

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 p.m. with five (5) Supervisors present to establish a quorum.

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

II. PUBLIC COMMENTS

Steve Bayne, Nellysford, VA

Mr. Bayne asked the Board to view the big picture of the Route 151 corridor. He explained that the Route 151 was struggling chronically and increasingly to service volume along the corridor due to rampant development combined with explosive agritourism and accelerating commuter volume. He noted that if they looked at social media, they would see a multitude of residents with stories of unsafe conditions. He stressed that the responsible parties present in the room, including the Board of Supervisors, Planning Department, Planning Commission and VDOT, needed to act immediately in order to avert further tragic but avoidable growing pains for Nelson County.

Mr. Bayne reported that he and his wife attended the Comprehensive Plan workshops and saw that the residents were essentially unanimous in avoiding the 151 corridor for further development. He noted that the workgroups focused solely on limited growth and development targeted for the eastern half of the County, avoiding the 151 Corridor altogether. He pointed out some of the ideas from the workshop groups, citing the concept of targeting the limited growth and development to areas of the County that could benefit from development and serve as good locations for lower cost housing. He explained that another idea from one of the workgroups was having biking/pedestrian lanes along a smaller road, rather than along 151. He noted that the smaller road could run West to East and also provide a connection with the Blue Ridge Parkway, just south of Wintergreen.

Mr. Bayne also mentioned a plea from one workgroup to cease allowing eighteen wheelers to cut across Route 6 between Route 29 and Route 151. He noted that most of the workgroups had cited short term rentals as the main source of the undesirable sprawl along the 151 corridor and had asked County leadership for significant regulation. Mr. Bayne asked VDOT to use a more holistic approach to implementing tactical traffic solutions on Route 151, particularly the requirement turn lanes and/or deceleration lanes. He stated that there was a 180 degree disconnect between the VDOT playbook and what was known by County residents who use Route 151. He noted that if VDOT would not require a turn lane for a proposed high-density development and other dangerous sections of Route 151, County leadership and the Wintergreen Property Owners Association needed to help challenge VDOT to do the right thing for the safety of the residents of Nelson County.

Edith Napier, Arrington, VA

Ms. Napier spoke as the Chairperson for the Nelson County Department of Social Services Board and thanked the Board for putting a new building for Social Services as a priority. She reported to the Board that there was an active working group consisting of two Social Services staff members (the director and another staff person), two Department of Social Services Board members, and as she understood two Board of Supervisors members. She requested that the Director of Social Services be notified of all meetings going forward pertaining to the new building. She thanked the Board again, noting this was a giant step forward that had been overdue.

Robert McSwain, Shipman, VA

Mr. McSwain noted the Safe Roads Program on the agenda. He hoped that this program would especially emphasize safety for pedestrians and those riding bicycles, especially the kids.

Sheriff David Hill, Nelson County Sheriff's Office

Sheriff Hill reported that Cub Creek Road needed some attention along the ditch areas, due to the rain. He noted that there were some areas that you could not pass without a four-wheel drive vehicle. Mr. Rutherford asked the VDOT representatives to take note of the issues.

II. CONSENT AGENDA

Mr. Rutherford noted a slight change to the budget amendment had been done, but it was not major. Mr. Reed also noted in the June 14, 2022 minutes on page 9, under Resolution R2022-35 endorsing the Smart Scale application, that #2 should be changed from Route 6/Route 161 to Route 6/Route 151.

Mr. Parr made a motion to approve the Consent Agenda as amended and 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 – **R2022-49** Minutes for Approval

**RESOLUTION R2022-49
NELSON COUNTY BOARD OF SUPERVISORS
APPROVAL OF MINUTES
(May 31, 2022, June 14, 2022, and June 27, 2022)**

RESOLVED, by the Nelson County Board of Supervisors that the minutes of said Board meetings conducted on **May 31, 2022, June 14, 2022, and June 27, 2022** be and hereby are approved and authorized for entry into the official record of the Board of Supervisors meetings.

B. Resolution – **R2022-50** Budget Amendment

**RESOLUTION R2022-50
NELSON COUNTY BOARD OF SUPERVISORS
AMENDMENT OF FISCAL YEAR 2022-2023 BUDGET
September 13, 2022**

I. Appropriation of Funds (General Fund)

<u>Amount</u>	<u>Revenue Account (-)</u>	<u>Expenditure Account (+)</u>
\$ 6,384.00	3-100-003303-0026	4-100-033010-3002
\$ 78,842.00	3-100-009999-0001	4-100-091050-7185
\$ 5,977.53	3-100-001899-0008	4-100-091030-5202
\$ 30,000.00	3-100-009999-0001	4-100-091050-7028
<u>\$ 35,000.00</u>	3-100-002404-0065	4-100-081050-3010
\$ 156,203.53		

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

<u>Amount</u>	<u>Credit Account (-)</u>	<u>Debit Account (+)</u>
\$ 5,975.00	4-100-999000-9905	4-100-091050-7016
\$ 16,049.40	4-100-999000-9905	4-100-091050-7078
\$ 13,678.78	4-100-999000-9905	4-100-031020-3002
<u>\$ 1,062.50</u>	4-100-999000-9905	4-100-031020-3002
\$ 36,765.68		

C. Resolution – **R2022-51** Support of Blue Ridge Tunnel Nomination to Historic Register

**RESOLUTION R2022-51
NELSON COUNTY BOARD OF SUPERVISORS
SUPPORT OF THE BLUE RIDGE TUNNEL’S
NOMINATION TO HISTORIC REGISTER**

WHEREAS, the Blue Ridge Tunnel was designed and constructed by Claudius Crozet between 1850 and 1857; and

WHEREAS, it remains the longest tunnel in the United States that was hand-dug using black powder blasting, and dug without the use of ventilation shafts;

WHEREAS, Nelson County has worked to restore and preserve the Blue Ridge Tunnel structure with the construction of a 2.25 mile walking trail; and

BE IT RESOLVED, that the Nelson County Board of Supervisors hereby supports the nomination of the Blue Ridge Tunnel for recommendation to the National Register of Historic Places and for inclusion in the Virginia Landmarks Register.

D. Resolution – **R2022-52** Millennium Group Agreement Regarding Health Department

**RESOLUTION R2022-52
NELSON COUNTY BOARD OF SUPERVISORS
AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH
MILLENNIUM GROUP AND THE DEPARTMENT OF GENERAL SERVICES**

WHEREAS, the Millennium Group’s real property is subject to a provision in its deed which provides that “if the use of the Property as a community center and for recreational and athletic activities should cease, the Property shall revert to” the County; and

WHEREAS, the Millennium Group wishes to lease a part of such property to the Department of General Services for a five-year term to serve as the location of the Nelson County Health Department; and,

WHEREAS, the County will agree, as an accommodation, based on the conditions of the Agreement attached hereto, that the Lease will not terminate in the event of reverter to the County; and

NOW THEREFORE BE IT RESOLVED, that the Nelson County Board of Supervisors hereby authorize the County Administrator to enter into the Agreement with the Millennium Group Community Facility and the Department of General Services, which affirms that in the event of a reverter of the subject real property to the County, the Lease will not terminate provided that the Department attorns to the County and observes all terms and conditions of the Lease.

E. Resolution – **R2022-53** Support of 25% State Reimbursement for ACRJ Renovation Project

**RESOLUTION R2022-53
NELSON COUNTY BOARD OF SUPERVISORS
SUPPORT OF 25% STATE REIMBURSEMENT OF ELIGIBLE COSTS TO
ALBEMARLE-CHARLOTTESVILLE REGIONAL JAIL AUTHORITY**

WHEREAS, the “Standards for Planning, Design, Construction, and Reimbursement of Local Correctional Facilities”, 6VAC15-81-100 requires that a resolution be submitted to the Board of Local and Regional Jails requesting approval of the Community Based Corrections Plan Needs Assessment and Planning Study and reimbursement for eligible construction expenses; and

WHEREAS, the Albemarle-Charlottesville Regional Jail Authority adopted and submitted the required resolution to the Board of Local and Regional Jails; and

WHEREAS, Moseley Architects has submitted a Community Based Corrections Plan Needs Assessment and Planning Study on behalf of the Albemarle-Charlottesville Regional Jail Authority for a jail expansion and renovation project as required by the Standards; and

WHEREAS, the total budget estimate for this project is approximately \$49 million and a 25% State reimbursement would reduce the ACRJ member cost by approximately \$12.25 million; and

WHEREAS, the Albemarle-Charlottesville Regional Jail Authority is eligible for reimbursement of eligible construction costs pursuant to Section 53.1-81 of the Code of Virginia (1950), as amended; and

NOW THEREFORE, BE IT RESOLVED, that the Nelson County Board of Supervisors, supports the request of the Albemarle-Charlottesville Regional Jail Authority that the Board of Local and Regional Jails gives its approval for the Community Based Corrections Plan Needs Assessment and Planning Study and funding for reimbursement of 25% of all eligible costs subsequent to Governor and General Assembly approval and funding relative to the expansion and renovation of existing space as identified in the Community Based Corrections Plan Planning Study submitted to the Board of Local and Regional Jails pursuant to Section 53.1-81 of the Code of Virginia (1950), as amended.

