

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: J. David Parr, West District Supervisor – Vice Chair
Thomas D. Harvey, North District Supervisor
Ernie Q. Reed, Central District Supervisor
Robert G. “Skip” Barton, South District Supervisor
Candice W. McGarry, County Administrator
Amanda B. Spivey, Administrative Assistant/Deputy Clerk
Linda K. Staton, Director of Finance and Human Resources
Susan Rorrer, Director of Information Systems
Emily Hjulstrom, Planner

Absent: Jesse N. Rutherford, East District Supervisor –Chair

I. CALL TO ORDER

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

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

Introduction of New County Employee

Ms. Susan Rorrer introduced the County’s new Information Systems Specialist, Glen Yi. She reported that Mr. Yi was a James Madison University graduate having earned a Bachelor’s of Science in Geography with a concentration in Applied Geographic Information Science. Ms. Rorrer noted that Mr. Yi had gained experience in GIS (geographic information system) working for the City of Harrisonburg. She noted that Mr. Yi’s responsibilities included maintaining and updating the County’s GIS, while supporting the Information Systems Department’s overall IT (information technology) operations. She commented that they were excited to have Mr. Yi as a part of the team. Mr. Parr thanked Ms. Rorrer and welcomed Mr. Yi.

II. PUBLIC COMMENTS

Marta Keane – JABA, CEO

Ms. Keane thanked the Board for their support in the FY24 budget, noting that they were excited for the new year. She reported that JABA had two (2) new people who would be working and supporting Nelson County. She noted that Laronda Gray was hired and had been working at the Nelson Center for about a month. Ms. Keane noted that JAUNT had gone back to support two days per week and expressed her appreciation. Ms. Keane then reported that the second hire, Dorothy Wilson, was the new aging service coordinator. She noted that Ms. Wilson was currently training at the Hillsdale office and following training, she would then be located at the Nelson Center. Ms. Keane provided handouts, which included the Annual Report for JABA, along with Impact Stories from how the program helped individuals. Ms. Keane reminded everyone that open enrollment was coming up for Medicare Part D. She noted that JABA had 52 counselors this year to meet with individuals to assist with enrollment.

Tisha Blackwell – JABA, Director of Philanthropy and Communications

Ms. Blackwell discussed JABA’s Annual Report from the last fiscal year. She commented that they were able to provide some insightful outcomes from the benefits of their programs and services from the previous fiscal year, including ways that they were able to increase socialization and connecting for older adults with their community senior centers and the At Home with JABA program. She noted that the At with JABA program allowed for homebound seniors to connect online. She reported that their direct support services had a 98 percent satisfaction rate with callers who called into the senior help line. She commented that nutrition was a focal point for JABA, noting that the report on their home delivered meals program showed the seniors’ satisfaction with the taste of the meals, selection of meals, and the dependability of meal delivery. She noted that advocacy was another strong area for JABA. She reported that their insurance counseling program was able to save clients \$1.6 million last year on their plans for insurance and prescriptions. She then noted that the JABA Respite and Enrichment Centers (JREC) had overwhelming satisfaction rates for the environment, safety, and addressing the needs for respite for caregivers. She noted that the end of the report included JABA’s overall financial picture, which helped to provide an idea of

state and local funding helped to make the programs and services available to the communities JABA served.

Patty Avalon - Lovington, VA

Ms. Avalon commented that she was present to put to record that she was the acting Vice President of the Lovington Village Association. She commented that on the August 8th Board meeting, it was listed that the Lovington Village Association had a funding request. She clarified that the Lovington Village Association did not have a funding request. She thought there was a clerical error that someone had put the Lovington Village Association name there asking for funding. She noted that they did not ask for it, approve it, nor receive it. She thought that the funding was for the Village of Lovington, and someone communicated the Lovington Village Association. She wanted to put to record that they did not ask for funding.

Ken Stevens - Wingina, VA

Mr. Stevens spoke in opposition to the Findlay Gap park project, noting the following reasons: it was located in remote part of Nelson County, and the only access to the property was Findlay Gap Drive. He commented that in its current condition, Findlay Gap Drive could not support any traffic safely. He explained that it was a single lane, dirt and gravel road, used primarily for logging operations and hunters. He commented that there were a few turnabouts on the road, and if two vehicles met, someone would have to back up until there was enough room to pass through. Mr. Stevens reported that the road was 3.8 miles long, connecting Norwood Road to Keys Church Road. He noted that there were four (4) locations where creeks crossed the road, and rain washouts were an issue. He indicated that there were washout areas where gulleys had formed. He cited concerns that people could their vehicle get stuck in a hole. He noted that the area had poor cell service and asked how someone could call for help when needed. He noted that the road needed major improvements before someone could travel it to visit a new park and trail. He pointed out that there were many other trails in the County with better, safer access and views. Mr. Stevens commented that he understood VDOT would be asked to take over the improvements to Findlay Gap. He stated that VDOT planned their road improvements many years in advance and asked why there was a rush to get the park started.

Matthew Stevens

Mr. Stevens commented that his parents were residents on Findlay Gap Drive. He stated that he was opposed to the proposed Sturt hiking area on Findlay Gap Drive. He commented that their property had had 1/4 mile of Findlay Gap access and opposite of that was a creek. He asked if Nelson County would declare eminent domain to widen Findlay Gap and make the necessary road improvements. He cited concerns regarding sanitation along the road and noted that they were already experiencing dumping along the road. Mr. Stevens noted that the road was typically used as a cut through for locals with four-wheel drive. He cited concerns that the improvement of the road would encourage young people to hang out and get into trouble. He referenced the community meeting where Jerry West had stated that the park would be open year round, 24/7, with no monitoring, gates, or locks to protect the area. He then noted that during the community meeting held by Valdrie Walker, no Supervisors were present. Mr. Stevens commented that he was an avid hunter and active member of two local hunt clubs that are in that area. He did not see the need for anyone to drive out in the middle of thousands of acres of trees to hike on three (3) miles of postage stamp area. He was concerned about the hiking trail remaining open during hunting season and did not see how that would be safe.

William Percy - Lovington, VA

Mr. Percy referenced a post by Mr. Rutherford a few months earlier, where he asked for citizens for any comments or concerns for VDOT. He noted there had been a lot of comments on that post and he asked if there was an option to continue such discussions. He noted there was a cautionary sign on Route 29 when traveling south near Mountain Cove Road. He commented that the sign indicated that there was a left curve but there was no sign indicating the right turn onto Mountain Cove. He suggested the addition of a cautionary sign to show there is a turn at Mountain Cove. Mr. Percy then asked to expedite a solution at Route 29 and Callohill, commenting that he felt an overpass would be the best situation. He welcomed Glen Yi and asked if his position in IT would include improvement of the video stream of the meetings.

Rev. James Rose - Wingina, VA

Rev. Rose stated that he was present on behalf of the Gladstone Senior Center. He thanked the Board for their support of the center and for their contribution to the senior meals. He noted that the Senior Center was receiving \$2,000 per quarter. He commented that over the years, that amount had been based on the

number of members the center had. He also noted that the cost of food items had increased over the years. He reported that their membership had increased from eight (8) members to forty (40) members. Rev. Rose commented that the Center was requesting for an increase for food from \$2,000 per quarter to \$5,000 per quarter. He reported that they had a cook, but she no longer cooked for the center, so they were currently looking for a cook. He noted that as seniors, many of them lived on a fixed income. He commented that any support that the Board could provide would be greatly appreciated. He invited the Board to join the Seniors for a meal.

Dr. Valdrie Walker – Norwood, VA

Dr. Walker spoke regarding the Sturt Park property park project on Findlay Gap in Norwood. She reported that on August 17, 2023, residents of the South District met with Parks and Recreation Director Jerry West to hear about the Sturt Park project. Dr. Walker thanked Mr. West for his time, input and the information he provided. Dr. Walker commented that efforts were initiated by an independent and private natural environmental group that had worked for several years to study and establish a nature reserve on the Sturt property. She thanked that group for its efforts in cataloging and documenting the natural aspects of the Sturt property. She reported that the 344-acre property was deeded to the Nelson County from Mr. Sturt in 2013. She noted that the Nelson County Board of Supervisors were overseers of the property and responsible for the use of the property as dictated in the deed. She stated that the four (4) goals for the property listed within the deed were: to recognize the natural environment, protect the County's scenic resources, promote diverse recreational opportunities, and maintain the rural character of Nelson County. Dr. Walker reference the Comprehensive Plan for Nelson 2042 and noted that the residents of the South District/Norwood Road/Findlay Gap Road were requesting that the Board create an appointed committee to oversee and work with Nelson County Parks and Recreation Director, Jerry West, on the Sturt Park Project as it evolves over the next twenty (20) years. She commented that there was no real oversight of the project even though decisions were being made from meeting to meeting. She asked that the committee's work be relatable to the Comprehensive Plan of 2042. She quoted from Big Idea Planning Principles #4 from the draft Comprehensive Plan. Dr. Walker suggested that the proposed committee should consist of two (2) members of the South District, an appointed Board of Supervisors member, and two (2) members of the nature reserve committee, for a total of five (5) members. She noted that the two gentlemen who spoke just prior to her, The Stevens, and commented that they were not in agreement on the project, but they were neighbors and friends and example of what people can do when they agree to disagree. She thanked Mr. Barton for the work he had done so far and asked that he may continue to work with the project. Dr. Walker asked that no decisions regarding the property be made until after the election of a new Supervisor.

David McGann - Afton, VA

Mr. McGann stated that he wanted to bring attention to the added traffic on Rockfish School Lane to the Rockfish collection site. He commented that the traffic was still speeding along the road and noted that VDOT had not fixed the pot holes, and the speed bump there was not working. He asked for the road to be fixed. He noted that 600 to 700 people per day were using the road. He noted another concern regarding trash. He commented that Augusta County had a law that if someone was hauling trash on a pickup, they had to put a net over top of it. He suggested that there should be a law in Nelson County that would require drivers to cover their trucks with a net when hauling trash. He commented that there was too much trash on the sides of the road. He noted that other states had stricter laws and fines for littering, and they did not have trash on the sides of the roads. Mr. McGann reported on the Rockfish Elementary School Zone and noted the tractor trailers flying through. He commented that VDOT trucks on the side of the road had one yellow light and one blue light to catch drivers' attention. He suggested changing the School Zone flashing light bulbs out to blue lights to better catch attention.

