they were amending the language in the ordinance and she would explain it. Mr. Rutherford noted that the ordinance already existed, they were just making a slight change.

Ms. McGarry presented the K-9 at Large ordinance. She reported that they were there to consider an ordinance proposed for passed to amend Chapter 3, Animals, Article 2 Dogs and Cats, to incorporate changes to the provisions pertaining to the prohibition of dogs running at large. She explained that the amendment would eliminate written warnings for dogs running at large and make it punishable as a Class 1 misdemeanor. She reiterated that exemptions to the ordinance would remain in effect for hunting dogs, during field trials or training, when in a fenced in dog park or exercise area, service dogs when leashing is not required, during public service training, and working farm dogs engaged in guarding or herding farm animals. Ms. McGarry noted that the primary, and only change, was to eliminate the written warnings for dogs running at large and make it a Class 1 misdemeanor.

Officer Kevin Wright, Nelson County Animal Control, was present for the public hearing. Officer Wright explained that after putting the current ordinance to work for the last two years in the courts. He noted they had learned a lot from it and determined the loopholes. He stated that based on the work put in with the County Attorney, he felt the proposed revisions would solve the issues.

Officer Wright noted they had 111 written warnings (Strike 1) when the ordinance first went into effect, and then from there, 21 civil penalties were issued (Strike 2). He explained that those 21 people were in violation within days of the initial written warning. He noted that most of the 21 issued penalties chose to surrender their dogs to avoid a Class 1 misdemeanor. He then reported that of the 21 civil penalties issued, five of those were charged with Class 1 misdemeanors. He noted that all but one of the Class 1 misdemeanors had been to court and convicted so far. Officer Wright noted that there were usually other factors involved, and other things going on than just a k-9 at large. He cited a recent situation with a k-9 that went and attacked another k-9, and they used officer discretion to work with the owner to allow him to keep his dog, shortly after that the dog got out and killed another dog. Officer Wright noted that he would appreciate the Board's consideration of the proposed amendment.

Mr. Harvey asked what happened to the dog after the second instance. Officer Wright noted that after the dog attacked and killed another dog, it was shot and killed.

Mr. Rutherford opened the public hearing.

*Jeri Lloyd, Afton, VA*

Ms. Lloyd noted that she lived next door to Silverback and one house up from Brewing Tree. She explained that she owned property to the river and there had been numerous times where patrons of Brewing Tree had dogs at the river while she had her dogs at the river on her property and under her control and while none of the patrons' dogs had attacked, they had charged at her on her property. She asked how the change would impact that situation.

*Mary Cunningham, Afton, VA*

Ms. Cunningham noted she was a dog owner and he escapes from their control. She explained that the dog was kept inside and kept in a fence and leashed, but he did escape because he was a Husky and it was in his nature. She noted that they had gotten the dog since COVID and we still training him. She commented that she had spoken with Officer Wright several times and he had been great to work with. She stated that she was concerned that if her dog stepped onto the neighbor's property, she would be charged with a Class 1 misdemeanor. She asked about possibly including a good neighbor clause where the owner needed to be contacted first. She explained that they were always right after their dog when got out. She asked that officers first consider the animals history and background in each case.

*Phillip Purvis, Shipman, VA*

Mr. Purvis stated he was confused and asked how the proposed ordinance related to hunting dogs when they are out hunting and cross onto someone else's property. Mr. Harvey noted that if the dog was tagged and licensed, it was legal. Mr. Rutherford noted that hunting dogs were exempt.

*Teresa Coffey, Montebello, VA*

Ms. Coffey noted that they were one of the few people who had heated and cooled kennels for their dogs. She noted her concerns on how the amendment would impact dogs being able to be out and about in the country.

Mr. Rutherford closed the public hearing.

Mr. Parr read from the ordinance when a dog was not considered to be running at large noting that dogs used for hunting were exempt.

Mr. Parr asked how many of the initial 111 warnings were just good neighbor dogs that got loose. Officer Wright explained that 111 warnings occurred when the ordinance first had passed. He noted that there had been a lot of people that did not know the ordinance had just passed, so that was why the numbers were up at that initial point. He explained that the numbers then went down from there. Officer Wright understood where Ms. Cunningham was coming from when she talked about having a good neighbor clause. He noted that they were not trying to change the dynamic of neighborhoods. They were trying to encourage the country living that Ms. Coffey mentioned. He pointed out that in his neighborhood, dogs were running all of the place. He noted he didn't try to change it because the neighbors were okay with it. He noted that not all areas were like that and all it took was one situation where someone didn't agree that a dog was being friendly. He explained that not all situations could be resolved by talking it over. He noted that it had turned into a circus in court and what they had proposed would shut it down.

Mr. Harvey asked about the warnings, Mr. Rutherford noted they had warnings currently but they weren't working in cases where there were bad dogs.

Mr. Parr noted he was on the original committee for the K-9 at large ordinance. He noted that the committee thought having the warning was a good thing but it had turned into an issue in court. He noted that taking the language out of the ordinance was not necessarily taking the ability to issue a warning away. He noted that officer discretion would still be there to use warnings but they would now have the discretion to use the law. Officer Wright confirmed that they still had the ability to issue a written warning but they would have the discretion to skip forward to charges if needed.