F. Resolution – **R2022-54** Notice to DHCD of Personnel Changes

RESOLUTION R2022-54
NELSON COUNTY BOARD OF SUPERVISORS
NOTICE TO VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
(DHCD) OF BUILDING INSPECTIONS
DEPARTMENT PERSONNEL CHANGES

WHEREAS, 13VAC5-63-50 Section 105 Local building official requires that the Department of Housing and Community Development (DHCD) be notified of the release and/or appointment of a permanent or acting Building Official by the appointing authority within thirty (30) days of said release and/or appointment; and

WHEREAS, Nelson County Code, Chapter 4 Buildings, Article II Building Code, Section 4-27 Building inspection department, provides that the Board of Supervisors is the appointing authority for the Building Code Official; and

WHEREAS, former Building Code Official, Charles Miller submitted his resignation of this position, which was accepted by the Board on August 9, 2022, and was effective August 26, 2022; and

WHEREAS, Assistant Code Official, James Allen is to serve as Acting Building Code Official until such time as a permanent Building Code Official is appointed and who shall meet the certification requirements pursuant to 13VAC5-63-50, Section 105.1.2 and Section 105.1.3;

NOW THEREFORE, BE IT RESOLVED, that the Nelson County Board of Supervisors, does hereby direct the County Administrator/Clerk to the Board of Supervisors to submit the required notification letter to DHCD within the prescribed timeframe effecting the release of Charles Miller as Building Code Official and appointing Assistant Code Official, James Allen as acting Building Code Official until such time as a permanent Building Code Official is appointed.

IV. PRESENTATIONS

A. VDOT Report

Mr. Jeff Sayre of VDOT noted that he was present on behalf of Robert Brown.

Mr. Sayre then gave the following report:

Mr. Sayre reported on Route 722 Glade Road, noting that the structure was tentatively scheduled for delivery on October 7th. He explained that there would be work prior to the delivery to remove the old structure and prepare the stream bed so that the new structure could be assembled once it arrived.

Mr. Sayre reported that the Rural Rustic Project on Route 814 Campbell's Mountain Round had been completed the week prior. He noted that work was starting on Route 687 North Fork Road. He reported that they had installed pipe and planned to put down some base stone the following week with a goal of getting the road sealed before wintertime.

Mr. Sayre noted that Route 620 had been reopened and they would have permanent repairs to the road coming the following week. He reported that they had several surface repairs to be done throughout the County. Mr. Sayre reported that the pipe on Lowesville Road was happening that week. Mr. Parr confirmed that it was being completed that day. Mr. Sayre confirmed that he also had a note about Cub Creek Road.

Supervisors then discussed the following VDOT issues:

Mr. Barton:

Mr. Barton asked about Greenfield Drive in Gladstone. He noted that it was paved from either end but there was about one mile in between that was not paved. He asked if there were any plans. Mr. Sayre noted that Greenfield Drive was not in the Rural Rustic list that had recently been adopted. Mr. Barton asked why it wasn't paved. Mr. Sayre assumed there were probably no houses located within that section. Mr. Barton asked if there were any plans to pave. Mr. Sayre noted that to his knowledge, there were no current plans.

Mr. Harvey:

Mr. Harvey had no VDOT issues to discuss.

Mr. Reed:

Mr. Reed noted that he was bringing up some of the items he had reported on the previous month had not been addressed. He indicated that along Rockfish Valley Highway by Bold Rock, there was a deep drop off mid-way between Horizons Village and Bold Rock. He asked that VDOT take a look at it and have it filled. He also noted that on Spruce Creek Lane there was still a lot of debris in the road and he also requested that the sight lines be checked at the intersection of Spruce Creek Lane and 151. He asked if they could look at cutting the bank to improve the line of sight to the South.

Mr. Parr:

Mr. Parr noted that Mr. Sayre had mentioned the Rural Rustic Project on North Fork. He asked if Mr. Sayre was aware of the recent storm damage on the north end of the road. Mr. Sayre noted they had been in repair mode since the rain in August but he did not know if everything had been completed. Mr. Parr reiterated Sheriff Hill's comments regarding Cub Creek Road, noting that the Tyro side of the hill close to the top, was pretty bad.

Mr. Rutherford:

Mr. Rutherford noted the heavy rain totals received in August in Lovingson and the residents' concerns regarding culvert pipes. He expressed his appreciation for the work being expeditiously completed at Glade Road. He noted the changes to school bus routes and the need to get them back on regular routes as soon as possible. Mr. Rutherford asked if Mr. Sayre had any details regarding the meeting on Front street. Mr. Sayre did not have any information to provide on the meeting. Mr. Rutherford noted that he would get with Robert Brown later. Mr. Rutherford noted he had heard about some tree on Laurel but he would have to follow up with an email on the location details.

B. Route 151 Corridor Study – Rick Youngblood

VDOT's Lynchburg District Planning Manager, Mr. Rick Youngblood was present to discuss the Route 151 Corridor Study. He reported that in 2012-2013 the first corridor wide study was completed for Route 151. He noted that there have been concerns regarding the traffic on 151. Mr. Youngblood reported that he was able to push forward an update to the study and noted they had secured the funding to do the work. He explained that the study area would be very similar to what was looked at previously. He explained that the study would evaluate from the intersection of Route 151 and Route 6 at Afton, down to about 2 miles south of Beech Grove Road. He noted that since the last study, there had been a number of successful applications for right offset turn lanes and intersection improvements. Mr. Youngblood reported that traffic counts had already been conducted with school in session and without school in session to get an idea of what the tourist travel patterns look like along the corridor.

Mr. Youngblood explained that consultants were looking at existing conditions (traffic counts, accident history, freight movements through the corridor, bike/pedestrian issues) to tie into recommendations as they move forward. He noted that as they worked through the Operational Analyses, they would be using a program called Synchro. He explained that they would run analyses up and down the corridor to evaluate peak and off-peak movements as well as weekend traffic patterns. He noted these analyses would take place throughout the study. He explained that from December 2022 through April 2023, the Recommendations Development would take place. He noted they would look at intersection improvements as well as corridor-wide safety improvements. He reported that they would also review the Nellysford area for bike and pedestrian improvements and traffic calming. He indicated that they would also look at corridor multi-modal strategies that also included transit, JAUNT, and other on-call transportation services through the area.

Mr. Youngblood reported that they would have conceptual designs and estimates by May 2023, with an anticipated completion date of Summer 2023. He reported that many people were interested in the public involvement phase and noted that there would be two in-person public engagement sessions, with one taking place in October 2022 and then another in March 2023. He noted that VDOT would coordinate with the Board and County staff to determine best suited locations for the public engagement sessions along the 151 corridor. Mr. Youngblood reported that they would also conduct an online Metroquest survey to allow for everyone to have the opportunity to provide feedback. He noted that they had success in the past with Thomas Jefferson Planning District and other study efforts using Metroquest.

Mr. Youngblood noted that in terms of the public engagement sessions, there was an anticipated public interest as the citizens were vested in the area. He noted that VDOT always enjoyed working through the 151 Corridor because the citizens showed up and provided their input into the process, which was very important. He noted that during the 2013 study, the engagement sessions drew no less than 80 people each. Mr. Youngblood explained that he would pull the 2013 study recommendations to see what needed to be updated. He noted he was leaning on Mr. Harvey and Mr. Reed to be champions for the study and wanted them directly involved in the process as Board members working with their constituents.

Mr. Reed pointed out that since 2013, dozens of properties had come before the Planning Commission and the Board of Supervisors for event spaces and large events. He stated that his understanding was that in A-1 zoning, by-right allowed events for up to 1,000 people, which was something for the County to deal with internally. He noted the traffic from the previous weekend's event caused delays along 151 and created issues for Fire and Rescue to respond to calls from that event. He stated that he would like to see an analysis that showed maximum traffic flow at maximum build out along the corridor. Mr. Reed noted it was mind boggling to see what was allowable along the corridor without any special permits. Mr. Youngblood noted he was happy to obtain the permit information from the event the prior weekend and use that as part of the analysis for special case scenarios. Mr. Youngblood did not feel it would take much to do some additional analysis for major events. Mr. Reed thanked Mr. Youngblood for his work to get the study underway while the County works on the Comprehensive Plan updates.

Mr. Barton asked if the date of completion of the study was for next summer. Mr. Youngblood confirmed that the study would be completed by June/July 2023. Mr. Barton asked if the study was directed at making the corridor safer. Mr. Youngblood confirmed that it would look at the operation and analyses. He explained that they would look at the geometrics, operations and safety of the corridor itself and try to bring them up to standards and they would make investments into future Smart Scale or Highway Safety Improvement Program (HSIP) type projects. Mr. Barton asked about costs for these type of projects and how it would be covered. Mr. Youngblood noted there were different funding streams available to VDOT for different projects. He noted that Nelson County had participated in Revenue Sharing and Highway Safety Improvement Program as well as Smart Scale. He explained that funding for the Revenue Sharing projects came along much quicker. He noted that the Smart Scale funding took much longer, pointing out that the applications most recently submitted would not see funding until 2028. He noted that HSIP funding could come on a lot quicker. Mr. Youngblood noted that VDOT was hoping to provide data to the County to help make recommendations and changes in the Comprehensive Plan. Mr. Youngblood noted there would probably be a number of turn lane improvements that would be a necessary process from a safety standpoint along the 151 Corridor. He noted that depending on the funding stream, it could be years before a project could take place.

The Board had no other questions for Mr. Youngblood.