Willard McGann – Afton, VA

Mr. McGann reported that he had attended a meeting at school the night before. He commented that he tried to live within his means. He commented that if tax payers' money could not support County projects, the County should not be going into debt. He noted that the schools had just been built, and asked why the renovations were not done then. He commented that the roads were falling to pieces and people did not have enough money for food. He noted that taxes would be raised to make repairs, and they were talking about a new school and a new trail. He commented that he did not understand why they wanted to go into debt. He stated that he felt that the Board needed to more transparent about what they were doing. He suggested that if they wanted more money, there was money to be made with drunk drivers noting all of the breweries along 151.

Ms. Edith Napier had signed up to speak but she opted to wait until the evening session to make her public comments.

II. CONSENT AGENDA

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

A. Resolution – **R2023-56** Minutes for Approval

**RESOLUTION R2023-56
NELSON COUNTY BOARD OF SUPERVISORS
APPROVAL OF MINUTES
(April 3, 2023, April 4, 2023, and April 11, 2023)**

RESOLVED, by the Nelson County Board of Supervisors that the minutes of said Board meetings conducted on **April 3, 2023, April 4, 2023, and April 11, 2023** be and hereby are approved and authorized for entry into the official record of the Board of Supervisors meetings.

B. Resolution – **R2023-57** Budget Amendment

**RESOLUTION R2023-57
NELSON COUNTY BOARD OF SUPERVISORS
AMENDMENT OF FISCAL YEAR 2023-2024 BUDGET
September 12, 2023**

I.	Appropriation of Funds (General Fund)		
	<u>Amount</u>	<u>Revenue Account (-)</u>	<u>Expenditure Account (+)</u>
	\$265,000.00	3-100-003303-0046	4-100-031020-7035
	\$ 2,060.17	3-100-009999-0001	4-100-031020-1003
	\$ 7,500.00	3-100-002404-0041	4-100-081050-5895
	\$ 9,518.00	3-100-009999-0001	4-100-091050-7020
	\$ 3,000.00	3-100-009999-0001	4-100-091050-7025
	\$287,078.17		

II.	Transfer of Funds (General Fund Non-Recurring Contingency)		
	<u>Amount</u>	<u>Credit Account (-)</u>	<u>Debit Account (+)</u>
	\$ 10,210.39	4-100-999000-9905	4-100-022010-1003
	\$ 7,500.00	4-100-999000-9905	4-100-081050-5895
	\$ 5,500.00	4-100-999000-9905	4-100-091030-5641
	\$ 12,300.00	4-100-999000-9905	4-100-091030-5645
	\$ 35,510.39		

IV. PRESENTATIONS

A. TJPDC 2024 Draft Legislative Agenda – David Blount

David Blount of the Thomas Jefferson Planning District Commission (TJPDC) was present to provide an update on the State budget, the 2024 General Assembly Session, and legislative priorities.

He commented that with the General Assembly’s action to adopt amendments to the current FY24 State budget, there would be a new budget for 2024, which was on the Governor’s desk to take action on by Friday. He noted that two themes came out of those amendments: tax relief and investment in a few high priority programs. He reported that there would be some one-time rebates going to single and joint filers in the fall. Mr. Blount explained that there would be a slight bump up in the standard deduction for filing for 2023, along with a few smaller adjustments for tax relief. He noted that Public Education was one of the big winners in terms of investments with some flexible money coming back to localities and school divisions to address learning loss, literacy and some infrastructure needs. He reported that there were also

some investments in Water Quality, some investments in Mental Health, and some investments in site acquisition at the state level and grants to localities.

Mr. Blount reported on revenues, noting that they were projected to increase through the fiscal year, but not as significantly as seen in the past several months. He commented that there would be a lot of resources available for Governor Youngkin to work with in preparation of the budget for the following two (2) fiscal years (FY25 and FY26). Mr. Blount reported that Governor Youngkin's Secretary of Finance told the General Assembly's Money Committees that the Governor was going to set aside \$2 billion in preparation for his budget, looking for some additional tax relief and additional investment in some high priority programs. He noted that the Governor would be introducing his proposed amendments to the current fiscal year budget, as well as his proposed budget for FY25 and FY26, by December.

Mr. Blount reported that the General Assembly would differ in 2024, primarily due to redistricting, many retirements, and legislators running for other offices. He noted that there would be significant impacts in the Senate, with the loss of several long time legislators. Mr. Blount indicated that the Senate Finance Committee was a sixteen (16) member committee, and ten (10) of those members would be leaving. He noted that most of the current House leadership seemed to be intact, and the House Appropriations Committee was not seeing a lot of change.

Mr. Blount reported that the two (2) committees that dealt with local government issues were each losing about one-third of their committee members. He commented that about one-third of the General Assembly was going to change overall.

Mr. Blount noted that Nelson County would also see changes to legislators with the potential for one new representative. He noted that Senator Creigh Deeds was running to represent Nelson County. He commented that there would be a lot of new faces and he was not sure what to expect. He noted that local governments usually end up having to play a lot of defense with new bills being introduced, and they may be doing that again.

Mr. Blount reviewed the Legislative Priorities. He noted that Public Education funding had a long standing position in the region and he did not see that changing any time soon. He commented that there may be some additional focus on public education funding at the state level, given the JLARC report that had come out in July, which reported that the state had been underfunding different areas in K-12 education. Mr. Blount discussed the Budget and Funding Priorities, noting that was where they put positions related to increased funding for localities implementing state programs at the local level. He noted that it was also where they stated opposition to unfunded mandates.

He noted that the third priority, Broadband, had been a priority in Nelson County and across the state. He expected that they would want to continue to advocate for state support and federal dollars for broadband.

Mr. Blount reported that one of the good things that had come out of the budget amendment was \$200,000 included for the Nelson Heritage Center for the current fiscal year. Mr. Blount welcomed any comments or suggestions that the Board may have regarding the current priorities. He noted that he would be bringing a revised legislative program to the Board in November. He noted that the work that the Board and County Administration had done for private police forces and eligibility for Line of Duty Act (LODA) benefits would be added to the program in expressing support for that change.

The Board had no questions for Mr. Blount.

Mr. Reed thanked Mr. Blount for his work on behalf of the TJPDC. He noted that the TJPDC had just completed its draft strategic plan, and of all the services TJPDC has provided, their legislative program was the very highly rated. He thanked Mr. Blount for keeping the County in the loop on what was happening in Richmond.

B. VDOT Report

Mr. Robert Brown of VDOT was present to report on the following:

Mr. Brown reported on the southbound lane just north of Woods Mill, noting there had been a high crash rating in that location which was addressed a few years ago with some high friction pavement as a temporary solution. He noted that VDOT had put additional high friction pavement in that area to improve safety, and reduce hydroplaning and skidding on the road surface when it gets wet.

Mr. Brown reported that shoulder repairs made on Route 56 to fix some deep drop offs on the side of the road. He also noted that VDOT had ditched and machined the shoulders on Route 6 going up the mountain. He reported that they had a contractor back on Jack's Hill for the Rural Rustic work which should be finished up soon. He commented that mowing was currently taking place on two lane primary roads. He reported

that the new contractor had been mowing secondary roads in Nelson and should be finishing up soon. He noted that the use of the mowing contractor had been working well.

Mr. Brown noted there were still a few outstanding items to be done. He noted work at Route 29 and Stagebridge (Route 624) at the SPCA had not been completed, but it had not been forgotten. He reported that he would following up on motor grading work at Dutch Creek to confirm completion. He noted that the U-turn sign south of Shady's would be enlarged, but it had not been completed yet. He commented that the new sign was likely on order and it would be installed as soon as possible. Mr. Brown reported that the sidewalks in Lovington had been weeded. He indicated that he was looking to get funding to make repairs to the sidewalks, noting he was hoping to get some earmarked funds for the work in addition to their regular maintenance funding allocations.

Mr. Brown reported that he had heard the public comments regarding Findlay Gap. He commented that he was told that state forces had been doing work to make the road better and passable. He noted that he had not checked on that road since he and Mr. Reed had met there. He commented that a lot of work would need to be done to stabilize the road surface and improve the drainage. He noted that he had not determine a good fix for the stream fords on that road.

Supervisors then discussed the following VDOT issues:

Mr. Barton:

Mr. Barton asked if all secondary roads were being mowed by the private contractor. Mr. Brown confirmed that Route 29 and the two lane primaries were all to be mowed by the contractor. Mr. Barton did not think that all of the roads had been completed. Mr. Brown noted he would check into it. Mr. Barton commented that he had been on Davis Creek and it had not been cut. Mr. Barton asked if there was oversight over private contractors. Mr. Brown noted that VDOT did follow up to determine completion after the contractor provided a map of completed routes.

Mr. Harvey:

Mr. Harvey had no VDOT issues to discuss.

Mr. Reed:

Mr. Reed had no VDOT issues to discuss.

Mr. Parr:

Mr. Parr asked what VDOT's role was in the Verizon Tower on Jonesboro Road. He commented that his understanding was that part of the delay was a VDOT permit. He asked if the permit was the hold up, or if it was just hearsay. Mr. Brown was unsure why there would be hold up as it was just an access road. Mr. Brown noted that he would check into the process. Mr. Parr asked if Mr. Brown had made notes from the public comments. Mr. Brown noted that he had notes on Findlay Gap and Route 635 going to the collection center.

V. NEW & UNFINISHED BUSINESS

A. Change in November Regular BOS Meeting Date (R2023-58)

Ms. McGarry introduced **Resolution R2023-58**, noting it proposed to change the regular meeting date from November 14th to November 16th. She explained that the need for the change was due to the conflict with the Board's attendance of the VACo conference which ran through November 14th.

The Board had no conflicts with changing the meeting date from November 14th to November 16th.

Mr. Reed made a motion to adopt **Resolution R2023-58** as presented and 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 R2023-58
NELSON COUNTY BOARD OF SUPERVISORS
RESCHEDULING OF NOVEMBER 2023 REGULAR MEETING**

WHEREAS, the Nelson County Board of Supervisors hereby establishes that an alternate date for the Board's regular monthly meeting on November 14, 2023 is necessary due to the attendance of some members of said governing body at the annual conference of the Virginia Association of Counties through

November 14, 2023;

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 14, 2023** be and hereby is rescheduled to **Thursday, November 16, 2023**.

B. Gladstone Depot TAP Resolution of Support (**R2023-59**)

Ms. McGarry reported the following on the Gladstone Depot TAP Resolution of Support:

The Board previously authorized the submittal of FY25/26 Transportation Alternative (TA) Program grant funding pre-applications for further funding of the Gladstone Depot Relocation and Restoration Project which received an initial funding award in September of 2022. The pre-application was screened in for submittal of a final application due October 2, 2023 and requires a Governing Body letter of support.

