

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
J. David Parr, West District Supervisor – Vice Chair
Thomas D. Harvey, North District Supervisor
Robert G. “Skip” Barton, South District Supervisor
Candice W. McGarry, County Administrator
Amanda B. Spivey, Administrative Assistant/Deputy Clerk
Emily Hjulstrom, Planner

Absent: Ernie Q. Reed, Central District 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 and Mr. Reed was absent.

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

II. PUBLIC COMMENTS

Robert Gubisch – Faber, VA

Mr. Gubisch commented on the School Zone presentation from the prior month’s Board meeting. He said that one of the questions that should have been asked was: how much loss of life has been caused and how much property damage has been caused by speeding in a school zone. He guessed that there had not been any children run over and no school buses had been hit due to someone going a little over the speed limit. He thought what could be assumed was that speeders were safely speeding through the school zone. He thought they were regular people who were just going somewhere, and not always conscious of the exact speed they were traveling. He thought the idea sounded like legalized grand larceny.

Chief Raymond Cook - Faber, VA

Chief Cook of Faber Volunteer Fire Department commented on a traffic safety issue, noting that he was trying to get a pictogram sign at the u-turn on 29 South and Grapelawn. He commented that they occasionally have tractor trailers get hung up blocking southbound, and sometimes northbound lanes as well. He commented that the pictogram sign would be have a picture of a tractor trailer with the landing gear touchpoint location so that tractor trailer drivers would understand that they could not make the turn because they would hang up on their landing gear. Chief Cook indicated that he had spoken with VDOT and VDOT had recommended that he speak to the Board of Supervisors regarding the need for the sign placement. He commented that it could help prevent traffic backups and accidents in that location on Route 29. Secondly, Chief Cook informed that Board that he was in the process of finalizing a tanker for the fire department. He noted he was certain that the cost should come in under \$400,000 and it would take a while to build it.

Ms. Jeri Lloyd had previously signed up to speak but she decided not to speak during public comments.

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

II. CONSENT AGENDA

Ms. McGarry explained that that **Resolution R2023-52** was a citation error correction on **Ordinance O2023-05**. She noted that the citation error should have referenced County Code instead of State Code in a particular part of the ordinance. She indicated that it was a housekeeping matter.

Mr. Parr moved to approve the Consent Agenda as presented 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 – **R2023-50** Minutes for Approval

**RESOLUTION R2023-50
NELSON COUNTY BOARD OF SUPERVISORS**

August 8, 2023

**APPROVAL OF MINUTES
(March 31, 2023)**

RESOLVED, by the Nelson County Board of Supervisors that the minutes of said Board meetings conducted on **March 31, 2023** be and hereby are approved and authorized for entry into the official record of the Board of Supervisors meetings.

B. Resolution – **R2023-51** Budget Amendment

**RESOLUTION R2023-51
NELSON COUNTY BOARD OF SUPERVISORS
AMENDMENT OF FISCAL YEAR 2023-2024 BUDGET
August 8, 2023**

I.	Appropriation of Funds (General Fund)		
	<u>Amount</u>	<u>Revenue Account (-)</u>	<u>Expenditure Account (+)</u>
	\$ 31,184.00	3-100-002404-0017	4-100-021060-3161
	\$ 3,078.00	3-100-002404-0035	4-100-031020-7036
	\$ 513.80	3-100-002404-0001	4-100-031020-5419
	\$ 4,000.00	3-100-002404-0049	4-100-032010-5504
	\$ 32,310.00	3-100-002404-0035	4-100-031020-7049
	\$ 32,373.00	3-100-002404-0035	4-100-031020-7038
	\$ 50,000.00	3-100-003303-0044	4-100-091030-5626
	\$401,982.17	3-100-009999-0001	4-100-091050-7166
	\$ 20,000.00	3-100-002404-0060	4-100-081020-7057
	\$ 20,000.00	3-100-002404-0060	4-100-081020-7059
	<u>\$ 82,000.00</u>	3-100-003303-0043	4-100-999000-9905
	\$677,440.97		
II.	Transfer of Funds (General Fund Non-Recurring Contingency)		
	<u>Amount</u>	<u>Credit Account (-)</u>	<u>Debit Account (+)</u>
	\$ 46,266.00	4-100-999000-9905	4-100-031020-7049
	<u>\$ 46,355.00</u>	4-100-999000-9905	4-100-031020-7038
	\$ 92,621.00		

C. Resolution – **R2023-52** Citation Error Correction on Ordinance **O2023-05**

**RESOLUTION R2023-52
NELSON COUNTY BOARD OF SUPERVISORS
CORRECTION OF A CITATION ERROR IN ORDINANCE O2023-05**

WHEREAS, on July 11, 2023, the Nelson County Board of Supervisors adopted Ordinance O2023-05 to create a new division in Chapter 11, Taxation, Article II Real Property Tax of the Code of Nelson County Virginia; and,

WHEREAS, a citation error was made in new Section 11-72 which referenced “Article 2.3 of the Code of Virginia;” and,

WHEREAS, the Board wishes to correct the citation and replace it with “Chapter 11 of the Nelson County Code;”

BE IT HEREBY RESOLVED, that the Nelson County Board of Supervisors hereby corrects the citation error on Ordinance O2023-05 and a copy of the corrected Ordinance is attached herewith.

IV. RESOLUTION – RECOGNITION OF JAMES MORRIS (R2023-53)

Mr. Rutherford welcomed Mr. James Morris. Mr. Morris thanked the Board and those who hired him when he started working for the County on March 1, 1990. He noted that he had been working for the County for 33 years and six months.

Mr. Parr read the resolution recognizing Mr. Morris’ years of service to the County and made a motion to approve **Resolution R2023-53**. 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 R2023-53
NELSON COUNTY BOARD OF SUPERVISORS
RESOLUTION RECOGNIZING THE COUNTY SERVICE OF
JAMES O. MORRIS**

WHEREAS, Mr. James O. Morris is retiring as of September 1, 2023 after having tirelessly served the citizens of Nelson County for approximately thirty-three (33) years; and

WHEREAS, Mr. Morris began his employment with Nelson County on March 1, 1990 as a member of the County’s custodial and maintenance staff; and

WHEREAS, during his tenure with Nelson County, Mr. Morris served under seven (7) County Administrators, including: George H. Krieger, Jeffrey D. Johnson, Ralph H. “Buddy” Moore, M. Douglas Powell, John D. Cutlip, Stephen A. Carter and Candice W. McGarry; and

WHEREAS, Mr. Morris has dedicated his career to maintaining the County’s office buildings, ensuring the continuity of operations for the County’s departments and offices which serve the citizens of Nelson County; and

NOW, THEREFORE, BE IT RESOLVED, that the Nelson County Board of Supervisors does hereby honor Mr. James Morris with great appreciation for his dedicated and steadfast service to Nelson County throughout his tenure, and

BE IT FURTHER RESOLVED, that Mr. James Morris will be missed both personally and professionally and the Board wishes him continued health, happiness, and prosperity upon his well-deserved retirement.