C. TJPDC 2023 Draft Legislative Agenda – David Blount

Mr. David Blount of the Thomas Jefferson Planning District Commission was present to provide a legislative update and discuss the 2023 legislative session starting in January. He reported that at the close of FY22, state revenues came in almost \$2 billion over projections, and coupling that with some expenditures that did not have to happen and some budget surpluses, that number was closer to \$3 billion. He explained that when there is a surplus, a lot of that money is already spoken for and a chunk of it goes into the State's rainy day fund. He noted that there were funds directed to the Water Quality Improvement Fund as well as some funds to Transportation.

Mr. Blount reported that with the approval of the Fiscal Year 2023-2024, the General Assembly included a number of contingency items within the budget. He noted those funding items were contingent on there being a revenue surplus at the end of the fiscal year in June. He explained that since the revenues were ahead of projections, those contingency items were funded. He noted that the most significant of those items in the local government world related to the Virginia Retirement System (VRS), where they put an additional \$250 million into VRS to help offset the ever growing unfunded pension liabilities that the fund faces. He noted that another item of significance with the budget was that Governor Youngkin announced that he would bring forward a little less than \$400 million for the General Assembly to consider for additional tax relief.

Mr. Blount reported that the State budget process was underway at the State level. He noted that State agencies were required to submit their budgets by the week prior. He commented that Governor Youngkin would present his proposed amendments in mid-December to the existing two-year budget.

Mr. Blount reported that the 2023 legislative session would begin in January, noting it was short session of 46 days. He noted that it was an election year and all 100 seats in House of Delegates, as well as 40 seats in the State Senate were up for election. He pointed out that re-districting had changed things. He noted that Nelson County's House and Senate Districts would look different for next year.

Mr. Blount predicted that this session would be where they would be playing defense on issues in the land use area. He also noted that on the subject of short term rentals, the industry was going to be coming forward with proposals that would have the effect of limiting local government authority. He reported that he had not seen any proposals specifically, but he had heard there may be some items related to zoning, the number of occupants that could be on site, the length of stay, parking, and whether a business license would be required. Mr. Blount noted that he would be keeping an eye on these items and working closely with VACO and VML to address those issues. He reported that they had some draft language in the legislative program that supported local authority on short term rental issues.

Mr. Barton asked to clarify if the short term rental industry was attempting to limit the local government's authority to determine whether these types of businesses were feasible. Mr. Blount confirmed that was the case and noted that they typically see lots of bills that seek to limit the local government's authority in many areas. Mr. Barton asked who would be there to protect the interests of local governments. Mr. Blount noted himself and many others would be there, including representatives from the Virginia Association of Counties. Mr. Blount noted that brick and mortar businesses like hotels and others in the lodging industry wanted to see the Airbnb type industry held to same standards. He indicated that they wouldn't know specifics until they started to see the outline of the bills and determined whether they needed to make them go away or become more workable for local governments.

Mr. Blount mentioned the topic of housing and felt that there would be a focus on housing affordability. He thought there may be some initiatives that would be helpful to local governments to help with their ongoing efforts and possibly some legislation on the other side that may not be as helpful.

Mr. Blount noted he was focusing on the legislative program and developing that. He noted the three focuses from the last General Assembly session - COVID recovery, state funding to localities and public schools, and broadband.

Mr. Blount reference a letter from VACo that was being sent to Governor Youngkin in advance of he and his team developing amendments to the state budget. He noted that the letter included a number of priorities established by the Association of Counties, which were addressed in the current program. He noted he would review the current program in more detail to see if any tweaking needed to be done. Mr. Blount reported that they did have another position outside of the current priorities in the public safety section that addresses compensation of law enforcement officers. Mr. Blount noted one issue that Nelson County and other rural localities were having was a competition for salaries to keep law enforcement officers.

The Board had no questions for Mr. Blount. Mr. Rutherford thanked Mr. Blount for his time. He encouraged the Board to reach out to Mr. Blount if they ever had any legislative questions.

D. JAUNT – Ted Rieck

Mr. Ted Rieck of JAUNT introduced himself to the Board. He recognized the Nelson's JAUNT Board representative, Ms. Dian McNaught, noting she was a strong proponent for transit in Nelson County. He also recognized a few staff members, Ms. Starr Morris and Ms. Mona Means.

Mr. Rieck noted that the purpose of JAUNT was to provide people with independence, dignity and the ability to take control of their lives. Mr. Rieck reported that JAUNT had dedicated employees who cared about the riders they served. He noted that the bus operators had over 500 years of combined service to JAUNT. He explained that they served a large region which covered both urban and rural terrain. He explained that every dollar Nelson County invested in JAUNT paid back 3 to 1, reiterating that a \$1 investment from Nelson provided over \$3 in service. He noted that they were able to do that by leveraging federal and state resources in order to provide those additional services.

Mr. Rieck reported that JAUNT provided services mainly within the County on Mondays and Tuesdays, and they also provided services from the County to Charlottesville Monday through Friday to support the work trips. He noted that most of their services provided social service type access which supported the health and wellbeing of citizens.

Mr. Rieck noted that JAUNT's goal was to provide independent living for people, especially older people who wish to live and age in place. He also reported that JAUNT contributes to health outcomes by helping

people get to doctor's appointments. He noted that JAUNT was an investment with great returns as there were people who were having to decide between paying rent and putting food on the table or transportation. He noted that providing transportation helped with that cost.

Mr. Rieck discussed the work trips provided in the County to Charlottesville and Albemarle County. He pointed out that for every dollar that person earns working, it turns over seven times in the County when they come home and spend their money at the grocery store. He stated that JAUNT's ability to help provide employment access was an economic stimulus to the area.

Mr. Rieck highlighted some JAUNT initiatives noting they were always looking for ways to improve. He explained that JAUNT had a goal to reduce its carbon footprint by looking at alternatively fueled vehicles. He also reported that they were looking at microtransit, which he described as an Uber version of transit, where riders could book their trip using a smartphone or calling in. He noted this would allow for spontaneous travel, which is how most people tended to travel. Mr. Rieck reported that they were looking at creating a five-year transit development plan which would help them to see where JAUNT ought to be and where the transportation needs were most evident. He showed a map of the six county region served by JAUNT which indicated the high need for transportation in the Lovingston area and to the West and North. He noted that when compared to the transit needs based on the older adult population, there was a similar distribution of transit dependency in the County.

Mr. Rieck indicated that JAUNT was trying to promote their services and recover from COVID. He played one of JAUNT's 30 second commercials for the Board and public. He indicated that they had two other versions of their commercials and noted they would be running through Spring 2023.

Mr. Barton had concerns as to whether funding may be decreasing and that services to Nelson County may be somewhat diminished. Mr. Rieck was unsure about that. He noted that JAUNT did rely upon the local contribution to match federal and state resources, so a lot depended on the contribution of the County which would enable JAUNT to leverage more funding. He noted that he was not aware of the state or federal funding being reduced. Mr. Barton asked if any services to Nelson County had been reduced. Mr. Rieck did not believe any services had been reduced in Nelson County. Mr. Barton stated that the County needed more services, noting need for more services in southern part of County. He indicated that the map did not show a need. He asked if the buses could go to the Heritage Center. Mr. Rieck noted they could go anywhere in Nelson County. Mr. Barton asked what determined the ability to be able to do that. Mr. Rieck indicated that funding was a big issue and they also looked at demand. He referenced the maps presented earlier, noting that they were studying the needs. Mr. Rieck indicated that if there were an interest in adding more services in Nelson, he would like to meet with stakeholders in the County to better determine the needs and where to go. Mr. Rieck noted that they only operated services within the County 2 days per week. He noted that was driven by the funding available, which was partly a local decision. Mr. Rieck suggested that if they wanted to add more services, they could take a look at what that might be and the added costs to do it. Mr. Barton asked what the local percentage of the contribution was. Mr. Rieck noted the local contribution was about one-third of the cost to actually operate the service. Ms. McGarry noted that the County's share was \$67,176 per year.

Mr. Rutherford noted he was glad to have Mr. Rieck present. He noted that about 4 or 5 years prior, there may have been an issue where service at someone's doorstep changed to a half mile away because of the mileage and issues going on with the previous administration at JAUNT. He noted that he had more positive interactions regarding JAUNT more recently than years ago. Mr. Rutherford agreed that more services were needed and suggested Mr. Barton have a meeting and include some of his constituents, noting there could be an opportunity to provide service at the Heritage Center.

Mr. Reed reported that he had spoken with Mr. Danny Harris, chairman of the senior centers, who had concerns that JAUNT was reducing the services on Mondays and Tuesdays. Mr. Rieck did not think that was accurate. He noted they had more demand on those two days than they could handle. He noted they would like to talk to Mr. Harris to see if there may be an opportunity to shift demand to other days of the week or to other geographic areas in the County. He noted that they might be able to provide those services with their existing resources. He then noted that if there was an appetite for additional services, they could provide proposals for that. Mr. Reed guaranteed there was a demand for increased services and suggested they look at scheduling a meeting soon.

Mr. Rieck noted that the Board should be receiving a survey as part of the five-year transit plan. He indicated that they were sending it out to all of their stakeholders in all of their counties to ask about transit needs.

Mr. Barton asked about transit services to Lynchburg, Madison Heights, and Amherst and who could potentially provide them. Mr. Rieck noted they JAUNT did not go out of their service area, or to Lynchburg. Mr. Rieck noted they could reach out to see if Lynchburg had a service equivalent to JAUNT. He thought they would be open to some type of long distance service and agreed that there was a need for long distance medical transportation. Mr. Barton asked if they would be open to some sort of connection

to Lynchburg. Mr. Rieck indicated that they would be open to discussing it and would be happy to help facilitate the conversation. He noted that there may be a service in Lynchburg that they aren't aware of.