The initial funding award occurred in September of 2022, the County signed off on the grant agreement in May 2023 and returned it to VDOT for its execution. Between May 2023-August 2023, VDOT and FHWA (Federal Highway Administration) performed further review of the grant and determined that there were multiple elements of the project budget/estimate that were not eligible expenditures within the grant parameters. The primary of these ineligible expenditures being relocation of the Depot building. They have related to County staff and Friends of Gladstone Depot representatives that because this is funded in the category of historic preservation and rehabilitation of a historic transportation facility, that "TA funds cannot be used to relocate the historic transportation building to either another alignment on or near the current property or to another property because the historic property is directly tied to the land where it was originally built." They also advised that "In the event that TA funds could not be used for a relocation of the Depot, relocating a historic transportation structure would potentially make the building not historic anymore if moved from its original location and would jeopardize its eligibility for TA funds to support otherwise eligible historic preservation activities." FHWA did indicate there could be some caveats to this second issue depending on circumstances that would have to be talked through. They also advised that they did not believe the project could be completed within the four-year window allowed in the initial grant and they recommended that the initial grant award be canceled and the County proceed with a total project application in the FY25/26 final submission up to the maximum project cap for federal funding of \$2.5 Million or consider applying for the total project in the FY27/28 cycle. VDOT indicated they would like to review the full budget for the project in order to provide guidance about which project expenses are not eligible for TA grant fund reimbursement; which are generally anything related to the relocation and anything that falls outside of historic preservation/rehabilitation activities. Friends of Gladstone and their consultant Coleman Adams are evaluating these expenditures for provision to VDOT for this review.

County staff met with Ms. Absher and Ms. Sanchez of the Friends of Gladstone Depot to discuss the feasibility of the project moving forward given that relocation of the Depot would have to be paid for with a different funding source and that moving it may render it ineligible for future TA grant funding. Staff has followed up with VDOT to get clarification on several questions that are aimed to help Friends of Gladstone Depot make a decision to proceed or not. Should the group wish to proceed, staff will work with VDOT/FHWA, the Friends of Gladstone Depot, and the TJPDC between now and the grant submission deadline to re-work the grant application for eligible project expenditures.

Ms. McGarry noted that Ms. Absher was present at the meeting. She commented that staff was recommending adoption of proposed Resolution R2023-59 so that it would be available for the final grant submittal by the October 2nd deadline. She noted that the Board could consider deferring consideration of the proposed resolution until the continued meeting on September 28th if they preferred to wait for further follow-up from VDOT and FHWA. She explained that the proposed resolution provided endorsement of the Gladstone Depot project up to a maximum of \$2.5 million in federal TAP grant funds, for which the maximum local share would be \$625,000.

Ms. Joanne Absher, Friends of Gladstone Depot, noted that they had been waiting for clarification from VDOT. She reported that she had sent several emails to VDOT since August 18th and had not received a response. She commented that when the Friends of Gladstone Depot started the project in 2017, their mission was to save the building due to its historic nature and use it as a community center for the senior citizens and youth. She noted that due to the changes, it looked like that would not happen. Ms. Absher stated that they were in limbo until they receive more clarification. She suggested that the Board wait until the September 28th meeting. She noted that she needed to meet with her Board to decide whether they were going to move forward with the grant. She commented that they did have a Plan B, but it was not what they were hoping for. She noted that she hated to see the building go down, because it was in good shape.

She commented that federal funds were cut and the regulations were changed. Ms. Absher noted that she would be speaking with her Board that weekend and indicated that they would plan to attend the meeting on September 28th, when they would hopefully have more information.

Mr. Barton commented that the decision was based on moving the building 200 feet, which was hard to accept. He noted that it was basically in the same place and commented that people had been working very hard on the project. Ms. Absher noted that the location they wanted to move the depot building to was part of the Gladstone railyard. She commented that she had provided that information on the new location to VDOT, but they had not gotten a response. Mr. Parr suggested waiting on any decision until the September 28th meeting.

The Board was in consensus to defer to September 28th.

C. Lovington TAP Resolution of Support (R2023-60)

Ms. McGarry commented that the Lovington TAP application was the second TAP grant application that was screened in by VDOT to go through the final submission process. She noted that it was for the Lovington Sidewalk Improvement project. She reported that the application also required a Governing Body letter of support. She noted that the final application, like the other application, was also due on October 2, 2023.

Ms. McGarry reported the following on the Lovington TAP application:

This application is for the widening of sidewalks on the west side of Front street between Main Street and Theater Drive in order to meet accessibility standards. Curb ramps with detectable warning surfaces will be installed and curb extensions and bump-outs will be constructed at future crosswalk locations. Additional work includes replacing driveway ramps that don't meet ADA standards and utility pole relocation from the sidewalk area so they are unobstructed. TJPDC is working with VDOT staff to update budget estimate numbers for the final application submittal.

Ms. McGarry noted that Resolution R2023-60 could also be deferred until the September 28th meeting, or they could choose to proceed in the current meeting. Mr. Parr asked if there were any disadvantages in waiting until September 28th. Ms. McGarry noted there were no disadvantages in waiting, as long as the letters were received by the October 2nd submittal deadline. Mr. Parr noted that it would be nice to wait on Mr. Rutherford to be present to vote on the resolution, as the project was of importance to him. Ms. McGarry noted that the Lovington project also had a maximum of \$2.5 million in federal TAP grant funds, for which the maximum local share would be \$625,000.

The Board was in consensus to wait until September 28th.

D. Nelson County Drug Court Funding Request

Ms. McGarry presented the Nelson County Drug Court funding request. She introduced Lisa Bryant, Circuit Court Clerk, and noted that Ms. Bryant was working with the Nelson County Drug Court. Ms. McGarry reported that Ms. Bryant was requesting that the Board either provide monetary funding in the Drug Court budget for gift cards or purchase gift cards as incentive to participant's in the Count's Drug Court program. Ms. McGarry noted that there were currently two participants enrolled in Drug Court. Ms. McGarry commented that staff recommendation was that the Board authorize a nominal budgetary contribution for the purpose to be transferred from either non-recurring contingency funds, or the County's direct Opioid Abatement funds which the request would be an eligible use of the funds.

Ms. Bryant thanked the Board for allowing them to be present. She commented that the Board was aware that Mr. Reed and Ms. Spivey had attended several of the Drug Court meetings. She noted that the program was something new for the court, Commonwealth Attorney's office, and several other entities. She asked if the Board would share in rewarding people for wishing to make changes in their lives that would probably impact them forever. She noted that they would appreciate anything the Board could do to assist. Ms. McGarry asked Ms. Bryant if she had an amount in mind. Ms. Bryant suggested \$1,000. She explained that the funds would be used to purchase gift cards in \$10 to \$15 increments for restaurants or gas. She noted that the gift cards would reward participants if they meet all of the criteria when they show up (i.e. negative drug screen, and completion of things needed to do). She commented that it was like a reward program, where the participants could choose their token of appreciation for them doing what they needed to do.

Mr. Barton and Mr. Reed were in support of contributing to the program. Mr. Parr asked about the Opioid funding earmarked that could be used. Ms. McGarry reported that the County currently had \$48,000 that had been received directly from Opioid Abatement Settlement Funds from the national level. She

explained that the County was using some of those funds to pay some local expenses related to the Drug Court grant. She noted that there were enough funds available to provide for the gift cards, and it would be an eligible expense.

Mr. Reed made a motion for the Board to commit \$1,000 from the Opioid Abatement Funds to go to towards gift cards for the participants of the Drug Court. Mr. Barton seconded the motion. There being no further discussion, Supervisors voted unanimously (4-0) by roll call vote to approve the motion.

E. Nelson FFA Alumni Chapter Funding Request

Ms. McGarry noted that Dana Campbell of the Nelson FFA Alumni Chapter was present to speak and answer any questions that the Board may have. Ms. McGarry reported that the Nelson FFA Alumni Chapter was requesting funding for High School FFA teams to travel to two national FFA competitions involving four students at each competition – one in September and one in November. She noted that the cost per student was \$1,000. She reported that full funding for both competitions and all of the students would be \$8,000; however, the Chapter was requesting any support the Board was willing to give. She noted that the Alumni Chapter advised that the FFA Chapter had requested School Board funding (outcome pending) and the annual Bluegrass music fundraiser was planned for October 14th. Summary of request. Ms. Dana Campbell present.

Ms. Campbell thanked the Board for their consideration of the request. She explained that fourteen (14) students were going to the national convention in November, along with two (2) alumni who would be receiving the highest award that the FFA gives, the American Degree. She reported that four (4) students would be traveling to Massachusetts that weekend to participate in a contest. She noted that the students would be representing Nelson County and the Commonwealth of Virginia at the national contests. Mr. Parr noted that the students would represent the County well. Mr. Parr asked the pleasure of the Board. He noted that there was a total expense of \$8,000 with several funding sources. Ms. Campbell noted they were not requesting full funding. Mr. Parr asked about contributing \$2,000. Mr. Harvey suggested funding \$4,000. Mr. Barton commented that he was willing to go along with Mr. Harvey. Mr. Reed thought it was a great idea. Mr. Harvey made a motion to fund \$4,000 for the FFA Alumni Chapter's funding request and Mr. Reed seconded the motion. There being no further discussion, Supervisors approved the motion unanimously (4-0) by roll call vote. Mr. Parr noted that the Board enjoyed when the competitors showed up in their blue corduroy. Ms. Campbell noted they would see if they could get some results in November and return. She thanked the Board for their support. Mr. Parr wished them the best of luck. Ms. McGarry noted that the funds would come from non-recurring contingency.

F. Authorization for PH to Correct FY24 Budget Adoption and Appropriation Resolutions (R2023-61)

Ms. McGarry reported the following:

On June 13, 2023, the Nelson County Board of Supervisors approved resolutions for the FY24 Budget Adoption (R2023-40) and Appropriation of Funds (R2023-41). The total FY24 budgeted amount was \$93,052,486 in both resolutions.

During the annual FY23 year end and subsequent FY24 beginning year financial processes in August 2023, staff discovered a clerical error in the General Fund total as presented in the aforementioned resolutions affecting the overall adopted and appropriated budget for FY24. The correct FY24 budget adoption and appropriation total should be \$95,163,565 (\$93,052,486 + \$2,111,079).

Ms. McGarry explained that the General Fund number of about \$48 million should have also contained \$2.1 million for the Department of Social Services, or VPA Fund. She noted that staff consulted with the County Attorney and Auditors on how to effect the correction and it was recommended that staff follow initial budget adoption and appropriation procedures in accordance with §15.2-2506 of the Code of Virginia requiring a public hearing. She explained that Resolution 2023-61 would be an authorization for public hearing on the correction of the FY24 Budget Adoption and Appropriation resolutions.