Mr. Barton made a motion to approve **O2022-03** Dogs Running at Large as presented. Mr. Parr seconded the motion. Mr. Harvey noted he wanted make sure that the officers would use good judgment. Mr. Rutherford noted that the ordinance gave the officers discretion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion and the following ordinance was adopted:

**ORDINANCE 2022-03  
NELSON COUNTY BOARD OF SUPERVISORS  
AMENDMENT OF THE CODE OF NELSON COUNTY  
CHAPTER 3, ANIMALS, ARTICLE II DOGS AND CATS  
SEC. 3-43 DOGS RUNNING AT LARGE**

*Amend*

**Sec. 3-43. Dogs running at large.**

An owner shall not allow his/her dog to run at large in the county, subject to the following:

(a) *When a dog is deemed to run at large.*

- (1) For the purposes of this section, a dog is deemed to "run at large" while roaming or running off the property of its owner or custodian and is not under its owner's or custodian's immediate control. Under "immediate control" shall mean (i) secured by leash or lead, or (ii) under control of a responsible person and obedient to that person's commands, or (iii) within the real property limits of its owner or other person consenting to its presence.
- (2) "Off the property of its owner or custodian" includes, ~~but is not limited to, an easement burdening~~ the property of the dog's owner or custodian, or other person consenting to the dog's presence, **in which a third party has a property right such as an easement for ingress and egress or for a public right-of-way, public road, public sidewalk, or public trail.**

(b) *When a dog is not considered to be running at large.*

A dog is not considered to "run at large" in the following circumstances:

*Dogs used for hunting.* Dogs used for hunting are exempted from the prohibitions of this article ordinance and shall not be deemed to be running at large provided any such dog is wearing a collar with a tag showing the name and telephone number of the owner of the dog.

*Field trials or training.* During field trials or formal obedience, agility, or similar training periods when the dog is accompanied by its owner or custodian.

*Fenced dog park or exercise area.* When the dog is in a securely fenced, specifically designated dog park or dog exercise area established by the county or another governmental entity, a homeowner's association, or a community organization, where the fencing is designed to prevent a dog from escaping.

*Service dog; when leashing is not required.* When the dog is a service animal whose handler, because of a disability, is unable to use a harness, leash, or other tether, or the use of such a device would interfere with the service dog's safe and effective performance of work or tasks, provided that the service dog is otherwise under the handler's control through voice control, signals, or other effective means.

*Public service training.* During search and rescue and similar public service training when the dog is accompanied by its owner or custodian, or by a qualified handler, provided the owner, custodian, or handler has the express permission of the owner or occupant of the property on which the dogs are being trained.

*Working farm dogs.* When the dog is a working farm dog that is either guarding or herding cows, fowl, goats, sheep, swine, or other domestic animals normally raised on a farm. **When the dog is not engaged in guarding or herding farm animals, the exception does not apply.**

(c) *When a dog is reported to be running at large. Penalties*

(1) Except as provided in subsection (2) below, ~~upon receipt of a complaint, the animal control officer shall investigate and, if satisfied of the truth of the complaint, issue a warning, in writing, to the owner or custodian of the dog that any future violation shall result in the imposition of a one hundred fifty dollars (\$150.00) civil penalty. Any person who permits his dog to run at large shall be deemed to have violated this ordinance which shall be punishable as summoned or issued a ticket for a violation may make an appearance in person or in writing by mail to the treasurer prior to the date fixed for trial in court. Any person so appearing may enter a waiver of trial, admit liability, and pay the civil penalty of one hundred fifty dollars (\$150.00). Imposition of civil penalties shall not preclude an action for injunctive, declaratory, or other equitable relief. A second and subsequent violation shall be a Class 1 misdemeanor.~~

(2) The owner or custodian of a dog found running at large in a pack shall be subject to a civil penalty of one hundred dollars (\$100.00) per dog so found. **For the purpose of this ordinance, a dog shall be deemed to be running at large in a pack if it is running at large in the company of one or more other dogs that are also running at large. The civil penalty shall be deposited by the Treasurer pursuant to the provision of Virginia Code § 3.2-6534.** ~~Any person summoned or issued a ticket for a violation may make an appearance in person or in writing by mail to the treasurer prior to the date fixed for trial in court. Any person so appearing may enter a waiver of trial, admit liability, and pay the civil penalty.~~

(3) Proceedings pursuant to this section may only be initiated by an ~~a~~Animal ~~e~~Control ~~o~~fficer or other law enforcement officer.

(d) *Seizure, impoundment and disposition.* Any dog observed or captured while unlawfully running at large may be seized, impounded and disposed of by an ~~a~~Animal ~~e~~Control ~~o~~fficer or other law enforcement officer pursuant to Virginia Code § 3.2-6546.