The Board had no further questions for Mr. Rieck.

E. Agricultural Complex Feasibility Report – Architectural Partners

Mr. Mark Smith and Mr. Pat Gillen of Architectural Partners were present to provide a brief overview of on the agricultural complex feasibility report. Mr. Smith reported that the example given as the basis of the design was from the Olde Dominion Ag Center located in Chatham. He noted they also had a PowerPoint provided from Amherst to help determine the programming pieces. He reported that they put the information together to come up with a program and obtain construction estimates for it.

Mr. Smith provided a site comparison of the Olde Dominion Agricultural Complex versus the Proposed Amherst-Nelson Agricultural Complex. He noted they were completely different size sites but a lot of the parts at Olde Dominion were a copy of what was being proposed at the Amherst-Nelson site.

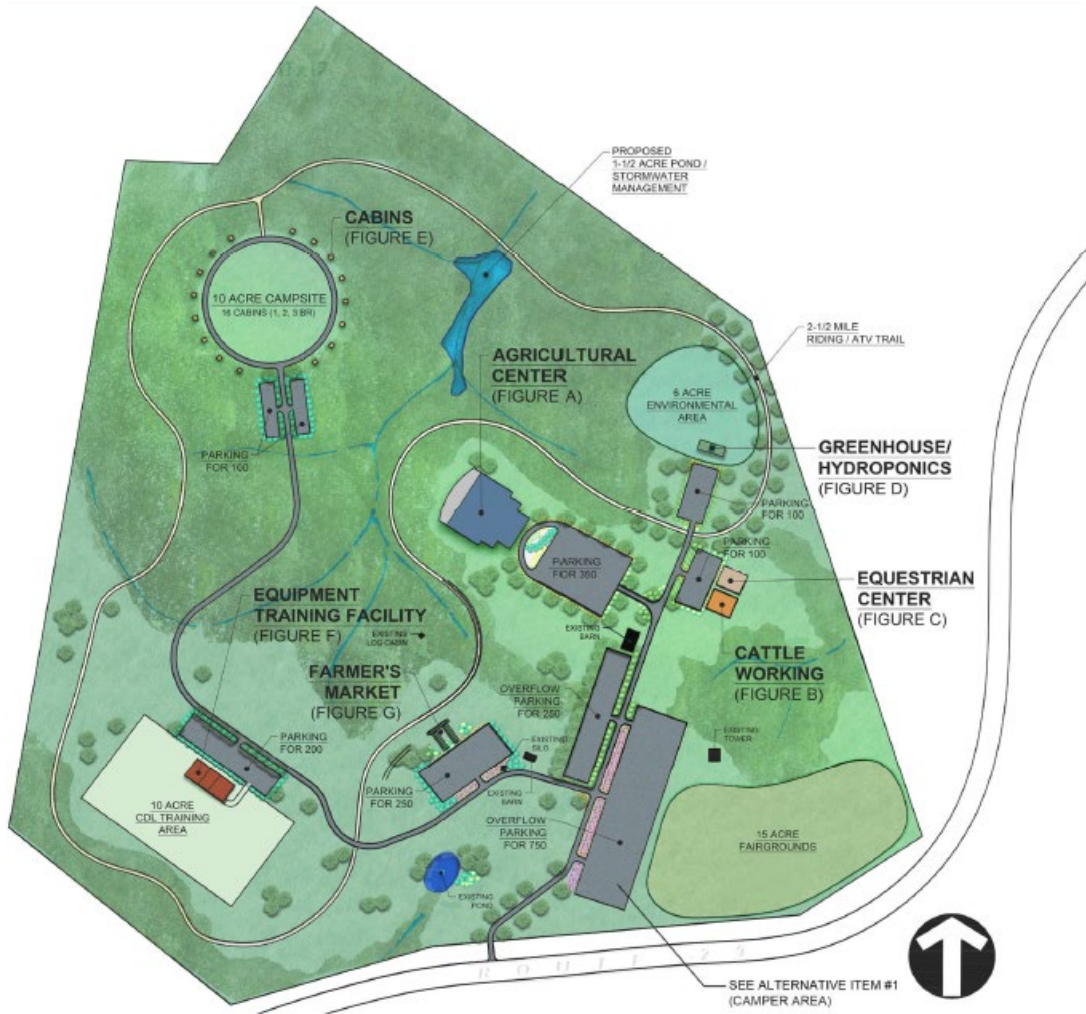
Mr. Smith explained that the perspective had been put together by Mr. Gillen based on the programming. He noted the architecture was relatively simple with a lot of pre-engineered buildings. Mr. Gillen reviewed the programming pieces as provided from Amherst. He noted that the mission was to support farmers and provide career and technical education while also generating some revenue. He explained that the interior spaces of the Agricultural Complex were to include an area, large conference rooms, classrooms, offices, as well as a kitchen, cannery, and meat processing area. Mr. Gillen then highlighted additional items that were desired for programming on the site to include: a farmers market, a cattle working building for education/training, training areas for CDL certification and farm equipment, warehouse space to support the farmers market, a greenhouse, horse stalls, and campsites with cabins.

Mr. Gillen discussed programming in exterior spaces that included:

- a large environmental education area
- an equestrian center
- fairgrounds for events that would also support RV parking
- equipment training areas for CDL certification
- livestock paddocks
- 10-acre area for campsites along with cabins
- 2.5 mile riding trail for horses or ATV's
- Solar
- Compost
- Viticulture
- RV sites

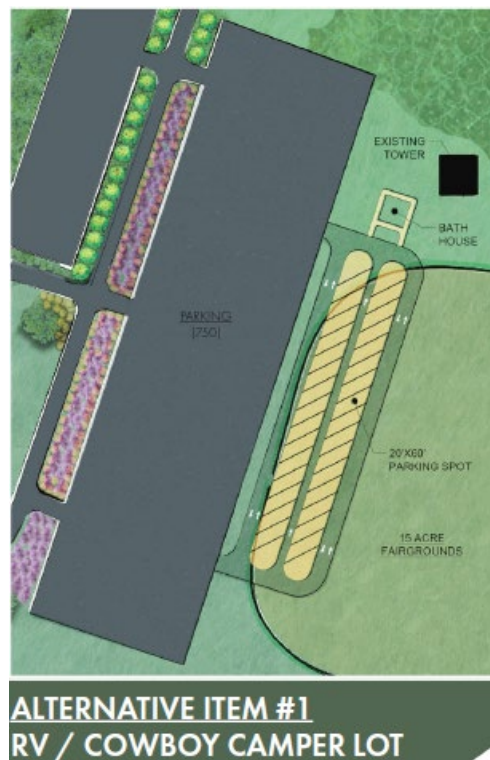
Mr. Smith noted that the proposed Amherst-Nelson site was 300 acres, versus about 20 acres at the Olde Dominion site. He pointed out that some of the areas like the fairgrounds took up about 16 acres of space. He noted that there were some large areas where they would need to carve out some flat spaces from the rolling hill.

Mr. Smith showed the site plan with the full build out of the property.



Mr. Smith noted that the entrance location was determined with VDOT guidance and was the only area where it could go. He showed the campground area on the plan, along with the location for a new pond. Mr. Smith pointed out the big flat areas on the southern end of the property where the camping fairgrounds and the ag center area. He noted that small buildings were easy to add in but the larger areas would require a fair amount of grading. He explained that Hurt & Proffitt did an evaluation of the amount of grading to include in their cost estimate also. He noted that a lot of thought and pre-engineering had taken place to determine the estimate.

Mr. Smith indicated that they had been asked to include an alternate for a cowboy/RV camping area next to fairgrounds.



Mr. Gillen reviewed the floor plan for the main agricultural complex, and pointed out the arena, the large

conference space, classrooms, offices, kitchen, cannery and meat processing areas. He noted that the plan was basically the Olde Dominion Ag Center, it had just been changed up a little.

Mr. Smith discussed the cost analysis. He noted that the site costs were close to half of project costs. He noted that they put the land costs in at \$1.2 million based on some public data, while it was assessed at \$900,000. He explained that the site preparation included quite a bit of grading, roadways, on-site improvements, utility improvements like piping and electrical, fire protection, and landscaping. He provided a \$28 million site project estimate.

Mr. Smith reported that the structure costs were broken down into smaller amounts within the full report. He explained that they would be using pre-engineered metal buildings and some masonry block. He described the style of the cabins as more of a residential design that might be seen at a state park. He noted that Architectural Partners had designed some of state park cabins so they knew what those costs were and plugged them into the report. He also reported that the alternate option for cowboy/RV camping at the fairgrounds was also included in the project costs. He provided an estimated total of about \$54 million for the project.

He showed a breakdown of the cost analysis noting that Hurt & Proffitt used their model software to get cost estimates. He explained that Architectural Partners used historical data and some contractor pricing to get their numbers. Mr. Smith pointed out that water on the site was a big question. He explained that the preliminary study did not include well drilling to determine how many gallons per minute they could get. He noted that Hurt & Proffitt did speak to a well driller in the area who felt that there would be water on site. Mr. Smith indicated that there were currently two wells on site.

Mr. Smith noted there would be a holding tank on site and they would need 27,000 gallons per day to serve the entire site. He felt that three wells would probably provide what was needed. Mr. Smith reported that a proposal was provide to drill wells and test existing wells. He recommended to have the well testing as a contingency on land prior to purchase. He then showed photos of the land features on site noting, they tried to work around existing structures and historic features. He noted the existing cell tower on site in southeastern portion of site.

