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County Administrator

AMANDA B. SPIVEY  
Administrative Assistant/  
Deputy Clerk

LINDA K. STATON  
Director of Finance and  
Human Resources

**AGENDA**  
**NELSON COUNTY BOARD OF SUPERVISORS**  
**FEBRUARY 13, 2024**  
**THE REGULAR MEETING CONVENES AT 2:00 P.M. IN THE**  
**GENERAL DISTRICT COURTROOM AT THE COURTHOUSE IN LOVINGSTON**

- I. CALL TO ORDER**
  - A. Moment of Silence
  - B. Pledge of Allegiance
  
- II. PUBLIC COMMENTS**
  
- III. CONSENT AGENDA**
  - A. Resolution – **R2024-06** Minutes for Approval
  - B. Resolution – **R2024-07** Budget Amendment
  
- IV. PRESENTATIONS**
  - A. VDOT Report
  - B. Comprehensive Safety Action Plan Goals – TJPDC (**R2024-08**)
  - C. Nelson County Department of Social Services 2023 Annual Financial Statement
  
- V. NEW & UNFINISHED BUSINESS**
  - A. Project Financing for County and School Projects
    - 1. Reimbursement Resolution for County Project (**R2024-09**)
    - 2. Reimbursement Resolution for School Renovation Project (**R2024-10**)
  - B. CHA Proposal for Evaluation of Lovingston Water and Wastewater System
  - C. Faber Volunteer Fire Department 80/20 Program Truck Order Request (**R2024-11**)
  - D. Lovingston Revitalization (Branding)
  - E. Fourth of July Event Proposal and Funding Request
  - F. Sheriff's Department Vehicle Funding Request (**R2024-12**)
  
- VI. REPORTS, APPOINTMENTS, DIRECTIVES AND CORRESPONDENCE**
  - A. Reports
    - 1. County Administrator's Report
    - 2. Board Reports
  - B. Appointments
  - C. Correspondence
  - D. Directives
  
- VII. ADJOURN AND CONTINUE – EVENING SESSION AT 7PM**

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

**I. CALL TO ORDER**

**II. PUBLIC COMMENTS**

**III. PUBLIC HEARINGS**

**A. Special Use Permit #1044 – Campground**

Consideration of a Special Use Permit application requesting County approval to allow a Campground (two sites) on property zoned A-1 Agriculture. The subject property is located at Tax Map Parcel #41-A-31 in Tyro. The subject property is 0.828 acres and is owned by John H. Jr. and Roberta Fitzgerald.

**B. Special Use Permit #1085 - Campground**

Consideration of a Special Use Permit application requesting County approval to allow a Campground (two sites) on two adjacent properties zoned A-1 Agricultural. The subject properties are located at Tax Map Parcels #22-A-59 (2.001 acres) and #22-A-59D (2 acres) at 5032 Rockfish Valley Hwy in Nellysford. The subject properties total 4.001 acres and are owned by Kelly A. Kahle.

**C. Special Use Permit # 1101 - Amendment to Condition of Approved Multifamily Dwelling**

Consideration of an application requesting an amendment to a condition regarding fencing requirements of previously approved Special Use Permit #716 for a Multifamily Dwelling use on property zoned A-1 Agricultural. The subject property is located at Tax Map Parcels #6-A-131 and 6-A-163D at 9485 Rockfish Valley Hwy in Afton. The subject properties total 10.94 acres and are owned by Quakeela Teasley.

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

**V. ADJOURNMENT**



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**RESOLUTION R2024-06  
NELSON COUNTY BOARD OF SUPERVISORS  
APPROVAL OF MINUTES  
(June 29, 2023, August 2, 2023, August 8, 2023, August 23, 2023,  
September 12, 2023 and September 28, 2023)**

**RESOLVED**, by the Nelson County Board of Supervisors that the minutes of said Board meetings conducted on **June 29, 2023, August 2, 2023, August 8, 2023, August 23, 2023, September 12, 2023 and September 28, 2023** be and hereby are approved and authorized for entry into the official record of the Board of Supervisors meetings.

Approved: February 13, 2024

Attest: \_\_\_\_\_, Clerk  
Nelson County Board of Supervisors



Nelson County Joint Planning Commission/Board of Supervisors  
Meeting Minutes  
June 29<sup>th</sup>, 2023

**Present:** Board of Supervisors: Jesse Rutherford, Skip Barton, Tommy Harvey, David Parr, and Ernie Reed - Planning Commission: Chair Mary Kathryn Allen and Commissioners Chuck Amante, Phil Proulx and Robin Hauschner

**Staff Present:** County Administrator Candy McGarry and Deputy Clerk Amanda Spivey - Dylan Bishop, Director and Emily Hjulstrom, Planner/Secretary

**Call to Order:** Mr. Rutherford and Ms. Allen called the meeting to order at 6:03 PM in the Old Board of Supervisors Meeting Room, County Courthouse, Lovingston.

Mr. Rutherford noted that the Board is working diligently on legislation in relation to the loss of life of an officer in the line of duty. He explained that Officer Wagner is a hero and was recently lost in the line of duty.

*Ms. Redfearn presented the following information:*



# NELSON COUNTY, VA

## Comprehensive Plan Update



Joint Worksession #5 | June 29, 2023

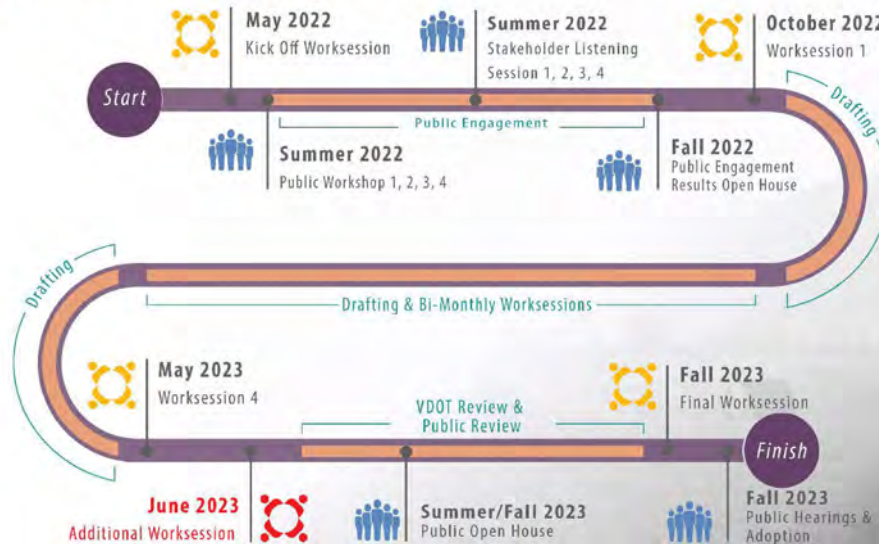


## Meeting Objectives

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1. Schedule & Progress Update
2. Review Edited Chapter 3 – Land Use
3. Review Chapter 4 – Transportation
4. Review Implementation Matrix
5. Review Compiled Plan
6. Next Steps – Select Open House & Meeting Dates

# Project Schedule



## Meetings & Events

- ❑ **Review by VDOT August (90 Days)**
  - VDOT will review plan for Compliance with State Code & VDOT Requirements
- ❑ **Public Open House (Date TBD)**
  - Open House to Present the Draft Plan to County Citizens & Stakeholders
  - Receive Comments & Answer Questions on the Draft Plan
- ❑ **Final Joint Worksession with BOS & PC (Date TBD)**
  - Review VDOT Comments
  - Review Public Comments
  - Make Final Edits to Plan
- ❑ **Joint Public Hearing & Adoption (Date TBD)**
  - BOS & PC to Hear Public Comments
  - PC to Consider Recommendation of Adoption
  - BOS to Consider Adoption

Ms. Redfearn added that VDOT will have 90 days to complete their review after they receive the draft plan. She added that the open house is a chance to invite the community as a whole to review the draft plan, ask questions, and provide comments. She added that it looks like they will see final approval of the plan in October or November.

Ms. Allen asked about the format of the open house. Ms. Redfearn explained that it would be similar to the public input meeting with informational posters, a presentation, and an opportunity for questions from the public. Mr. Reed asked if a draft would be available for the public to view before the open house. Ms. Redfearn noted that it would be available on the website and that the comment tracker is still open where they expect to receive more comments.



Ms. Redfearn explained that they have made edits to chapters 3 & 9.

### **Chapter 3**

Ms. Redfearn noted that one of the major differences is that the chapter is now in a layout and no longer a Word document. She added that they did some minor reorganization of the chapter itself. She explained that they have identified key strategies that address the concerns from the big ideas that were heard from the community throughout the public engagement process. She added that the existing conditions portion of the chapter was slightly reorganized as well. She noted that on the land use map they broke out Lovingsston, Nellysford, and Colleen as separate land use areas and added Arrington as a rural village.

Mr. Reed noted that strategy 6 didn't necessarily support environmental resources and that the community ranked protecting environmental resources as the top focus area for Nelson County's future. He explained that there should be a key strategy that speaks to the preservation of environmental resources. He added that on page 30 there should be clarification that the only permanently protected lands are the Priest and Three Ridges wilderness areas. He explained that the word permanent as it is currently used is not appropriate. Ms. Redfearn confirmed that they would remove the word

'permanently' from the text. Mr. Reed added that on page 34 the second bullet mentions industrial and he questioned whether that was appropriate. It was decided to change 'industrial enterprises' to 'business enterprises. Mr. Reed questioned why there were no supporting strategies on pages 38 and 39. Ms. Redfearn explained that they didn't feel that they were at the point where they are able to identify them. She added that the strategies included in each chapter and in the implementation plan could be applied to each of the land use areas to give staff a clear correlation between the Comprehensive Plan and the land use designations.

Ms. Allen asked where the definition for 'rural destination' was. Ms. Redfearn noted that the description and core concept are on page 40. Ms. Allen asked why they are putting money into the Gladstone Depot if they are not going to try to make it a destination. Ms. Redfearn explained that Gladstone is identified as a 'rural village' and that a 'rural destination' is at a lower level of investment for the county. Ms. Redfearn explained that locations like Montebello and Rockfish are 'rural destinations' that people are interested in visiting but that are not places where the county is going to be investing a lot of infrastructure for people to live there full time.

Mr. Reed noted that he liked the discussion of villages and centers. He noted that he would like to add mention of the community centers.

Mr. Reed noted that on page 44 it reads 'water and sewer service has supported the development of several large scale residential developments, some associated with Wintergreen Resort.' He explained that in Nellysford water and sewer is provided by a private entity. He added that they should include this distinction in the plan and indicate that the water and sewer service is limited.

Ms. Redfearn noted that at the last meeting, they discussed separating Lovingston and Nellysford due to differences in character and the type of investment that the community wants to see. She added that she wants to ensure that the language on page 44 reflects this accurately.

Ms. Bishop noted that the term 'Urban Development Area' is VDOT language but that she knows that other localities have been able to call it something else. She asked if they could change the language in the plan. Ms. Redfearn explained that 'Urban Development Area' is used so that it would refer to the VDOT designation, allowing the county to access funds associated with it. She added that they could add a note to explain this. Ms. Proulx added that if they could remove the word 'urban' it would help the public accept it. She noted that in Amherst it is referred to as a 'Town Development Area'. Ms. Redfearn explained that state code uses the term 'Urban Development Area', she explained that they could find another way to describe what they are talking about. Ms. Proulx explained that Amherst using the term 'Town Development Area' satisfied the state code. Ms. Bishop explained that they are not designating it as an 'Urban Development Area' in the Comprehensive Plan but that they would reference the state code that utilizes 'Urban Development Area.' Ms. Redfearn noted that they could add in the description that Nellysford could be designated per VDOT's program and that 'Urban Development Area' would only be used in the footnote.

Ms. Bishop asked if the designated growth areas would be identified in this chapter. Ms. Redfearn noted that they would need to review the plan to ensure that the language is consistent.

Ms. McGarry noted that page 43 specifically mentions Lockn' music festival as a regularly occurring event but that it hasn't occurred for the past few years. Ms. Allen recommended that they could reference that they have festival grounds in the area that can host large events. Ms. McGarry noted that on page 36 they would need to find another term for the community centers listed. She added that she had some additional comments on page 32 that she would send to the Berkley Group later. Ms. Redfearn noted that the table on that page (3.1) has been moved to the existing conditions section so that it is not interpreted as expectations for the future of the county. Ms. Allen noted that on page 36 the Core Concept was a very long sentence and something was missing from it. Ms. Redfearn noted that they would correct it. Ms. Allen asked if they wanted to replace 'industrial' on page 32 with 'business.' Ms. Bishop noted that it was referencing an existing industrial park and that it should remain.

Mr. Reed pointed out that page 30 noted 'preserving land of high ecological value' but that 'protected lands' did not necessarily capture that due to corridors, buffers, biodiversity areas, etc. He added that they were development constraints that were not supported by the text. Ms. Redfearn noted that they could add this under 'protected lands' or under its own subheading. Mr. Reed explained that these categories are all determined to be some form of protected land. Ms. Redfearn explained that they used the Natural Heritage data set to generate some of the conservation values. Mr. Reed added that the forest conservation areas done by DEQ and The Nature Conservancy are significant. He noted that there was a suggestion from the public to include this map.

#### **Chapter 4**

Ms. Redfearn explained that they made a few editorial changes to Chapter 4. Ms. Bishop noted that on page 76, strategy #12 needed to be finished. She added that the strategies in Chapter 3 are inconsistently formatted with the strategies in other chapters. Mr. Reed noted that on page 59 bridges and culverts should be expanded to include multimodal transportation in areas that are designated for it. He added that page 62 should say 'limited sidewalks.' He explained that there are almost no sidewalks in Nellysford.

Ms. Allen noted that on page 58 the green and lime green are hard to distinguish from each other.

Mr. Reed noted that he wanted to add a pedestrian bridge across Route 29 to the Recommended Priority Transportation Projects on page 72. Ms. Redfearn asked if project #5 on that page should be expanded to restrict truck size and traffic on Route 151. Ms. Proulx noted that they should not add it. Mr. Reed explained that VDOT is currently doing a Route 151 study that addresses projects 3, 5, 6, 10, and 11. Mr. Barton noted that he would like to find a word that's stronger than 'consider' for project #5. Ms. Redfearn explained that they need to work with VDOT on the projects and that they couldn't use stronger language.

Ms. Bishop noted that on page 77, strategy #18 should be made consistent with the language in the rest of the plan. Mr. Hauschner noted that page 72, project #5 should address pedestrian safety, such as widening the shoulders on Route 6. Mr. Harvey questioned what would happen to trucks that need to

transport to within the county. Ms. Redfearn clarified that it is mostly thru traffic that would be restricted.

Mr. Amante asked if the map data on page 58 came from VDOT. Ms. Redfearn noted that it did. Mr. Amante explained that it is confusing that the amounts change along the route. Ms. Redfearn explained that this map is required to be in the plan. Ms. Proulx noted that the traffic changing along the route could be due to internal traffic.

Ms. Bishop noted that the Comprehensive Plan is required to be reviewed every 5 years and that there is a recommendation for the Planning Commission to review it every year.

Mr. Reed noted that in relation to strategy #17, page 77 there has been discussion of on-demand pick-ups from JAUNT.

## **Chapter 9**

Ms. Redfearn noted that Chapter 9 is the implementation chapter, she explained that this details how the Comprehensive plan is implemented and should be considered in the annual budget and capital improvement plans. She added that review and update of the Comprehensive Plan are mandated to happen every 5 years but that annual review and update is the best practice.

Ms. Redfearn explained that each of the strategies in the matrix should align with the strategies in each of the chapters. She noted that they currently don't all align but that this will be fixed. Ms. Redfearn explained that the implementation schedule is generally broken into three categories. She explained that the categories are as follows, 1-3 years (short-term), 3-5 years (mid-term), over 5 years (long-term), and ongoing.