V. PRESENTATIONS

A. VDOT Report

Mr. Robert Brown of VDOT was present. He reported that the request for a study to have a right turn lane on Route 29 North going to the Animal Shelter was being reviewed. He noted that he was hoping to get a recommendation back on the turn lane request soon. He referenced the U-turn sign at Grape Lawn that Chief Cook brought up during Public Comments. He reported that the request had been reviewed by VDOT’s traffic engineers and it was not recommended for a grade type sign. He noted that the traffic engineers did recommend installing a larger U-turn sign at that location. He reported that VDOT would install the larger sign and continue to monitor the situation. Mr. Parr asked if any reason was given for not recommending the grade type sign. Mr. Brown noted that they did not give any particular reason. He commented that those types of signs were mostly used at railroad crossings. Mr. Brown noted that they would continue to monitor and if there were still issues, they would revisit the options.

Mr. Brown reported that Jack's Hill was still under construction but had been reopened after the installation of a new culvert pipe. He noted they were still working on the road.

Mr. Brown reported that a pipe on 151 near the base of Brent's Mountain needed to be replaced. He noted that they were working on the permits to take care of it. He reported that he was looking at short term daytime/nighttime closure of 151 to install the pipe. He estimated it would take around 18 hours to complete it. Mr. Brown explained that the pipe crossed 151 and it was completely crushed so it needed to be replaced instead of installing a liner and grouting. Mr. Parr commented that the road was just paved. Mr. Brown confirmed that it had been repaved and he had hoped to complete the project prior to paving, but it did not work out. He explained that when they replaced the pipe, he would have the paving contractor come back to pave it and make it look nice.

Mr. Brown reported that he had met with Mr. Reed and Mr. Jerry West at the Sturt property on Findlay Gap Road. He noted that there was work to be done there. He reported that there were two ford crossings between the County property and Keys Church Road. He commented that the road would need to be

improved to a better level if the County was looking to open some type of recreation area on the property. He noted that he was looking for options to improve both of those crossings. He commented that he was also trying to find funding to improve the one mile of unpaved road between the County property and Keys Church Road. He noted that they may have some undesignated Telefee money and Secondary Road money that they could apply to that project.

Mr. Brown reported that VDOT was mowing Route 29 currently. He noted that they were trying to mow especially south of Lovington before school starts in the next week.

Mr. Parr:

Mr. Parr had no VDOT issues to discuss.

Mr. Barton:

Mr. Barton noted that they had previously discussed Route 56 around Wingina and asked Mr. Brown if he had thought any more about the road issues. Mr. Brown noted that he had instructed the district paving manager to make sure that section of 56 was put on the FY25 paving schedule. He commented that was the quickest it could get on the schedule. He noted that it would be next year for it to be paved, but they would patch the potholes until then. Mr. Brown explained that they used a rating system to prioritize what could be paved and what could not be paved, and it was pretty much a statewide system.

Mr. Harvey:

Mr. Harvey had no VDOT issues to discuss.

Mr. Rutherford:

Mr. Rutherford commented that a 151 stakeholder meeting had been held at the Rockfish Fire Department. He noted that one of the comments from the meeting was regarding truck traffic on 151 and what would need to be done to restrict truck traffic from Brent's Gap to Route 250. Mr. Brown noted that the Board could request that truck traffic be restricted. Mr. Brown noted that 151 from Route 6 over Brent's Mountain was already restricted. Mr. Rutherford asked if Route 6 was included in that. Mr. Brown noted that Route 6 was not restricted. Mr. Rutherford noted that there was interest in restricting truck traffic. Mr. Brown asked to clarify if they were looking at a restriction for thru trucks. Mr. Rutherford confirmed it was only for thru trucks, noting they did not want to affect people receiving deliveries. Mr. Rutherford asked Mr. Brown to look into it. Mr. Harvey thought it was something that was pretty hard to do, noting it would affect a lot of people.

Mr. Rutherford thanked VDOT for trimming in Lovington. He asked if there was something that could be done to clean up the sidewalks in Lovington, noting that the dead plants had become trip hazards. Mr. Brown noted they would take care of it. Mr. Rutherford asked if that could become a spring and summer routine as there were lots of things going on in Lovington.

Mr. Rutherford asked about the 151 Corridor study. Mr. Brown noted it was ongoing, and he was thinking it would not be complete until the fall. Mr. Rutherford noted that they were hearing comments from the community that it would be preferred to have the study complete before the Comprehensive Plan was completed. Mr. Brown and Ms. McGarry noted that it had been indicated by VDOT that every effort would be made to have the study complete before the Comprehensive Plan.

B. Nelson Heritage Center Updates – Johnette Burdette

Ms. Johnette Burdette, Executive Director of the Nelson Heritage Center was present to provide updates on the projects going on at the Heritage Center, as well as the Health Department renovation. Ms. Burdette reminded the Board that the \$400,000 Heritage Center gymnasium renovation had been underway for the past four years. She reported that the renovation was finally complete and they were waiting on one last inspection before they would receive their occupancy permit. She explained that the final inspection was to check the exit pathways from the gym. She commented that they thought all items had been addressed and they were ready to schedule the inspection.

Ms. Burdette reported that the Heritage Center had two additional renovation projects. She explained that one of the projects was for the Health Department. She reported that they had secured funding for the Health Department, noting they had a delay with construction due to funding. She reiterated that they had secured funding and she noted that she wanted to return to the Board in September with Wall Construction, the contractor for the project, to provide a construction report and timeline. She reported that they were expecting to complete the Health Department by the first of the year, which was about a 3,500 square foot space. She noted that they were working with the Health Department and the Department of General Services to update the lease to address the new closing date.

Ms. Burdette reported that they had another renovation project to start in the near future. She explained that the plan was to renovate the auditorium, lobby and restrooms. She noted that these were the most used spaces by the citizens in the Heritage Center. She reported that it would cost an estimated \$400,000 to complete those updates.

Mr. Rutherford asked whether the appropriations for the Heritage Center had come out in the state budget yet. Ms. Burdette noted that they were still waiting to hear. She explained that the appropriations would help with the renovation of the auditorium and restrooms. She noted that the renovations for the Health Department had been secured through a loan through VCC.

There were no other questions from the Board. Ms. Burdette thanked the Board for their continued support and noted that she looked forward to coming back to the Board soon.

Mr. Rutherford commented that they had one speaker who had not arrived yet, who would be speaking on the project for the Lovington Village Association. He suggested that if they got to that portion of the agenda before the speaker arrived, they would take a brief recess and skip over to Item VI C.