Mr. Smith showed an aerial view of the site entry and noted it was limited because of sight lines. He pointed out that the site had high visibility along Route 29 for the complex. Mr. Smith then showed the Board some elevations shown for the proposed buildings on the site.

There were no questions from the Board.

V. NEW & UNFINISHED BUSINESS (AS PRESENTED)

A. Change in November Regular BOS Meeting Date (R2022-55)

Mr. Rutherford noted that the Board needed to pick a new date to meet as Mr. Barton noted a scheduling conflict with the proposed date of November 10th. Mr. Rutherford suggested November 7th as the new meeting date. Mr. Parr moved to amend the November meeting date to November 7, 2022 and Mr. Reed seconded the motion. There being no further discussion, Supervisors approved the motion without objection and the following resolution was adopted:

**RESOLUTION R2022-55
NELSON COUNTY BOARD OF SUPERVISORS
RESCHEDULING OF NOVEMBER 2022 REGULAR MEETING**

WHEREAS, the Nelson County Board of Supervisors hereby establishes that an alternate date for the Board's regular monthly meeting on November 8, 2022 is necessary due to the Election Day holiday;

NOW THEREFORE BE IT RESOLVED, by the Nelson County Board of Supervisors pursuant to §15.2-1416 (Regular meetings) of the Code of Virginia that the regular meeting of the Board on **Tuesday, November 8, 2022** be and hereby is rescheduled to **Monday, November 7, 2022**.

B. Safe Streets and Roads for All Grant Program

Ms. Sandy Shackelford of the Thomas Jefferson Planning District (TJPDC) was present to discuss the Safe Streets and Roads for All Grant Program (SS4A). She provided some background information on the program explaining that it was established by the Bipartisan Infrastructure Law and provided \$5 to \$6 billion to be available over the next five years. She further elaborated that amount would be about \$1 billion annually over the next five years. She noted the program had a goal of preventing roadway deaths and serious injuries. Ms. Shackelford explained that there were two types of grants eligible for funding through

the program: a planning grant to develop a comprehensive safety action plan, and the second type of grant program was for implementation of strategies or components identified in qualifying safety action plans. She reported that in order to be eligible to implementation funding, a localities or regions first had to have a qualifying Comprehensive Safety Action Plan in place.

Ms. Shackelford noted that there were eight required components for a Comprehensive Safety Action Plan to conform to eligibility requirements. She reviewed the components:

- Leadership commitment from government entity to reduce roadway deaths and injuries
- Establishment of an Oversight group to develop, implement, and monitor the plan
- Comprehensive safety data collection and analysis

She noted that they were working with VDOT to complete the analysis, regardless of whether they were successful in securing the grant. She noted they would be starting the data collection and analysis.

- Robust public and stakeholder engagement
- Inclusive and representative process in the plan development
- Evaluation of processes and policies
- Comprehensive identification and prioritization of projects and strategies
- Ongoing monitoring and reporting to help understand the safety impacts

Ms. Shackelford reported to that Board that no one in the region had a Comprehensive Safety Action Plan in place, so the TJPDC was working on a multi-jurisdictional application for anyone interested in participating. She noted that four localities had already committed.

Ms. Shackelford explained the benefits of having a Comprehensive Safety Action Plan in place. She noted that they would gain a better understanding of crash locations and contributing factors, including identification of systemic or recurring factors. She explained that the plan considered safety for all users, whether it be roadway, bike and pedestrian, or transit. She also pointed out that it considered safety on all roadways regardless of road ownership, so implementation funding could be available for improvements on private roads as well, if there was cooperation from the owners of the roads.

Ms. Shackelford noted that there would also be an opportunity to build relationships among stakeholders. She explained that by having a regional approach to the safety action plan, it would allow more engagement with regional and state partners like VDOT, the Virginia Department of Health, local law enforcement and emergency services, the local Planning and Zoning Office, and others to make sure everyone had a voice.

Ms. Shackelford noted they would be developing multi-faceted strategies to reduce or eliminate roadway fatalities and serious injuries. She explained that this would go beyond just infrastructure improvements but also looking at enforcement strategies and reviewing processes and policies. She also reiterated that it would help the County be more aware of projects that may be identified for funding beyond Smart Scale, like the Safe Streets for All Discretionary Grant program for implementation, Transportation Alternatives Program, Revenue Sharing or the Highway Safety Improvement Program.

Ms. Shackelford reiterated that the Thomas Jefferson Planning District would be submitting a multijurisdictional application with four localities already committed to participating in the application. She noted they were present today to gauge interest and they would also be meeting with Greene County. She explained that the TJPDC would prepare and submit the application and include Nelson if so decided. She noted that the TJPDC would bear the administrative responsibility for the project. She reported that there would be a regional approach to data collection and analysis supported by VDOT which would help identify larger trends. She pointed out that there would be cross-jurisdictional information sharing so all jurisdictions would be going through the process together and be able learn from each other and share ideas. She noted there would be substantive engagement with state and regional partners. She indicated that the TJPDC would support the ongoing monitoring and reporting functions. She noted that they would do this as part of their existing program funding, outside of funding requested from the grant. She explained that the County would benefit by having a safety action plan specific to Nelson. She noted that there would be engagement specifically targeted in Nelson County to make sure that the strategies are prioritized for what is needed locally.

Ms. Shackelford reported that the grant application due on September 15th so she needed a determination on interest in participating that evening. She explained that it was an 80/20 grant, so it was 80% federal funding with a 20% local non-federal match. She indicated that they were close to having a final scope of work and cost estimate from a consultant, so they knew that Nelson County's portion would not to exceed \$30,000. Ms. Shackelford indicated she was happy to answer questions and reiterated that if the Board was interested in participating, they would need to take that evening and commit a local match not to exceed \$30,000.

Mr. Barton asked for clarification on the \$30,000 amount, whether that was a contribution or the total

amount they could anticipate getting. Ms. Shackelford noted it looked like the final grant amount was going to be \$1.1 million for the region as a whole and Nelson County would be receiving a specific safety action plan. Ms. Shackelford noted that Nelson County's share to contribute would be \$30,000 and the County would be getting a specific Comprehensive Safety Action Plan, public engagement specific to Nelson County, along with public pop up meetings where the TJPDC would go into the Nelson community.

Ms. McGarry noted that Ms. Shackelford did provide a draft letter of support that the Board could authorize her as County Administrator to submit the letter of support for the draft program, including commitment of the local match not to exceed \$30,000. Mr. Reed made a motion authorizing Ms. McGarry to sign the letter of support to reflect the County's commitment of the Safe Streets for All Discretionary Grant Program. Mr. Parr seconded the motion. There being no further discussion, Supervisors approved the motion by vote of acclamation.

C. Emergency Services Council Interest Free Loan Request

Ms. McGarry presented a letter from the Emergency Services Council which indicated that the Council had unanimously approved an emergency loan request from the Lovington Volunteer Fire Department in the amount of \$40,000 at their August 16, 2022 meeting. She reported that the money would be used to purchase a 2005 HME Fire Engine. She indicated that the department had a current loan from the interest free loan account and noted that they wished to add this emergency request be added to the approximately \$47,000 of the current loan. She noted this would bring the total loan amount to \$87,000.

Ms. McGarry explained that the department was making the request due to the poor mechanical condition of the current 1995 Engine that they must replace. She noted that the department had submitted some financials along with a few details on the truck. She stated that there would be an eight-year term on the \$40,000. She explained that the newer truck would replace the 1995 Engine, noting that the 1995 Engine would be sold for salvage price. She noted that the 1995 Engine needed major repairs which could not be justified due to the age of the unit. She noted that Lovington would make the resource available Countywide. Ms. McGarry informed the Board that the EMS loan fund had a current available balance of \$646,786.

Mr. Rutherford thought that the need was there. Mr. Barton asked Ms. McGarry's opinion. She stated that she thought it was a reasonable request and would recommend approval. Mr. Harvey said they did not typically buy used trucks, noting it was hard to improve the fleet when buying used trucks. He wanted to see what the alternatives were. Ms. McGarry noted that the request was an emergency request due to the poor mechanical condition of the 1995 Engine. She thought they were in a bind and needed to do something immediately. Mr. Parr agreed that this was an emergency fix, rather than waiting until their next turn in the rotation for a new truck. He reminded the Board that the approval by the Emergency Services Council was unanimous. Ms. McGarry noted that she was unsure of the lead times in ordering fire trucks, but the lead times for ordering ambulances were lengthy. Mr. Parr indicated that the lead times for fire trucks were about the same and could be two to three years out. Mr. Rutherford suggested approval of the emergency loan and suggested that Mr. Parr mention the goal of having a newer fleet at the next EMS Council meeting. Mr. Reed asked if the 2005 Engine was available, noting it would have been good to have someone from Lovington there at the meeting. Mr. Parr did not know where it was from but he knew that Lovington had someone go test drive the truck and check it out.

Mr. Parr moved to approve the emergency loan request. Mr. Barton seconded the motion. There being no further discussion, Supervisors voted to approve the motion (4-1) by roll call vote, with Mr. Harvey voting no.

D. Proposed Amendment to K-9 At Large Ordinance (R2022-56)

Animal Control Supervisor Kevin Wright was present to speak to the Board to discuss the proposed amendment to the K-9 at Large ordinance. Mr. Rutherford noted they were there to discuss the K-9 at Large ordinance that had been put into place a few years ago. He noted after putting the ordinance into place, they were still dealing with repeat offenders. He noted they needed to discuss mechanisms going forward to help strengthen the ordinance.