Mr. Barton asked what the error was. Ms. McGarry explained that they needed to include the \$2.1 million that was budgeted within the General Fund to be transferred to the VPA Fund, and that amount was not included in the General Fund total. She reported that there was no new money being budgeted or appropriated, it was just a clerical error. She explained that the \$2.1 million was not included in the General Fund total which should be \$50,222,334. Ms. McGarry commented that the money was already there. Ms. McGarry explained that in the resolutions, they had to include all of the funds that were being transferred to, in the main General Fund budget number, and they had to list them individually. She noted that the VPA Fund was listed individually but it was not included in the total General Fund amount as it should have been. Mr. Reed commented that the money had already been allocated and they were not allocating

additional funds, it was just a clerical error. Ms. McGarry commented that they were just making a clerical correction to the adoption and appropriation resolutions. Ms. Staton noted that the \$50,222,334 was already established and it did include the \$2.1 million for the VPA fund. She noting in transferring that total over to the resolution, she had omitted including the \$2.1 million in the General Fund budget as a transfer item, which is why it did not increase the bottom line of what was going to be expended, it left that amount of the General Fund so that it could be transferred over.

Ms. McGarry noted that this was an authorization for public hearing, so that the corrections could be made.

Mr. Reed made a motion to adopt Resolution R2023-61 and Mr. Barton seconded the motion. There being no further discussion, Supervisors approved the motion unanimously (4-0) by roll call vote and the following resolution was adopted:

**RESOLUTION R2023-61
NELSON COUNTY BOARD OF SUPERVISORS
AUTHORIZATION FOR PUBLIC HEARING
CORRECTION OF FY24 BUDGET ADOPTION AND APPROPRIATION RESOLUTIONS**

BE IT RESOLVED, by the Nelson County Board of Supervisors, that pursuant to §15.2-2503, and §15.2-2506 of the Code of Virginia 1950 as amended that a public hearing is hereby authorized to be held on Tuesday, October 10, 2023 at 7:00 PM in the General District Courtroom of the Courthouse in Lovingston, Virginia. The purpose of the public hearing is to receive public input on proposed resolutions correcting the originally approved FY24 Budget Adoption (R2023-40) and Appropriation (R2023-41) Resolutions, to include the \$2,111,079 budgeted within the General Fund to be transferred to the VPA (Department of Social Services) Fund. The General Fund total, including the VPA Fund transfer amount, is \$50,222,334 making the FY24 total appropriations for all funds \$95,163,565.

Mr. Parr noted that the public hearing would take place on October 10th.

G. Authorization for PH on FY24 Budget Amendment for School Construction Funds (**R2023-62**)

Ms. McGarry provided the following information on the Authorization for Public Hearing on FY24 Budget Amendment for School Construction funds:

On March 28, 2023, the Board of Supervisors voted to provide a letter of financial commitment for the School Division's School Construction Assistance Program grant application that stated its pledge of financial support in the form of payment of debt service of related financing to fund the proposed NCHS renovation.

The School Division was awarded the 10% grant at a special meeting of the Department of Education Board on May 11, 2023 in the amount of \$2,451,703, which was communicated to Supervisors via email the same day. The official notification from the State Department of Education was dated June 21, 2023.

County and School Division Staff met and discussed the project status and they are currently in negotiations with an architectural firm for AE services related to the renovation. The grant funds must be contractually obligated by November 2023 and they are working towards meeting this deadline. They anticipate using only these grant funds in FY24 with the project financing and majority of expenditures expected to occur in FY25. Staff will be in consultation with the Schools and Davenport on project financing options and timeline in the near future.

The proposed FY2023-2024 Budget Amendment related to this, provides for a supplemental appropriation of School Construction Assistance Program Grant Funds, as requested by the School Division. This request is in the amount of \$2,451,703 which pursuant to §15.2-2507 of the Code of Virginia exceeds the statutory limit of one percent of the total expenditures shown in the currently adopted budget, that can be approved without first holding a public hearing.

Mr. Barton asked if that meant that the County was committed to spending \$24 million. Ms. McGarry explained that was the commitment that the Board made in the letter of support that was provided to the School Division for their grant application. She explained that the amount was based on the \$24 million estimate that the School Division had at the time of the grant application. Mr. Barton asked when the \$24 million had to be committed. Ms. McGarry explained that the \$24 million did not have any timeframe for commitment. She commented that the \$2.4 million in grant funds that the School Division was receiving in grant funds. She explained that the grant funds had to be obligated by November 2023. She noted that the School Division would be receiving the funds upfront in FY24 from the Department of Education, so

the FY24 budget needed to be amended to accommodate receipt and expenditure of those funds. Ms. McGarry indicated that the \$2.4 million amount exceeded the one percent threshold of the County's expenditure budget that they could appropriate without a public hearing. She commented that the State Code required the County to hold a public hearing due to the amount of funds that they would be amending their budget by.

Mr. Barton asked if the County was committed to \$24 million. Mr. Parr noted that the Board committed to the project by voting to support it, and the estimate at that time was \$24 million. Ms. McGarry commented that the Board was committed to whatever the debt ended up being. Mr. Barton asked if the project could become more or less expensive. Ms. McGarry noted that the total debt was currently unknown, but the Board needed to handle the \$2.4 million in grant funding. Mr. Reed asked if the estimate increased, whether there could be an opportunity to reapply for 10 percent, which could possibly be an incremental increase. Ms. McGarry was not sure, but noted that she could find out. Mr. Barton asked the same, if cost were less. Ms. McGarry commented that she would have to find out. Mr. Reed commented that today, they were basically reaffirming their commitment to the number they had previously committed. Ms. McGarry noted that was correct. Mr. Reed asked if it made sense to wait to see if they could get more money. Ms. McGarry noted that the School Division was on a deadline to get the funds obligated, she felt that it would help the School Division to have those funds appropriated, to attain that goal.

Ms. McGarry noted that this was the authorization for public hearing, it was not the decision side of making the budget amendment. She commented that they could work to have answers for the public hearing.

Mr. Reed moved to approve **Resolution R2023-62** as presented and Mr. Barton seconded the motion. There being no further discussion, Supervisors approved the motion unanimously (4-0) by roll call vote and the following resolution was adopted:

RESOLUTION R2023-62
NELSON COUNTY BOARD OF SUPERVISORS
AUTHORIZATION FOR PUBLIC HEARING
AMENDMENT OF FY2023-2024 BUDGET- SUPPLEMENTAL APPROPRIATION
SCHOOL CONSTRUCTION ASSISTANCE PROGRAM GRANT FUNDS

BE IT RESOLVED, by the Nelson County Board of Supervisors, that pursuant to §15.2-2507 of the Code of Virginia 1950 as amended that a public hearing is hereby authorized to be held on Tuesday, October 10, 2023 at 7:00 PM in the General District Courtroom of the Courthouse in Lovingston, Virginia. The purpose of the public hearing is to receive public input on a proposed FY2023-2024 Budget Amendment that provides for a supplemental appropriation of School Construction Assistance Program Grant Funds, as requested by the School Division. This request is in the amount of \$2,451,703 which exceeds the statutory limit of one percent of the total expenditures shown in the currently adopted budget that can be approved without first holding a public hearing.

Ms. McGarry noted that the public hearing would take place on October 10th at 7 p.m.

Mr. Parr noted that several comments had been made the night before at the candidate forum, one being a \$25 million roof on the high school and another was that the high school had already been renovated once. He reminded the public that it was a \$25 million high school renovation and the high school was not renovated, rather it was like "putting lipstick on a pig" when the middle school construction was done. He commented that during that project, the high school got some windows and a few minor changes. He noted that the flooring and wall tiles were still the ones in place when many attended high school. He commented that this was a renovation project that was long overdue.

H. Special Use Permit #986 – Outdoor Entertainment Venue (Deferred from August Meeting)

Ms. Hjulstrom reported on the following subject:

The Board of Supervisors conducted a public hearing for Special Use Permit 986 on August 8th, 2023. During this session, they reviewed the condition recommendations provided by the Planning Commission. The Board has requested an alternative suggestion for the condition that limits the number of events per year.

Exempt events include agritourism activities that, by virtue of the number of attendees, size and location of property, or hours of conduct, do not cause any substantial impact(s) on the health, safety, or general welfare of the public.

Ms. Hjulstrom commented that many of the events that the applicants had described would already fall under exempt events.

Category 1 and 2 Temporary Event Permits are currently not limited in number but are required to be applied for individually, they would still need to be applied for individually if this Special Use Permit is approved. Temporary Social Events do not require a permit.

Ms. Hjulstrom pointed out that the applicants would still need the Special Use Permit (SUP) if they wanted to have more than twelve (12) temporary social events, or if they wished to hold the temporary social events in the structure.

While the staff recommendation is not the only option, it aims to support the Board in making their recommendation/decision. The Board has emphasized the importance of avoiding ambiguity in the condition and has requested a comprehensive approach that clearly addresses various types of events.

On July 26th, the Planning Commission recommended the following:

- The number of events shall be limited to 150 per year.

Staff recommends this alternative:

- Events with fewer than 75 attendees will be not be limited. Events with between 76-125 attendees will be limited to 75 events per year. Events between 126-150 attendees will be limited to 25 events per year. Category 1 and 2 Events shall receive individual Temporary Event Permits. Exempt events will be unaffected by this condition.

Mr. Reed asked for the definition of Category 1 and Category 2 events. Ms. Hjulstrom noted that the applicants did not intend to have many Category 1 or Category 2 events. Ms. Hjulstrom explained that Category 1 and Category 2 events were events open to public, not a wedding or reunion that would be a private event. She reported that Category 1 events could have up to 500 attendees and Category 2 events could have from 500 to 10,000 attendees. She noted that the applicants could have Category 1 and Category 2 events on the property, but not in the structure. She noted that those type events were required to be applied for individually to be reviewed by VDOT, the Health Department, Sheriff's Department, State Police and EMS. She noted that the conditions would limit the number of events the applicants could apply for, based on the number of attendees. She commented that temporary social events did not need to receive those individual permits. Ms. Hjulstrom explained that the applicants were self-limiting as they had stated that they did not have the capacity to accommodate over 150 people, which would also be one of the conditions.

Ms. Hjulstrom explained that the staff recommended alternative condition was to replace the Planning Commission's third recommended condition. She noted that they were still recommending conditions 1 and 2.

Ms. Hjulstrom reviewed the other two conditions: 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.

Mr. Parr noted that it was a good compromise from what was originally proposed. Mr. Reed thought a good job had been done in putting clear limits on things that were necessary. He commented that the numbers involved were a little subjective. Ms. Hjulstrom noted on the property now as an A-1 property, the applicants were able to apply for as many Category 1 and 2 temporary events that they wanted, they just could not have them in the structure. She noted that they were currently limited to twelve (12) social temporary events per year and they could not have them in the structure.