Ms. Redfearn explained that she would like to go through the strategies on page 180 to determine their priority level. The priorities were assigned as follows:



## Chapter 3 | Shaping Community Character

Focus Areas	#	Implementation Strategy	Implementation Type	Responsible Party	Priority	Resources
Protect Rural Character & the Environment	3.1	Review and update alternative energy standards to ensure the adopted standards protect rural character and the interests of the community.	Regulation Updates and Enforcement	Nelson County	Short	Nelson County (Zoning Ordinance, Code of Ordinances)
	3.2	Consider the use of alternative energy on private development through special programs, such as the Code of Virginia permitted solar tax exemption for residential and commercial small-scale solar installations.	Programs and Services	Nelson County	Short	SoSmart; Nelson County (Code of Ordinances)
	3.3	Reduce or exempt permit fees for residential solar installations.	Regulation Updates and Enforcement	Nelson County	Short	Nelson County (Zoning Ordinance, Code of Ordinances)
	3.4	Encourage the use of energy-efficient lighting and investigate outdoor light standards to reduce the impacts of over-lighting, glare, and light pollution.	Regulation Updates and Enforcement	Nelson County	Short	Nelson County (Zoning Ordinance)
	3.5	Explore changes to zoning and development provisions to update parking requirements and encourage permeable paving and other materials that promote infiltration of stormwater.	Regulation Updates and Enforcement	Nelson County	Short	Nelson County (Zoning Ordinance)
	3.6	Revise landscaping regulations to require the placement of shade trees in parking lots and use of native plants in all commercial and institutional landscaping.	Regulation Updates and Enforcement	Nelson County	Short	Nelson County (Zoning Ordinance)

Focus Areas	#	Implementation Strategy	Implementation Type	Responsible Party	Priority	Resources
Protect Rural Character & the Environment	3.7	Identify opportunities to connect neighborhoods and development through sidewalks, shared use paths, and trails and require such connections in new development or redevelopment proposals.	Regulation Updates and Enforcement	Nelson County	Short	Nelson County (Zoning Ordinance); VDOT; Bike Virginia; USDOT Bicycle and Pedestrian Program; AASHTO Publications
	3.8	Encourage revitalization, repurposing, and rehabilitation of existing structures by promoting available resources, such as grants and tax credits, and pursuing funding to support such efforts.	Community Outreach and Education; Partnerships	Nelson County; Regional and Institutional Partners	On-Going	VMS; USDA Rural Development Division; Virginia's Historic Rehabilitation Tax Credit (HRTC) Program
	3.9	Encourage Low Impact Development practices and alternative wastewater systems in environmentally sensitive areas to ensure the preservation of water quality in the County.	Regulation Updates and Enforcement	Nelson County	On-Going	Nelson County (Zoning Ordinance, Code of Ordinances); TJPDC
	3.10	Continue to encourage and administer cluster subdivision regulations and incentivize their use in rural areas of the County to preserve open space and reduce the impact of development. Regularly evaluate and modify cluster subdivision regulations as need to ensure they are effective and meet County standards.	Regulation Updates and Enforcement	Nelson County	On-Going	Nelson County (Zoning Ordinance)



Focus Areas	#	Implementation Strategy	Implementation Type	Responsible Party	Priority	Resources
Balance of Consolidated Plans with M1 Growth	3.11	Conduct a regular review of zoning and land development codes and to ensure compatibility with the goals, objectives, and recommendations of this Plan.	Regulation Updates and Enforcement	Nelson County	On-Going	Nelson County (Zoning & Subdivision Ordinances)
	3.12	Evaluate land use applications for rezonings and special use permits against the criteria contained within this Plan.	Regulation Updates and Enforcement	Nelson County	On-Going	Nelson County (Zoning Ordinance)
	3.13	Update land use regulations to provide clear and simplified requirements that promote economic development, enable creative housing choices, and protect sensitive resources.	Regulation Updates and Enforcement	Nelson County	Short	Nelson County (Zoning Ordinance)
	3.14	Review the zoning ordinance, and amend it as necessary, to allow for a wider mix of use types, including accessory dwellings and mixed-use buildings.	Regulation Updates and Enforcement	Nelson County	Short	Nelson County (Zoning Ordinance)
	3.16	Ensure that new development complements and enhances its surroundings through proper land use, design, landscaping, and transitional buffers.	Regulation Updates and Enforcement	Nelson County	On-Going	Nelson County (Zoning & Subdivision Ordinances)
	3.17	Ensure that a natural transition is maintained between the Land Use Elements through careful development review.	Regulation Updates and Enforcement	Nelson County	On-Going	Nelson County (Zoning & Subdivision Ordinances)

## Chapter 4 | Connecting People & Places

Focus Areas	#	Implementation Strategy	Implementation Type	Responsible Party	Priority	Resources
Maintain & Improve the Existing Road Network	4.1	Continue to work with VDOT to develop, design, and implement transportation projects, including, but not limited to, SMART SCALE, Highway Safety, Bike Pedestrian Safety, and Transportation Alternatives projects.	Partnerships	Nelson County; State and Federal Agencies	On-Going	VDOT; Bike Virginia; USDOT Bicycle and Pedestrian Program
	4.2	Conduct traffic safety and speed studies throughout the County, as necessary, based on an analysis of existing traffic volume and crash statistics. Work with VDOT to address priority traffic safety issues, such as a reduction of speed limits.	Plans and Studies; Partnerships	Nelson County; State and Federal Agencies	Short/Mid	VDOT; Commonwealth Transportation Board; TJPDC
	4.3	Target safety improvements at high-crash intersections and roadway corridors.	Capital Projects	Nelson County	Short	VDOT; TJPDC
	4.4	Partner with VDOT and TJPDC to prioritize improvements to bridges and culverts with poor ratings.	Partnerships; Capital Projects	Nelson County; Regional and Institutional Partners; State and Federal Agencies	On-Going	VDOT; TJPDC
	4.5	Continue to work with VDOT and other regional partners to provide essential maintenance and expansion of vital transportation systems throughout the County.	Partnerships; Capital Projects	Nelson County; Regional and Institutional Partners; State and Federal Agencies	On-Going	VDOT; TJPDC; Neighboring Localities; Nelson County (Staff); AASHTO Publications
	4.6	Coordinate with neighboring jurisdictions, state, and regional agencies in planning and achieving an efficient and cost-effective transportation network.	Partnerships	Nelson County; Regional and Institutional Partners	On-Going	VDOT; TJPDC

Focus Areas	#	Implementation Strategy	Implementation Type	Responsible Party	Priority	Resources
<b>Invest in Alternative Transportation</b>	4.7	Identify areas to construct or expand natural trails and sidewalks for pedestrian traffic.	Plans and Studies	Nelson County	Short	VDOT; Bike Virginia; USDOT Bicycle and Pedestrian Program; AASHTO Publications
	4.8	Explore opportunities to widen County roadways and introduce bicycle lanes to facilitate safe bicycle travel.	Plans and Studies; Capital Projects	Nelson County	Short/Mid	VDOT; Commonwealth Transportation Board; TJPDC
	4.9	Support regional partners in their efforts to link the Blue Ridge Tunnel Trail to regional destinations through pedestrian and bicycle infrastructure.	Partnerships	Nelson County; Regional and Institutional Partners	On-Going	VDOT; Neighboring Localities; TJPDC
	4.10	Support an expanded greenway trail network and ensure that the trail network connects to key public destinations such as parks, libraries, schools, and community centers, as well as to private developments and other trail systems, including regional trail networks.	Partnerships; Plans and Studies	Nelson County; Regional and Institutional Partner	Mid	Nelson County (Staff/BOS, Zoning & Subdivision Capital Improvement Plan, County Budget); VDOT; TJPDC
	4.11	Install EV charging stations at County-owned properties such as administrative offices, schools, and libraries.	Capital Projects	Nelson County	Short/Mid	Nelson County (Staff/BOS, Capital Improvement Plan, County budget)
	4.12	Evaluate the feasibility of installing solar panels above County-owned parking lots to provide both covered parking and clean energy infrastructure.	Plans and Studies	Nelson County	Short/Mid	Nelson County (Staff/BOS, Capital Improvement Plan, County budget)
	4.13	Work with community organizations to help facilitate the installation of EV charging stations in the County.	Partnerships	Nelson County	Short/Mid	Nelson County (Staff/BOS, Capital Improvement Plan, County budget); Community



## Chapter 5 | Creating Livable Communities

Focus Areas	#	Implementation Strategy	Implementation Type	Responsible Party	Priority	Resources
Protect and Improve the Existing Housing Stock	5.1	Update the definition of short-term rentals. Maintain an inventory of all short-term rentals in order to track and better understand costs and benefits. Create regulations for short-term rentals as necessary through the Zoning Ordinance and other tools that maintain a significant stock of single-family homes and long-term rentals.	Regulation Updates and Enforcement	Nelson County	Short	Nelson County (Staff/ BOS, Zoning Ordinance, Code of Ordinances, Comprehensive Plan)
	5.2	Consider allowing accessory dwelling units by right through zoning changes that can allow affordable rental options that benefit renters and homeowners.	Regulation Updates and Enforcement	Nelson County	Short	Nelson County (Zoning Ordinance, Comprehensive Plan)
	5.3	Promote grant programs, provide incentives and partner with Nelson County Community Development Foundation, Habitat for Humanity, and other local organizations and businesses that facilitate investments in maintenance and rehabilitation of existing housing—as well as TJPDC septic and SERCAP—and create a vehicle for enforcement of the zoning ordinance.	Partnerships; Programs and Services	Nelson County; State and Federal Agencies; Regional and Institutional Partners; Nonprofit Organizations	On-Going	TJPDC; Virginia Housing; Virginia DHCD; Bay Aging; SERCAP; DARS

Focus Areas	#	Implementation Strategy	Implementation Type	Responsible Party	Priority	Resources
Expanding Housing Opportunities	5.4	Create ordinances that offer a mixture of housing types and sizes integrated within the development area, including affordable and senior housing.	Regulation Updates and Enforcement	Nelson County	Short	Richmond County (Zoning Ordinance)
	5.5	Expand the types of allowable housing in appropriate areas to accommodate multi-family housing unity, such as townhouses, condominiums, and duplexes.	Regulation Updates and Enforcement	Nelson County	Short	Nelson County (Zoning Ordinance and Comprehensive Plan)
	5.6	Evaluate current zoning district densities and adjust them to allow for additional housing in appropriate areas.	Regulation Updates and Enforcement	Nelson County	Short	Nelson County (Zoning Ordinance and Comprehensive Plan)
	5.7	Work with developers, non-profit agencies, and community groups to preserve and increase the supply of obtainable housing.	Partnerships	Nelson County; Nonprofit	On-Going	Nonprofit/Community organizations; TJPDC; Housing Forward Virginia; DHCD
	5.8	Explore county investment in a community land trust that can create more affordable housing options.	Plans and Studies	Nelson County	Short	Nelson County (Capital Improvement Plan, County Budget); Piedmont Community Land Trust; Virginia Center for Housing Research
	5.9	Review related strategies offered in regional housing study Planning for Affordability: A Regional Approach by the Thomas Jefferson Planning District Commission.	Plans and Studies	Nelson County; Regional and Institutional Partners	On-Going	Nelson County (Staff/BOS); TJPDC; DHCD

Focus Areas	#	Implementation Strategy	Implementation Type	Responsible Party	Priority	Resources
Support Livable Communities	5.10	Target housing near the County's existing growth areas where public utilities are available with a range of housing types and densities.	Regulation Updates and Enforcement	Nelson County; Local Business Partners	On-Going	Nelson County (Zoning Ordinance, Comprehensive Plan)
	5.11	Consider development impacts on public water and sewer systems when reviewing residential rezoning and special use permits.	Regulation Updates and Enforcement	Nelson County	On-Going	Nelson County (Zoning Ordinance, Comprehensive Plan)
	5.12	In partnership with the Nelson County Service Authority, create a water Master Plan for the County that includes current maximum build out and considers possible expansion of public water and sewer systems to support housing goals and objectives.	Plans and Studies	Nelson County; Regional and Institutional Partners	Short	Nelson County Service Authority; TJPDC
	5.13	Consider adding density bonuses and incentives to encourage affordable and senior housing options in denser developments.	Regulation Updates and Enforcement	Nelson County	Mid	Nelson County (Zoning Ordinance, Comprehensive Plan)
	5.14	Explore opportunities to implement cluster subdivision provisions within the Subdivision Ordinance.	Regulation Updates and Enforcement	Nelson County	Short	Nelson County (Zoning & Subdivision Ordinances, Comprehensive Plan)
	5.15	Protect and connect to the surrounding environment by encouraging cluster developments and green infrastructure principles for new developments.	Community Outreach and Education	Nelson County; Local Business Partners	On-Going	Nelson County (Zoning & Subdivision Ordinances, Comprehensive Plan); US EPA Green Infrastructure Resources



Focus Areas	#	Implementation Strategy	Implementation Type	Responsible Party	Priority	Resources
Support Livable Communities	5.16	Consider conducting a neighborhood study for the village of Lovingson to identify community-based preservation, revitalization, and neighborhood improvement strategies. Pursue grant funding, as appropriate, to implement study recommendations.	Plans and Studies	Nelson County; State and Federal Agencies; Regional and Institutional Partners	Short	Nelson County (Staff/BOS, Zoning Ordinance, Comprehensive Plan); VDHR; Virginia's Historic Rehabilitation Tax Credit (HRTC) Program; TJPDC; DHCD
	5.17	Ensure that any new housing development is strategically placed to complement the rural landscape and avoid burden to the existing public services.	Regulation Updates and Enforcement	Nelson County	On-Going	Nelson County (Zoning & Subdivision Ordinances, Comprehensive Plan)

## Chapter 6 | Protecting Natural & Cultural Resources

Focus Areas	#	Implementation Strategy	Implementation Type	Responsible Party	Priority	Resources
Protect the Natural Environment	6.1	Define and guide development on steep slopes to maintain balance between slope, soils, geology, and vegetation. Where disturbance is unavoidable, enforce erosion and sediment control measures to prevent unnecessary degradation.	Regulation Updates and Enforcement	Nelson County	Short / On-Going	Nelson County (Zoning & Subdivision Ordinances, Code of Ordinances, Comprehensive Plan)
	6.2	Direct development and infrastructure away from ecological cores, migration corridors, forest conservation areas, and environmentally sensitive areas.	Partnerships	Nelson County; State and Federal Agencies; Local Business Partners	On-Going	Nelson County (Zoning & Subdivision Ordinances, Code of Ordinances, Comprehensive; VDOF; TJPDC STEW-MAP
	6.3	Implement green infrastructure principles to preserve and connect natural habitats to support native species and wildlife.	Community Outreach and Education	Nelson County; Regional and Institutional Partners; Local Business	On-Going	Nelson County (Capital Improvement Plan, Comprehensive Plan); US Environmental Protection Agency (EPA) Green Infrastructure Resources; DCR
	6.4	Support the use of low impact development and stormwater best management practices to reduce nonpoint source pollution in local waterways.	Regulation Updates and Enforcement	Nelson County; Local Business Partners	On-Going	Nelson County (Zoning & Subdivision Ordinances, Capital Improvement Plan, Comprehensive



Focus Areas	#	Implementation Strategy	Implementation Type	Responsible Party	Priority	Resources
Protect the Natural Environment	6.5	Encourage landowners to work with local organizations, such as TJSWCD, for cost-share opportunities to install LID and BMPs catered to agricultural, residential, and commercial sites.	Community Outreach and Education	Nelson County; Regional and Institutional Partners	On-Going	Nelson County (Staff/BOS); TJSWCD; Regional and Institutional Partners; Chesapeake Bay Foundation; DCR; Regional and Institutional Partners
	6.6	Continue to work with state and regional partners (such as DEQ, TJPDC, and TJSWCD) to implement TMDL plans for impaired waterways.	Programs and Services	Nelson County; Regional and Institutional Partners; Nonprofit Organizations	Long	Nelson County (Staff/BOS); VDH; DEQ; TJPDC; TJSWCD
	6.7	Continue to work with regional partners on updates to the Regional Water Supply Plan and implement solutions and sustain the future water supply.	Plans and Studies	Nelson County; Regional and Institutional Partners	On-Going	Nelson County (Capital Improvement Plan, County Budget) TJPDC; Regional and Institutional Partners
	6.8	Encourage water conservation measures as outlined in the Regional Water Supply Plan.	Community Outreach and Education	Nelson County; Regional and Institutional Partners	On-Going	Nelson County (Staff/BOS); Regional and Institutional Partners
	6.9	Consider efforts to identify and cap or remove abandoned wells and septic tanks to prevent contamination of the groundwater supply, and continue providing information on VDH's Septic and Well Assistance Program.	Programs and Services	Nelson County; Regional and Institutional Partners	On-Going	Nelson County (Staff/BOS); Regional and Institutional Partners; VDH

Focus Areas	#	Implementation Strategy	Implementation Type	Responsible Party	Priority	Resources
Protect the Natural Environment	6.10	Condition approval of operations utilizing underground storage tanks (USTs) on assurances guaranteeing proper closure or removal of unused USTs and remediation of impacted soils.	Regulation Updates and Enforcement	Nelson County	On-Going	Nelson County (Staff/BOS; Code of Ordinances); DEQ
	6.11	Support scenic river and blueway designations for local waterways.	Programs and Services	Nelson County; State and Federal Agencies; Nonprofit Organizations	Short/ On-Going	Nelson County (Staff/BOS); DCR Scenic Rivers Program
	6.12	Explore opportunities for an incentive program to utilize existing recycling and compost facilities. Focus on education and outreach. Continue to support and make better use of the Reuse shed.	Community Outreach and Education; Programs and Services	Nelson County	On-Going	Nelson County (Staff/BOS; Capital Improvement Plan, County Budget)
	6.13	Invest in partnerships with community organizations to ensure continued support and possible expansion of the Re-use sheds.	Programs and Services	Nelson County	On-Going	Nelson County (Staff/BOS)
	6.14	Carefully consider noise-intensive uses near residential or rural properties, and require noise migration such as perimeter buffers and sound barriers.	Regulation Updates and Enforcement	Nelson County	On-Going	Nelson County (Staff/BOS, Zoning Ordinance)
	6.15	Adopt an outdoor lighting ordinance with design and performance standards that increase safety and protect dark skies, consistent with International Dark Sky Association recommendations.	Regulation Updates and Enforcement	Nelson County	Short	Nelson County (Staff/BOS, Zoning Ordinance, Code of Ordinances)

Focus Areas	#	Implementation Strategy	Implementation Type	Responsible Party	Priority	Resources
Preserve Rural Character & Heritage	6.16	Direct development away from prime agricultural soils and suitable agricultural lands identified on the Virginia Agricultural Model.	Regulation Updates and Enforcement	Nelson County; Local Business Partners	On-Going	Nelson County (Staff/BOS, Zoning Ordinance); DCR Conservation Vision Agricultural Model Conservation Vision
	6.17	Protect agricultural and forested landscapes from development through tools such as conservation easements, agricultural and forestal districts, use-value assessments, and purchase of development rights program.	Regulation Updates and Enforcement; Programs and Services	Nelson County; Nonprofit Organization	On-Going	Nelson County (Staff/BOS, Zoning & Subdivision Ordinances); DCR; Virginia Land Conservation Assistance Network
	6.18	Maintain use-value taxation criteria and qualifications in the best interest of the County and landowners to ensure long-term viability of agricultural, horticultural, and forestal operations.	Programs and Services	Nelson County	On-Going	Nelson County (Staff/BOS, Zoning Ordinance); VDF
	6.19	Continue to utilize the Virginia Department of Forestry's Forest Sustainability Fund to offset reduced tax revenue due to forestland use taxation.	Programs and Services	Nelson County; State and Federal Agencies	On-Going	Nelson County (Staff/BOS, Zoning Ordinance); VDF; USDA Forest Service
	6.20	Discourage ridgeline development to protect scenic viewsheds.	Regulation Updates and Enforcement	Nelson County; Local Business Partners	On-Going	Nelson County (Staff/BOS, Zoning & Subdivision Ordinances, Comprehensive Plan)