Officer Wright reported that the K-9 at large ordinance needed to be streamlined to eliminate some of the pitfalls that they have in the courtroom. He explained that they had 111 written warnings (Strike 1), and then out of those written warnings, 21 civil penalties (Strike 2) were issued, which he noted those folks were in violation within a matter of days. He explained that a lot of that was when the ordinance was initially put to work, so there were a lot of people unaware of it. He noted that once folks were aware, the numbers dropped. Mr. Wright reported that there had been only five Strike 3's issued (class 1 misdemeanor) and only three had been to court.

Mr. Rutherford asked how the judge treated the ordinance. Officer Wright explained that there was confusion with the written warning part as to who gets the written warning and if a written warning should be written for each dog they had at large. He explained that the judge started holding advisement hearings for anyone with a Strike 2. He noted that there were obstacles with the loopholes. Officer Wright reported that he had been working with Mr. Payne, the Commonwealth Attorney and other localities to simplify the ordinance. He felt that the Class 1 misdemeanor packs punch and could be effective to get people compliant, noting that out of 111, it narrowed down to five with facing a Class 1 misdemeanor. Officer Wright noted that many of the Strike 2 offenders had had surrendered their dogs to avoid charges. He felt that this promoted responsible pet ownership and eliminated problems that people in the community were facing. He did not know of any complaints that had come in and noted that the ordinance did not have an effect on hunters. He explained that there could still be some neighborhoods where the dogs were loose and everyone was okay with it, but when they got a call from someone, they had to be able to deal with it. Officer Wright felt that the revision was what was needed. He reminded the Board that there were checks and balances with the court system to prevent abuse of power. He asked the Board to take it under consideration.

Mr. Rutherford noted that the action they were considering whether to send the ordinance to public hearing. Mr. Rutherford asked if this would be up for consideration at the October meeting. Ms. McGarry indicated that two public notices, one week apart, should allow time for October. Mr. Rutherford noted that an approval to send it to public hearing would allow for community input through public comments. Mr. Rutherford asked about farm dogs. Officer Wright noted that he would need to pull the state code to work with Mr. Payne on a draft.

Mr. Barton asked if the original ordinance was working. Officer Wright noted what he was finding was that the five people with the Class 1 misdemeanor charges had a lot more going on than just a k-9 at large. He noted that everyone else was fine and it was working out just fine. He explained that they were still using officer discretion and picking dogs up. He explained that the batteries in the dog collars do go dead and dogs do get out. Mr. Barton asked if the recommended changes would make things easier for Animal Control. Officer Wright felt that it would. He noted that he had an officer who was attacked by a dog that had been at large. He explained that it attacked while the officer was picking up the dog as a stray. Mr. Barton asked if there was a large number of people complaining that their dogs had been picked up. Officer Wright confirmed that there were not. Mr. Rutherford noted there were plenty of complaints about dogs at large though.

Mr. Parr moved to approve Resolution **R2022-56** for a public hearing regarding Dogs Running at Large. Mr. Reed seconded the motion. There being no further discussion, Supervisors unanimously approved (5-0) by roll call vote to approve the motion and the following resolution was adopted:

RESOLUTION R2022-56
NELSON COUNTY BOARD OF SUPERVISORS
AUTHORIZATION FOR PUBLIC HEARING
AMENDMENT OF THE CODE OF NELSON COUNTY, VIRGINIA
CHAPTER 3, ANIMALS, ARTICLE 2 DOGS AND CATS
DOGS RUNNING AT LARGE

BE IT RESOLVED, that pursuant to §15.2-1427 of the Code of Virginia 1950 as amended, the County Administrator is hereby authorized to advertise a public hearing to be held on October 11, 2022 at 7:00 PM in the General District Courtroom in the Courthouse in Lovingston, Virginia. The purpose of the public hearing is to receive public input on an Ordinance proposed for passage to amend Chapter 3, Animals, Article 2 Dogs and Cats to incorporate provisions pertaining to the prohibition of dogs running at large.

VI. REPORTS, APPOINTMENTS, DIRECTIVES AND CORRESPONDENCE

A. Reports

1. County Administrator's Report

Ms. McGarry reported the following to the Board:

- A. Covid-19 (Coronavirus):** Current VDH data for Nelson County, as of September 9, 2022 reflects 2 new cases reported in the last 13 weeks, and we have a seven (7) day average of new daily cases reported of 2.0. To date the County has had 3,020 case of the virus and 38 deaths. Per the CDC Nelson County's community risk level remains at Medium. CDC guidance for this level includes: 1) If you are at high risk for severe illness, talk to your healthcare provider about whether you need to wear a mask and take other precautions, (2) Stay up to date on Covid 19 vaccines; 3) Get tested if you have symptoms.

- B. FEMA Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM) Update:** Staff participated in a webinar regarding FEMA's Flood Insurance Study and the updating of Flood Insurance Rate Maps for the County. Once the preliminary FIRM and FIS reports are released, the FIRM maps will be available for downloading and viewing on FEMA's website. The County will also receive hard copies of these reports and there will be a comment period prior to finalization of these. More specific information regarding the County's data and accessing it will be provided as it is received.
- C. Comprehensive Plan:** The project website is www.Nelson2042.com. The public input survey deadline was extended to August 31, 2022 and the idea wall and youth art challenge remains active online. Public engagement workshops were held at various locations in the County on July 13th, July 20th, August 3rd and August 28th with valuable participation provided by all who attended. The next public participation opportunity will be a public input results forum to be held on October 2, 2022. 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.
- D. Larkin Property Acquisition & Development:** Closing on the Larkin property purchase and bond financing of approximately 300 acres adjoining the North and South sides of the Nelson Middle/High school complex occurred on August 12th. I would like to express appreciation to the Nelson County EDA, Mr. Payne, County Attorney, Amanda Spivey and Juliana Piedra of County staff, Sands Anderson, Bond Counsel, and Davenport & Company, the County's financial advisors in working tirelessly to finalize these transactions. On September 7th, a Board of Supervisors work session was held to discuss next steps in planning for the use of the Larkin property. Discussion was facilitated by Architectural Partners and included the Board, County Staff from County Administration, Parks & Recreation, Economic Development, and Finance, and School Division staff including the Superintendent, Assistant Superintendent, and a School Board member. A sub-committee was designated to assess County-wide recreation assets including community centers, a public input survey and research on YMCA and/or Boys and Girls Club facility operations was commissioned, with results to be shared at another work session to be scheduled in November. At that time, aggregated public input from the Comprehensive Plan will be known and can be considered.
- E. New Office Building:** PMA Architecture is working on finalizing the initial conceptual package to be shared with the project team in early October. They have concluded the space needs assessments for the departments and have moved forward in developing the conceptual site analysis which includes suggested locations for the new building footprint, parking surfaces, and roads required to access the site.
- Ms. McGarry noted that the project team meeting had been scheduled to take place on October 4th from 2 p.m. to 4 p.m.
- F. TJPDC Comprehensive Economic Development Strategy (CEDs) Grant:** The County was informed on August 30, 2022 that the TJPDC was awarded an \$80,000 ARP U.S. Economic Development CEDs grant, which requires a \$20,000 local match from participants for a total of \$100,000. The Board committed to the County's share of \$1,148.97 back in February 2022 which is being paid out of FY23 budgeted funds. The grant process will engage public, private, and non-profit sector partners to establish a strategic blue print for regional economic collaboration and capacity building to guide economic prosperity and resilience for the region. **This award letter was emailed to the Board on 9/12/22.**
- G. Gladstone Depot TAP Grant:** The County received official notification from the Commonwealth Department of Transportation that the Historic Gladstone Depot project has been awarded Transportation Alternatives Funding for FY23/24 in the amount of \$586,966. The County has not yet received the Project Administration Agreement; at which time if the Board authorizes execution of the agreement, the County will have to commit to providing the 20% local match of approximately \$146,741.50. The Friends of Gladstone Depot have commissioned an appraisal of the depot structure to assess its value in order to potentially use that for in-kind match; results pending. They are tentatively scheduled to come before the Board at the October regular meeting to discuss the project and its funding. **This letter was provided to the Board by email on 9/12/22.**
- H. Short-Term Rentals:** The Virginia Institute of Government has been contacted to request that an inquiry be sent to other localities state-wide, asking about their regulation of short-term rentals and their use of any tracking software or online subscriptions and their usefulness. Information will be shared once received. Supervisors Reed and Rutherford are conducting meetings with the Short-Term Rental community prior to establishing and convening the overall work-group on this subject.
- I. 2022 MAPP2Health Report:** The Blue Ridge Health District has released its 2022 MAPP2Health report on its website as of September 2nd. The National Association of County and City Health Officials (NACCHO) has implemented a community driven strategic planning process for

improving community health, called Mobilizing for Action through Planning and Partnerships (MAPP). This framework, known locally as MAPP2Health, includes engaging community partners in the collection and review of qualitative and quantitative data from trusted local and national sources. In doing so, participating partners can clearly define the conditions that support, or obstruct, wellness and identify resources to address obstacles. This joint MAPP2Health report was completed in collaboration with Blue Ridge Health District, UVA Health, Sentara Martha Jefferson Hospital, and Sentara Martha Jefferson Outpatient Surgery Center, which have the identical service areas of the City of Charlottesville and Albemarle, Fluvanna, Greene, Louisa, and Nelson counties. **A copy of this report was sent to the Board by email on 9/9/22** and a report presentation may be scheduled at the request of the Board.