VI. NEW & UNFINISHED BUSINESS

A. Rockfish Senior Group Funding Request

Ms. Carolyn Brogan, President of the Rockfish Valley Senior Group was present to request \$12,367 in funds for their budget for food for FY23-24. Mr. Rutherford noted that the Board had provided funds to the group in the past. Ms. Brogan noted that the Board had provided funding in the past. Ms. McGarry noted that at one point a church had been helping provide senior meals, she noted at that point, the Board had reduced funding to the group for senior meals. Ms. Brogan reported that the church stopped providing meals in 2020. She explained that she has to cook every Thursday unless the group goes to Golden Corral. Ms. Staton noted that the Finance Department helped Ms. Brogan to get her numbers together for the request. Ms. Staton reported that the Senior Group had about \$6,100 in savings and about \$1,200 in checking. She noted that the Rockfish Senior Group had not had any budget appropriations since the one granted in 2020. She explained that the group did not get their request turned in on time for the FY24 budget, which was why they were present to request funding to help them through FY24. Mr. Parr asked what the prior funded amount was. Ms. McGarry noted that in FY21 the group was funded \$12,079.

Mr. Harvey moved to fund the Rockfish Senior Group \$12,300 for their senior meals. Mr. Barton seconded the motion. There being no further discussion, Supervisors unanimously approved the motion by vote of acclamation.

C. Water and Wastewater Facilities PER (R2023-54)

Mr. Rutherford noted that they would skip ahead to Item VI C, as the speak had not yet arrived for Item VI B.

Ms. McGarry reported that the Board had been advised by the Nelson County Service Authority of the impending need for increased public water and wastewater treatment capacities in the Lovington system.

She noted that the County had been working on the master planning of the former Larkin property in Lovington, which included Dillard Creek. She explained that an element of the master planning was consideration of including a water impoundment and treatment plant on the Larkin property. She noted that the feasibility of upgrading the old Lovington system wastewater treatment plan was also a consideration in the potential to provide additional wastewater treatment capacity for the Lovington system.

She explained that the resolution proposed to allow the County and the Service Authority to partner to procure consultants to perform Preliminary Engineering Reports (PERs) for a water impoundment and treatment plant at Dillard Creek in Lovington, and for the upgrade of the old Lovington wastewater treatment plant.

Mr. Rutherford noted they had been discussing the need for a while. Ms. McGarry indicated that they did not know how much the studies would cost. She noted that George Miller with the Service Authority was estimating \$30,000 to \$50,000 for each study. She commented that it could range in total from \$60,000 to \$100,000. She explained that once they were in a position to negotiate with the consultants, they would return to the Board report on the costs and get further authorization to proceed. Mr. Barton confirmed that it was necessary to do. Mr. Parr noted that all of the plans for the Larkin property centered around it. Mr. Rutherford noted that with anything they were to support in the future, water and sewer capacity would be front and center. He confirmed that they had to do the study.

Mr. Parr moved to approve **Resolution R2023-54** – Authorization to Initiate Preliminary Engineering Report/Feasibility Studies for Public Water and Wastewater Facilities in Partnership with Nelson County Service Authority. Mr. Harvey seconded the motion. There being no further discussion, Supervisors approved the motion unanimously by vote of acclamation and the following resolution was adopted:

**RESOLUTION R2023-54
NELSON COUNTY BOARD OF SUPERVISORS
AUTHORIZATION TO INITIATE PRELIMINARY ENGINEERING REPORT/FEASIBILITY
STUDIES FOR PUBLIC WATER AND WASTEWATER FACILITIES IN PARTNERSHIP
WITH NELSON COUNTY SERVICE AUTHORITY**

WHEREAS, the Board of Supervisors has been advised by the Nelson County Service Authority of the impending need for increased public water and wastewater treatment capacities in the Lovingson system; and

WHEREAS, the impending need for increased public water and wastewater treatment capacities in the Lovingson system has been identified in the draft 2042 Comprehensive Plan; and

WHEREAS, the Board of Supervisors is engaged in master planning of the former Larkin property in Lovingson, which includes Dillard Creek; and

WHEREAS, as an element of the master planning of the former Larkin property in Lovingson, the Board wishes to consider inclusion of a water impoundment and treatment plant in that location; and

WHEREAS, the feasibility of upgrading the old Lovingson system wastewater treatment plant is also a consideration in the potential to provide additional wastewater treatment capacity for the Lovingson system; and

WHEREAS, the procurement of an engineering firm specializing in water and wastewater facilities is necessary to properly evaluate these options,

NOW THEREFORE BE IT RESOLVED, that the Nelson County Board of Supervisors authorizes the County Administrator to partner with the Nelson County Service Authority in initiating the procurement of professional services to perform Preliminary Engineering Reports (PERs) for a water impoundment and treatment plant at Dillard Creek in Lovingson and the upgrade of the old Lovingson wastewater treatment plant; and

BE IT FURTHER RESOLVED, that County funding for the completion of the PERs will be authorized upon contract negotiation with the selected consulting firm; with technical expertise and project management to be provided by the Nelson County Service Authority.

The Board took a brief recess.

B. Lovingson Village Association Funding Request

Mr. Rutherford noted that they had a funding request in regards to Lovingson and its branding for the future. He noted that Ms. Rebecca Haydock of the Central Virginia Small Business Development Center had recently presented the concept of branding Lovingson to him and other community members.

Ms. Haydock noted that she had been with the Small Business Development Center (SBDC) since 2020. She reported that the SBDC had been working with Ms. Maureen Kelley on some of the revitalization efforts in Lovingson. She noted that it started with the research done by Ms. Kelley to understand the market and population to determine how Lovingson could be revitalized and what types of state and Federal funds could be sought after to help with the project. Ms. Haydock explained that Ms. Kelley was about to contract with some contractors through SBDC to have research and interviews with Lovingson people to determine the brand of the community. She explained that they were then able to apply to the Department of Housing and Community Development to get the community business launch grant, which then allowed them to help find businesses that wanted to relocate or expand in Lovingson.

She noted that the next step was to have a brand strategy for Lovingson, which would possibly allow them to go after additional grants and funding. She reported that they found three things that make Lovingson special: the history of the area, the nature of area, and artistic nature of Lovingson and deep artistic capabilities. Ms. Haydock noted she was present in place of Ms. Kelley to present a brand strategy proposal. She noted that the goal was to come up with a cohesive brand strategy to determine the voice of Lovingson, who they were trying to attract to Lovingson, what message they wanted to give and what language they wanted to use. She explained that in order to do that they needed to facilitate a meeting with at least 10 key stakeholders representing different parts of the community. She noted that the stakeholders would come

together, give their feedback, present their ideas and move towards a brand compass. She explained that the brand compass would help to determine things like signage, streetscapes and how to promote events in Lovington. She noted that could help unlock opportunities for additional grants and tourism money.

Ms. Haydock noted the presentation was basically a facilitator who uses human centered design to get a lot of people with different ideas together to share their thoughts and ideas, to then put together a brand compass. She noted that SBDC also had put together their brand compass when she first started there. She explained that the brand compass was a document that was like a north star, guiding any promotions or communications. She reported that the proposal was \$5,500 for eight (8) hours of time with 10 or more people from a diverse group to bring together the creative ideas. She provided examples of the people who would be in that group: Lovington business owners, Lovington homeowners, multi-generational, someone newer to the area, someone who left and came back, decision makers, influencers and leaders.