Focus Areas	#	Implementation Strategy	Implementation Type	Responsible Party	Priority	Resources
Preserve Rural Character & Heritage	6.21	Encourage assessment of unlisted historic sites for inclusion on the Virginia Landmarks Register and/or National Register of Historic Places.	Community Outreach and Education; Programs and Services	Nelson County; State and Federal Agencies; Nonprofit Organizations	Short/ On-Going	Nelson County (Staff/BOS, Comprehensive Plan); Nelson County Historical Society; Nelson Heritage Center; Preservation Virginia; DHR; National Park Service
	6.22	Work with local partners such as the Nelson County Historical Society to identify, protect, and celebrate historic and culturally significant properties.	Partnerships	Nelson County; Regional and Institutional Partners	On-Going	Nelson County (Staff/BOS, Comprehensive Plan); Nelson County Historical Society; Nelson Heritage Center; Preservation Virginia; DHR; National Park Service
	6.23	Pursue identification, recognition, and protection of historic areas representing Nelson County's diverse culture, including Native American and African American sites.	Plans and Studies	Nelson County; Regional and Institutional Partners; Nonprofit Organizations	Mid	Nelson County (Staff/BOS, Comprehensive Plan); Monacan Indian Nation; Nelson County Historical Society; Nelson Heritage Center; Preservation Virginia; DHR; National Park Service
	6.24	Encourage architectural compatibility of new development, including infill development, where significant historic resources exist.	Regulation Updates and Enforcement	Nelson County; Local Business Partners	On-Going	Nelson County (Staff/BOS, Zoning Ordinance Comprehensive Plan); Nelson County Historical Society; Nelson Heritage Center; DHR; National Park Service

Focus Areas	#	Implementation Strategy	Implementation Type	Responsible Party	Priority	Resources
Plan for Resiliency & Sustainability	6.25	Continue to work with regional partners to update and implement the Regional Hazard Mitigation Plan.	Partnerships	Nelson County; Regional and Institutional Partners	On-Going	Nelson County (Staff/BOS, Comprehensive Plan); TJPDC; DEM; FEMA
	6.26	Continue improving flood resiliency by updating the Floodplain District Ordinance as needed to reflect new flood maps and best practices, and participating in FEMA's Community Rating System.	Regulation Updates and Enforcement	Nelson County; State and Federal Agencies	On-Going	Nelson County (Staff, Code of Ordinances, Comprehensive Plan); DEM; FEMA Community Rating System (CRS)
	6.27	Continue working toward the stated goal of becoming a SolSmart-designated community.	Programs and Services	Nelson County	Short	Nelson County (Staff/BOS, Zoning Ordinance, Code of Ordinances)
	6.28	Encourage and incentivize green building certifications, energy efficiency, and renewable energy sources for new developments and existing development retrofits.	Community Outreach and Education	Nelson County	Mid	Nelson County (Staff/BOS, Zoning Ordinance, Code of Ordinances); Local Energy Alliance Program (LEAP); US EPA Green Building Resources
	6.29	Consider amendments to existing ordinances to encourage installation of solar panels on existing impervious surfaces, such as rooftops and parking lots.	Regulation Updates and Enforcement	Nelson County	Short	Nelson County (Staff/BOS, Zoning Ordinance, Code of Ordinances)

Focus Areas	#	Implementation Strategy	Implementation Type	Responsible Party	Priority	Resources
Plan for Resiliency & Sustainability	6.30	Strengthen performance standards for ground-mounted solar energy systems to protect existing landscapes, such as limiting clear-cutting on undeveloped parcels, specifying minimum vegetation requirements, and increasing perimeter buffer widths.	Regulation Updates and Enforcement	Nelson County	On-Going	Nelson County (Staff/BOS, Zoning Ordinance, Code of Ordinances)
	6.31	Assess County-owned buildings to identify opportunities for improving energy efficiency using the EPA's resources for Energy Efficiency in Government Operations and Facilities, or a similar program.	Programs and Services	Nelson County; Regional and Institutional Partners; Nonprofit Organizations	On-Going	Nelson County (Staff/BOS, Zoning Ordinance, Code of Ordinances); US EPA Energy Efficiency in Government Operations and Facilities; TJPDC; Local Energy Alliance Program (LEAP)



## Chapter 7 | Creating a Resilient Economy

Focus Areas	#	Implementation Strategy	Implementation Type	Responsible Party	Priority	Resources
Support & Cultivate Today's Workforce	7.1	Prepare for the needs of the next generation of workers by supporting both traditional higher education and vocational education opportunities.	Community Outreach and Education	Nelson County; Regional and Institutional Partners; Nonprofit Organizations	On-Going	Nelson County (Staff/BOS); TJPDC; PVCC; CVCC; VCW-Piedmont, Virginia Cooperative Extension; Workforce Development Board Combined State Plan; FFA
	7.2	Support Nelson County Public Schools and regional partners in coordinating and enhancing workforce training programs, sponsorships, incentives, and financial support opportunities to promote student's enrollment in such programs.	Programs and Services	Nelson County; Regional and Institutional Partners	On-Going	Nelson County (Staff/BOS); TJPDC; PVCC; CVCC; VCW-Piedmont; Virginia Cooperative Extension
	7.3	Support dual enrollment programs for high school students that contribute to college- or vocational-level programs.	Programs and Services	Nelson County; Regional and Institutional Partners	On-Going	Nelson County; Regional and Institutional Partners
	7.4	Work with the Virginia Community College system to consider and advocate for a local branch in Nelson County, including collaboration between one or more existing colleges for a satellite branch.	Partnerships	Nelson County; Regional and Institutional Partners	Mid	Nelson County (Staff/BOS); TJPDC; PVCC; CVCC; Virginia Department of Education

Focus Areas	#	Implementation Strategy	Implementation Type	Responsible Party	Priority	Resources
Support & Cultivate Today's Workforce	7.5	Support private and public investments in the County's service economy to provide long-term economic and community growth and stability.	Community Outreach and Education	Nelson County; Local Business Partners	On-Going	Nelson County (Staff/BOS); TJPDC; VCW-Piedmont; Go Virginia Growth and Development Plan; Virginia Cooperative Extension; Workforce Development Board Combined State Plan
	7.6	Promote and support community centers as hubs for education and economic development.	Community Outreach and Education	Nelson County; Regional and Institutional Partners	On-Going	Nelson County; Regional and Institutional Partners
Diversify & Improve Local Industry	7.7	Continue to support the tourism industry while being mindful of over-tourism; diversify tourism assets across the County to distribute traffic and prevent negative impacts to local quality of life.	Community Outreach and Education	Nelson County; Local Business Partners	On-Going	Nelson County (Staff/BOS); TJPDC; VCW-Piedmont; Go Virginia Growth and Development Plan; Virginia Tourism Corporation resources; Land Conservation Assistance Network publications; DCR's Virginia Tourism Plan
	7.8	Review the DRIVE 2.0 initiative and consider pursuing DRIVE Outdoor grant funding to implement recommendations of the related DRIVE 2.0 strategic and regional plans to increase tourism.	Programs and Services	Nelson County; State and Federal Agencies	Short	Nelson County (Staff/BOS); DRIVE 2.0 Regional Tourism Plan; US SBA publications



Focus Areas	#	Implementation Strategy	Implementation Type	Responsible Party	Priority	Resources
Diversify & Improve Local Industry	7.9	Support expansion and diversification in the agricultural and forestry industries while maintaining and encouraging environmentally friendly and sustainable practices.	Community Outreach and Education	Nelson County; Local Business Partners; Nonprofit Organizations	On-Going	Nelson County (Staff/BOS); TJPDC; VCW-Piedmont; Land Conservation Assistance Network publications; VDACS resources; Virginia Department of Forestry publications
	7.10	Expand water access, trails, and bike infrastructure to promote outdoor recreation to encourage connection with the outdoors, encourage healthy recreation activities and enhance transportation options.	Capital Projects	Nelson County; Regional and Institutional Partners	Short/ On-Going	Nelson County (Staff/BOS, Comprehensive Plan); TJPDC; DCR; VDOT; Bike Virginia; USDOT Bicycle and Pedestrian Program
	7.11	Support organizations and initiatives that provide agricultural assistance, community education, marketing strategies, information on agricultural support businesses, and information about alternative agricultural uses.	Programs and Services	Nelson County; Regional and Institutional Partners; Nonprofit Organizations	On-Going	Nelson County (Staff/BOS, Comprehensive Plan); VDACS; Land Conservation Assistance Network publications; VSU Small Farm Marketing and Business Programs
	7.12	Assess local permitting, licensing, and fees for agricultural producers and streamline processes where practical to remove unnecessary procedural barriers.	Regulation Updates and Enforcement	Nelson County	On-Going	Nelson County (Staff/BOS, Code of Ordinances)
	7.13	Support multiple revenue streams for farmers by reviewing and amending ordinances to better allow farmers to host complementary agritourism uses on agricultural properties.	Regulation Updates and Enforcement	Nelson County	Short	Nelson County (Staff/BOS, Code of Ordinances)

Focus Areas	#	Implementation Strategy	Implementation Type	Responsible Party	Priority	Resources
Bolster & Promote Economic Growth	7.14	Explore opportunities to establish a Tourism Improvement District, ABC-designated Outdoor Refreshment Areas, a Tax-Incremented Finance District, and/or Technology Zones to increase business investment in targeted areas.	Programs and Services	Nelson County; State and Federal Agencies	Mid	Nelson County; State and Regional Partners; TJPDC; VEDP
	7.15	Continue to extend high-speed internet and cellular service throughout the County with bandwidth capable of serving businesses and maintaining viability during technological advances.	Capital Projects	Nelson County; Regional and Institutional Partners	On-Going	Nelson County; GO Virginia; DHCD; VATI; Connect Virginia
	7.16	Review and modify the Zoning Ordinance, as necessary, for regulations regarding special event venues and temporary events in the County.	Regulation Updates and Enforcement	Nelson County	Short	Nelson County (Staff/BOS, Code of Ordinances)
	7.17	Continue to support placemaking and wayfinding in the village areas, grant opportunities for village branding and identify, and establish village mixed use to incentivize infill and development.	Programs and Services	Nelson County; Regional and Institutional Partners	Short	Nelson County (Staff/BOS, Code of Ordinances); TJPDC; VDOT

Focus Areas	#	Implementation Strategy	Implementation Type	Responsible Party	Priority	Resources
Bolster & Promote Economic Growth	7.18	Update and enforce the temporary event ordinance to protect Nelson's rural character.	Regulation Updates and Enforcement	Nelson County	Short	Nelson County (Staff/BOS, Code of Ordinances)
	7.19	Support regional economic development partners that provide local business support services.	Partnerships	Nelson County; Regional and Institutional Partners; Local Business Partners	On-Going	Nelson County; TJPDC; VDEP
	7.20	Work with TJPDC to implement recommendations from the regional Comprehensive Economic Development Strategy.	Partnerships	Nelson County; Regional and Institutional Partners; Local Business Partners	On-Going	Nelson County; TJPDC



## Chapter 8 | Serving the Community

Focus Areas	#	Implementation Strategy	Implementation Type	Responsible Party	Priority	Resources
Enhance the Effectiveness & Transparency of County Government	8.1	Expand and improve external government communications to increase transparency and public participation across all demographics.	Community Outreach and Education	Nelson County	Short/On-Going	Nelson County (Staff/BOS)
	8.2	Enhance interdepartmental communication across County government as well as between the various public boards.	Community Outreach and Education	Nelson County	On-Going	Nelson County (Staff/BOS)
	8.3	Create and maintain a comprehensive facility inventory, maintenance schedule, and level of service standards to protect existing investments and ensure sound planning and budgeting for facility improvements.	Plans and Studies	Nelson County; Regional and Institutional Partners	Short/Mid	Nelson County (Staff/BOS)
	8.4	Ensure that the County is using up-to-date information technology and cybersecurity practices, including technological aptitude and data storage.	Capital Projects	Nelson County	Short	Nelson County Sheriff's Office
	8.5	Construct a new, centrally located facility to house additional administrative offices.	Capital Projects	Nelson County; State and Federal Agencies	Mid/Long	Nelson County (CIP); TJPDC
	8.6	Construct additional Sheriff facilities to allow for additional training and storage spaces.	Capital Projects	Nelson County; State and Federal Agencies	Mid/Long	Nelson County (CIP); Nelson County Sheriff's Office
	8.7	Renovate and modernize current Sheriff facilities to meet security standards.	Capital Projects	Nelson County; State and Federal Agencies	Mid/Long	Nelson County (CIP); Nelson County Sheriff's Office

Focus Areas	#	Implementation Strategy	Implementation Type	Responsible Party	Priority	Resources
Enhance the Effectiveness & Transparency of County Government	8.8	Identify possible mental health emergency service providers to support the community and reduce these burdens from the Sheriff's office. Consider that drug use is a facet of public safety, and pursue greater public education on this matter.	Community Outreach and Education	Nelson County; Regional and Institutional Partners	Short/ On-Going	Nelson County (CIP); Nelson County Sheriff's Office; VDBHDS
	8.9	Create a County-wide fire and emergency medical services (EMS) strategic plan that can be regularly updated and maintained to address response time, facility, and staffing needs.	Plans and Studies	Nelson County; Regional and Institutional Partners	On-Going	Nelson County (Staff/BOS); Nelson County Fire & EMS ;TJPC
	8.10	Expand fire and EMS facilities to include additional living spaces such as bunks, kitchenettes, and recreation areas.	Capital Projects	Nelson County	Mid/Long	Nelson County (CIP); Nelson County Fire & EMS
	8.11	Ensure that the Emergency 911 operations center is fully supported, with paid staff and most up-to-date technological capabilities, to continue to respond to community needs as quickly as possible in the face of an aging population.	Programs and Services	Nelson County	On-Going	Nelson County (Staff/BOS); Nelson County Sheriff's Office; Nelson County Fire & EMS
	8.12	Continually monitor public safety staffing needs, expanding as needed to maintain public safety as the County experiences additional residential and commercial growth.	Programs and Services	Nelson County	On-Going	Nelson County (Staff/BOS); Nelson County Sheriff's Office; Nelson County Fire & EMS
	8.13	Pursue stronger community outreach and training on disaster readiness and resilience.	Community Outreach and Education	Nelson County; Regional and Institutional Partners	On-Going	Nelson County (Staff/BOS); Nelson County Sheriff's Office; Nelson County Fire & EMS



Focus Areas	#	Implementation Strategy	Implementation Type	Responsible Party	Priority	Resources
Enhance the Effectiveness & Transparency of County Government	8.14	Seek out stronger partnerships with community-based organizations to educate the public and collect more data on substance abuse in the population.	Partnerships	Nelson County; Nonprofit Organization	On-Going	Nelson County (CIP); Nelson County Sheriff's Office; VDBHDS
Improve Infrastructure to Support Sustainable Growth & Development	8.15	Continue to work with regional partners to upgrade and develop necessary infrastructure to meet the County's long-term water supply demand.	Partnerships	Nelson County; Regional and Institutional Partners	On-Going	Nelson County Service Authority; TJPDC; CVPDC
	8.16	Utilize results of the updated CVPDC water supply plan.	Plans and Studies	Nelson County	On-Going	Nelson County (Staff/BOS); CVPDC
	8.17	Continue to work with the service authority to create a water and sewer master plan to identify current system needs and target long-term strategies to maintain and expand service areas.	Plans and Studies	Nelson County; Regional and Institutional Partners	Short	Nelson County Service Authority; TJPDC; CVPDC
	8.18	Promote water conservation practices to reduce water use and conserve the water supply.	Community Outreach and Education	Nelson County; Local Business Partners	On-Going	Nelson County (Staff/BOS)
	8.19	Work with regional partners to evaluate the needs of the County's solid waste and recycling disposal as the regional landfill nears capacity.	Programs and Services	Nelson County; Regional and Institutional Partners	Short	Nelson County Service Authority; TJPDC; CVPDC
	8.20	Support waste management and recycling planning through rational, cost-effective, and environmentally-safe approaches.	Programs and Services	Nelson County	Short/ On-Going	Nelson County Service Authority; TJPDC; CVPDC

Focus Areas	#	Implementation Strategy	Implementation Type	Responsible Party	Priority	Resources
<b>Improve Infrastructure to Support Sustainable Growth &amp; Development</b>	8.21	Assist in educating the community on recycling and waste reduction efforts.	Community Outreach and Education	Nelson County	Short/ On-Going	Nelson County (Staff/BOS)
	8.22	Continue the County's partnership with Firefly Fiber Broadband to expand broadband services to all areas of the County.	Partnership	Nelson County; Regional and Institutional Partners; Local Business Partners	Short/ On-Going	Nelson County; GO Virginia; DHCD; VATI; ConnectVirginia; Firefly Fiber Broadband
	8.23	Promote the broadband expansion project with additional public outreach so that residents remain up to date on deployment and availability of services.	Community Outreach and Education	Nelson County	Short/ On-Going	Nelson County (Staff/BOS)
	8.24	Support expansion of cellular service quality and availability through cooperation with cellular providers. Evaluate the need for planning and zoning changes to improve service.	Programs and Services Regulation Updates and Enforcement	Nelson County Regional and Institutional Partners; Local Business Partners	Short/ On-Going	Nelson County (Staff/BOS, Code of Ordinances)