**IV. OTHER BUSINESS (AS PRESENTED)**

Mr. Rutherford introduced Matthew Drumheller, Nelson County High School Student and resident of property adjoining the Larkin property. Mr. Rutherford reported that Mr. Drumheller had given he and Mr. Reed a tour of the Larkin property, and welcomed other Board members to take a tour. Mr. Rutherford noted that Mr. Drumheller was interested in government and had applied to six schools. He asked that Mr. Drumheller coordinate with the remaining Board members to schedule tours of the property. Mr. Drumheller asked to address the Board.

*Matthew Drumheller Lovington, VA*

Mr. Drumheller reported that he was a senior at NCHS and for his project for Governor's School, he was

focusing on civic engagement. He noted that he felt the people of Nelson County needed more opportunities for engagement. He extended an invitation to the Board for a Town Hall at the Nelson Heritage Center on November 20, 2022. He explained that this would be an opportunity for citizens to ask questions and allow for the Board to engage with them directly. Mr. Rutherford noted they would just need to work out the details on having two Board members present at a time due to FOIA rules.

Appointment of Building Code Official

Mr. Parr moved to appoint Jeremy Marrs as Building Code Official. Mr. Barton seconded the motion. There being no further discussion, Supervisors approved the motion (5-0) by roll call vote.

Mr. Rutherford congratulated Mr. Marrs on his new position. Mr. Marrs thanked the Board and Administration for the opportunity, noting he would not let them down.

Amherst-Nelson Ag Facility

Mr. Parr brought up the ag facility with Amherst, noting they had worked for over two years on the project and approved a feasibility study. He noted they were presented with the results of the study and the discussion fizzled. He noted that he had been approached by an Amherst County Board member who was disappointed to not have a conversation. Mr. Parr indicated that he wanted to take the opportunity to sit down have a conversation between the two Boards. He noted that after that, if they decided to not do the project, they could move on. He did not feel there was closure.

Mr. Parr made a motion to direct staff to coordinate a joint meeting with Amherst Board to discuss the feasibility study. Mr. Harvey seconded the motion. Mr. Reed noted his opinion had not changed and he felt that to ask for a motion in the meeting that evening without preparing the Board with an opportunity to address it directly was poor protocol. He did not feel that it was in the best interest of Nelson County to invest funds or energy in something that would not be an economic generator for Nelson as it would for Amherst. Mr. Barton noted he felt that the project was dead. He cited the visit to the other facility and their use of tobacco money. He felt that there were other needs in Nelson. Mr. Parr noted that the feasibility study was commissioned and needed to be finished up with a meeting of both boards. Mr. Barton felt it was best to discontinue interests. Mr. Rutherford agreed with the motion but wanted to have a phone call with Amherst's Chair and County Administrator. He noted that Amherst had also gotten some resistance to the project. Ms. McGarry noted her only interaction with Amherst was via email to relate to the former County Administrator that Nelson did not want to meet at that time. Mr. Parr wanted to sit down collectively with Amherst, if they were still interested in having the conversation.

Mr. Parr wanted to have action that evening and a vote on whether or not to meet. Mr. Reed stated that the Board had already voted to not have a meeting. Mr. Parr noted that no vote had been taken, just a conversation. Mr. Rutherford thought it was done by consensus not by motion. Ms. McGarry had Ms. Spivey review notes from the meeting. Ms. Spivey noted there was discussion about having a meeting under Directives it appeared to have been put to a vote with three members not wishing to meet. Mr. Parr asked for staff to review the tape from the meeting to determine whether a vote took place. Mr. Rutherford noted that if a general consensus was taken at the prior meeting, that was not a vote. Mr. Parr noted that it was just a sit-down meeting. Mr. Rutherford asked that staff check back to determine whether a vote was taken. Mr. Parr asked if they could vote on the motion and second on the table with it being contingent on following protocol.

The Board discussed whether the entire Board needed to meet with Amherst or just one or two members. Mr. Rutherford noted that Mr. Parr wanted both Boards to meet. Mr. Parr wanted the full Board to get the information at the same time rather than second hand. Mr. Rutherford noted that if they did schedule a joint meeting, it did not obligate Board members to attend. Mr. Reed noted they did not have people coming out to voice their opinions or support of the potential project. He noted the work that Chatham had to do to chase money for their facility. He pointed out that the manager of the facility seemed to not be looking forward to having a competing ag center because that would make his job more difficult.

Mr. Rutherford asked that staff go back and listen to see if there was a vote and if that meant there was a year waiting period before they could revisit the subject, and then he wanted to have a conversation with Amherst's chair before setting up a meeting. Mr. Rutherford called for a vote. Supervisors voted (3-2) by roll call vote to approve the motion with Mr. Reed and Mr. Barton voting no.

Mr. Rutherford reminded everyone that there was a Comprehensive Plan Results session at the Nelson Center that Sunday at 3 p.m.

**V. ADJOURN AND CONTINUE TO OCTOBER 24, 2022 AT 6:30 P.M. FOR A JOINT MEETING WITH THE NELSON COUNTY SCHOOL BOARD**

At 8:45 p.m., Mr. Reed made a motion to adjourn and continue to October 24, 2022 at 6:30 p.m. for a

October 11, 2022

joint meeting with the Nelson County School Board. Mr. Barton seconded the motion. There being no further discussion, Supervisors approved the motion by vote of acclamation and the meeting adjourned.