Mr. Rutherford noted many people from Lovington Village Association were present at the meeting. He noted they were trying focus on tiny victories to make sure they had parades, a fall festival, and many other things to brand Lovington. He pointed out that Lovington had always had a culture but they needed to determine how to shape for future. He noted that they were starting to see more businesses come to Lovington and old buildings were being renovated. He thought this was a good step for Lovington.

Mr. Harvey asked why they were not talking about any place other than Lovington. Mr. Rutherford noted they were trying to bring some of the development on 151 to Lovington, but maybe in a different way. Ms. Haydock noted the market research report and commented that there was very different brand in Lovington than on 151. She noted that the brand in Lovington was more about nature, family, art, and history. She explained that the SBDC was an economic development partner to Ms. Kelley's office. She noted that in their work in other areas, they found that branding was needed to bring tourism to specific areas. She noted that identity would become part of Ms. Kelley's tourism plan for the entire County. Mr. Parr asked for examples of other places that the branding had been done by SBDC. Ms. Haydock noted they had done similar work in Scottsville. She reported that Greene County was looking at branding for Stanardsville. She commented that they had done "mini" versions of branding for McIntyre Plaza by working with its 59 retailers. Ms. Haydock noted that Ms. Kelley was interested in working with the consultant to bring the different groups and leaders together.

Mr. Barton noted the resources for the County, commented that there were a lot of artisans outside of Lovington. He asked if they would be looking to get them involved. Mr. Rutherford thought there would be varying contributors but they would be targeting those people in Lovington area. He commented that they should let the Lovington Village decide what it wanted to be. Ms. Haydock noted there were two examples of bringing in artists to Lovington. She noted that the Heart of Nelson had several vendors participating that were not in Lovington. She pointed out that the funeral home was looking to work with crafters across Nelson who worked with wood or stone to make urns. She also noted Lovington Farmers Market expansions in the future.

Mr. Barton noted they were trying to get the people of Lovington to buy in. Ms. Haydock noted that they wanted to get a representative group that could share the interests and voice the identity so that they had a plan to move forward and complete the revitalization of Lovington.

Mr. Barton asked what they needed to do. Mr. Rutherford he would love it if they approved the proposal.

Mr. Harvey commented that Rockfish got their things done on their own. Mr. Harvey wanted to see what Lovington was doing. Mr. Rutherford invited Mr. Harvey to visit the Heart of Nelson in Lovington.

Mr. Parr made a motion to approve the Lovington Village proposal as presented. Mr. Barton seconded the motion. There being no further discussion, Supervisors approved the motion (3-1) by roll call vote, with Mr. Harvey voting no.

Mr. Rutherford thanked everyone. He noted they would be working on signs and branding.

Mr. Parr noted that the contingency fund made all of the funding requests possible that had been presented at the meeting that day. He commented that it was important to remember that things would come up throughout the year. He noted that it was important to remember the contingency when budgeting.

VII. REPORTS, APPOINTMENTS, DIRECTIVES AND CORRESPONDENCE

A. Reports

1. County Administrator's Report

Ms. McGarry reported the following:

A. Comprehensive Plan: The project website is www.Nelson2042.com. There will be a Public Open House on the latest full draft plan on August 29th at 6:30pm – 9pm at the Nelson Center in Lovingston.

B. Line of Duty Act Resolutions & Legislative Initiatives: After the Board's adoption of Resolution R2023-45 honoring Officer Wagner and requesting General Assembly action to amend the Line of Duty Act to include private police departments, the County requested similar action be taken by Board's across the State. Currently, we are aware that the same or similar resolution has been adopted by: Amherst, Augusta, Campbell, Greene, Madison, and Montgomery County, with more indicating theirs will take it up in the near future. Senator Creigh Deed's office has indicated his support and VML and VACo will consider including this in their legislative programs.

C. Findlay Gap Road Repairs: In follow up to directives from the last meeting; Jerry West, Supervisor Reed, and VDOT staff met on sight at Findlay Gap Road to look at creek crossings that affect public access to the Sturt Park property. VDOT has indicated they will make immediate surface and ford repairs to the road using undesignated tele-fees in the Secondary Six Year Plan that are available. In the coming year, the Board can consider adding Findlay Gap Road to the Rural Rustic priority list for paving.

D. Virginia Outdoors Foundation PTF Grant – Sturt Park: County staff met with Supervisor Reed, Bill Perry of VDOF, Susan McSwain of the Master Naturalists, Grace Monger of VDOE, and William Rose, property caretaker to discuss ways to improve the County's second grant application for these funds. The meeting was very productive and an enhanced application will be submitted by the Monday August 7th deadline. Thank you to Jerry West for his diligence on this grant application.

E. Courthouse Complex Trees Evaluation: Staff has received several evaluations and recommendations from tree specialists (arborists) and Bill Perry of VDOF concerning the large pin oak at the right-hand corner of the entrance road and the sugar maple on the opposite side (left-hand) of the entrance road. All recommended their removal due to their declining health and risk to the public and surroundings (see attached). Board advisement on the desire for any further investigation or information on this subject is requested prior to formal consideration. The three cost proposals received for this work to date range from \$17,110 - \$20,000.

Ms. McGarry asked if the Board had any questions regarding the trees and noted that she needed advisement from the Board on the tree evaluations. Mr. Barton asked about the ash tree. Ms. McGarry reported that it was doing well. She commented that the ash tree was being treated and had cabling in the top to help stabilize it. She noted that there may be an additional recommendation to add more cabling, but it was in good health overall. Mr. Barton then asked about the pin oak and whether it was dying. Ms. McGarry noted that all four people who had looked at the tree had confirmed that it was. She reported that the tree had hypoxylon disease which was a contagious fungus spread by spores that attached stressed or weakened trees. Mr. Parr pointed out that the tree was a liability hazard for the County. Ms. McGarry noted that the pin oak was adjacent to a lot of the power lines coming into the Courthouse complex and it was also near the stonewall that abutted the roadway. Mr. Barton commented that the fact Ms. McGarry was seeking the Board's opinion, showed her reluctance to remove them. Ms. McGarry confirmed that she hated to lose any trees at the Courthouse, but there was really nothing that could be done to save them. She agreed with Mr. Parr that they were becoming liabilities. She noted that she was not necessarily looking for a decision at the moment. She offered to gather further information if needed. Mr. Parr noted the report indicated that the tree was 50 percent dead. Mr. Rutherford recommended that they go ahead and remove the tree. Mr. Parr noted that knowing it was 50 percent dead, they needed to go ahead and remove it. Mr. Rutherford commented that the difference between negligence and gross negligence was knowing. Ms. McGarry asked for a vote on the tree removal.