Focus Areas	#	Implementation Strategy	Implementation Type	Responsible Party	Priority	Resources
Provide Quality Services that Improve Community Livability	8.25	Support the creation of an up-to-date Nelson County Public School's Master Plan that identifies and plans for critical needs of school facilities.	Plans and Studies	Nelson County	Short/On-Going	Nelson County (Comprehensive Plan, CIP); NCPS
	8.26	Continue to monitor student enrollment to ascertain short-term and long-term needs of students.	Programs and Services	Nelson County	Short	Nelson County (Staff/BOS); NCPS
	8.27	Support educational programs through County schools, community centers, community organizations, and regional community colleges to help prepare the community workforce for employment.	Programs and Services	Nelson County; Regional and Institutional Partners; Nonprofit Organizations	Short/On-Going	Nelson County (Staff/BOS); NCPS; CVCC
	8.28	Develop a strategy for greater investment in personnel, facilities, and/or public-private partnership as needed to expand access to childcare programs.	Community Outreach and Education	Nelson County	Short/On-Going	Nelson County (Staff/BOS)
	8.29	Create a Parks and Recreation Master Plan that identifies gaps in equitable services and opportunities to expand recreation across the community.	Plans and Studies	Nelson County; Regional and Institutional Partners; Nonprofit Organizations	Short	Nelson County (Staff/BOS); NCPR; TJPDC
	8.30	Investigate and pursue options to create a centralized County-owned recreational facility to offer athletic fields, aquatic recreation, and exercise opportunities to the community.	Capital Projects	Nelson County; State and Federal Agencies	Short	Nelson County (Comprehensive Plan, CIP)
	8.31	Continue partnerships with local organizations, such as community centers, to provide recreation opportunities across the community.	Partnerships	Nelson County; Nonprofit Organizations	Short/On-Going	Nelson County (Staff/BOS)



Focus Areas	#	Implementation Strategy	Implementation Type	Responsible Party	Priority	Resources
Provide Quality Services that Improve Community Livability	8.32	Create additional family-friendly parks and amenities throughout the County to provide alternative recreational areas for residents.	Capital Projects	Nelson County	Mid	Nelson County (Staff/BOS); NCPR
	8.33	Partner with local and regional organizations, as well as private landowners, to increase access to natural areas and riverways.	Partnerships	Nelson County; Nonprofit Organizations	Short/ On-Going	Nelson County (Staff/BOS); NCPR; TJPDC
	8.34	Create a joint public-private partnership with Nelson County's community centers to facilitate coordination between different organizations, increase programming, and connect residents with their services.	Partnerships	Nelson County; Nonprofit Organizations	Short/ On-Going	Nelson County (Staff/BOS)
	8.35	Promote the use of school buildings, community centers, long-term care facilities, and multi-use facilities for citizens year-round.	Community Outreach and Education	Nelson County	Short/ On-Going	Nelson County (Staff/BOS); NCPS
	8.36	Continue to work with the County library to ensure that it meets the needs of the community.	Programs and Services	Nelson County; Regional and Institutional Partners	On-Going	Nelson County (Staff/BOS); JMRL
	8.37	Encourage emergency, long-term care, and urgent medical care in appropriate areas of the County.	Regulation Updates and Enforcement	Nelson County	Mid	Nelson County (Staff/BOS, Code of Ordinances)

Focus Areas	#	Implementation Strategy	Implementation Type	Responsible Party	Priority	Resources
Provide Quality Services that Improve Community Livability	8.38	Work with Virginia Department of Health, and other regional partners, to identify community health needs and increase the availability of healthcare services.	Programs and Services	Nelson County; Regional and Institutional Partners; Local Business Partners	On-Going	Nelson County (Staff/BOS); TJPDC; VDH
	8.39	Continue to work with Jaunt and other regional transportation providers to expand transportation access to better connect residents to medical care.	Programs and Services	Nelson County; Regional and Institutional Partners	On-Going	Nelson County (Staff/BOS)
	8.40	Pursue public-private partnerships to expand access to and capacity for social service networks.	Partnerships	Nelson County; Nonprofit Organizations	On-Going	Nelson County (Staff/BOS)

Ms. Bishop noted that anything regarding Zoning or Subdivision Ordinance Updates should be considered short-term.

Ms. Allen questioned why it was recommended for the Planning Commission to review the plan every year. It was decided to change the wording to say 'regular review' so that staff could note changes as they happen and update the plan as needed.

Mr. Rutherford noted that strategy 3.5 doesn't make sense due to Nelson County not having many issues with parking such as an urban area would. Ms. Bishop noted that it should be changed to include 'update' in the language.

Mr. Hauschner noted that 4.7 and 4.8 play off of each other but that 4.7 should be more of a priority.

Ms. Bishop asked if the EV charging strategies should be short-term. Ms. McGarry noted that they should be short-term to mid-term.

Mr. Reed noted that 4.19 was done years ago. Ms. Bishop noted that they were never adopted and that they could add 'create and adopt' and 'update as needed' to the strategy.

Mr. Rutherford noted that in relation to 4.15, people started individually driving between the 1980's and 2000's until a trend developed of people commuting together. He noted that they are now seeing a trend towards people driving individually again. Ms. Proulx noted that the existing park and ride lots are being utilized.

Ms. Proulx noted that they should change 5.1 to say 'update the definition' because there is an existing definition. Mr. Rutherford noted that mid-term rentals (less than 12 months) are more popular due to jobs such as traveling nurses.

Mr. Rutherford noted that 5.4 would be pushing for cluster housing.

Regarding strategy 5.9, Mr. Rutherford noted that there would be a study coming out in the next year and a half that will provide an update on housing stock and pricing. He explained that this should make 5.9 a mid-term strategy. Ms. Proulx noted that she would like to remove "implement" from 5.9.

Mr. Hauschner noted that they are giving a lot of the strategies a short-term priority. Mr. Rutherford noted that short-term to him means by Spring of 2024 due to Zoning Ordinance Updates.

Mr. Reed noted that there should be a correlating strategy to 5.15 for Nellysford that should include preservation and improvement strategies as well as water infrastructure.

Regarding strategy 6.1, Mr. Rutherford noted that steep slopes are already addressed due to organic limitations. Ms. Proulx noted that they could address the construction of housing on steep slopes. Mr. Rutherford noted that you wouldn't want to build a house on a steep slope where it couldn't be engineered. He added that the nearest entity that addresses building on steep slopes is Albemarle County. Ms. Bishop noted that they should add 'define and limit' to 6.1. She added that they could also address ridgeline development.

Regarding strategy 6.2, Mr. Rutherford noted that multiple entities need to approve a septic system and that it doesn't need to be a strategy. The consensus was to remove it.

Mr. Reed asked that they add 'forest conservation areas' to 6.3. Ms. Redfearn added it to the strategy.

Mr. Rutherford asked what an ecological core was. Ms. Redfearn noted that the map on page 113 identifies ecological cores and explained that they are an area of the landscape that is largely intact without development that would diminish its ecological value.

Mr. Hauschner recommended that 'define and guide' be added to strategy 6.1.

Mr. Rutherford noted that building on Wintergreen is difficult when you're trying to put a foundation on granite or bedrock. He explained that the natural barrier is there but that the plan could guide people to locations that are easier to build on.

Regarding strategy 6.4, Ms. Redfearn noted that Nelson County has a green infrastructure plan that was put together by the University of Virginia. She explained that this should be included as a resource.

Regarding strategy 6.7, Ms. Allen questioned who was going to identify all the abandoned wells and septic tanks. She noted that the VDH doesn't have data on old wells. Mr. Rutherford noted that the one danger for septic tanks is for them to collapse. He added that there are 1000s of wells that are abandoned or not usable. He recommended that they remove the strategy. Ms. Redfearn explained that VDH had an assistance program for this issue. Ms. Bishop noted that they could change 'support' to 'consider', it was added. Mr. Hauschner asked what was used for piping in older wells. Mr. Rutherford explained that they were likely terracotta or tar pipe.

In regards to strategy 6.10, Mr. Rutherford noted that DEQ funds the removal of unused fuel tanks. He added that the county only has one water system due to a fuel system that leached into the water supply on Route 29.

In regards to strategy 6.11, Mr. Barton noted that it would be a positive for the citizens of the county to be able to reach the water system. He added that Nelson County residents have been restricted from these resources for too long.

Mr. Reed noted that reducing solid waste should be added to strategy 6.12. It was noted that both 6.12 and 6.13 need to be rewritten for clarity. Mr. Hauschner noted that they could address food waste, especially in relation to grocery stores.

Regarding strategy 6.31, Ms. Proulx noted that the courthouse has a huge entrance that loses a lot of heat.

Ms. Bishop noted that strategy 6.30 should be ongoing so that staff could comply with updates from the state.

Regarding strategy 7.4, Mr. Rutherford noted that a local branch would be better than a collaboration with the community colleges. Mr. Barton noted that the biggest resource in schools is the students. He explained that if you take some of the students away they are unable to learn from their peers.

Ms. Proulx noted that 7.5 is confusing and questioned how it would work. Mr. Reed noted that he believes the intention was in relation to elders, social service, and mental health. Mr. Hauschner questioned if the intent was to increase the number of individuals employed in that sector. Ms. Redfearn noted that they would reword the strategy to clarify it.

In regards to strategy 7.13 Ms. McGarry noted that there was only one vacant lot left in the Colleen industrial park. Ms. Proulx asked if that was the only place in the county that they were promoting business development. Mr. Reed noted that they did not have the infrastructure to support a business park in other locations. It was decided to change the strategy to include 'Colleen and the Route 29 corridor' and to remove 'business park.'

Ms. Allen asked why strategy 7.14 is so specific in referencing ABC designated outdoor refreshment areas. Ms. Bishop explained that there are certain programs that require it to be referenced in the plan if they wish to pursue it.

Regarding 7.18 Ms. Bishop noted that 'create' should be replaced with 'update and enforce'. It was also noted that there was a typo, 'and' should be 'an.'

Regarding strategy 7.17, Ms. Proulx asked what placemaking and wayfinding meant. Ms. Bishop noted that placemaking was a planning term that referred to people in a community feeling like their place had its own identity. Ms. Redfearn noted that they were working on a glossary of terms for the plan as well as a list of resources used in the plan. Mr. Parr noted that strategy 7.17 reminded him of Amherst County where the villages have their own signs and identity.

Mr. Rutherford noted that 8.1 is important because they require better communication. Mr. Reed noted that it is important that they have a video archive of the meetings that is easy to understand. Ms. Redfearn noted that they could use the same setup as the school board. Mr. Reed added that they might be able to find a better system than what the school board utilizes. Mr. Hauschner noted that they could address this with a modification to address technological aptitude. He explained that there are many ways to achieve this.

Mr. Amante noted that strategy 8.3 should say 'create and maintain.'

Regarding the strategies that address the Sheriff's Department, Mr. Reed noted that he was previously unaware of all of the Sheriff's Department's needs.

Ms. Allen noted that strategy 8.9 is ongoing due to its licensing program.

Regarding strategy 8.10, Ms. Allen asked who owned the fire and EMS buildings. Mr. Parr noted that each department owned their own building. Ms. McGarry noted that the building in Lovington was owned by the county.

In regards to strategy 8.14, Ms. Proulx asked who would be executing this. Ms. Allen explained that VDH often did this and had the knowledge to work with the locality on opioid and substance abuse. Mr. Rutherford noted that Mr. Reed is in the Wellness Alliance that the county has involvement with. It was noted that the Sheriff's Department and the Drug Court would also be involved.

Regarding strategy 8.15, Mr. Reed questioned whether the county worked with regional partners on water. Ms. Redfearn noted that strategy 8.16 addresses utilizing the results of the TJPDCs water supply plan. Ms. Allen recommended adding ‘continue to work with regional partners.’

With strategy 8.17 it was decided to remove “regional” and replace it with ‘service authority.’

In regards to strategy 8.28, Ms. Proulx noted that ‘after-school’ should be removed due to families also requiring before-school care.

Regarding strategy 8.29, Mr. Rutherford asked what a parks and recreation master plan is. Ms. Allen noted that it was something that has been discussed but not formed. Mr. Barton noted that they have purchased land and hired an architect for it. Ms. McGarry noted that that was for a specific parcel of land and not county-wide. Mr. Hauschner asked if they had a plan being developed that addresses gaps in equity for parks and recreation. Ms. Redfearn noted that this should be included in any good parks and recreation master plan.

Mr. Hauschner noted that strategy 8.32 should be mid-level due to the trails along major road systems being harder to acquire.

In strategy 8.37 it was decided to remove ‘land uses.’

Ms. Allen noted that strategies 8.38 and 8.39 were the same and could be combined. Ms. Redfearn noted that there are several strategies around parks and that she wouldn’t mind combining these two strategies as long as the intent meets their goals. She noted that the strategies will be combined.

#### **Additional comments to plan:**

Mr. Rutherford noted that he wished there was better data in the Housing Chapter where it addresses the median rental rate. He noted that the TJPDC has a study from around 2019 that references this. Ms. Redfearn noted that they looked at this study and were not able to find a different number. Mr. Rutherford noted that no one is getting rent for \$800. Mr. Rutherford noted that he might be able to find better data.

Ms. Bishop noted that the 2021 building permit numbers still weren’t included.

Mr. Barton thanked the Berkley Group for their work on the Comprehensive Plan. He noted that everything in the document addresses needs that exist. He noted that the most important thing to him is the people that live in Nelson County. He explained that he is older but that he imagines what the county could do for him if he were younger. He noted that two things that can be done are recreation and education. He said that Wintergreen is wonderful and that he respects the people in Stoney Creek that moved here because the land is beautiful. He noted that a lot of the Comprehensive Plan reflects maintaining land values, housing values, and employment for people in the service industry. He added that he wants to ensure that this document is for the people of Nelson County. Ms. Redfearn noted that she hopes that they can reflect that in the plan. She noted that on pages 21 and 22 they’ve included the Big Ideas that they’ve heard from the community. Mr. Barton noted that the Big Ideas don’t talk about



education and recreation and wondered why. Ms. Redfearn noted that this could be more emphasized. Mr. Rutherford noted that Nellysford has always dominated the conversation and other areas of the county have been less involved. He explained that he is certain that they would make sure that the plan reflects all entities in the county.

Mr. Reed noted that the plan should include that Nelson County is a dark sky area. He added that enforcement should be improved for noise pollution. He noted that page 121 mentions forested landscapes, he explained that over 75% of the county is forested and over 10% is pasture and crop. He explained that this warrants more discussion including the value of the forested lands in regards to erosion protection, loss of soil, cooling the land, carbon capture, controlling climate change, and protecting water resources. He questioned how many acres of conservation easements they have in the county and where they are located. Ms. Redfearn explained that Map 6.7 includes conservation lands and that private conservation easements are represented in blue. Mr. Reed added that the Sugarloaf and Buffalo District Forest Conservation Areas are areas that could be mapped as well as connectivity and corridor areas. He asked if Nelson County could purchase development rights. Ms. Bishop noted that it is in the county code and administered by the Commissioner of Revenue but that she is not aware of it being utilized.

#### Schedule:

## Next Steps

-  County to Send Edits For Public Review Draft by **7/7/23**
-  VDOT 729 Review (90-day review)
-  Community Open House – **Late August/September**
-  Final Worksession (Open House, VDOT Feedback & Final Edits) – **October**
-  Public Hearings and Adoption – **November**

It was decided to conduct the Open House for the Comprehensive Plan August 29th at 6:30 PM in the Nelson Center.

It was decided to have the final work session on September 28<sup>th</sup> at 6 PM.

Ms. Redfearn noted that the public hearings and adoption will happen jointly. Ms. Proulx asked if they could be done separately. Ms. Redfearn noted that they could separate them but that the Berkley Group might not be able to attend both nights. Mr. Rutherford asked if there was a mandatory wait time after the public hearing, Ms. Bishop noted that there wasn't.

**Ms. Allen made a motion to adjourn the Planning Commission at 8:51 PM. Ms. Proulx seconded the motion.**

**Yes:**

Mary Kathryn Allen

Phil Proulx

Robin Hauschner

Chuck Amante

**Ordinance O2023-04**

Mr. Rutherford noted that changing the terms to less than 15 years is not possible and that he is ok with the ordinance as it is presented.

**Mr. Parr motioned to approve Ordinance O2023-04. Mr. Reed seconded the motion.**

**Yes:**

David Parr

Ernie Reed

Jesse Rutherford

Tommy Harvey

Skip Barton

**ORDINANCE O2023-04  
NELSON COUNTY BOARD OF SUPERVISORS  
AMENDMENT OF THE CODE OF NELSON COUNTY  
APPENDIX B SUBDIVISIONS**

***Amend***

**Section 3. Administration**

*Exceptions to Review by Commission.*

A. The Agent is authorized to approve or disapprove, without a public hearing, preliminary plat and final plat for the following types of subdivisions (provided such subdivisions are not in conflict with the general meaning, purpose, and provisions of this Ordinance, and are in compliance with the Nelson County Zoning Ordinance, Nelson County Comprehensive Plan, and the Code of Virginia):

(1) A subdivision of land into no more than eleven (11) lots.

(2) Cluster subdivisions.

(3) A change in the boundary line between adjoining landowners for the purpose of transfer, boundary line adjustment, or exchange of land between said adjoining landowners. A boundary line change shall not create additional parcels for sale or development nor leave a remainder which does not conform to the provisions of the Zoning Ordinance for Nelson County. The plat shall contain a note that this division was made pursuant to this subsection.