A. 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.

B. Staff Reports: Department and office reports are included within the 8-9 agenda document.

2. Board Reports

Mr. Rutherford indicated he had a few items that would turn into directives. He noted that they needed to schedule a joint meeting with the School Board. He also reported that Amherst was interested in setting up a joint meeting and he wanted to talk about short term rentals.

Mr. Reed:

Mr. Reed reported to the Board that he attended the August 14th re-dedication of the Margaret C. Henderson Gymnasium at Heritage Center. He noted it was a well-attended event and expressed his gratitude for Ms. Henderson who started the initiative. He believed they had raised over \$400,000 for the project. He thought that the gym may be up and running already and noted he was thankful to have it back. Mr. Reed then reported on his attendance, along with Mr. Rutherford and David Blount of the TJPDC, at the Virginia Association of Counties Summit in Roanoke on August 18th. He noted that he attended the Education Steering Committee meeting and also the Environment and Agriculture Steering Committee as well as the Climate Steering Committee. He explained that the Steering Committees worked on the legislative programs in terms of talking points to take to Richmond on behalf of counties.

Mr. Reed reported that he attended the Comprehensive Plan workshop on August 28th. He noted that he also attended a public meeting with Curtis Sheets of Wintergreen Fire and Rescue, and Wintergreen Police Chief Dennis Russell about the services provided to Stoney Creek and Wintergreen residents. He noted that the police chief received an average of 10 calls per day. He explained that not all of the calls were regarding infractions or necessitated action, noting they had over 70 bear calls for the year already. Mr. Reed reported that Wintergreen Fire and Rescue offered fire wise inspections on the mountain to help people understand what they can do inside and outside of the home to prevent fires. Mr. Reed reported on a program that Wintergreen Fire and Rescue does called Knoxbox. He explained that Knoxbox made it possible for Fire and Rescue to access a home without breaking a window or door, in the event that the residents are not home. He noted that these were valuable programs for the residents and many did not necessarily know they were available to them.

Mr. Barton:

Mr. Barton wanted to thank Joanne Absher for her work on the Gladstone Depot. Mr. Barton reported that he would be attending a Virginia Careerworks meeting the next day. He noted that the discussions used to be finding employment for people but more recently the talk has been about how to attract employees. He noted what it came down to was offering more money, which was not always feasible. He asked if there were any suggestions that the Board may want him to discuss at the meeting in order to help people find employees. Mr. Rutherford noted that he had just had a conversation with manufactured housing regarding the struggle to find workers. He commented that jobs that were paying \$14 per hour were now \$24 per hour. He didn't know if the issue was just in regards to money, it was finding people. He noted that one of the only answers was migrant workers, especially in blue collar jobs. He indicated that some of the conversations with home builder associations was how they could utilize H2A and H2B workers.

Mr. Barton noted that he had recently become a member of the Albemarle-Charlottesville Regional Jail Authority Board. Mr. Barton reported on his experience on the Board so far, noting that he toured the facility and the jail needed to be renovated. He reported that the people working in the jail were very complimentary of working with the people of Nelson County, Mr. Carter and Ms. McGarry, as well as Sheriff Hill. Mr. Barton noted he had the opportunity to meet several employees at the jail who had been employed there for many years, having started at the bottom and worked their way up. He explained that the renovation of the jail was going to be expensive and they were hoping that the State would reimburse up to 25% of the costs. Mr. Barton expressed his positive experiences at the facility, noting their efforts to lower recidivism and treat people in the jail as human beings.

Mr. Harvey:

Mr. Harvey had no report.

Mr. Parr:

Mr. Parr reported that during the EMS Council meeting, the Knoxbox had been brought up from a school facility standpoint. He noted that there had been a school safety group meeting before COVID, which included Fire, Rescue, EMS and School personnel. He indicated the group was hoping to start meetings up again and this may be something for the group to consider. He explained that with the Knoxbox, if an alarm went off or something happened at the schools, this would allow fire and EMS to gain entry to the building, rather than having to wait for someone to arrive to let them in the building. Mr. Parr noted the other item he had to report on was loan they had just approved for the Lovingston Fire Engine. He thanked the Board for that approval.

Mr. Rutherford:

Mr. Rutherford reported on the TJPDC meeting and welcomed Mr. Reed back. He noted they had just finalized the details for over \$100 million in Broadband outreach which grow Firefly's footprint from Rappahannock to Campbell County. He reminded the Board of the Regional Housing Partnership convention coming up. He noted there would be several topics discussed – the displacement of rural communities/the loss of young families, short term rentals versus long term rentals, zoning and accessory dwelling units.

B. Appointments

Nelson County Service Authority

Mr. Barton moved to appoint Sergio Sanchez to the Nelson County Service Authority. Mr. Parr seconded the motion. There being no further discussion, Supervisors approved the motion by vote of acclamation.

Nelson County Library Advisory Committee

Ms. Spivey reported that they did not have any applications for the Nelson County Library Advisory Committee. She noted that Ms. Susan Huffman, Librarian at the Nelson Memorial Library, had emailed to say that she may have someone from the North District interested in serving. She hoped to have an application by the following month.

C. Correspondence

The Board had no correspondence.

D. Directives

Mr. Rutherford noted the Board had a few housekeeping items to discuss.

Mr. Rutherford reported that Amherst had reached out to request a joint meeting to discuss the agriculture facility. He asked for the Board's interest in having such a meeting. Mr. Parr felt that after having the presentation from Architectural Partners at the meeting, it was the perfect opportunity to get together for the first time to discuss it and make any decisions. He felt they had some good information to discuss and noted that Amherst had also reached out to him regarding a meeting. Mr. Harvey noted he had been hearing a lot of discussion about it but had not thought through it yet. Mr. Barton noted that the Board had discussed it before and noted how difficult the Chatham facility worked to keep the center running. He also noted the price tag on the facility and other needs for Nelson County. Mr. Barton reminded the Board that he had been against doing the study and felt it needed to end. Mr. Reed was not in favor of a joint meeting and noted he had been pretty outspoken about his opposition to the project. Mr. Rutherford felt that the

discussion could be worth having. Mr. Harvey felt there had not been a lot of positive input and he would most likely vote no. Mr. Rutherford noted they had two interested members and three who were not interested in meeting. The Board did not have consensus to schedule a joint meeting.

Mr. Rutherford then discussed scheduling a joint meeting with the School Board. He asked the Board to check their calendars. Mr. Rutherford then asked Ms. Shannon Powell, School Board Chair, to come forward to discuss dates. Ms. Powell asked that the Board look at Mondays in October. The Board tentatively set the date for the joint meeting on October 24th at 6:30 p.m., pending confirmation with the School Board members.

Mr. Rutherford then addressed short term rentals, noting it had been a hot topic. He indicated that there had been a good discussion with some of the stakeholders in regards to enforcement. He noted there were a lot of people who did not know the process of paying lodging taxes. He suggested that there were some needed adjustments on policies for registration. He noted that they needed to look at scheduling a larger meeting with two Board members, County staff, the Commissioner of Revenue and Planning & Zoning to discuss a pathway for enforcement. Mr. Rutherford guessed that there could be \$2 million in revenue per month in just one zip code that the County is likely not receiving tax on. He noted that they had gotten some input from interior stakeholders. Mr. Rutherford asked Ms. McGarry to work on scheduling a meeting with the Commissioner of Revenue, himself, Mr. Reed, potentially a Planning Commission member or two, and Planning & Zoning.

Mr. Reed suggested getting resources together on enforcement and regulation to also have ready to discuss at the meeting. He noted that the meeting should be a meeting where the public could attend, but not at the table. Mr. Rutherford noted they would look at timeline in next few weeks, most likely October as September was getting pretty busy. Ms. McGarry noted that October was getting pretty busy also.

The Board took a brief recess.

VII. CLOSED SESSION PURSUANT TO §2.2-3711 (A)(7) & (A)(8)

Mr. Reed moved that the Nelson County Board of Supervisors convene in closed session to discuss the following as permitted by Virginia Code Sections 2.2-3711:

(A)(7). "Consultation with legal counsel and briefings by staff members pertaining to actual litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body" – Litigation pertaining to the Region 2000 Services Authority."

(A)(8) - "Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter."

Mr. Barton 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. Barton 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. Barton 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 4:41 p.m., Mr. Harvey made a motion to adjourn and continue to 7 p.m. for the evening session. Mr. Reed 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 p.m. with four (4) Supervisors present to establish a quorum and Mr. Parr being absent.

II. PUBLIC COMMENTS

Sue Smith, Faber, VA

Ms. Smith came asked the Board to condemn the home located at 1966 River Road in Faber. She asked that they also provide the legal authority to the Health Department, Building Inspector, and/or Zoning Commission so that they could take action to condemn houses in cases like the one she was discussing. She explained to the Board that she grew up in the house at 1966 River Road, the very same one she was saying that needed to be condemned. She noted it had been owned by her mother. She explained that she cleaned houses for a living and her home was very neat and tidy. Ms. Smith reported that about one week earlier she had gotten her grandson off of the school bus when they heard the sound of a dog in distress. She noted that she immediately called Animal Control and they came the next day. She reported to the Board that there was an animal hoarding situation and the Animal Control officer had to wear a respirator to enter the house. She noted that the officer had thought that someone had jumped him, but it turned out to be a dead cat that fell out of the ceiling onto his back.