Mr. Parr made a motion for the County Administrator to move forward with the proposal to remove the Oak and Maple trees at the Courthouse as reported. Mr. Barton seconded the motion. There being no further discussion, Supervisors approved the motion (3-1) by roll call vote with Mr. Harvey voting no.

F. Piney River Solar, LLC Special Exception 2023-369 – Amherst County: Amherst County will hold a public hearing on a special exception request for a revised utility scale solar energy system by Piney River Solar, LLC located at 2508 Patrick Henry Highway on tax map parcel 40-A-64 at 7pm, Thursday, August 17th in the Amherst County Administration Building.

G. Gladstone Solid Waste Collection Site: In follow up to concerns expressed at the last meeting, staff will be working on ways to keep this site in better condition; inclusive of determining the best regular day(s) of the week to clean up the site; possible improvements to site visibility, and other ways to reduce illegal dumping.

H. DSS Building/Callohill Site: PMA has provided the final geotechnical report from Timmons which confirms the site conditions that were presented to the Board. Staff and PMA are working towards finalization of space needs and PMA is drafting a proposal for the Board's authorization to proceed into the

conceptual/preliminary and schematic design phase of the project. Estimates will be able to be further nailed down during this phase. Mr. Burdette is checking with the State DSS to see if they can provide any increase in the reimbursement amount for the new facility. Staff is working with Davenport on timing of a future financing and proposing consideration of a reimbursement resolution at the same time the design phase is authorized. An update of the Debt Capacity analysis will be forthcoming once some project costs are more solid and FY23 end of year financial status is analyzed.

I. Shipman Historic District: The Virginia Department of Historic Resources (DHR) will be issuing a request for quotes for selective survey and preliminary information form work on August 14th. The contractor is expected to initiate the project by November, reach 75% completion by February, and 100% completion by the end of March.

J. Building Official: Its official, Jeremy Marrs has obtained his Building Official certification. Congratulations to Jeremy!

K. Staff Reports: Department and office reports for May have been provided.

2. Board Reports

Mr. Barton:

Mr. Barton reported that at the jail board meeting, they discussed how to best plan for renovation.

Mr. Harvey:

Mr. Harvey had no report.

Mr. Parr:

Mr. Parr noted the Caboose at the Piney River Trail. He noted that he had met with Jerry West, and the Fleetwood Masonic Lodge had taken on a project to raise funds to put a cover over the Caboose to protect it. He asked everyone to be on the lookout for an announcement for a fundraiser to be put on in conjunction with Parks and Recreation and the Masonic Lodge. He noted they were hoping to have a formal open house reception in spring. Mr. Parr stressed the need to protect caboose since a lot of work had gone into its restoration.

Mr. Rutherford:

Mr. Rutherford reported that the TJPDC did not meet last month. He reported that he attended a town hall in Afton about the Nellysford UDA (urban development area). He noted that there were people commenting about not knowing when things were going on. He commented that there was plenty of opportunity to participate in Nelson. He pointed out that the Comprehensive Plan was in process and noted that additional meetings had been added provide more opportunities for people to participate. He asked people to continue to participate, noting that few people showed up during the budget public hearing. Mr. Rutherford noted the regular meeting date had been on the second Tuesday of the month for a very long time. He noted that the Lovingson Village Association was underway, and they had more ideas coming along. He commented that the 4th of July was a nice event.

B. Appointments

Ms. Spivey reported that there were no appointments to be made. She noted that they would have some appointments coming up in the fall.

C. Correspondence

The Board had no correspondence.

D. Directives

Mr. Rutherford reported that he had a conversation with Mr. Reed regarding the special use permit at the evening session. He noted that Mr. Reed had asked the Board to consider waiting to vote on the special use permit for the lavender farm until next meeting, so that he may be able to attend as it was in his district. Mr. Rutherford noted they still needed to conduct the public hearing that evening. Mr. Barton noted that he wanted to also visit the site.

VIII. ADJOURN AND CONTINUE – EVENING SESSION AT 7PM

At 3:24 p.m., Mr. Parr moved to adjourn and reconvene at 7:00 p.m. and 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 four (4) Supervisors present to establish a quorum and Mr. Reed being absent.

II. PUBLIC COMMENTS

There were no persons wishing to speak under public comments.

III. PUBLIC HEARINGS

A. Ordinance O2023-06 – Amendment to Chapter 2, Administration, Article I, Section 2-2 Safety Program

Consideration of an ordinance proposed for passage to amend Chapter 2, Administration, Article I, Section 2-2 Safety Program. Proposed amendments to Section 2-2 are to update the names of the entities covered by the Line of Duty Act as some of the names have changed.

Ms. McGarry introduced Ordinance O2023-06. She reported that the public hearing was authorized by Virginia State Code §9.1-400 et seq. Line of Duty Act (LODA). She explained that the Line of Duty Act (LODA) statute applied to a member of any fire company or department or emergency medical services agency that has been recognized by an ordinance or resolution of the governing body of any county, city, or town of the Commonwealth as an integral part of the official safety program of such county, city, or town, including a person with a recognized membership status with such fire company or department who is enrolled in a Fire Service Training course offered by the Virginia Department of Fire Programs or any fire company or department training required in pursuit of qualification to become a certified firefighter.

Ms. McGarry noted that the reason for the proposed amendments was because the entity names under the current Code section were last update in 1996. She explained that the County provided LODA coverage through an insurance policy with the County’s insurance provider, VACORP. She noted that active rosters for fire and rescue agencies, including career EMS staff, were annually verified and provided to VACORP for LODA coverage. She further noted that LODA claims were submitted to VACORP and benefits paid under the policy were subject to approval by the State. Ms. McGarry explained that updating the covered entity names in the County Code provided for uniformity when cross-referenced with LODA insurance coverage rosters; ensuring that EMS and fire company providers have access to the benefits under the LODA statute; upon State review of any claims. Ms. McGarry explained that proposed Ordinance O2023-06 would amend Sec. 2-2. Safety Program. She showed the proposed changes to the entity names and noted that the County Attorney had researched the registered entity names with the SCC.

■ **Sec. 2-2. Safety Program**

The county sheriff, deputy sheriffs, correctional officers, other law enforcement officers and members of the following volunteer fire departments and volunteer rescue squads are hereby recognized as an integral part of the official safety program of the county, pursuant to Section 9.1-400 et seq., of the Code of Virginia of 1950 as amended:

- ~~Roseland Rescue Squad, Inc. Incorporated.~~
- ~~Nelson County Rescue Squad, Incorporated~~
- ~~Gladstone Rescue Squad, Incorporated~~ Gladstone Volunteer Fire and Rescue Service
- ~~Gladstone Volunteer Fire Department~~
- Piney River Volunteer Firemen's Association
- Nelson County Volunteer Firemen's Association (Lovington Fire)
- Faber Volunteer Fire Department
- ~~Rockfish Valley Volunteer Fire Department, Inc.~~
- ~~Montebello Fire and Emergency Services, Inc. Volunteer Fire Department, Inc.~~
- Wintergreen Property Owners Volunteer Rescue Squad, Inc.
- Wintergreen Volunteer Fire Department, Inc.