(4) A single division of a tract or parcel of land for the purpose of sale or gift to a member of the immediate family of the property owner if the property owner agrees to place a restrictive covenant on the subdivided property that would prohibit the transfer of the property to a nonmember of the immediate family for a period of five (5) years. Any parcel thus created having less than five (5) acres shall have a right-of-way of no less than ~~thirty (30)~~ **twenty (20)** feet wide providing ingress and egress to and from a dedicated recorded public street. Only one (1) such division shall be allowed per family member, and shall not be for the purpose of circumventing this ordinance. For the purpose of this subsection, a member of the property owner's immediate family is defined as any person who is a natural or legally defined offspring, stepchild, spouse, sibling, grandchild, grandparent, or parent of the owner. It shall be noted on the plat and in the deed that this is a family division of property pursuant to this subsection.

Vehicular access serving a family division when the access serves more than two (2) parcels, including the parent tract, by initial or subsequent division of land shall have the following certification on the plat before approval:

"The streets in this subdivision do not meet the standards necessary for inclusion in the system of state highways and will not be maintained by the Department of Transportation or the County and are not eligible for rural addition funds or any other funds appropriated by the General Assembly and allocated by the Commonwealth Transportation Board."

***In addition to the foregoing provision, a single division of a lot or parcel of land held in trust for the purpose of sale or gift to a member of the immediate family, as defined above, who is a beneficiary of such trust. All trust beneficiaries must (i) be immediate family members as defined above, (ii) agree that the property should be subdivided, and (iii) agree to place a restrictive covenant on the subdivided property that would prohibit the transfer of the property to a nonmember of the immediate family for a period of 15 years. Notwithstanding the provisions of clause (iii), the Planning Commission may reduce the period of years prescribed in such clause when changed circumstances so***

***require. Upon such modification of a restrictive covenant, a locality shall execute a writing reflecting such modification, which writing shall be recorded in accordance with Virginia Code § 17.1- 227.***

(Res. of 1-12-93; Ord. of 10-14-97; Ord. No. O2007-004, 5-21-07; Ord. No. O2009-07, § 2, 7-14-09)

**Resolution R2023-42**

Ms. McGarry noted that they have made their final payments for the fiscal year and in spite of their assessments for CSA expenditures, they were over budget by about \$158,000. She noted that \$108,415.54 of that is the state share and that the local share is \$49,440.51. She explained that they are asking for an appropriation of the state revenue to cover the expenditures of the \$108,415.54, a small amount transferring from general fund to cover a short fall in the Commissioner of Revenue's budget due to a late bill that put their budget over, and the \$49,440.51.

**Mr. Reed made a motion to approve Resolution R2023-42. Mr. Parr seconded the motion.**

**Yes:**

David Parr

Ernie Reed

Jesse Rutherford

Tommy Harvey

Skip Barton



**RESOLUTION R2023-42  
 NELSON COUNTY BOARD OF SUPERVISORS  
 AMENDMENT OF FISCAL YEAR 2022-2023 BUDGET  
 June 29, 2023**

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

<u>Amount</u>	<u>Revenue Account (-)</u>	<u>Expenditure Account (+)</u>
\$ 108,415.54	3-100-002401-0045	4-100-053600-3164
\$ 108,415.54		

**II. Transfer of Funds (General Fund Recurring Contingency)**

<u>Amount</u>	<u>Credit Account (-)</u>	<u>Debit Account (+)</u>
\$ 1,028.60	4-100-999000-9901	4-100-012090-3015
\$ 49,440.51	4-100-999000-9901	4-100-053600-3164
\$ 50,469.11		

**Mr. Parr made a motion to adjourn the meeting at 8:53 PM. Mr. Barton seconded the motion.**

**Yes:**

- Jesse Rutherford
- Thomas Harvey
- David Parr
- Ernie Reed
- Skip Barton

**The meeting adjourned at 8:53 PM**

Respectfully submitted,

*Emily Hjult*

Emily Hjultrom

Planner/Secretary, Planning & Zoning

DRAFT

August 2, 2023

**Virginia:**

AT A CONTINUED MEETING of the Nelson County Board of Supervisors at 2 p.m. in the Former Board Room located on the fourth floor of the Nelson County Courthouse, in Lovingston, Virginia.

Present: Jesse N. Rutherford, East District Supervisor –Chair  
J. David Parr, West District Supervisor – Vice Chair  
Thomas D. Harvey, North District Supervisor  
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  
Jerry West, Director of Parks and Recreation  
Maureen Kelley, Director of Tourism and Economic Development

**I. CALL TO ORDER**

Mr. Rutherford called the meeting to order at 2:03 p.m. with five (5) Supervisors present to establish a quorum. Mr. Jim Vernon and Mr. Gary Harvey from Architectural Partners were present to conduct a work session on the former Larkin property with the Board.

**II. MASTER PLAN WORK SESSION FOR FORMER LARKIN PROPERTY**

A. Review Comments from March 7<sup>th</sup> Work Session

Mr. Vernon explained that the goal for the day’s meeting was to discuss at a high altitude, the uses that had previously been identified for the property, and what may work well on certain parts of the property. He noted that following the meeting, they hoped to have some consensus from the Board so they could work on the specifics of the property along with some cost estimates.

Mr. Vernon reported that there were three different options, along with the pros and cons of each. He explained that they would have an open table discussion on likes and dislikes of each. He noted that following the last meeting, one of the take a ways was that there would not be any industrial development on the site. He noted that there had been a strong emphasis on highlighting the beauty of the site and Nelson County. He explained that Architectural Partners had visited the site, taken photographs and looked at the views on the property. He noted that they should think about phasing the development of the property. Mr. Vernon also noted that they would consider the possibility of having a reservoir off of Dillard Creek. He pointed out that they were architects, not engineers, so County would need to seek out services to evaluate water flow, utility needs, and the possibility of a reservoir.

Mr. Vernon also noted that during the March 7<sup>th</sup> work session, there was interest in a conservation land trust, as well as setting part of the property aside for residential use. He indicated that priorities included recreation and sports activities, a recreation facility, and quiet and secluded picnic areas and trails. He reported that it was determined that there was no need for the recreation center facility to be immediately adjacent to the schools. He noted that there was a potential need to expand the school sports fields, as well as some interest in YMCA involvement in operations.

B. Site Plan Analysis – General Land Use, Views and Access

Mr. Vernon reviewed the characteristics of the site. He pointed out the location of flat areas behind League Lane. He also showed the area that was toured down to Dillard Creek. He reported that Dillard Creek area was about 7 acres, and for comparison purposes, noted that Lake Monacan in Nellysford was about 20 acres in size. He showed the crossover areas along Route 29 in front of the schools, with another crossover at Stevens Cove. He noted the signage on Beckner Lane and indicated that he had not driven back there. Mr. Vernon showed photos of the views looking into Stevens Cove and Drumhellers Orchard. He pointed out the general land use of the areas adjacent to the property, which included a business area to the north of the property on Route 29, residential areas throughout and Drumheller Orchard. He pointed out a burial ground on the property, wet weather branch, an AT&T easement and a flood zone. He noted that size of the school relative to property, and commented that there was a lot of land there. He reported that the current zoning was Agricultural A-1. He commented on residential zoning noting that there was currently a two-acre minimum lot size. Mr. Gary Harvey clarified that when they showed residential areas on the Options, they were just residential areas. He noted that they had not specified single family or multi-family. He further noted that they were saying that area of space could be residential.

Mr. Vernon reviewed the items for consideration during the meeting.

Current Issues for consideration:

- How much of the site should be utilized or reserved for residential development?
- Are recreational uses better all grouped together or spread out? He noted they would see options with both.
- What is the best location for a Recreation Center (pool/building/playground)?
- How much of the site should be reserved for un-programmed areas (woods/trails, new meadows, views, etc.)?
- What future uses require planning now for expansion in the future?

Mr. Vernon then reviewed the items not being considered during the meeting.

Items not under consideration today:

- Program or design specifics for the Pool or Recreation Center building.
- The number or type of recreation fields.
- The actual layout of lots and roads for subdivisions.
- Parking lot locations.
- Design and size of the potential Reservoir – to be evaluated by others.

C. Introduction to Site Plan Options – Option A, Option B, Option C, Other Ideas

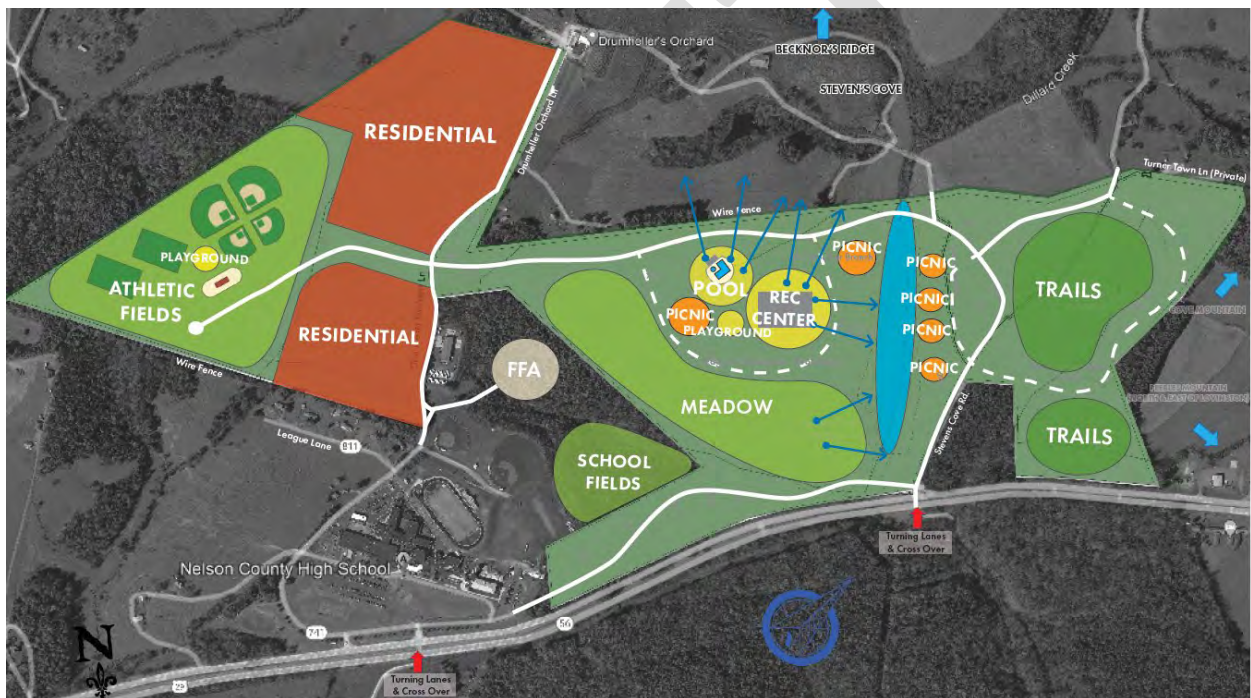
Mr. Vernon explained that all of the spaces were shown to scale. He noted that for each of the options, the Rec Center rectangle in gray represented a 75,000 square foot building to house all activities that had been identified in the earlier completed Recreation Center Study, to include an interior pool. He did note that the only items not drawn to scale were the picnic tables, they were just picnic areas. He explained that the pool shape was designed for the recreation center as a 25 meter, 8-lane pool with an adjoining recreational pool area. Mr. Vernon noted that the actual site area required by an FFA center was currently undefined. Mr. Parr asked to clarify whether the FFA and school fields were on existing school property. Mr. Vernon confirmed that those areas were on the school property. Mr. Parr asked if the FFA area was the Nelson



County High School FFA area that had been earmarked on school property, or if he was referring to the Ag Complex facility that the Board had previously discussed. Mr. Vernon noted that there had been some desire to expand and earmark some space for the School FFA program. Mr. Vernon also noted there was some space marked for potential expansion of school fields on the school property, but he was not sure what that expansion area needed to be. Ms. Clair noted the school fields area was covered in trees currently. She asked if that was a good space to use for fields. Mr. Vernon noted that there was a waterway that continued down through it. He commented that it was possible to use, but it may not necessarily be affordable or practical.

Mr. Parr noted that Option B was the only option showing a beach area at the reservoir, while Options A and C did not. He asked if there was any reason. Mr. Vernon explained that there was no particular reason, other than to show as many options as possible.

### Site Option A



Mr. Vernon commented that there had been some interest in residential areas on the property. He noted that there was an existing residential area along League Lane as well as across Drumheller Orchard Lane. He pointed out that Option A continued the residential use along Drumheller Orchard Lane. He noted that the proposed area for athletic fields on Option A appeared to be well suited topographically for the development of fields. He also noted that the fields were in the same location as indicated previously in the earlier completed Recreation Center Study. He pointed out that the recreational fields in Option A were located separately from the Recreation facility location. He noted that in Option A, they had relocated Steven's Cove to create a potential buffer for a potential reservoir. Mr. Vernon noted that the Recreation Center site could enjoy the views of the cove. He reviewed the pros and cons for Option A.

### Pros:

- New residences are near existing residences.
- Large areas left undisturbed at east end of site for quiet trails and picnic sites.

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- Views of Steven's Cove and mountains beyond from the Recreation Center possible with some clearing.
- Busy area of Recreation field complex separated from Recreation Center and trails.
- Two entrances off of Thomas Nelson Highway, both equally usable.

Cons:

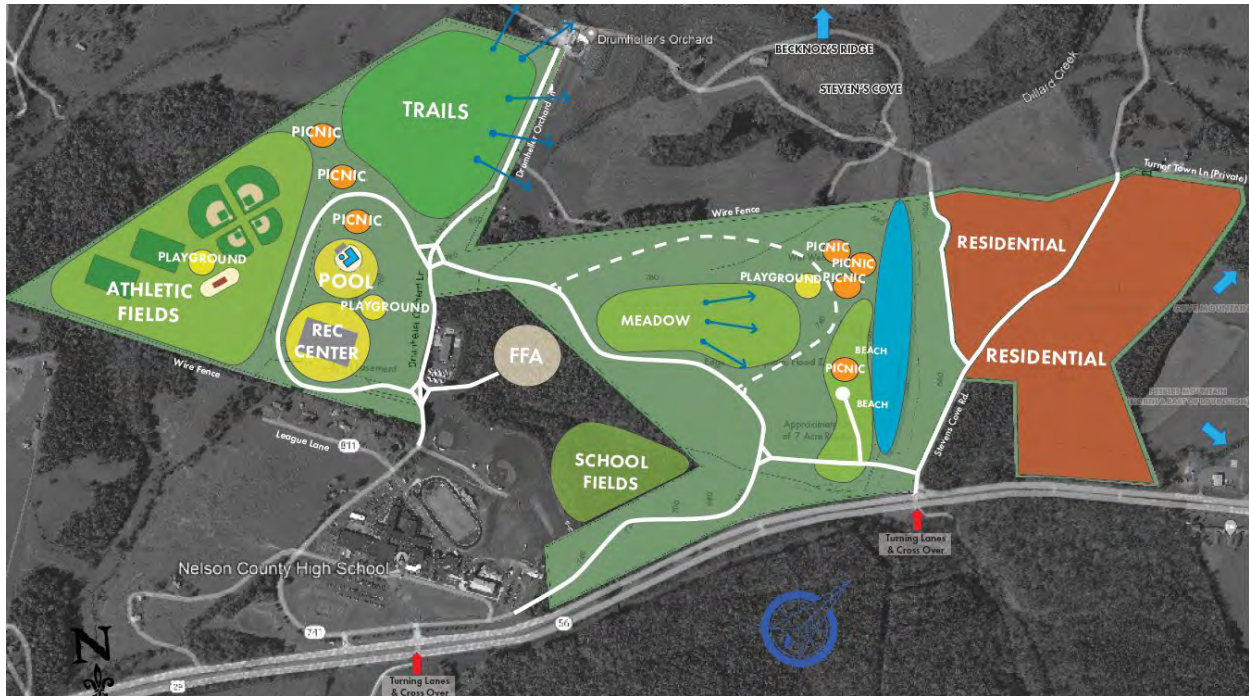
- Multi-use field complex adjacent to residential area
- Expense of relocating Steven's Cove Road in order to maximize trails area.

Mr. Rutherford noted that the Board had emphasized the recreation concept and he commented that he appreciated that it was centered on the property. He liked the concept of having the trails on the side of the property where the topography was steeper.

Mr. Parr noted that what he like about Option A was having the fields and residential areas on the south side of Drumheller Orchard Lane. He did not see having the fields and residential in the same area as a negative thing, rather he saw that as a positive thing, particularly for a family with children. He commented that he was not a fan of the trails on northern side of Stevens Cove. He commented that he was a fan of a modified Option C, or what would be Option D. Mr. Parr noted that he was not a fan of having the recreation center located in the middle of the property.

Ms. Staton noted that Option A showed an outdoor pool. She asked if it was possible to have an indoor pool within the Recreation Center. Mr. Vernon and Ms. McGarry confirmed that the Recreation Center would include an indoor pool. Mr. Vernon noted that the indoor pool would have the areas for competitive diving and swimming. He noted that the last time they met to discuss the property, the discussion was that a swimming pool would be a great asset to Nelson County. He commented that the thought had been to start with an outdoor pool with picnic and play areas nearby. Mr. Vernon reported that they had spoken with their pool consultant who noted there were advantages to having an outdoor pool in addition to an indoor pool. He noted that the consultant had pointed out that different groups of people would use either one.

Option B



Mr. Vernon explained that in Option B, they had somewhat flipped the site plan. He explained that they had moved the residential to the Steven's Cove side. He noted that they had also grouped all of the recreation activities together to have the Recreation Center, outdoor pool, playground, athletic fields and trails on the League lane side of the property. He showed the open areas in the middle of the property with picnic areas, a playground, open meadow, trails and an area for a reservoir. He pointed out that Option B put a lot of the traffic on the southern portion of the property as people would be traveling to the athletic fields and recreation center. Mr. Vernon reviewed the pros and cons of Option B.