Ms. Hjulstrom explained that the special use permit would allow the applicants to have social temporary events in the structure and more than twelve (12) social temporary events per year. She noted that they could have up to 25 events per year with 126 to 150 attendees, up to 76 events between 76 to 125 attendees, and events with fewer than 75 attendees would not be limited. She commented that this SUP would limit the number of Category 1 and Category 2 events that the applicants could do on the property.

Mr. Parr asked if restrictions conveyed with the property should it be sold. Ms. Hjulstrom noted that they would. She commented that the SUP would stay with the land. She indicated that the only reason the SUP would expire, was if it ceased being used as such for a period of two years or more. Mr. Parr asked how traffic was directed coming off of 151. He suggested that the applicants try to direct people to their property from the Ski Barn intersection, rather than turning in from the Spruce Creek end. He noted that it was a safer turn.

Mr. Reed made a motion to approve Special Use Permit # 986 with recommended conditions 1 and 2 from the Planning Commission, and recommended alternate condition 3 as presented by staff. Mr. Barton seconded the motion. Ms. Hjulstrom noted that the “wills” in the recommended condition from her memo would be “shalls”. There being no further discussion, Supervisors approved the motion unanimously (4-0) by roll call vote.

SUP #986 Conditions

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. Events with fewer than 75 attendees shall not be limited. Events with between 76-125 attendees shall be limited to 75 per year. Events between 126-150 attendees shall be limited to 25 events per year. Category 1 and 2 Events shall receive individual Temporary Event Permits. Exempt Events shall be unaffected by this condition.

The Board took a brief recess.

Introduction

Mr. Parr introduced Rodney Robinson, the County’s new reporter for the Nelson County Times. He welcomed him to Nelson.

VI. REPORTS, APPOINTMENTS, DIRECTIVES AND CORRESPONDENCE

A. Reports

1. County Administrator’s Report

Ms. McGarry provided the following report:

A. Comprehensive Plan: The project website is www.Nelson2042.com. A Public Open House on the latest full draft plan was held on August 29th from 6:30pm – 9pm at the Nelson Center in Lovingston. The County is still gathering public feedback on this draft to be considered at a joint meeting of the Board of Supervisors and Planning Commission on September 28th at 6:30 pm. Comments may be left by completing a form on the nelson2042.com homepage or on the idea wall or by contacting County staff and Supervisors.

Ms. McGarry commented that there had been some sentiment that the Board may want to conduct more open houses, and asked if they wished to discuss that. Mr. Barton commented that he wished he had been more supportive, noting the crowd had been antagonistic at times. Mr. Reed felt that a good job had been done in getting the public involved and there had been plenty of opportunities for the public to comment. He did not think they needed additional open houses. He noted that there would still be opportunities for public comment as there would be a series of public hearings coming up. Mr. Parr agreed with Mr. Reed, noting that he did not see an upside to having additional open houses, especially at the expense that it incurred and he felt that the public had ample opportunity to reach out to the Board individually, directly and at the future public hearings. He suggested that they move forward with the schedule they had. Mr. Barton also agreed.

B. Virginia Outdoors Foundation PTF Grant – Sturt Park: Jerry West met with resident citizens in the vicinity of the Sturt property who expressed some concerns regarding public utilization of the property. Main themes of their concerns were: seclusion of the property and park security, timely EMS response to the property, hunting around the property, increased traffic, property management, cost/benefit to Norwood/Wingina citizens and the County of developing the property into a public nature preserve/park. These concerns should be taken into consideration and addressed to the extent possible in the ongoing planning process.

Ms. McGarry apologized if the Board was unaware that the meeting was taking place. She commented that it was to be an initial informational meeting and she thought there would be multiple meetings ongoing. Mr. Parr thanked Ms. McGarry for saying that. He commented that the Board had no idea a meeting was taking place. Mr. Barton thought that Dr. Valdrie Walker’s recommendation for a committee was a good idea. He asked if staff could look into doing that. Ms. McGarry commented that they could. She thought going forward with any projects, it would be good to include those members of the public most directly affected. Ms. McGarry addressed Mr. Stevens comment on eminent domain, noting that was an extreme measure that she did not think the County had ever undertaken. Mr. Barton commented that no one was talking about a huge recreation area, it was just a unique area in terms of the flora and fauna that was there.

Ms. McGarry noted that as Dr. Walker commented, the property was deeded over to the County for specific purposes, so anything done had to maintain the intent of the gift.

Ms. McGarry noted that they had not heard back on whether they had received any of the grant funding, or any comments on the application.

C. Piney River Solar, LLC Special Exception 2023-369 – Amherst County: On August 17th, Amherst County held 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 which is adjacent to the Piney River trail and it was referred back to their Planning Commission for consideration in September.

Mr. Barton commented that there had been a public meeting for the neighborhood of a possible solar farm in the Gladstone area. He noted that the meeting had taken place last week in the Library at the Heritage Center. He asked Ms. McGarry if she was aware of it. Ms. McGarry noted that she was not aware of those meetings at all.

D. FY24 State Budget: The General Assembly passed a budget agreement on September 6th with local impacts still to be determined. Of particular note is the State's intent to provide a 2% salary increase for K-12 education - SOQ recognized positions beginning January 1, 2024. Additionally, state supported local employees will receive an increase of 2% in their base salary effective December 1, 2023 and certain Constitutional Officers will see an unspecified increase in compensation. We will need to see the specific budget language in order to evaluate the County's obligation in providing for these increases. Of local interest is an allocation of \$200,000 for the Nelson Heritage Center and I have inquired as to the inclusion or not of the State's provision of 25% funding for the Regional Jail Authority's renovation project, which is currently unknown.

E. Opioid Abatement Authority Grants: In August, the County was notified that the Cooperative Partnership Grants submitted by Albemarle County (Acting Fiscal Agent) on behalf of them, Nelson, Louisa, Greene, Fluvanna, and the City of Charlottesville in partnership with Region Ten CSB were approved: \$834,974 for CITAC expansion and addition of 23-hour crises response and \$448,500 for Blue Ridge Center Community Response and addition of Community Drop In. There is no local match for these grants and Albemarle County will be responsible for grant acceptance and management for the performance period of July 1, 2023 to June 30, 2024.

F. Route 151 Corridor Study Update: VDOT and their consultant is still working on updating the study which will include the dissemination of a public survey and an in-person meeting to be scheduled for mid to late October with recommendations and cost estimates to be finalized by the end of November and subsequent VDOT presentation to the Board of Supervisors. This schedule flows well with that of the Comprehensive Plan; allowing for its consideration and inclusion in the final draft to be presented for public hearings in winter 2023.

G. FEMA Flood Insurance Rate Maps and Flood Insurance Study: FEMA has issued preliminary copies of these for Nelson County and they have been circulated to the Board and other community stakeholders for review and comment. This period provides an opportunity for reviewers to identify changes or corrections to non-technical information contained therein, such as road names, stream names etc. A link to the digital copies is available through the FEMA map service center at <https://hazards.fema.gov/femaportal/prelimdownload/> and will be added to the County's website. Adoption of these maps is a multiyear process that includes public engagement, public notification, a 90-day appeal period, issuance by FEMA of a Letter of Determination, and six-month period to adopt or amend its floodplain ordinance to reference the date and title of the new FIRM and FIS report. More detailed information on the process will be provided in the coming months.

H. DSS Building/Callohill Site: (No Change) 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.

Ms. McGarry reported that she was waiting on a response from the Architect for an update on the proposal for the design phase of the project.

Ms. McGarry reported that the Nelson County Parks and Rec Department received an award at their VRPS conference this week for "Best New Diversity Equity Inclusion Initiative" for the Tunnel Accessibility Day.

Ms. McGarry noted that staff was working with the IT Department on an audio/visual solution for a better YouTube viewing experience of the Board meetings and they would report back in the near future.

I. Staff Reports: Department and office reports for August have been provided.

2. Board Reports

Mr. Barton:

Mr. Barton noted that the jail was still waiting to hear about funding. He reported that there were two (2) deaths at the jail fairly close together. He noted the jail board was offered explanations that made sense.

Mr. Harvey:

Mr. Harvey had nothing to report.

Mr. Reed:

Mr. Reed reported that the TJPDC's draft strategic plan was out and it looked really good. He commented that some members of public had questions regarding the TJPDC's involvement and the value of their work to the County, which he noted the value of the work for the County was significant. He commented that there were no major changes to their plans for the future. He noted that an excellent service provided by the TJPDC was the opportunity to allow Supervisors and Planners in the area to provide monthly updates on their locality. He commented that other localities were having people presenting extreme circumstances as something that were to happen or were already happening, which was similar to Nelson in that it was difficult to provide good information to the public to let them know what was actually going on.

Mr. Reed reported that he attended a Zoom call with Charlottesville City Council and their Planning Commission. He commented that Charlottesville had finished their Comprehensive Plan and had moving on to the proposals for zoning changes. He noted that one of the zoning changes proposed and put out for public comment was regarding limiting and restricting homestays. He explained that the proposal took the County's equivalent of R-1 and banned homestays in the R-1 areas, which turned out to be so volatile that it was kicked down the road. He commented that it was interesting to see that all localities were dealing with same problems, and there were no quick and easy solutions.

Mr. Reed reported that JAUNT was doing a rural needs assessment and he was put on the committee to do that, but the first meeting was scheduled for same date as today's Board meeting. He noted he would be following up on the meeting. He commented that he attended the candidates' forum, which was interesting to say the least. He noted that it was disconcerting to see some political dirty laundry in a public event. He hoped that going forward that did not become the case, and if there were issues that had to be handled internally, that could happen. Mr. Barton asked for specificity on the forum. Mr. Reed noted they could be specific off the record.

Mr. Parr:

Mr. Parr reported that he attended the EMS Council meeting on August 15th. He discussed an upcoming project called Nox Box, which was a box similar to what real estate agents put on a home where there is a key or code to access the box for the house key. He explained that the Nox Box allowed the Fire Department to access a school building if an alarm was going off. He noted this helped them gain access without waiting for a staff person with a key. He reported that Blue Ridge Medical was also interested in the program. He explained that the initial cost involved about a \$1,900 investment per fire department truck and then the business/school investment was about \$1,000 for set up on their end. Mr. Parr noted they were moving forward and would be asking for budget approval. He explained that they would like to install Nox Box on one (1) unit per fire department, so it would be total of six (6) fire departments. He noted that Wintergreen was already set up for it. He commented that there was a request pending in the amount of \$12,000 soon. He noted they were looking to expand the program to local businesses as well. Mr. Parr also reported that residents would be able to sign up as well and the residential set up was only \$200 to \$300. He noted it would be helpful for homes with gated driveways and vacation homes as well.