Mr. Parr asked about Animal Control and where it fell under the LODA. Ms. McGarry explained that currently, Animal Control Officers under County Administration, like Nelson County’s Animal Control, were not covered by the LODA. She noted that an Animal Control Officer as part of a covered police department, was covered by LODA. She also pointed out that there was a difference between an Animal Control officer and a K-9 police officer. Mr. Parr noted proposed ordinance change and asked for clarification on who was covered. He asked if the change would include Wintergreen Police Department. Ms. McGarry noted that it did not, and explained that the State Code only allowed for volunteer fire and rescue to be covered. Mr. Rutherford noted that part of the conversation they were currently having with other localities was that it be mandated to have private police departments covered under LODA. Mr. Rutherford noted the first priority was having private police forces covered, but Animal Control was an additional group not currently mandated to have LODA benefits. Ms. McGarry commented that if the state should make coverage of Animal Control officers a local option, she thought the Section 2-2 would be amended in the County Code to include them also.

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

Mr. Parr moved to approve **Ordinance O2023-06** as presented. Mr. Barton seconded the motion. There being no further discussion, Supervisors approved the motion by vote of acclamation, and the following ordinance was adopted:

ORDINANCE 2023-06
NELSON COUNTY BOARD OF SUPERVISORS
AMENDMENT OF THE CODE OF NELSON COUNTY, VIRGINIA
CHAPTER 2, ADMINISTRATION, ARTICLE I, SECTION 2-2 SAFETY PROGRAM

BE IT HEREBY ORDAINED, by the Nelson County Board of Supervisors that the Code of Nelson County, Virginia, Chapter 2, Administration, Article I is hereby amended as follows:

Amend

Sec. 2-2. Safety Program

The county sheriff, deputy sheriffs, correctional officers, other law enforcement officers and members of the following volunteer fire departments and volunteer rescue squads are hereby recognized as an integral part of the official safety program of the county, pursuant to Section 9.1-400 et seq., of the Code of Virginia of 1950 as amended:

- Roseland Rescue Squad, Incorporated.
- ~~Nelson County Rescue Squad, Incorporated~~

August 8, 2023

~~Gladstone Rescue Squad, Incorporated~~ *Gladstone Volunteer Fire and Rescue Service*

~~Gladstone Volunteer Fire Department~~

Piney River Volunteer Firemen's Association

Nelson County Volunteer Firemen's Association (Lovington Fire)

Faber Volunteer Fire Department

Rockfish Valley Volunteer Fire Department, ~~Inc.~~

Montebello ~~Fire and Emergency Services, Inc.~~ *Volunteer Fire Department, Inc.*

Wintergreen *Property Owners* Volunteer Rescue Squad, Inc.

Wintergreen Volunteer Fire Department, Inc.

(Ord. of 9-10-96)

Cross reference— Fire prevention and protection, Ch. 5.

State Law reference— Line of Duty Act, Code of Virginia, § 9.1-400 et seq.

BE IT FURTHER ORDAINED, that this ordinance becomes effective upon adoption.

B. Amendment to the Articles of Incorporation of the Nelson County Service Authority

Consideration of **Resolution R2023-55** proposed for passage to amend Section Three of the Articles of Incorporation of the Nelson County Service Authority, to provide that the powers of the Authority shall be exercised by a Board consisting of five members, one appointed by the Board of Supervisors from each of the now five election districts of Nelson County. The County since amending §12-27 of the Code of Nelson County on July 9, 2002, has been consistent in appointing Board members of the Authority, one appointed from each of the five election districts.

Ms. McGarry presented Resolution R2023-55 – Amendment to the Articles of Incorporation of the Nelson County Service Authority. She referenced Virginia State Code Authority Chapter 51 – Virginia Water and Wastewater Authorities Act §15.2-5100 et seq., noting that Article 3 described the functions of authorities and the amendment of articles of incorporation for Water and Wastewater Authorities. She explained that Article 2 described the creation of authorities and the advertising requirements.

Ms. McGarry provided background information on the proposed changes. She reported that the amendment of Section 3 of the Nelson County Service Authority Articles of Incorporation was requested by the Nelson County Service Authority (NCSA) Board on May 18, 2023, in order to be consistent with Nelson County Code Chapter 12 Utilities, Article II County Service Authority, Division I, Section 12-27 Members, effective July 9, 2002. She explained that the Articles of Incorporation were first amended in 1986 to provide for a Board of five (5) members, one from each of the four (4) election districts at that time, and one (1) from the Wintergreen community. She then noted that the Articles of Incorporation were next amended in 2002 to provide for a Board of five (5) members, one from each of the five (5) election districts. She explained that the 2002 amendment was never approved by the State Corporation Commission but has been followed by the Board of Supervisors in appointing Nelson County Service Authority Board members.

Ms. McGarry reviewed the proposed changes. She explained that items (a), (b) and (c) had no changes.

▪ **Amendment of Section Three of the Articles of Incorporation of the Nelson County Service Authority is proposed as follows – (a)-(c) NO CHANGE**

(a) The powers of the Nelson County Service Authority shall be exercised by a board consisting of five members appointed by the Nelson County Board of Supervisors. There shall be one appointee from each election district of Nelson County. Except as hereinafter provided, each member shall be appointed for a four-year term. Members may be re-appointed without limitation.

(b) Each member shall serve from July 1 until four years, hence on June 30 when his term shall expire. Any person appointed to fill a vacancy shall serve the unexpired term of the member being replaced at the request of the Board of Supervisors. A serving member may continue to sit beyond the expiration of his term until such time as his successor may be appointed; however, the successor’s term shall not be extended by such delay.

(c) In order to provide for staggered terms, effect of representation for each election district, and reconfigure terms of service, appointments in the several districts will have the initial terms provided below. Subsequent appointments shall be for terms of four years each.

Ms. McGarry explained that the section that was being revised was the description for each district.

Revised Descriptions:

- South District – This seat is presently occupied by an appointee from this district. The appointee’s term shall run to June 30, 2024.
- North District – This seat is presently occupied by an appointed from this district. The appointee’s term shall run to June 30, 2026.
- East District – This seat is presently occupied by an appointee from this district. The appointee’s term shall run to June 30, 2026.
- West District – This seat is presently occupied by an appointee from this district. The appointee’s term shall run to June 30, 2024.
- Central District – This seat is presently occupied by an appointee from this district. The appointee’s term shall run to June 30, 2026.

State Law Reference: Code of Virginia §15.2-5113

In all other respects the Articles of Incorporation of the Nelson County Service Authority remain the same.