Pros:

- More visible location for the Recreation Center along Drumheller Orchard Lane.
- Combined County destination/tourism draw with Drumheller's Orchard
- Recreation Center closer to Field complex for more efficient operation and supervision.
- New residential area not adjacent to busy recreational areas
- No advantage to relocating existing Stevens Cove Road

Cons:

- Intensified traffic on Drumheller Orchard Road going to the fields, recreation center and orchard.
- Recreation Center and recreation field traffic all entering at the school entrance.

Ms. Margaret Clair asked if the relative sizes of the areas (North, Middle and South portions) were known in terms of acreage. Mr. Vernon noted they could work to determine that.



Option C



Mr. Vernon explained that Option C grouped all of the recreation uses in the middle portion of the property, with residential areas at the northern and southern ends of the property. He pointed out that the recreation center was placed in a location where it would be visible from Route 29. He noted that the outdoor pool and picnic areas would be located further in the property. He showed the field locations which were also concentrated in the middle portion of the property near the recreation center and pool area. He noted that there were some benefits to having all of the recreation activities close together to allow for more efficient operation and staff oversight.

Pros:

- Most number of new lots for residential development.
- More visible location for Recreation Center
- Recreation center closer to Field complex for more efficient operation and supervision.
- New athletic fields closer to existing school fields.
- Two entrances off of Thomas Nelson Highway (Route 29) to be equally usable.

Cons:

- All activities in close proximity may generate heavy traffic in the center of the site.
- Less undisturbed area that could be used for quiet trails.
- Little area left for growth and expansion of recreational uses.
- Recreation Center not located to take advantage of cove or mountain views.

Ms. McGarry commented that they would need to keep in mind that with any kind of reservoir water impoundment, there would need to be an adjacent water treatment plant facility also.



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Dr. Amanda Hester asked what the football field views would look like with Option C. Mr. Rutherford noted that it would not affect their view shed of the mountains. Mr. Vernon noted from the walking tour that the land elevation goes down from the football field. Ms. McGarry asked if swapping the location of the Recreation Center and pool with the picnic area would provide the views for the Recreation Center and pool. Mr. Vernon confirmed that it would, but he noted the question would be whether you wanted to hear traffic noise while having a picnic or be inside a building.

Mr. Parr noted then when someone was at the recreation center, they would be inside and they would not care what they were looking at. Mr. Parr explained what he thought Option D would look like. He commented that if they were going to spend millions of dollars on a recreation center, he liked having it visible from Route 29. He noted that he did not care for having the athletic fields in the middle. He commented that he liked the location of the athletic fields on Option A, down on the southern portion of the parcel. He noted that he liked the location of the Recreation center and reservoir on Option C. Mr. Parr commented that he preferred to have the meadow and trails in the center portion like on Option B. He noted they would be splitting the residential traffic between Drumheller Orchard Lane and Stevens Cove. He reiterated that he liked the rec center closer to Route 29 and noted that it did not need a view shed because it was inside. Ms. McGarry noted that there would be some views of the reservoir area from the rec center.

Ms. Clair noted the residential areas and asked if there was any consideration for mixed use space. Mr. Rutherford noted that the Board was currently looking at what areas would be best use. He noted that the Board would probably be picking one priority and that was likely recreation. He commented that capital would only allow them to take on one project for the time being.

Mr. Gary Harvey asked Mr. Parr to review his site preferences again. Mr. Parr noted that he liked the fields and residential on the southern portion of Option A, the meadows and picnic area of Option B, and then from Option C, the rec center and residential on the Stevens Cove side.

Mr. Barton wanted to look at creating something beautiful for the people of Nelson County to be able to appreciate and enjoy. He commented that he was not sure about the recreation center at the current time. He felt they could do the park, pool, picnic area and athletic fields. He did not see the need to have people from outside of Nelson to be able to see the recreation center. He noted that it was for the people of Nelson County, it was not to draw people in. Mr. Parr asked why it could not do both. Mr. Barton commented that it could. He stated that he wanted to create a place to be proud of. Mr. Barton noted that he liked Option A. Mr. Rutherford suggested that the residential areas could be listed as open space for future use. Mr. Parr agreed that a recreation center was not a priority, but they needed to plan for the future to determine where one might go. Mr. Barton felt the park and pool needed to be in most beautiful space on the property. Mr. Parr disagreed and felt that the recreation center did not need a view as the activities were inside. He noted that it would be nice to have a view of the mountains from the pool, but a view of the water reservoir could be just as nice. Mr. Barton commented that the recreation buildings he had seen had windows with views. Mr. Parr noted that they wanted to serve the people of Nelson County, but they also needed to attract people to come to Nelson at the same time.

Mr. Reed commented that he didn't care about the views. He pointed out that it was a beautiful property in a beautiful place, and any scenario would create something beautiful to be proud of. He pointed out that Option C had a smaller footprint for main development, which he liked. He noted that a smaller footprint would allow site prep to take place sooner rather than later. He liked that there was room for a water treatment plant. Mr. Reed commented that the most important thing for him was the possible impoundment for water. He stressed the need to obtain the information on what an impoundment might look like and the capacity it would provide. He noted that in terms of the residential areas, he had no problem with them being future development, mixed use, or possibly residential in the future. He commented that if the County

were to pursue a land trust option on Callohill and it be successful, they may want to consider something similar on Larkin. Mr. Reed pointed out that having a small footprint on the property maximized the opportunities on the other sides of the property. He noted that he had nothing bad to say about any of the other options or comments. He felt it was important to try to be as economical as possible, and a smaller footprint would help. He pointed out that the small footprint of Option C was a large area. Mr. Parr noted Option C was close to his favorite, and the only reason he suggested the ABC option was because he was concerned about limiting future growth. He asked whether they actually had a lot of land to work with, or whether they may be trying to put too many things in one place. He thought having fields in the southern corner of the parcel would keep them from being landlocked.

Mr. Gary Harvey noted they had a lot of land to work with and could move things around. He commented that the picnic areas were shown much larger than they needed to be, and they could be worked around. He also noted they could shift the picnic and playground area on Option C to allow room for future growth for field space. Mr. Gary Harvey noted that they had a lot of land to work with and they were not at all cramming things into the site. Mr. Rutherford commented that Option C would be more cost effective for site development. Mr. Parr suggested moving toward labeling the areas for future use instead of as residential areas, noting they may decide to add an area for trails or fields in the future. Mr. Rutherford and Mr. Parr noted they liked Option C. Mr. Vernon noted they would need to determine whether they could have a water feature like a lake, or just leave it as a creek. Mr. Rutherford suggested they envision the plan with the potential for the reservoir being on the property.

Mr. Jerry West provided his input from a Recreation perspective. He noted that he had conflicting opinions. He commented that he liked Option A, and what he liked about it was the ability to lock the athletic fields and keep them secure when not in use. He noted that he understood and agreed with keeping everything together as in Option C, with development opportunities on either end of the property in the future. He expressed concerns with Option C, noting that parking could limit the number of events that could take place on property at the same time. He provided an example of having a soccer tournament and basketball tournament in the same weekend, suggesting that they could have issues with parking. Mr. Vernon asked about the number of parking spaces at the high school. Dr. Hester was unsure of the number of spaces. Mr. Gary Harvey showed the size of the high school parking area in comparison to other areas. Mr. Rutherford thought that parking areas could be determined throughout. Mr. Vernon confirmed there were plenty of areas for parking on the site.

Mr. Barton felt it made sense to keep the Recreation Center and athletic fields in separate areas as shown in Option A. He noted that the recreation center and pool were located in the site with views on Option A.

Mr. West commented that he saw the benefits of Option C, but he felt it was more like a sports complex rather than a park. He noted that he had no problem with that because it was providing more fields for recreation, but it was not providing the park like setting. Ms. McGarry noted that the northern portion off of Stevens Cove could be turned into trails and meadows instead of residential.

Dr. Hester asked what the most immediate priority was. Mr. Rutherford commented that it was a recreation facility. Dr. Hester asked about fields. Mr. Rutherford commented that he was not sure fields had been priced in yet. Dr. Hester suggested putting temporary field space in areas that may be cleared but not immediately developed. She noted that the schools were struggling to accommodate all of groups that needed field space. Mr. Vernon pointed out that if they were not developing everything all at once, it may not be an advantage to group everything together.

Mr. Parr returned to his ABC concept. He referenced Mr. West's comments regarding the ability to secure the athletic fields like in Option A. Mr. Parr disagreed with Mr. Rutherford and felt that the recreation center was at the end of development. He pointed out that it was a lot quicker and cheaper to put in fields

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and trails rather than a facility. He noted that they needed something more immediate for the kids. He pointed out that the County's debt capacity was shrinking. He noted the projects already in the works with the high school renovation and the Social Services building. Mr. Reed suggested adding the pool in. Mr. Parr agreed that the pool could also be done. He noted that when he was talking about a rec facility, he was referring to the indoor facility with all of the options. Mr. Reed and Mr. Parr agreed that the fields and the pool facility should be done as soon as possible. Mr. Barton asked Architectural Partners why they chose the location of the pool and rec center in Option A, noting the views from that location. Mr. Vernon agreed that the views were part of why they chose the location.

The Board discussed the property views and the layout benefits. Mr. Gary Harvey assured that they would maximize the views everywhere they could and make the recreation center a beautiful building that was enjoyable to be in. He suggested that they take the input from the day's meeting and create an option D and then work backwards to show how to begin at step one. Mr. Gary Harvey commented that having the pool in the location shown in Option C had a lot of advantages. He pointed out that it provided the opportunity to have the views and have the meadows that could stay tree lined for the time being. He noted that they would also be able to build the athletic fields as shown in Option A. He commented that once they had a plan for the property, there would be developers coming to Nelson County to see what was going on and wanting to be a part of it.

Mr. Barton asked what was next. Mr. Rutherford noted that the Board needed to provide Architectural Partners with the list of what they wanted and the general location for each so that they could start to work on costs. Ms. McGarry noted that Architectural Partners could determine a phasing plan on based on the elements the Board wanted to have. The Board discussed the location options further. Mr. Parr noted that they could trust Architectural Partners to take the feedback that had been provided, and come up with an Option D in phases. Mr. Reed noted that they were looking at the pool and fields for Phase one. Mr. Reed suggested that it may be nice to see if there were any economic advantages to locating in one area or another. Mr. Rutherford suggested an option with everything centralized and one with pool and playground in the middle with the ballfields in the left side (southern portion).

Mr. Reed noted that the County would need to look at the Dillard Creek engineering. He commented that they would need to look at that really soon because they would need to determine whether that location would work and how it would work. Mr. Rutherford noted that having the potential capacity for future development was critical.

Mr. Vernon noted that the only question they had was weather the future recreation facility would have any visibility from Route 29. He commented that they knew the indoor pool needed to eventually be near the outdoor pool. Mr. Reed suggested that it go wherever maximized their options. Mr. Vernon commented that they had also discussed the option of a three season pool with the pool consultant. Mr. Reed noted that he had attended two swim meets at Fry's Spring in Charlottesville, and the number of people who turned out for the swim meets was unbelievable. He also noted that the area there was surrounded by a large greenspace.

Mr. West asked if having the athletic fields on the left (southern portion) and the pool in middle would require grading of the property all at once, or just grading out middle only. Mr. Vernon noted that they would only grade out what was going to be used. Mr. West asked about the development of the roads and whether they would go ahead and build the road through the middle of the property at the beginning of the project. Mr. Vernon commented that may depend on whether the property would be a weekend use or daily use. Mr. West suggested that it may be better to build out the roads ahead of any construction later, so they would not have to tear anything up to put the road in then.

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Mr. Reed mentioned the land trust concept, noting that if they started looking at what that might entail, they could envision putting something in place to deal with residential issues. He suggested that it may be good to have a land trust presentation from the TJPDC, so that the County would then have options to consider. Mr. Rutherford referenced the Thomas Jefferson Land trust as an example of a good land trust.

Mr. Rutherford noted that Architectural Partners would return with two scenarios, along with cost estimates.

Ms. McGarry asked if the Board would like to have some public engagement related to the options. Mr. Parr and Mr. Reed agreed that there could never be too much public engagement. Ms. McGarry felt it was best to have community buy in. Mr. Parr noted that there were some people in the community nervous about what was going on, he also commented that there was misinformation going around.

#### D. Summary of Conclusions and Next Steps

Mr. Vernon noted they would come back with two options, along with costs. He then explained that the Board could narrow it down to one option to present to the public for questions and comments. The Board agreed with the suggested next steps. Mr. Parr asked what the timeframe might be to get the two options and the estimated costs. Mr. Vernon and Mr. Gary Harvey indicated that the numbers would take a little time, but the site options would not take much time at all.

Mr. Rutherford suggested looking at August 23rd for the next work session. The Board was in agreement with the proposed date. Mr. Rutherford suggested continuing the meeting from the August 8<sup>th</sup> regular meeting.

Ms. McGarry noted the reservoir study mentioned by Mr. Reed. She noted that the Board would need to partner with the Nelson County Service Authority and pay for the study, while the Service Authority would help to get the consultants to do the study. She estimated that the study could cost \$50,000 to \$100,000 potentially. She explained that the Board would need to consider the study and the costs. She noted that the Service Authority would issue the RFP. Mr. Rutherford asked if the subject could be included on the August 8<sup>th</sup> agenda. Ms. McGarry confirmed that it would be included.

Mr. Rutherford suggested having the residential areas marked as areas for future growth. He noted that the Board had not decided to do anything other than athletic fields and a pool at the moment.

### III. OTHER BUSINESS (AS PRESENTED)

The Board had no other business to discuss.

### IV. ADJOURNMENT

At 3:31 p.m., Mr. Reed moved to adjourn the meeting and Mr. Parr seconded the motion. There being no further discussion, Supervisors approved the motion by vote of acclamation and the meeting adjourned.



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**Virginia:**

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

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

Absent: Ernie Q. Reed, Central District Supervisor

**I. CALL TO ORDER**

Mr. Rutherford called the meeting to order at 2:01 p.m. with four (4) Supervisors present to establish a quorum and Mr. Reed was absent.

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

**II. PUBLIC COMMENTS**

*Robert Gubisch – Faber, VA*

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

*Chief Raymond Cook - Faber, VA*

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

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

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

**II. CONSENT AGENDA**

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

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

- A. Resolution – **R2023-50** Minutes for Approval

**RESOLUTION R2023-50  
NELSON COUNTY BOARD OF SUPERVISORS  
APPROVAL OF MINUTES  
(March 31, 2023)**

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

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

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

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

<u>Amount</u>	<u>Revenue Account (-)</u>	<u>Expenditure Account (+)</u>
\$ 31,184.00	3-100-002404-0017	4-100-021060-3161
\$ 3,078.00	3-100-002404-0035	4-100-031020-7036
\$ 513.80	3-100-002404-0001	4-100-031020-5419
\$ 4,000.00	3-100-002404-0049	4-100-032010-5504
\$ 32,310.00	3-100-002404-0035	4-100-031020-7049
\$ 32,373.00	3-100-002404-0035	4-100-031020-7038
\$ 50,000.00	3-100-003303-0044	4-100-091030-5626
\$401,982.17	3-100-009999-0001	4-100-091050-7166
\$ 20,000.00	3-100-002404-0060	4-100-081020-7057
\$ 20,000.00	3-100-002404-0060	4-100-081020-7059
<u>\$ 82,000.00</u>	<u>3-100-003303-0043</u>	<u>4-100-999000-9905</u>
<b>\$677,440.97</b>		

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

<u>Amount</u>	<u>Credit Account (-)</u>	<u>Debit Account (+)</u>
\$ 46,266.00	4-100-999000-9905	4-100-031020-7049
<u>\$ 46,355.00</u>	<u>4-100-999000-9905</u>	<u>4-100-031020-7038</u>
<b>\$ 92,621.00</b>		

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

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

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

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

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

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

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

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

Mr. Parr read the resolution recognizing Mr. Morris’ years of service to the County and made a motion to approve **Resolution R2023-53**. Mr. Harvey seconded the motion. There being no further discussion, Supervisors approved the motion by vote of acclamation and the following resolution was adopted:

**RESOLUTION R2023-53  
NELSON COUNTY BOARD OF SUPERVISORS  
RESOLUTION RECOGNIZING THE COUNTY SERVICE OF  
JAMES O. MORRIS**

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

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

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

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

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

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

**V. PRESENTATIONS**

**A. VDOT Report**

Mr. Robert Brown of VDOT was present. He reported that the request for a study to have a right turn lane on Route 29 North going to the Animal Shelter was being reviewed. He noted that he was hoping to get a



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

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

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

Mr. Brown reported that he had met with Mr. Reed and Mr. Jerry West at the Sturt property on Findlay Gap Road. He noted that there was work to be done there. He reported that there were two ford crossings between the County property and Keys Church Road. He commented that the road would need to be improved to a better level if the County was looking to open some type of recreation area on the property. He noted that he was looking for options to improve both of those crossings. He commented that he was also trying to find funding to improve the one mile of unpaved road between the County property and Keys Church Road. He noted that they may have some undesignated Telefee money and Secondary Road money that they could apply to that project.

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

Mr. Parr:

Mr. Parr had no VDOT issues to discuss.

Mr. Barton:

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

Mr. Harvey:

Mr. Harvey had no VDOT issues to discuss.