Mr. Parr reported that Rockfish had applied for a 50/50 grant to purchase an ambulance, but they did not qualify for the grant. He noted that Rockfish was asking if the County would still fulfill the County's side of the agreement, if Rockfish came up with the other half, outside of the grant. Mr. Parr asked if Ms. McGarry had anything to share. Ms. McGarry did not have any information, noting she had not received a request on it yet. Mr. Parr noted it should be forthcoming.

Mr. Parr reported that the County currently had Personal Property Tax Relief for first responder volunteers. He explained that they get up to \$5,000 in vehicle value for one vehicle credit. He noted if a volunteer had a \$5,000 value truck, they did not pay any personal property taxes, or if it was a \$10,000 truck, they only paid half. He commented that the rate was set in 1993. He reported that he was asked if the Board would be interested in revisiting the rate. Mr. Parr did not think it needed to be done right now, but he wanted to look at it, possibly during the next budget cycle. Ms. McGarry asked if that was used as a recruiting tool when advertising. Mr. Parr was not sure. He suggested considering the subject during the next budget cycle.

B. Appointments

The Board had no appointments to consider.

C. Correspondence

The Board had no correspondence to discuss.

D. Directives

Mr. Reed had a directive regarding the increase in funding request from Rev. Rose for the Gladstone Seniors Center. He noted that the Board had recently had a request from the Rockfish Senior Group for a smaller number of people. Ms. McGarry reported that the Rockfish Senior Group had requested \$12,300, which would be \$3,075 per quarter.

Ms. McGarry reported that the Gladstone Seniors were currently receiving \$9,000 per year, which was \$2,250 per quarter. She noted that the request from Rev. Rose of \$5,000 per quarter, would be an additional \$11,000 for a total of \$20,000 for the year. Ms. McGarry commented that there may be 60 seniors at the Rockfish Senior Group (she noted they would have to check) and they received \$12,300 for the year.

Gladstone Senior Group Funding Request

Mr. Reed made a motion to provide \$5,000 per quarter, which would be \$20,000 for the year, for food for the seniors at the Gladstone Senior Center. Mr. Barton seconded the motion.

Mr. Harvey suggested looking at all groups as a whole. Mr. Reed agreed, noting that should take place during the budget cycle, but he commented that the request would take care of Gladstone until the next budget cycle. Mr. Parr asked if they were being fair to both groups. Ms. McGarry noted that they would be giving Gladstone \$20,000 for the year and Rockfish \$12,300 for the year. She commented that Rockfish may have more seniors than Gladstone, with 60 seniors versus 40. Mr. Harvey asked if those were the only two in the County. Ms. McGarry noted that there were no other community centers on the agency list. Ms. McGarry noted that the Lovington center did their meals through JABA. Mr. Barton commented that Gladstone was a very vibrant organization. He felt that Gladstone could use a cheering up based on the Depot ordeal. He thought that \$5,000 per quarter was fine. Ms. McGarry noted seniors from adjoining localities attended the Gladstone group. Mr. Reed noted he was still in favor, and he was also in favor of revisiting their needs during the next budget session.

There was no further discussion, Supervisors voted to approve the motion (3-1) by roll call vote, with Mr. Harvey voting no.

Rev. Rose thanked the Board for their support. He noted he was the Gladstone Senior Center's appointed representative to attend the Board meetings. He commented that they had a good group of people and really enjoyed their time at the Center.

VII. ADJOURN AND CONTINUE – EVENING SESSION AT 7PM

At 4:22 p.m., Mr. Barton moved to adjourn and reconvene at 7:00 p.m. and 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. Parr called the meeting to order at 7:01 p.m. with three (3) supervisors present, and Mr. Rutherford and Mr. Barton were absent.

II. PUBLIC COMMENTS

Sheriff David Hill – Nelson County Sheriff's Office

Sheriff Hill noted the public forum that had taken place the night before. He commented that at the forum, he spoke on the progress made in the Sheriff's Office, including salaries. He stated that the salaries would not be possible without the Board. He noted when he came into office, salaries for deputies started out just over \$28,000 and it has progressed. He wanted to be clear and open to the public that he appreciated the Board, and it was a team effort. Sheriff Hill noted that he wanted to point that out to the crowd.

III. PUBLIC HEARINGS

A. Special Use Permit #998 – Vacation House *DEFERRED BY APPLICANT TO OCTOBER

Consideration of a Special Use Permit application requesting County approval to allow a Vacation House on property zoned R-1 Residential. The subject property is located at Tax Map Parcel #21-7-2A at 2617 Rockfish Valley Hwy in Nellysford. The subject property is 1.027 acres and is owned by Gretchen Rush and Glenda MacNeil.

Mr. Parr reported that Special Use Permit #998 had been deferred by the applicant to October, so there would not be a public hearing for that special use permit that evening.

B. Special Use Permit #1005 – Campground

Consideration of a Special Use Permit application requesting County approval to allow a Campground (one site) on property zoned A-1 Agriculture. The subject property is located at Tax Map Parcel #86-A-36B at 2601 Falling Rock Dr. in Arrington. The subject property is 2 acres and is owned by Lucas & Caitlin Hoge.

Ms. Hjulstrom reported the following:

BACKGROUND: This is a request for a Special Use Permit to allow a one site campground use on property zoned A-1 Agriculture.

Public Hearings Scheduled: P/C – August 23; Board – September 12

Location / Election District: 2601 Falling Rock Drive / South District

Tax Map Number(s) / Total Acreage: 86-A-36B / 2.0 acres +/- total

Applicant/Owner Contact Information: Luke & Caitlin Hoge, 824 Lyndhurst Road, Waynesboro, VA 22980, 703-489-7436 / 516-508-8978, lucasryanhoge@gmail.com / caitfoley7454@gmail.com

Comments: This property contains an existing single-family dwelling that is utilized as a by-right vacation house, or short-term rental. The narrative provided by the applicants indicates that they own a camper that they are requesting to utilize as a short-term rental while their family lives in the existing dwelling.

DISCUSSION:

Land Use / Floodplain: This area is residential and agricultural in nature. Zoning in the vicinity is A-1 Agriculture. There are no floodplains located on this property.

Access / Traffic / Parking: This property is accessed by an existing entrance on Falling Rock Drive. VDOT had no comments.

Utilities: The house is served by existing utilities. The owner has been in contact with the Health Department – a licensed soil evaluator will be required to permit a cleanout to hook the camper to.

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.”

At their meeting on August 23, 2023 the Planning Commission voted (6-0) to recommend approval of SUP #1005 with the following conditions:

- 1. There shall be no more than one site, and the unit shall be provided by the property owner.**
- 2. The location of the site shall meet property setbacks.**

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.

Ms. Hjulstrom explained that the owner had originally on the site plan, shown the camper in front of the house. She noted that they had since met with their soil evaluator and moved the camper site to back side of the house. She commented that it would still meet setbacks and the applicants would have to update the site plan to show where the camper was going to be. She noted that was why the condition was added that the camper shall meet property setbacks.

Applicant Luke Hoge was present for the public hearing. Mr. Hoge commented that their intention was to occasionally rent the camper out for people to enjoy the beauty of the land and the river. He noted that they were in agreement with the conditions put on. He commented that he, and the neighbors, did not want a lot of traffic, especially people towing campers in and out. He did not want to have a campground, they just wanted to be able to rent on occasion.

Mr. Parr opened the public hearing.

Troy Nicks - Arrington, VA

Mr. Nicks stated that he lived approximately a half of a mile from the applicant's location. He noted that he had spoken with the adjacent landowners and nearby neighbors, and he had not spoken to anyone with an objection to the application as stated with the limitations.

Jeri Lloyd - Afton, VA

Ms. Lloyd commented that even though the neighbors are in favor of the SUP, she wanted to ask questions regarding the camper type and size. She asked if the camper was a fifth wheel or permanent, whether it had wrap around the bottom of it, whether it would be anchored. She asked if it would have separate water, sewer and electric. She asked if the camper had shower facilities and how many bedrooms it had. She commented that she did not know the answers to the questions and they were not stated in the application. She noted it was close to neighbors. Ms. Lloyd stated that she was not in favor of the special use permit.

Phillip Purvis - Shipman, VA

Mr. Purvis commented that he was all for property rights, and he did not like to see restrictions on someone's property, but he had concerns about setting a precedent for campers to be rented out as Airbnbs, or having a one site campground. He noted that there were a lot of campers in yards in Nelson County and asked if they wanted everyone in Nelson County to rent out their campers or have the option to do so. He commented that he appreciated the applicant's desire to generate a little revenue to help with things. He noted the applicant's comments in regards to updating the septic, and commented that was not cheap to do. Mr. Purvis was not in favor of setting a precedent of having campers as Airbnbs, and not in a commercial campground environment.

There were no others wishing to speak. Mr. Parr closed the public hearing.

Mr. Reed noted it was an application for a single campsite, and a single vehicle owned by the property owner. He asked if there was any regulation or assessment done when there is a single campground. Ms. Hjulstrom commented that it was not done through Planning and Zoning. She noted that the applicants had indicated that it was a fifth wheel camper that they wanted to rent out occasionally. She commented from the application that the owners planned to add a clean out to the existing septic, and they would use the hose bib for water. She noted that the owners had indicated that the camper had its own filtration and hot water heater, and they would put in a 50-amp electric post to plug into.

Ms. Hjulstrom noted comments from the Health Department were that if the applicant wished to rent out a camper on their property, the camper would need to be permanently connected to an approved septic system and water supply, which would require them to consult with a license LSE or PE to do either. Mr. Reed asked if there were any state regulations in terms of a camper being a vehicle on the road. Mr. Hjulstrom noted that she assumed it would be licensed through DMV, but she was unsure that Planning and Zoning would require it to be licensed since it would be parked on the property. Mr. Parr noted that a camper had to have a DMV registration just like a vehicle and it had to have state inspections also just like a vehicle but they did not check the interior, only the mechanical features like brakes and lights. Mr. Reed asked if those items could be required as a condition. Ms. Hjulstrom noted they could require that. Mr. Parr noted the issue with that, was if it were a permanent fixture, it had to be taken to the garage for inspection. He noted those were roadworthy requirements, not permanent site requirements. Ms. Hjulstrom was unsure if roadworthiness applied in this case because the special use permit was not for it to be used on the road.

Ms. Hjulstrom noted they had approved one site campgrounds but this was one of the first that the owner was providing the camper.