Ms. McGarry explained that next steps would be to conduct the public hearing to receive citizen input on proposed Resolution R2023-55 and then consider adoption of the proposed resolution as presented. She explained that following adoption of Resolution R2023-55, the County Administrator would send a certified copy of the resolution to the Executive Director of the Authority, who shall send the certified copy of the Resolution to the State Corporation Commission for filing, pursuant to Virginia Code §15.2-5107.

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

Mr. Parr moved to approve **Resolution R2023-55** as presented. Mr. Barton seconded the motion. There being no further discussion, Supervisors approved the motion by vote of acclamation and the following resolution was adopted:

**RESOLUTION R2023-55
 NELSON COUNTY BOARD OF SUPERVISORS
 AMENDMENT OF THE ARTICLES OF INCORPORATION
 OF THE NELSON COUNTY SERVICE AUTHORITY**

WHEREAS, by resolution of the Board of Supervisors of Nelson County, Virginia (“the County”) and a certificate of incorporation issued by the State Corporation Commission pursuant to the Virginia Water and Sewer Authorities Act (currently enacted as the Virginia Water and Waste Authorities Act, Virginia Code §15.2-5100 *et seq.*), the Nelson County Service Authority (“the Authority”) was incorporated as a public body politic and corporate in 1986; and,

WHEREAS, the County, pursuant to Virginia Code §15.2-5110, amended the Articles of Incorporation of the Authority in May 1986 to provide that the powers of the Authority shall be exercised by a Board of five members, one from each of the four election districts, and one from the Wintergreen community; and,

WHEREAS, the County desires to further amend the Articles of Incorporation of the Authority to provide that the powers of the Authority shall be exercised by a Board consisting of five members, one appointed by the Board of Supervisors from each of the now five election districts of Nelson County; and,

WHEREAS, the County since amended § 12-27 of the Code of Nelson County on July 9, 2002, has been consistent in appointing Board members of the Authority, one appointed from each of the five election districts of Nelson County; and,

WHEREAS, pursuant to Virginia Code §15.2-5104, the County caused to be advertised in a newspaper of general circulation in the County a descriptive summary of this Resolution and the proposed change to the Authority's Articles of Incorporation with a reference to the location in the County where a copy of the Resolution could be obtained, and giving notice of the date on which a public hearing would be held on the proposed Resolution; and,

WHEREAS, a public hearing on this proposed Resolution was held by the Nelson County Board of Supervisors on August 8, 2023;

NOW, THEREFORE, BE IT RESOLVED by the Nelson County Board of Supervisors that:

1. Section Three of the Articles of Incorporation of the Nelson County Service Authority is amended as follows:

SECTION THREE:

- (a) The powers of the Nelson County Service Authority shall be exercised by a board consisting of five members appointed by the Nelson County Board of Supervisors. There shall be one appointee from each election district of Nelson County. Except as hereinafter provided, each member shall be appointed for a four-year term. Members may be re-appointed without limitation.
- (b) Each member shall serve from July 1 until four years, hence on June 30 when his term shall expire. Any person appointed to fill a vacancy shall serve the unexpired term of the member being replaced at the request of the Board of Supervisors. A serving member may continue to sit beyond the expiration of his term until such time as his successor maybe appointed; however, the successor's term shall not be extended by such delay.
- (c) In order to provide for staggered terms, effect of representation for each election district, and reconfigure terms of service, appointments in the several districts will have the initial terms provided below. Subsequent appointments shall be for terms of four years each.

South District – This seat is presently occupied by an appointee from this district. The appointee's term shall run to June 30, 2024.

North District – This seat is presently occupied by an appointed from this district. The appointee's term shall run to June 30, 2026.

East District – This seat is presently occupied by an appointee from this district. The appointee's term shall run to June 30, 2026.

West District – This seat is presently occupied by an appointee from this district. The appointee's term shall run to June 30, 2024.

Central District – This seat is presently occupied by an appointee from this district. The appointee's term shall run to June 30, 2026.

State Law Reference: Code of Virginia §15.2-5113

2. In all other respects the Articles of Incorporation of the Nelson County Service Authority remain the same.

3. The County Administrator is directed to send a certified copy of this Resolution to the Executive Director of the Authority, who shall send this certified copy of the Resolution the State Corporation Commission for filing, pursuant to Virginia Code §15.2-5107.

C. Special Use Permit #986 – Outdoor Entertainment Venue

Consideration of a Special Use Permit application requesting County approval to allow an Outdoor Entertainment Venue on property zoned A-1 Agriculture. The subject property is located at Tax Map Parcel #21-A-115 at 877 Glenthorne Loop in Nellysford. The subject property is 12.83 acres and is owned by Stephen and Susan Groves.

Ms. Hjulstrom presented the following:

BACKGROUND: This is a request for a Special Use Permit to allow an outdoor entertainment venue for weddings on property zoned A-1 Agriculture.

Public Hearings Scheduled: P/C – July 26; Board – August 8

Location / Election District: 877 Glenthorne Loop / Central District

Tax Map Number(s) / Total acreage: 21-A-115 / 12.83 acres +/- total

Owner/Applicant Contact Information: Stephen & Suzanne Groves, 877 Glenthorne Loop, Nellysford, VA 22958, 540-903-2750, suzgroves@yahoo.com

Comments: This property currently contains an existing barn and infrastructure that is utilized for lavender farm activities, as well as up to (twelve) 12 Social Temporary Events per year, which are both by-right uses in the A-1 Agriculture District. At the time the structure was approved as farm-exempt, however was constructed by a company using an engineered building package to satisfy building codes. There are no physical expansions proposed with this application.

The narrative provided by the applicant details event operations on the property. As interest in their wedding venue business has grown, the applicants are requesting the SUP to expand operations and increase the potential for additional events.

An outdoor entertainment venue is defined as “the non-temporary use of any land, including the erection or use of non-temporary structure(s) or the installation of non-temporary infrastructure, for the hosting and operation of Category 1 and Category 2 Events, Exempt Events, or other entertainment activities for cultural, artistic, social or recreational purposes.”

Category 1 and Category 2 Events, Exempt Events such as Social Temporary are all permitted by-right in the A-1 Agriculture district without permanent facilities or infrastructure. The utilization of the existing barn and infrastructure to host such events, as well as the increased number of events, is what constitutes the Special Use Permit. “Exempt Events” are exempt from permitting requirements in *Article 24 – Temporary Events...*

Ms. Hjulstrom explained the applicants were permitted to have Category 1 and Category 2 events just like anywhere else in A-1. She noted that the applicants were allowed to have up to 12 social temporary events per year. She also noted that the applicants were allowed to have the barn for agricultural purposes. She explained that the reason for the special use permit was to be able to have events in the barn.

DISCUSSION:

Land Use / Floodplain: This area is residential and agricultural in nature. Zoning in the vicinity is A-1 Agriculture. A portion of the property is located within a flood zone (Zone A), however only parking areas are located within this area.