Mr. Rutherford:

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

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

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

#### B. Nelson Heritage Center Updates – Johnette Burdette

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

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

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

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

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

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

## **VI. NEW & UNFINISHED BUSINESS**

### **A. Rockfish Senior Group Funding Request**

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

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

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

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

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

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

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

Mr. Rutherford noted they had been discussing the need for a while. Ms. McGarry indicated that they did not know how much the studies would cost. She noted that George Miller with the Service Authority was

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estimating \$30,000 to \$50,000 for each study. She commented that it could range in total from \$60,000 to \$100,000. She explained that once they were in a position to negotiate with the consultants, they would return to the Board report on the costs and get further authorization to proceed. Mr. Barton confirmed that it was necessary to do. Mr. Parr noted that all of the plans for the Larkin property centered around it. Mr. Rutherford noted that with anything they were to support in the future, water and sewer capacity would be front and center. He confirmed that they had to do the study.

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

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

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

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

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

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

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

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

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

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

The Board took a brief recess.



## B. Lovington Village Association Funding Request

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

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

She noted that the next step was to have a brand strategy for Lovington, which would possibly allow them to go after additional grants and funding. She reported that they found three things that make Lovington special: the history of the area, the nature of area, and artistic nature of Lovington and deep artistic capabilities. Ms. Haydock noted she was present in place of Ms. Kelley to present a brand strategy proposal. She noted that the goal was to come up with a cohesive brand strategy to determine the voice of Lovington, who they were trying to attract to Lovington, what message they wanted to give and what language they wanted to use. She explained that in order to do that they needed to facilitate a meeting with at least 10 key stakeholders representing different parts of the community. She noted that the stakeholders would come together, give their feedback, present their ideas and move towards a brand compass. She explained that the brand compass would help to determine things like signage, streetscapes and how to promote events in Lovington. She noted that could help unlock opportunities for additional grants and tourism money.

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

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

Mr. Harvey asked why they were not talking about any place other than Lovington. Mr. Rutherford noted they were trying to bring some of the development on 151 to Lovington, but maybe in a different way. Ms. Haydock noted the market research report and commented that there was very different brand in Lovington than on 151. She noted that the brand in Lovington was more about nature, family, art, and history. She explained that the SBDC was an economic development partner to Ms. Kelley's office. She noted that in their work in other areas, they found that branding was needed to bring tourism to specific areas. She noted that identity would become part of Ms. Kelley's tourism plan for the entire County. Mr. Parr asked for examples of other places that the branding had been done by SBDC. Ms. Haydock noted

they had done similar work in Scottsville. She reported that Greene County was looking at branding for Stanardsville. She commented that they had done “mini” versions of branding for McIntyre Plaza by working with its 59 retailers. Ms. Haydock noted that Ms. Kelley was interested in working with the consultant to bring the different groups and leaders together.

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

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

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

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

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

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

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

## **VII. REPORTS, APPOINTMENTS, DIRECTIVES AND CORRESPONDENCE**

### **A. Reports**

#### **1. County Administrator’s Report**

Ms. McGarry reported the following:

**A. Comprehensive Plan:** The project website is [www.Nelson2042.com](http://www.Nelson2042.com). There will be a Public Open House on the latest full draft plan on August 29<sup>th</sup> at 6:30pm – 9pm at the Nelson Center in Lovingston.

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

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

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

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

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

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

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

**G. Gladstone Solid Waste Collection Site:** In follow up to concerns expressed at the last meeting, staff will be working on ways to keep this site in better condition; inclusive of determining the best regular day(s)

of the week to clean up the site; possible improvements to site visibility, and other ways to reduce illegal dumping.

**H. DSS Building/Callohill Site:** PMA has provided the final geotechnical report from Timmons which confirms the site conditions that were presented to the Board. Staff and PMA are working towards finalization of space needs and PMA is drafting a proposal for the Board's authorization to proceed into the conceptual/preliminary and schematic design phase of the project. Estimates will be able to be further nailed down during this phase. Mr. Burdette is checking with the State DSS to see if they can provide any increase in the reimbursement amount for the new facility. Staff is working with Davenport on timing of a future financing and proposing consideration of a reimbursement resolution at the same time the design phase is authorized. An update of the Debt Capacity analysis will be forthcoming once some project costs are more solid and FY23 end of year financial status is analyzed.

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

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

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

## 2. Board Reports

### Mr. Barton:

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

### Mr. Harvey:

Mr. Harvey had no report.

### Mr. Parr:

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

### Mr. Rutherford:

Mr. Rutherford reported that the TJPDC did not meet last month. He reported that he attended a town hall in Afton about the Nellysford UDA (urban development area). He noted that there were people commenting about not knowing when things were going on. He commented that there was plenty of opportunity to participate in Nelson. He pointed out that the Comprehensive Plan was in process and noted that additional meetings had been added provide more opportunities for people to participate. He asked people to continue to participate, noting that few people showed up during the budget public hearing. Mr. Rutherford noted

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the regular meeting date had been on the second Tuesday of the month for a very long time. He noted that the Lovington Village Association was underway, and they had more ideas coming along. He commented that the 4th of July was a nice event.

**B. Appointments**

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

**C. Correspondence**

The Board had no correspondence.

**D. Directives**

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

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

At 3:24 p.m., Mr. Parr moved to adjourn and reconvene at 7:00 p.m. and Mr. Barton seconded the motion. There being no further discussion, Supervisors approved the motion by vote of acclamation and the meeting adjourned.

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

**I. CALL TO ORDER**

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

**II. PUBLIC COMMENTS**

There were no persons wishing to speak under public comments.

**III. PUBLIC HEARINGS**

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



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

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

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

### ■ **Sec. 2-2. Safety Program**

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

~~Roseland Rescue Squad, Inc. Incorporated.~~

~~Nelson County Rescue Squad, Incorporated~~

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

~~Gladstone Volunteer Fire Department~~

Piney River Volunteer Firemen's Association

Nelson County Volunteer Firemen's Association (Lovington Fire)

Faber Volunteer Fire Department

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

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

~~Wintergreen Property Owners Volunteer Rescue Squad, Inc.~~

Wintergreen Volunteer Fire Department, Inc.

Mr. Parr asked about Animal Control and where it fell under the LODA. Ms. McGarry explained that currently, Animal Control Officers under County Administration, like Nelson County's Animal Control,

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

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

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

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

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

*Amend*

**Sec. 2-2. Safety Program**

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

~~Roseland Rescue Squad, Incorporated.~~

~~Nelson County Rescue Squad, Incorporated~~

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

~~Gladstone Volunteer Fire Department~~

Piney River Volunteer Firemen's Association

Nelson County Volunteer Firemen's Association (Lovington Fire)

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Faber Volunteer Fire Department

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

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

Wintergreen *Property Owners* Volunteer Rescue Squad, Inc.

Wintergreen Volunteer Fire Department, Inc.

(Ord. of 9-10-96)

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

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

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

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

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

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

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

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

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

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

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

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

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

**Revised Descriptions:**

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

State Law Reference: Code of Virginia §15.2-5113

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

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

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

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

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

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

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

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

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

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

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

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

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

**SECTION THREE:**

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



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- (b) Each member shall serve from July 1 until four years, hence on June 30 when his term shall expire. Any person appointed to fill a vacancy shall serve the unexpired term of the member being replaced at the request of the Board of Supervisors. A serving member may continue to sit beyond the expiration of his term until such time as his successor maybe appointed; however, the successor's term shall not be extended by such delay.
- (c) In order to provide for staggered terms, effect of representation for each election district, and reconfigure terms of service, appointments in the several districts will have the initial terms provided below. Subsequent appointments shall be for terms of four years each.

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

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

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

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

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

State Law Reference: Code of Virginia §15.2-5113

- 2. In all other respects the Articles of Incorporation of the Nelson County Service Authority remain the same.
- 3. The County Administrator is directed to send a certified copy of this Resolution to the Executive Director of the Authority, who shall send this certified copy of the Resolution the State Corporation Commission for filing, pursuant to Virginia Code §15.2-5107.

**C. Special Use Permit #986 – Outdoor Entertainment Venue**

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

Ms. Hjulstrom presented the following:

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

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

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*Location / Election District:* 877 Glenthorne Loop / Central District

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

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

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

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

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

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

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

## **DISCUSSION:**

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

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

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

*Comprehensive Plan:* This property is located in an area designated Rural and Farming on the Future Land Use Map, which “would promote agricultural uses and compatible open space uses but discourage large scale residential development and commercial development that would conflict with agricultural uses. The Rural and Farming District would permit small scale industrial and service uses that complement agriculture. Protection of usable farmland should be encouraged. Clustering of any new development in areas of a site without prime or productive soils will enhance the protection of prime or productive soils for future agricultural uses.”

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

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

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

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

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

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

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

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remain with the property. Mr. Rutherford noted that they could already have unlimited events on agricultural side.

Mr. Rutherford opened the public hearing.

*Jeri Lloyd - Afton, VA*

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

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

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

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

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

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

The Board had no other business to discuss.

#### **V. ADJOURN AND CONTINUE TO \_\_\_\_\_ FOR A MASTER PLAN WORK SESSION**

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**FOR THE FORMER LARKIN PROPERTY.**

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

DRAFT



**Virginia:**

AT A CONTINUED MEETING of the Nelson County Board of Supervisors at 2 p.m. in the Former Board Room located on the fourth floor of the Nelson County Courthouse, in Lovingston, Virginia.

Present: Jesse N. Rutherford, East District Supervisor –Chair  
J. David Parr, West District Supervisor – Vice Chair  
Thomas D. Harvey, North District Supervisor  
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  
Jerry West, Director of Parks and Recreation  
Maureen Kelley, Director of Tourism and Economic Development  
Demetrius Vaughan, Recreation Specialist

**I. CALL TO ORDER**

Mr. Rutherford called to the continued meeting to order with five (5) supervisors present to establish a quorum. The Board recognized the passing of Gary Helbert, former Assistant Superintendent of Nelson County Public Schools.

**II. MASTER PLAN WORK SESSION FOR FORMER LARKIN PROPERTY**

**A. Site Plan Options – Option D, Option E**

Mr. Jim Vernon and Mr. Gary Harvey of Architectural Partners were present for the work session. Mr. Vernon explained that during the last work session, the Board was presented with Options A, B and C. He noted that following the discussion of options, the Board asked Architectural Partners to come up with Options D and E. Mr. Vernon reported that following some discussions with Parks and Recreation Director, Jerry West, they were able to add in other features to the plan. He showed the addition of an outdoor basketball court and three (3) pickle ball courts near the outdoor pool area on both Options D and E. He also pointed out the addition of a 50-foot by 80-foot maintenance shed near where the property line crosses Drumheller Orchard Lane. He also noted the addition of a paved walking path around the recreation center and outdoor pool area. Mr. Vernon then pointed out an additional multi-purpose field, which brought the total number of multi-purpose fields to three (3). He noted that not all fields had to happen at once, but they could be planned for. Mr. Vernon reported that they were able to correctly orient the multi-purpose fields 15 degrees to the West of North for sunlight purposes. He noted that all of the baseball fields were shown with a 325-foot fence on the foul line. He reported that neither Option D or E proposed relocating Stevens Cove Road. Mr. Vernon noted that they had included potential locations for a water treatment plant, disc golf, trails and future development. He explained that they had eliminated the proposed connecting road in previous plans from the north side of the High School and Middle School complex that was parallel with Route 29.

Option D



Mr. Vernon explained that Option D kept the athletic field complex to the southwest side of Drumheller Orchard Road. He noted that the pool and Recreation center building were located in the center of the property with a visual focus toward Stevens Cove.

Mr. Vernon reviewed the Pros and Cons for Option D.

Pros:

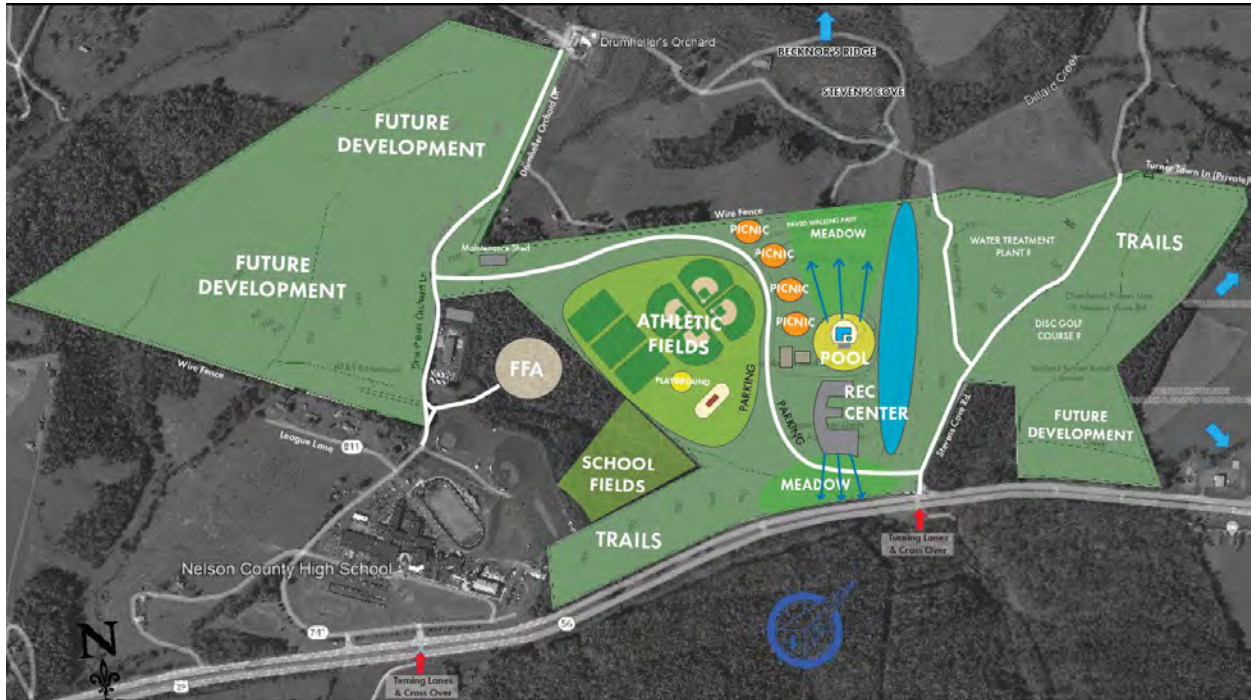
- Separation of busy sports field complex from pool/future recreation building
- Expansion of Sports fields not restricted
- Larger meadow area possible.

Cons:

- Sports Field Complex removed and not as easily monitored and surveilled
- More cost in site development
- Little to no visual presence from Thomas Nelson Highway (Route 29)

Mr. Vernon noted that Option D was the more expensive option for fields, but he would not necessarily let that be the deciding factor.

Option E



Mr. Vernon explained that the programming in Option E was the same as Option D. He noted that Option E was a more compact site. He showed that the land along Drumheller Orchard Lane was reserved for future development, while the facilities were centered on the site.

Mr. Vernon reviewed the Pros and Cons for Option E:

Pros:

- Easier monitoring with all facilities/fields being more adjacent
- Views of Stevens Cove and visibility from Route 29
- More area for future development

Cons:

- More traffic activity in center of site than if spread out
- Expansion of sports fields limited
- More restricted meadow areas

Mr. Vernon showed the suggested areas clearing the Route 29 side of the Recreation Center location and clearing the west side of the pool location would allow for meadow spaces. He noted that the clearing to the west of the pool would allow views of the cove to be seen from the pool. He explained that clearing between Route 29 and the recreation center would allow for the center to be seen from the highway. He pointed out that having the recreation center near the outdoor pool would allow the indoor and outdoor pool areas to be connected.

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Mr. Barton asked about the yellow circle for the pool on Option E and how many acres that would be. Mr. Vernon noted that the area was about 5 acres for a pool, pool building, parking, a splash pad and possibly some pavilion spaces. Mr. Barton asked about trees for shade. Mr. Vernon noted they would plan for shade installations on the south side of the pool area. He noted that the yellow circle was just to indicate the general location, they had not determined exact areas for pavement and landscaping.

Mr. Rutherford commented that he wanted to make sure that proper turn lanes were considered for Stevens Cove. Mr. Vernon noted they were hoping for consensus on a direction for Option D or E, or if there was an Option F. He explained that from there, they could discuss priorities for phasing. He noted this would help in determining where the entry road would be located. Mr. Rutherford thought that Drumheller Orchard Lane may be the primary entry for whatever option was done. He commented that improvements to Stevens Cove may be part of the recreation center project.

Mr. Vernon commented that the orange circles were just graphic elements in to indicate picnic areas. He noted that there was plenty of room for parking areas along the roadway on the site. Mr. Vernon commented on the playground area and noted that Mr. West had been working on the specifics for the playground equipment.

Mr. Vernon explained that they would discuss the cost estimates. He noted that they were high altitude, cost per acre. He priced the pool facility at \$3.1 million to \$3.5 million. He noted that the total for the pool and the site work needed would be around \$5.5 million total.

**OPTION "D"**

Phase 1 Outdoor Pool Facility:		\$ 3,100,000 - \$ 3,500,000 *
Sports Fields/ Building Sites:	65 acres	\$ 22,800,000
Roads, Picnic areas:	36 acres	\$ 10,800,000
Open Spaces, meadows	25 acres	\$ 3,100,000
<u>Maintenance Building</u>		\$ 600,000
OPTION "D" Construction Cost:		\$ 40,400,000
OPTION "D" Project Cost:		\$ 52,500,000

**OPTION "E"**

Phase 1 Outdoor Pool Facility:		\$ 3,100,000 - \$ 3,500,000 *
Sports Fields/ Building Sites:	60 acres	\$ 21,000,000
Roads, Picnic areas:	30 acres	\$ 9,000,000
Open Spaces, meadows	18 acres	\$ 2,500,000
<u>Maintenance Building</u>		\$ 600,000
OPTION "E" Construction Cost:		\$ 36,200,000
Option "E" Project Cost:		\$ 47,100,000

**POTENTIAL ADDED COST TO EITHER OPTION:**

Inflatable Pool Enclosure:	add	\$ 800,000 **
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\* Pool Facility: 8 lane 25m outdoor pool with ADA wade-in shallow area, 9' deep end for possible diving, optional double loop slide, and diving stands. Includes Pool Support Building with restrooms/locker rooms, Office, Training Room, Concessions, Equipment and Storage rooms. Includes adjacent Splash Pad.