Mr. Parr noted they had a few conditions – no more than one site and the unit provided by the property owner, and the location of the site shall meet the setbacks. He commented that there would not be campers coming in and out. He noted that it sounded like they had approval from the neighbors. Mr. Parr noted that they had the Planning Commission's recommendation for approval.

Mr. Reed noted that they were missing two (2) Supervisors that evening, one of which was the South District Supervisor. He noted they did not need to act on it that evening. Ms. Hjulstrom asked if there was any additional information that the Board would want to have, if they chose to defer it.

Mr. Reed asked Mr. Hoge about his camper. Mr. Hoge explained that it was a 42-foot-long fifth wheel camper. He noted that he had clarified with the Health Department what permanent hook ups meant. He explained that it did not need to be permanently located on the site. Mr. Hoge noted they still planned and wanted to be able to use the camper themselves. He explained that they had two toddlers and a baby on the way, so when they were home and not using they camper, they wanted to be able to rent it. Mr. Hoge indicated that the camper did not have skirting currently but he could do so if conditions required it. He noted that according to the soil evaluator they could add a clean out to the existing septic. He explained that they would use a hose bib for water, noting that the camper had its own filtration. He commented that the camper had one (1) shower and one (1) bedroom. Mr. Hoge confirmed that the camper was registered at the DMV as a trailer, and he intended to keep that up because he would be using it. He felt like they would use it more than they rented it out, but he hoped to rent it as well.

Mr. Parr asked the Board if they wished to act that evening or delay until they had a full Board. Mr. Reed noted if they both wished to move forward, he could go along with it. He did not see any issues with it. Mr. Parr commented that he did not have a problem with it and he was prepared to vote to approve it, but he did not want to move forward if Mr. Reed and Mr. Harvey were not ready to do so.

Mr. Harvey made a motion to defer Special Use Permit #1005 to the October Board meeting and Mr. Reed seconded the motion. There being no further discussion, Supervisors approved the motion unanimously (3-0) by roll call vote.

C. School Zone Photo Speed Enforcement

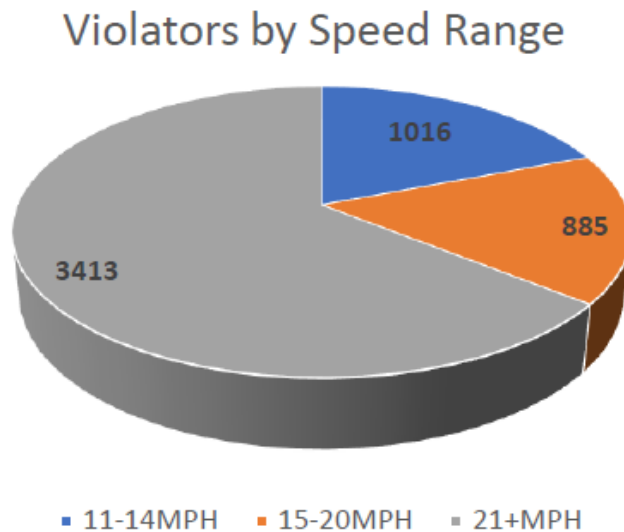
Consideration of a photo speed enforcement program to help reduce speeding through the school zones located within Nelson County.

Sheriff David Hill introduced Greg Hogston of Blue Line Solutions. Sheriff Hill noted that Mr. Hogston had given the Board a presentation a few months earlier on speed enforcement via camera. Sheriff Hill reported that a few years ago, legislation was passed that enabled localities' Sheriff's Offices and Police Departments to implement speed enforcement through camera systems. He noted that it could only be used in school zones and construction work zones. He commented that studies have shown that there was a 90

to 95 percent reduction in speed violations once the systems are implemented. Sheriff Hill reported that speed studies were completed in each of the school zones about a year ago from September 27th through October 3rd. Mr. Hogston noted that they performed a five-day comprehensive study of each school zone.

Mr. Hogston thanked the Board for the opportunity to present. He noted that he had a 26-year background in law enforcement and was still acting auxiliary law enforcement. He explained that when the legislation passed in 2020, it identified that speed enforcement via camera could only be conducted in school zones and highway work zones. He commented that the 5-day comprehensive study provided true data on a week's worth of driving data and behavior was in each of the zones. He reported that the High School/Middle School complex had a little over 45,000 vehicles travel through that school zone from 7:30 a.m. to 4:00 p.m. He reported that about 5,300 of those were considered a violation by state code. He explained that the State Code put a limit on what could be considered a violation. He indicated that a vehicle had to be traveling 10 miles per hour (MPH) or more over the speed limit before it could be considered a violation in a school or work zone.

Mr. Hogston showed the graph the violators by speed range in the High School/Middle School Zone.



He described the process for if locality decided to move forward. He explained that Blue Line provided an overview to the locality so that they could determine whether there is a problem in the school zone. He noted that if a locality decided to move forward with the program, Blue Line would come in to start the Public Information and Education. He commented that the educational portion was what determined the success of the any program. Mr. Hogston reported that there were ten (10) active localities that had implemented their school safety program. He noted that they were in the process of working with Albemarle County. He commented that they had another 22 agencies interested in the program. He reported that Wythe County was the first county in Virginia to work with Blue Line.

Mr. Hogston reiterated that proper education was the key to their program. He noted that the combination of the education and the enforcement were why the violation numbers were decreased.

Mr. Hogston reported that Wythe County's high school zone was having about 2,500 violations per week, before the program started. He noted that once they started the education process of 30-45 days of education and information, they had 30 days of warnings. He reported in their post-enforcement review, they had gone from 2,596 violations per week down to 90 violations, which was a 96 percent reduction. He noted that the whole hinge of the program was proper education. He noted that Wythe County's school with the second highest amount of violations decreased from 1,005 violations down to 59 violations. He then reported that the third school in the program decreased from 297 violations down to 16.

Mr. Hogston reported that Bridgewater had one school on a four-lane road in the program with a 91 percent reduction, post 60-day enforcement. He noted that Bridgewater promoted walk to school days, so the Schools were working with VDOT to get a crosswalk put on one of the four lane roads.

Mr. Hogston commented that Blue Line was happy to speak with members of the public directly in one on one conversations, as well as in civic meetings to make sure that they have the proper information on the program and how it would be implemented all the way through.

Sheriff Hill noted when his office received complaints, many of the complaints were regarding speeding in school zones. He commented that there were three (3) deputies working that evening, and in the morning they would have two (2) to three (3) deputies on duty. He noted that there were three (3) school zones and

having deputies in each of those school zones was not always possible, especially when calls come in. He commented that having the program in place would be a tremendous help. He noted that the goal was to implement the program as a safe guard. Mr. Harvey asked if there was any incentive from the state, if the Sheriff were to do the program, for the State to possibly provide some personnel. Sheriff Hill explained that any funds earned from program would go to the County's General Fund and it would be up to the Board to decide where the funds could go. He noted it would be nice to see the funds possibly go back into Public Safety or Law Enforcement. He pointed out the reduction rates, noting that he was sure what the revenue projections would be.

Mr. Hogston explained that the tickets were a civil penalty only, there were no points on the driver's record, no report to the driver's insurance, and there were no court dates or court processing fees. He noted that the funds went back to the locality's general fund, and the intent was for the funds to go back to public safety or school safety, but it was up to Board. He reiterated that the civil penalty did not affect someone's driving record or get reported back to their insurance. He explained that it was a good way to correct driving behavior without having an effect on someone's driving record and causing insurance increases. Mr. Harvey asked if there were increases based on the number of offenses. Mr. Hogston noted the way the statute was written, it was a \$100 civil penalty per violation and no greater.

Mr. Reed asked the Sheriff what the standard protocol was when a deputy was on site in the school zone and whether they had their lights going while there. Sheriff Hill noted it was mostly preventative patrol so that they were seen in the school zone. He commented that during the first few weeks of school, deputies could at their discretion, sit with the lights on to remind people that school is in session. He explained that the flashing lights in the school zones were turned on the week prior to schools starting during the morning and afternoon times to get people used to it. Sheriff Hill noted that deputies may sit in the school zones the first few weeks of school with their blue lights on. He noted there could be times when deputies' radar was not working properly, so they would be limited on how they used radar. He indicated that the Sheriff's Office had been able to replace some of the radars over the years, and they could capture oncoming and outgoing traffic speeds, but there were limitations on what side of the road they could work. He commented that use of handheld LIDAR units allowed for them to work different traffic lanes. Sheriff Hill commented that the speed enforcement program did not mean that they would not still be in the school zones. He hoped that deputies would still be seen in school zones when they were available, if the program were implemented. Mr. Reed asked about data on speeding tickets written in the school zones and how many tickets were written. Sheriff Hill commented that he could run that information but it would take a little time to get the information. Sheriff Hill commented that during his time as a road deputy in Nelson working the school zones, most of the violators were not residents, but people travelling through. He felt that the signs indicating speed enforcement by camera would help quite a bit with speeding violations.

Mr. Hogston noted that Blue Line's program would install radar feedback signs, free of charge prior, to be located prior to entering the enforcement area. He explained that the radar feedback signs would flash your speed. He explained that drivers would see the school paintings on the road, the static sign with the parent and child crossing the road, the flashing lights, and then the radar feedback signs just before entering the enforcement area. He commented that all of the signs and warning were intended to slow the traffic down prior to entering the school zone area.

Mr. Parr opened public hearing.

Robert Gubisch - Faber, VA

Mr. Gubisch asked noted that the question not asked was with the data presented, how many children have been run over by speeders and how many school buses had been crashed into by someone speeding. He commented that since he lived here, he had heard of none. He guessed that no one had been injured and no property had been damaged due to speeding. He believed that it showed that people were speeding through the school zones safely. He commented that they had not harmed anyone. He stated that there were no children walking to school anymore. He commented that people speed all day every day because they know they can safely do so and noted that he speeds every day. He commented that he looked at this program as legalized grand larceny. He commented that what had not been said was how much money could be made from the program. He noted that taking \$100 out of a working person's pocket hurt.

Paul Davis, Nellysford, VA

Mr. Davis stated that he was retired law enforcement and pro-police. He noted that he had questions. He commented that anything like this program that could help law enforcement was beneficial. He commented that he was in law enforcement in Charlottesville. He asked what the costs to the County would be. when it came to Problems he saw in Charlottesville where he worked. He asked what the company did with the data and whether it was dumped. He commented in Charlottesville, that whenever they had camera enforcement somewhere, immediately someone would report their car stolen when they went through a speed zone. He noted the concerns about the costs and what happened to the data, and commented that the tickets may cover the cost. He commented that the Sheriff may have more stolen car reports as people try

to get out of a ticket. He noted on the plus side, where did they get any negative comments for putting something like that in a school zone.