Access / Traffic / Parking: This property is accessed by existing entrances Glenthorne Loop. Comments from VDOT indicate that the entrance used for public access will need to satisfy the requirements for a moderate volume commercial entrance, and recommended reducing the number of entrances. Parking requirements in the Zoning Ordinance indicate 1 space for each 100 square feet of area used for assembly is required for clubs, lodges, assembly halls and similar uses without fixed seats. With parking available for up to 196 vehicles, this is sufficient.

Utilities: There is existing septic and well on the property that serves the existing barn. Comments from the Health Department indicate that an engineer will be required to assess the capacity of the existing septic system to determine its adequacy for the proposed use.

Comprehensive Plan: This property is located in an area designated Rural and Farming on the Future Land Use Map, which “would promote agricultural uses and compatible open space uses but

discourage large scale residential development and commercial development that would conflict with agricultural uses. The Rural and Farming District would permit small scale industrial and service uses that complement agriculture. Protection of usable farmland should be encouraged. Clustering of any new development in areas of a site without prime or productive soils will enhance the protection of prime or productive soils for future agricultural uses.”

RECOMMENDATION: At their meeting on July 26th, the Planning Commission recommended approval (4-1) of SUP #934 to the Board of Supervisors.

1. The maximum number of attendees at any event shall not exceed 150.
2. Amplified music and sound shall end at 10:30 p.m.
3. There shall be no more than 150 events per year.

Mr. Rutherford asked if Category 1 and Category 2 events in A-1 zoning were unlimited. Ms. Hjulstrom noted agricultural use was unlimited as long as the approvals were obtained. Ms. Hjulstrom explained that the number of weddings in agriculture zoning was limited because it was a social event. Ms. Hjulstrom noted the application for the special use permit was because they wanted to have more than twelve (12) wedding events per year and because they wanted to have wedding events in the barn structure.

Applicants Suzanne Groves and Stephen Groves were present, along with their marketing manager Robert Johnson. Ms. Groves explained that they were a small lavender farm. She noted that they grew lavender during May and June, had retail operations out in the barn, made products in the barn, and they also had some weddings. Ms. Johnson explained that they had been in business for a few years and had seen an increased interest for more weddings. She noted that their wheelhouse was weddings with 50 to 125 guests, and they had held two weddings with 150 people. She commented that they were not looking to change anything but they wanted to be able to have more weddings and events.

Mr. Johnson pointed out that any event to the lavender farm was defined as any person or group who pays for a use of property. He noted that any events in the barn i.e. a birthday party or corporate retreat, counted towards the limit of 150 events, not just weddings. He pointed out that weddings were seasonal and typically a Saturday event. He noted that this would encompass everything they wanted to do to generate revenue on the property.

Mr. Barton asked if it was possible to limit the number of events that were over 50 people, to ensure that there were some restrictions on it becoming bigger. He noted that it was in a residential area. Ms. Johnson commented that they had been doing events for two years and had not had any issues. She noted that they were very respectful of the neighbors. Mr. Barton clarified that he was not interested in restricting the number of small events, rather he was interested in restricting the number of large events.

Mr. Groves noted they were looking to keep events capped at 150 guests, which was just for a few hours. Ms. Groves noted it would only be one wedding per weekend. He commented that they had found their niche with the weddings, but they wanted to do more than 12 per year. He noted that they wanted to do the right thing, but they did not want to be restricted. He commented that they did not need the number of events to unlimited, which was why the Planning Commission came up with a limit of 150 events. He noted they were fine with the limit and they would probably never do 150 events. Ms. Groves noted they had 13 acres. She commented that the average wedding was about 125 guests, but most of their weddings had been around 75 people. Mr. Barton asked what would happen if the property was sold. Mr. Rutherford noted the special use permit (SUP) ran with land, so if the property were sold, the special use permit would remain with the property. Mr. Rutherford noted that they could already have unlimited events on agricultural side.

Mr. Rutherford opened the public hearing.

Jeri Lloyd - Afton, VA

Ms. Lloyd spoke against the special use permit as written. She commented that increasing the limit to allow 150 events per year would have an impact on neighbors in the community, traffic flow, and noise. She asked if a water test had been conducted for the increase in number of events for restroom facilities. She noted she had read that if there were more people at events, they would need to bring in a semi-truck with facilities. She commented that was not conducive to the backroads as Glenthorne Loop was curvy. She asked if kitchen was inspected or approved by the Health Department for use. She commented on the fact that the special use permit would continue in perpetuity and, if it were sold, then 150 events per year aside from what was allowed in A-1 could be an issue. She noted that the road was not conducive to an increase in traffic. She commented that a large number of people coming as a focused event was not conducive for Glenthorne Loop. She asked the Board to look at limiting the number of events, noting it was currently 12. She suggested looking at one event per week, or 52 events, would be better. Ms. Lloyd reiterated that she was not in favor of the special use permit.

There were no others wishing to speak and the public hearing was closed.

Mr. Rutherford asked if the Board had any further discussion. He noted that Mr. Reed had asked the Board to delay a vote until he was able to attend. Mr. Harvey did not like that.

Mr. Parr asked for clarification on the number of events if the SUP was passed. He asked if they could have the 150 weddings plus unlimited by-right events in A-1. Ms. Hjulstrom noted that some events would be exempt, like agritourism related events, but they may need to clarify the cap on which types of events. Mr. Parr felt there was a compromise on the wording and conditions. He suggested an option for a cap of 52 weddings per year, and then a limit of 100 events capped at a certain number of guests. Mr. Parr felt they needed more time, not because Mr. Reed was unable to attend, but to work on the conditions to accomplish what applicants want to accomplish, without opening a larger Pandora's box. Mr. Barton agreed on trying to find a cap. Ms. Hjulstrom commented that they could have unlimited events for under 50 people and cap the number of events over 50 people. Ms. Hjulstrom noted 150 people was still considered a small event by Nelson County terms. Mr. Rutherford noted they were talking about two different things. He thought that the weddings were the issue. Ms. Hjulstrom noted that other types of parties were also considered as those events. Mr. Barton suggested limits on the types of events under 50 people and a limit on the types of events over 50. Mr. Rutherford suggested working on the language and bringing the applicants back to the September meeting. Mr. Parr agreed that they needed more time and there was room for compromise. Mr. Johnson noted that they were not in a hurry but they did need to be able to answer phone calls and confirm whether they could accommodate events.

Mr. Barton made a motion to continue Special Use Permit #986 Outdoor Entertainment Venue to the September meeting. Mr. Parr seconded the motion. There, being no further discussion, Supervisors approved the motion by vote of acclamation.

IV. OTHER BUSINESS (AS PRESENTED)

The Board had no other business to discuss.

V. ADJOURN AND CONTINUE TO _____ FOR A MASTER PLAN WORK SESSION FOR THE FORMER LARKIN PROPERTY.

At 7:39 p.m., Mr. Barton moved to adjourn and continue to August 23, 2023 at 2 p.m. Mr. Parr seconded the motion. There being no further discussion, Supervisors approved the motion by vote of acclamation and the meeting adjourned.