Ms. Smith explained that she was assisting Animal Control in trapping the remaining cats and had caught 10 cats so far. She noted that the cats were in very poor health. She noted that it was her understanding that the owner of the house had been charged and released from jail on bond and was in Maryland. Ms. Smith explained that she had also called the Health Department, the Building Inspector and the Planning Commission but it seemed that no one had the authority to take action against the house. She expressed her concerns, noting that she was scared to live at her house with her grandchildren. She worried that the owner would return or someone else may move in and start hoarding animals again, doing drugs, or worse. Ms. Smith hoped that the Board would take time to see the house but noted to keep distance due to the fleas and ticks. She reiterated that the house was a menace and a threat to public health and to animals and must be condemned.

There were no others wishing to speak.

Mr. Barton asked what could be done to help Ms. Smith. Mr. Rutherford suggested that staff follow-up with the departments already involved and report back. Mr. Harvey noted it was an issue but very little could be done. The Board requested that Ms. McGarry follow up on the matter and report back.

III. PUBLIC HEARINGS

A. Special Use Permit #690 – Vacation House in R-1

Consideration of a Special Use Permit application requesting County approval to allow a vacation house use on property zoned R-1 Residential. The subject property is located at Tax Map Parcel #3-A-139A on Afton Mountain Road in Afton. The subject property is 10.334 acres and owned by Chris LeBlanc and Rachel Horvath.

Ms. Bishop provided the following report:

BACKGROUND: This is a request for a Special Use Permit to allow a vacation house in the R-1 Residential district.

Public Hearings Scheduled: P/C – August 24; Board – September 13

Location / Election District: Afton Mountain Road / North District

Tax Map Number(s) / Total acreage: 3-A-139A / 10.334 acres +/- total

Applicant/Owner Contact Information: Chris LeBlanc & Rachel Horvath; 1181 Foxvale Lane, Charlottesville, VA 22902; (434) 284-1711, (434) 466-7876; chris@nolabuilds.com, rhorvath@smithbain.com

Comments: This property is recently subdivided and has an active building permit for a single family dwelling with four (4) bedrooms. The owners are proposing to utilize this dwelling as a vacation house, defined below:

Vacation House: A house rented to transients. Rental arrangements are made for the entire house, not by room...

Transient: A guest or boarder; one who stays for less than thirty (30) days and whose permanent address for legal purposes is not the lodging or dwelling unit occupied by that guest or boarder.

Section 5-1-5a requires a Special Use Permit for a vacation house use in the R-1 Residential district.

DISCUSSION:

Land Use / Floodplain: This area is residential in nature. This property is located near the intersection of Afton Mountain Road, Avon Road, and Critzer Shop Road. Zoning in the vicinity is R-1 and A-1. There is Approximated Floodplain located on the property, although the new dwelling is not located within these boundaries.

Access / Traffic / Parking: Property is accessed by a private access easement with an entrance on Afton Mountain Road. The entrance plans were approved by VDOT 1n July 2021.

Utilities: Septic and well permits have been issued for the subject property.

Comprehensive Plan: This property is located in an area designated Rural Residential on the Future Land Use Map, which “would allow low density residential and compatible nonresidential uses in rural areas where agriculture is not the predominant use... These sites are adjacent to identified development areas and adjacent to existing institutional or small-scale industrial uses.”

RECOMMENDATION: The approval of special use permits should be based on the following factors:

1. The use shall not tend to change the character and established pattern of development of the area or community in which it proposed to locate.
2. 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.
3. The proposed use shall be adequately served by essential public or private water and sewer facilities.
4. The proposed use shall not result in the destruction, loss or damage or any feature determined to be of significant ecological, scenic or historical importance.

At their meeting on August 24th the Planning Commission recommended approval (5-1) of SUP #690

Ms. Bishop displayed the subdivision plat and then showed the access easement which came off of Afton Mountain Road, came through a few lots to access the property. She showed the location of the creek and the driveway to the home site. She then showed the zoning map of the area where the property was located.

Mr. Barton asked about the land layout. Ms. Bishop believed the land had some hilly terrain which made the driveway scoop around the property. She noted that the applicant/owner could speak to the lay of the property.

Mr. Reed asked the width of the deeded access. Ms. Bishop noted the access easement was 50 feet wide and the build out for a private street was only required to be 16 feet wide. She noted the easement passed through four lots. Ms. Bishop pointed out one of the lots with the easement had a home on it, she believed that was 459 Afton Mountain Road. Mr. Harvey noted there were several landowners within that easement area. Ms. Bishop reported that they were required to notify all of the adjoining landowners. Mr. Rutherford noted they could build the structure by right, it was the use that was what they were discussing.

Applicant Chris LeBlanc of NOLA Builds was present to address the Board. He reported that he and his wife had been in the area for about 15 years. He explained that they were looking for a place to get away from town and let their boys play in the creek. He looking to building for a home to get away from town and also offset some expenses. He noted there were existing Airbnbs along Afton Mountain Road on smaller lots. He indicated that the property they had was going to be difficult to build on and they were hoping the traffic would stay low. He noted they were on the property every other weekend. Mr. Barton asked if the plan was to build and rent it out or eventually move there. Mr. LeBlanc noted they would come there to enjoy it but where they lived was so close to town, work and their kids' activities. He indicated that they were looking for somewhere to go and play on the machine, cut grass and enjoy the peace. He could not say what he may do in twenty years, noting he had about twenty more years of raising kids. He commented that he was 33 minutes away so it would be used by him a fair amount. Mr. Reed asked about access over the creek. Mr. LeBlanc noted there had been a culvert installed prior to purchase.

Mr. Rutherford opened the public hearing.

Jeri Lloyd, Afton, VA

Ms. Lloyd noted that she did not live near property but was adamantly opposed. She reported that she had spoken to landowners in the area who were not happy about the concept. She noted the landowners had not attended the meetings because they felt that the Planning Commission and the Board of Supervisors would do what they wanted. She felt that the access road would change the area, particularly if they were renting to transients who would be visiting the area and traveling in and out. She reported that at their last meeting, the Planning Commission had lamented the fact that there were a lot of special use permits in the area. She did not think that transients had the right of way access, assumed that right of way was only for the people who lived on the property. She stated that the owners did not even live in Nelson County, noting they were going to build and rent it out to transients would be coming in and out through other people's land. Ms. Lloyd stated that the Planning Commission and Board were abusing the intended purpose of the special use permit.

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

Mr. Barton asked if the special use permit would allow more than one unit. Ms. Bishop indicated that it would just be for the one home. She reminded the Board that the building of the home was by right, noting that the applicant had already gotten a building permit and started building the home. She explained that the applicant wanted to use the home to rent it out. She noted that it would not allow them to build other homes on the property to rent out and they would have to go through the application process again if they wanted to do that.

Mr. Harvey asked about the acreage. Ms. Bishop noted they had 10.33 acres. Mr. Harvey pointed out that there could be 3 houses put there if they wanted. Ms. Bishop confirmed that they could put three homes on the property but noted that they would have to come back for approval if they wanted to rent them out. Mr. LeBlanc noted that geographically, it was not conducive to build additional homes on the property. Ms. Bishop noted that she could not speak to the topography, but on paper, the acreage allowed for more homes. Mr. LeBlanc noted he was looking to offset his costs and the rules applied the same to him as anyone else. He noted he was a builder and looking to build a house and follow the process to make some of the money to cover costs by renting. He noted he may put in a three car garage to house some of his toys but the land was not conducive to add more homes. He explained that he was not going to lie and say he was going to live there. He wanted to be honest and follow the rules and earn enough money back to not rent it out as much.

Mr. Rutherford noted that during the Planning Commission meeting it was observed that there were probably some folks renting out homes on Afton Mountain Road that were not compliant. He noted that Mr. LeBlanc was going through the right process to do it. He noted that should be complimented because he could have just built it and started renting it out.

Mr. Reed asked Ms. Bishop about the building permit and noted if the Board denied the special use permit, the applicant could reside in the home. Mr. Reed asked if the home was still placed on the short term rental market, what enforcement tools could be used to handle it. She noted that Planning and Zoning could issue a notice of correction first for the violation and provide the process needed to move through for a special use permit. She noted if they did not respond to the notice, it would then go forward to the County Attorney to litigate it. Ms. Bishop indicated that if the Board denied the special use permit, Mr. LeBlanc could reapply in one year. Mr. Reed asked if the applicant was denied the special use permit, would he still be able to apply for a business license to operate a short term rental. Ms. Bishop noted that he could apply for one, but going forward, the Commissioner of Revenue's office would send anyone applying for short term rentals to Planning and Zoning first. She noted that the business license did not preclude them from getting zoning approval. She explained that this had not been common practice in the past but was something that she and the Commissioner of Revenue had resolved.

Mr. Barton asked how many short term rentals there were in the County. Mr. Rutherford estimated there were at least 900 rentals in Nelson. The Board discussed how much money could be made in short term rentals and the need to make sure everyone was compliant in paying lodging taxes.

Mr. Barton moved to approve Special Use Permit #690 as presented from the Planning Commission. Mr. Reed seconded the motion. There being no further discussion, Supervisors approved the motion (3-1) by roll call vote with Mr. Harvey voting no.

IV. OTHER BUSINESS (AS PRESENTED)

The Board had no other business to discuss.

V. ADJOURNMENT

At 7:34 p.m., Mr. Reed made a motion to adjourn the meeting and Mr. Barton seconded the motion. There being no further discussion, Supervisors approved the motion by vote of acclamation, with Mr. Harvey in opposition, and the meeting adjourned.