Edith Napier, Arrington, VA

Ms. Napier noted she was present in July for the initial presentation from Blue Line. She stated for the record that the citizens of Nelson valued the children of Nelson, the visitors to Nelson and the Nelson citizens. She commented that the Board did not have enough information to have an informed decision. She commented that the presenter in July was a good salesperson and he tried to play on everyone's emotions when he said to think about the children and try to do what is best for them. She stated that we always thought about our children and they always tried to do what is best for them. She commented that they needed to stop and look at the full implications of it. She noted that it was a money making transaction. She said they should not be in rush, they needed to know about the dependability of the equipment, how often it was serviced, and the contract period. She asked why Nelson could not on their own, initiate the radar feedback signs, and education. She agreed that the education piece was important, but she thought that Nelson could do it on their own. She said it seemed like the County could do it. She suggested speaking to other localities.

Geri Lloyd, Afton, VA

Ms. Lloyd commented that she found the program Ludacris. She noted it was a money making deal. She commented that 25 percent was for the company and 75 percent went to the County. She referenced a pie chart in the information provided and commented that there would be \$174,800 if it was \$100 per ticket. She noted that 25 percent of that amount was \$43,800 that would be going to a company in Tennessee, not Nelson County. She commented that 151 needed attention to speeders, not just the school zones. She noted that the program was conducive for larger localities like those in Northern Virginia as those localities had lots more people and schools. Ms. Lloyd commented that Sheriff Hill and his department could and should be able to handle this sort of issue. She stated that having the program reduced the Sheriff's responsibility. She commented that the equipment was not always correct and asked how often it was calibrated. She asked what happened to the data. She commented that the amount of money that would go to the company could instead come to Nelson County. She commented that could be a lot of money if the data was collected correctly. She stated that she was very much against the program.

Susan McSwain - Shipman, VA

Ms. McSwain stated that in her opinion, the program was a no-brainer to approve. She noted that she had read the Blue Line Solutions report, and commented that some of the questions people had were answered in the report. She noted that all of the communities using the service were happy with the service, and they were happy with the fact that there were fewer speeders on the roads, and they were happy with the income. She commented that income was part of it and she would not expect this company or any company to provide the service for free. Ms. McSwain noted that they were in the business of making money, but the County would get 75 percent of the money. She commented that they were getting ready to spend a large amount of money on the schools, and she thought the County could afford to put the service in place on the roads in front of the schools. She noted that it was a good thing for the bus drivers to be able to enter and exit the road. She commented that they did not have a lot of deputies and there were a lot of roads in the County. She preferred to see the deputies out driving the roads during school time and making their presence known to the citizens, rather than sitting on the side of the Route 29 watching cars go by. Ms. McSwain urged the Board to approve the service.

David McGann - McGann's Well Drilling

Mr. McGann commented that his wife drove a school bus, and they lived off of 151. He stated that the people did not pay attention to the lights anymore and they were still speeding through the school zones. He commented that the deputies were doing everything they could to slow traffic down on 151 in the morning. He commented that they needed to do something now. He did not want them to wait until there was a bad accident to do something. He noted that it seemed like the program would pay for itself and the signs would not cost the County any money. He commented that the company would be collecting money, but noted that the County would also take in revenues that could go back to the Sheriff's Office for the deputies. He noted that 90 percent of the people speeding through the school zones were from out of state. He stated that the Nelson County people would not be paying because they knew there was a school zone there. Mr. McGann commented that the only problem he saw was collecting the fines if someone did not pay. He reiterated that he was in favor of the program.

Brenda Harris - Lovingston, VA

Ms. Harris asked about the costs for maintenance.

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

Mr. Parr asked about the dependability of equipment. Mr. Hogston explained that in law enforcement in the State of Virginia, any type of speed measurement device had to be approved by the Department of Purchases and Supply in Richmond, and it came from the conforming product list, which was approved by NHTSA (National Highway Traffic Safety Administration). He further explained that all of their radars and LIDARS used for photo speed enforcement had to come from the conforming product list. He explained that if it was equipment in a hands-on traditional enforcement method, which was an officer in the car and it was an initiated event, by Code of Virginia, it had to be calibrated and on file with District, Circuit or Juvenile Court, every six months. He noted that unmanned enforcement, the equipment had to be calibrated at least once per year. He noted that unmanned devices ran internal circuit checks every 35 minutes, and if there were any issues, the device would shut down and notify Blue Line. He reported that Blue Line would then send a team out to make repairs. Mr. Hogston explained that they had one company that annually went around and took the devices down to certify them.

Mr. Parr asked about the contract. Mr. Hogston explained that it was presented as a minimum two-year contract. He noted that they could not conduct photo speed unless flashing lights were present. He explained that when they came into a locality, they would get a permit through VDOT, and if the flashing placards were outdated by code, Blue Line would upgrade the placards at no cost. He noted that they would make sure that everything meets or exceeds the standards set forth by VDOT, before any type of enforcement takes place. Mr. Parr asked about the cost to the County. Mr. Hogston reported that there was no cost to the County, he noted that it took two years minimum for Blue Line to make up the infrastructure costs that they invested to get the system up and running. He noted that the fixed location would cost more to install, but he commented that there was also a mobile application using a trailer. He noted that there was also a handheld LIDAR device that deputies could use a photo speed enforcement from their patrol car without having to chase a speeder.

Mr. Parr asked what happened to the data collected. Mr. Hogston commented that there was language in the State Code that required for the data to be purged after 60 days if no violation occurs that is captured. He explained that the data was only captured when lights were flashing and the cameras were operating. He noted that Blue Line had to annually report to the Virginia State Police by January 15th with their information and data so that the State Police could compile a record and report it to the General Assembly to track the success of the program across the Commonwealth. He explained that State Code was specific that any information captured, any violation, could only be used for the offense it was captured for. He commented that if the Sheriff had a string of burglaries and asked Blue Line to provide data of all of the vehicles that went through the school zone, they were not allowed to provide that by state statute. Mr. Hogston reported that the data could only be used for speeding in a school or work zone. He noted that the data captured was store on a server in Arizona.

Mr. Parr asked Sheriff Hill why the Sheriff's Office could not just do this themselves. Sheriff Hill commented that he did not have the knowledge or manpower to do it. He noted there were companies out there that were experts. He commented that Blue Line had a great reputation and had been great to talk to.

Mr. Parr asked Sheriff Hill about setting up the system on 151. Sheriff Hill explained that the system could only be set up in school or work zones. Mr. Parr commented that he was asking questions that he knew the answers to, but he was just covering questions that had been brought up that evening.

Mr. Reed asked, if they were to proceed with the project, at the end of two years, what would Mr. Hogston present to the Board if they were looking at continuing the program. Mr. Hogston noted that he would report the data. He commented that they would continuously provide post-data reports to track the success of the program. He noted that the reports would be provided to the Sheriff as they became available, so that they could then be shared with the Board of Supervisors and School Board. He commented that at the end of the contract, it would be up to the County and the Sheriff whether they wanted to continue with the program or not. Mr. Hogston told the Board not to focus on the amount of citations, or the number on the speed study. He noted that it was baseline data to show true driving behavior through these zones. He noted that their programs achieved a 90 to 94 percent reduction. He suggested looking at the number when it was reduced by 90 percent. He told the Board not to base revenue projections on base line data because that was without any enforcement, information and education. Mr. Hogston noted that all of the Blue Line employees are all prior law enforcement and their approach was to be as proactive as possible and try to stop bad things from happening before they do. He indicated that Virginia State Police was looking at implementing the program throughout the Commonwealth in all work zones.

Mr. Reed asked if they were to proceed, how long it would take for the program to be in place. Mr. Hogston explained that the entire process took time. They could possibly be running by late Spring, or the start of the next school year. He noted it took a minimum of six months to get up and running. He He suggested that the best time would be the next school year. Mr. Reed noted they could wait a few months to make a

decision and have it ready for school year. Mr. Hogston noted that the Sheriff was asking for support. Mr. Hogston pointed out that State code provided the Sheriff with the authority to do this on his own. Mr. Hogston explained that Blue Line was buy in from everyone to protect the school zones.

Ms. McGarry noted there were no upfront costs to the County, however if the County were to terminate the two-year contract early, the County would be responsible to cover the costs. Mr. Hogston noted it would be at a pro-rated rate.

Mr. Reed asked if the contract was with the locality. Mr. Hogston noted that the contract was with the Sheriff, the Locality and Blue Line.

Mr. Reed commented that it was not cut and dry. He noted that this program offered the only tool that he was aware of in the short term, to create a safer corridor along 151. He felt it would benefit his constituents, and Mr. Harvey's constituents as well, to be able to put something in place to slow the traffic, even if it were only before and after school. Mr. Reed suggested waiting for the rest of the Board to be present and provide input.

Mr. Parr noted he agreed that tonight was not the night to vote on it, as it was too big of a decision to make with only three (3) Supervisors present. He commented that he wanted to have conversations with the community. Mr. Parr commented that his pet peeve was people speeding through school zones. He noted that when it came to the safety of their children, he thought they needed to do whatever they could. He also noted that he understood there were other concerns and they would need to look over the contract. He commented that he was in the position where someone would have to talk him out of supporting the program. He noted that he was not ready to vote that night, and he was open to conversations with constituents.

Mr. Hogston noted the 151 comments and indicated that the General Assembly was looking at expanding the use of photo speed beyond school and work zones. He suggested looking at radar feedback signs (traffic calming device) to help slow traffic.

Mr. Harvey asked about help looking at areas with speeding. Mr. Hogston noted that they would help evaluate any areas needed. Mr. Hogston suggested that the Board could make a request through their VDOT office for a speed study also.

The Board was in consensus to take no action and it was noted that staff would be directed when to place the subject on agenda again.

IV. OTHER BUSINESS (AS PRESENTED)

Mr. Reed made note that the public hearing on School Zone speed enforcement had been conducted, there would not be another public hearing, but there would be time for public comments before the Board took any action. Mr. Parr encouraged everyone to reach out to their Supervisor to have a conversation, ask questions and share their input.

V. ADJOURN AND CONTINUE TO SEPTEMBER 28, 2023 AT 6:30 P.M. FOR A JOINT WORKSESSION WITH THE PLANNING COMMISSION.

At 8:28 p.m., Mr. Reed made a motion to adjourn and continue to September 28, 2023 at 6:30 p.m. for a joint work session with the Planning Commission. Mr. Harvey seconded the motion. There being no further discussion, Supervisors approved the motion unanimously (3-0) by roll call vote and the meeting adjourned.