\*\* Inflatable pool enclosure to extend pool use year-round. Expected 10-15 year life span.

Mr. Vernon reported there was a \$5 million price difference between Option D and Option E. He commented that the price difference was partially driven by spacing of sites. He noted that the estimates were to provide a ballpark feel for the scope of costs. He also noted that they had reviewed the costs with consultants.

Mr. Vernon explained that the site development costs were based on:

- \$350,000/acre for utilities, building and field areas, and associated facilities and parking
- \$300,000/acre for areas with roads and picnic facilities, parking, and utilities
- \$125,000/acre for newly created open spaces/meadows and storm water measures



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Mr. Reed asked if the site development costs were included in the option project costs. Mr. Vernon confirmed that the site development costs were included. Mr. Vernon also noted that a project cost multiplier was utilized to include A/E fees, permits, contingency, and furnishings and equipment (excluding vehicles and landscaping fleet). Ms. McGarry clarified and confirmed that the site cost development was included in the project cost.

Mr. Gary Harvey explained that for each option, they looked at the acreage associated with that type of development and multiplied the number of acres by the site cost per acre to determine the overall costs.

Mr. Vernon reported that an inflatable pool enclosure would cost about \$800,000 with a lifespan of 10 to 15 years. Mr. West commented that he had wanted to show the comparison between an eleven (11) month use pool and a two and a half (2.5) month use pool. Mr. West explained that the bubble would provide the option to extend the use of pool to about eleven (11) months. He noted it would take about two (2) weeks in September to install the bubble and then two (2) weeks to take it down in May. Mr. Reed asked about the amount of time to use an outdoor pool without a cover. Mr. West commented that an outdoor pool would be open at the most three (3) months, with the pool opening Memorial Day and closing on Labor Day.

Mr. Vernon reviewed the goals for the meeting, noting they were looking for consensus on a development plan, and then discussion on phasing. He noted they could break down the costs further depending on each phase.

Mr. Rutherford asked whether roads and picnic areas would be the initial costs. Mr. Vernon noted that the roads would be an initial cost, and utilities would come before that. Mr. Rutherford noted roads were one of the first steps. Mr. Vernon noted that it would cost about \$300,000 per acre for areas with roads, picnic facilities, parking and utilities. Mr. Rutherford suggested that Phase 1 would probably be roads. Mr. Barton commented that there would also be picnic areas included in that. Mr. Gary Harvey pointed out that if they were only building a few picnic areas in the first phase, they may not need the same level of roads or utilities for those picnic areas. Mr. Gary Harvey and Mr. Vernon discussed the extension of utilities from Drumheller Orchard Lane and possibly the school facilities. Mr. Gary Harvey noted they would not only need to see where the power was, but they would also need to determine the capacity.

Mr. Vernon commented that they needed to take into consideration whether three (3) multi-purpose fields and four (4) ballfields would work for as long as they needed them, or whether they would work for now, with the expectation that they may need room for expansion. He noted that may determine between Option D or Option E.

Mr. West commented that if they chose to have three (3) multipurpose fields, they did not all have to be fully completed in Phase one. He noted that all of the grading could be completed and any spaces not defined as a field could be used as greenspace. He pointed out that greenspace was great for any park. Mr. West noted increasing soccer registration numbers in Nelson. He commented that they were seeing kids coming back after COVID. He indicated that they could use two fields for games and the third field for practice. He noted they would possibly be able to host tournaments. He commented that the Nelson NETS travel soccer team had expressed interest in helping to promote tournaments in Nelson. Mr. Gary Harvey asked if three (3) multi-purpose fields would be enough to have tournaments. Mr. West commented that he and Mr. Vaughan had discussed the possibility of utilizing the ballfields in clover formation, by turning two outfields into one multi-purpose field when needed.

Mr. Vernon asked Mr. West about his preference on field placement in Option D versus Option E. Mr. West commented having the fields located on the south side of Drumheller Orchard Lane (Option D) would allow staff to gate off and secure the fields when they are not in use. He pointed out that having the fields

located in the middle section (Option E) would keep the fields closer to staff and centralize the facilities. He noted that he could work with either option. He pointed out that the \$5 million price difference could weigh in heavily on the decision. Mr. West noted with Option D, they could direct athletic traffic through Drumheller Orchard Lane, and then direct park traffic through Stevens Cove Road.

Mr. Vernon referenced Option E with having three (3) multi-purpose fields and four (4) ballfields. He noted they may be able to squeeze in two (2) more multi-purpose fields in that area. He asked if there were any concerns with being limited to having that amount of fields in that particular location on the property. Mr. West noted with the combination of the outfields, that would bring them to a total of five (5) multi-purpose fields when needed. Mr. Rutherford asked how many ballfields would be needed, noting there were two (2) ballfields next door at the Schools. Mr. West commented if they built the fields, people would come, but it was hard to know how many people. Ms. McGarry noted the possibility of having tournaments and suggested they might be able to utilize the soccer field at Tye River if more fields were needed for a tournament. Mr. West noted that he had spoken with NCHS Athletic Director Greg Mullins and Mr. Mullins had indicated that Parks and Recreation could partner with the School Division to utilize School fields when needed.

Mr. Reed commented that having tournaments and bringing people into the County was an important thing, but he wanted to focus the initial development on the people of Nelson first. He noted that he liked Option E better than Option D. He pointed out that Option E kept everything together and reduced costs. He noted that it allowed them to make an initial investment in both areas of development. He noted that it would be beautiful no matter how they did it. He reiterated the need to prioritize county residents in the initial benefits.

Ms. McGarry noted during the prior work session, they had estimated the reservoir area to be about seven (7) acres. She cited concerns regarding space if some of reservoir area were to change in size. Mr. Gary Harvey reassured that there was a lot of land to work with.

Mr. Rutherford noted he was also thinking about Option E. He confirmed that there was currently no water service on League lane. He noted that the residents on League Lane were on well water.

Mr. Gary Harvey pointed out the future development area on Drumheller Orchard Road in Option E. He commented that they needed to think about whatever they may decide to bring into that part of the property, and whether it may need a 10-inch water line and three phase power. Mr. Rutherford noted that whatever happened in the future development area would need similar infrastructure to what was on the other side of the property.

Mr. Parr agreed that Option E was the better out of the two options. He commented that he thought Phase 1 would be roads and picnic areas, and Phase 2 would be ballfields, then they would determine where to locate the pool and open meadow space. Mr. Rutherford noted that the roads were necessary. Mr. Parr commented that having the roads and picnic areas would provide the community with the opportunity to be on the site and have somewhere to go.

Mr. Reed noted that focusing on that development in short term, if they found that Dillard creek was not a viable option for water, it did not preclude from going forward with the roads and picnic areas. He commented that water was vital for the grand scheme, in the short term it was less vital.

Mr. Barton liked Option D. He agreed with Mr. Reed that the priorities are what they did for the community. He noted they could do the fields, but he felt the priority was the pool. He commented that they needed to do the pool initially and did not need to wait. He noted that they had been talking about the pool for a long time. He commented that there was a time when people could go swim at Lake Nelson and Van Rippers,

but it was now harder to find places to go. He wanted to have a place in Nelson for the people to take their families. He thought that the priority needed to be the pool.

Mr. Reed clarified that his comments were not to dismiss pool. He saw the pool, Dillard Creek and the water and sewer infrastructure as all being meshed together. He commented that as soon as they had clarity on the water, he thought they would have an open door to moving on the pool.

Mr. Parr asked whether they had a debt capacity in mind for the overall project. Mr. Rutherford asked what was left after the high school renovation project. Ms. McGarry noted that staff would be working with Davenport in the next few months to update the debt capacity. Mr. Parr noted that the debt capacity would guide the prioritizing of development.

Mr. West asked about the picnic areas and whether they would just be spaces, or shelters with infrastructure. Mr. Rutherford felt it would be helpful to pull the picnic area costs out of the road costs. Mr. Vernon noted they could separate out the picnic area costs.

Ms. McGarry noted the debt capacity was \$57 million. She subtracted the \$2.6 million used for the Larkin purchase, \$12 million for the Social Services building, and \$26 million for the high school renovation, which left about \$16.5 million in remaining debt capacity. She commented that she was unsure of what a water impoundment and treatment facility may cost. She reported that they were in the RFP (Request for Proposals) process for the study on the water capacity. Ms. McGarry explained that once the audit was complete, Davenport would update the County's debt capacity. Mr. Rutherford commented that they would need the roads no matter what they chose to do. Mr. Barton stressed the need a for pool and recreation areas. Ms. McGarry noted there could be grant funds available that could be folded into the debt capacity.

Mr. Vernon asked about the sports fields and whether they would be phased. Mr. West asked about the location for the concession stands. He suggested it should be located in the middle of the fields, particularly if they were going for the clover formation ballfields. Mr. Vernon asked if all seven (7) fields would be turnkey ready to start, or 50 percent of the fields may be ready with the rest graded. Mr. West commented that the multi-purpose fields if not finished, could be graded and seeded to be used a greenspace. He suggested fencing to secure the ballfield areas.

Mr. Vernon reviewed the items that they would come back with estimates for roads, utilities, picnic areas, ballfields, multi-purpose fields, concessions building and the pool. He noted those items were in the first three initial phases that they had discussed.

Mr. Barton commented that they had fields, noting they did not have enough fields and needed more. He noted that they did not have a place for the people of Nelson County to recreate.

## B. Summary of Conclusions and Next Steps

Mr. Vernon suggested that Architectural Partner could come back with the scheme and the prices for each component. Mr. Rutherford commented that they knew the cost for the roads was about \$9 million, so they would need to see what else they could do. Mr. Parr asked if there was a way to realistically phase in the sports fields and building sites. He asked if there was a way to get some fields. He commented that the athletic fields were used from March through October by the children and families of Nelson County. He noted that the pool was only a three (3) month window. Mr. Parr commented having a pool and some fields would serve more people than just having one or the other. He suggested working backwards from the debt capacity number and come up with a plan to get roads, a pool, some fields, and some picnic areas. He suggested that they still bring them the cost breakdown of each item. Mr. Vernon and Mr. Gary Harvey indicated they could come back with that. Mr. Gary Harvey commented that the smartest thing to do would

be to start at the end of the project to determine each phase. He noted there were varying levels of completion for fields from a level playing field to a competition level, crowned and irrigated field.

Mr. West commented that when he was associated with a prior recreation facility, he saw the development from farmland to ballfields. He explained that the first two ballfields were turnkey with irrigation and the other fields were kept as greenspace until they were ready to return and cut in the infield space and finish the fields. Mr. West suggested that they may look at two turnkey multi-purpose fields with irrigation with the third field graded and seeded for use as needed or a practice field. Mr. Gary Harvey reviewed the field spaces as he heard them discussed to confirm preference. He commented that he was hearing a need for two competitive fields and one flex space, and two competitive ballfields with the area graded for two more ballfields to be completed at a later date. Mr. West agreed and felt it would not hurt to look at grading everything while the equipment was onsite. Mr. Gary Harvey asked if any of the fields would need lighting. Mr. West suggested at most, lighting for two baseball/softball fields and one multi-purpose field. Mr. Vaughan suggested that the high school baseball and softball teams may be able to use the field. He noted that they were currently coordinating field use times since JV and Varsity shared the same field for practices. Mr. West then suggested looking at lighting for two ballfields and two multi-purpose fields, and then they could determine if they needed to scale back later. He noted evening practices in the fall were going up until dark.

Ms. McGarry suggested instead of having four picnic areas, they could look at having a couple of picnic areas and a playground. She noted that she often heard there were no public playgrounds for people to take their children. Mr. Rutherford asked about playground equipment costs. Mr. Gary Harvey noted that an elementary school playground setup cost around \$100,000.

Mr. Rutherford and Mr. Parr suggested that Architectural Partners work to determine what the County could do with \$15 million.

Ms. McGarry asked the Board's opinion on getting public feedback on the two options (D and E), or narrowing it down to one option. Mr. Rutherford suggested narrowing it down based on the debt capacity they had to work with. Mr. Vernon suggested that graphics could be used to indicate the full buildout on the property and they could show the first phase of the project based on the available debt capacity. The Board was with Mr. Vernon's suggestion using Option E.

### **III. OTHER BUSINESS (AS PRESENTED)**

Mr. Rutherford commented on his attendance of VACo's Rural Summit. He reported that he spoke before the Legislative Steering Committee regarding LODA. He noted that he had heard from three members of the Steering Committee that their Counties had passed the same resolution regarding Line of Duty Act (LODA) benefits. He commented that VACo was looking to add LODA to their legislative goals. He noted that he was presenting again in November and they would be getting LODA on VACo's agenda. He reported that Appomattox had just passed their resolution. He estimated that about 10 percent of all counties in Virginia had adopted a resolution (about 12 counties), with another dozen counties on deck to discuss. He noted that he had talked to Bland, Carroll, and Roanoke Counties, and they were also planning to pass the resolution.

The Board had no other business to discuss.

### **IV. ADJOURNMENT**

At 3:09 p.m., Mr. Parr moved to adjourn the meeting. Mr. Reed seconded the motion. There being no further discussion, Supervisors approved the motion by vote of acclamation and the meeting adjourned.

September 12, 2023

**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.



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*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 Home 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 - Lovingson, VA*

Ms. Avalon commented that she was present to put to record that she was the acting Vice President of the Lovingson Village Association. She commented that on the August 8<sup>th</sup> Board meeting, it was listed that the Lovingson Village Association had a funding request. She clarified that the Lovingson Village Association did not have a funding request. She thought there was a clerical error that someone had put the Lovingson 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 Lovingson, and someone communicated the Lovingson 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 - Lovingston, 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

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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**

<b>I.</b>	<b>Appropriation of Funds (General Fund)</b>		
	<u><b>Amount</b></u>	<u><b>Revenue Account (-)</b></u>	<u><b>Expenditure Account (+)</b></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**

<b>II.</b>	<b>Transfer of Funds (General Fund Non-Recurring Contingency)</b>		
	<u><b>Amount</b></u>	<u><b>Credit Account (-)</b></u>	<u><b>Debit Account (+)</b></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 Lovingson 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 14<sup>th</sup> to November 16<sup>th</sup>. 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 14<sup>th</sup>.

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

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

September 12, 2023

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.

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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 2<sup>nd</sup> deadline. She noted that the Board could consider deferring consideration of the proposed resolution until the continued meeting on September 28<sup>th</sup> 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 18<sup>th</sup> 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 28<sup>th</sup> 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 28<sup>th</sup>, 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 28<sup>th</sup> meeting.

The Board was in consensus to defer to September 28<sup>th</sup>.

#### 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 28<sup>th</sup> meeting, or they could choose to proceed in the current meeting. Mr. Parr asked if there were any disadvantages in waiting until September 28<sup>th</sup>. Ms. McGarry noted there were no disadvantages in waiting, as long as the

letters were received by the October 2<sup>nd</sup> 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 County'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 14<sup>th</sup>. 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

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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 10<sup>th</sup>.

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



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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 exceed 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 10<sup>th</sup> 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.

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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](http://www.Nelson2042.com). A Public Open House on the latest full draft plan was held on August 29<sup>th</sup> from 6:30pm – 9pm at the Nelson Center in Lovingson. 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 28<sup>th</sup> at 6:30 pm. Comments may be left by completing a form on the [nelson2042.com](http://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 17<sup>th</sup>, 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 6<sup>th</sup> 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 15<sup>th</sup>. 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.

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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.

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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:

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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.

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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.



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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**

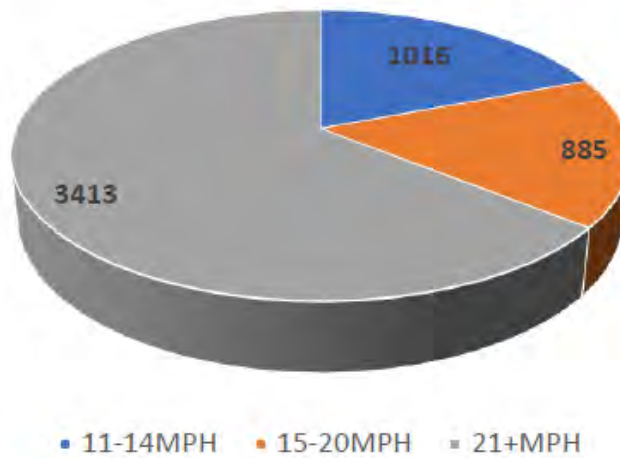
Consideration of a photo speed enforcement program to help reduce speeding through the school zones located within Nelson County.

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 27<sup>th</sup> through October 3<sup>rd</sup>. 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.

### Violators by Speed Range



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

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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 - Lovington, 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 15<sup>th</sup> 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 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



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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

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further discussion, Supervisors approved the motion unanimously (3-0) by roll call vote and the meeting adjourned.

DRAFT



Nelson County Joint Planning Commission/Board of Supervisors  
Meeting Minutes  
September 28<sup>th</sup>, 2023

**Present:** Board of Supervisors: Jesse Rutherford, Skip Barton, David Parr, and Ernie Reed - Planning Commission: Chair Mary Kathryn Allen and Commissioners Chuck Amante, Mark Harman, and Phil Proulx

**Staff Present:** County Administrator Candy McGarry and Deputy Clerk Amanda Spivey - Dylan Bishop, Director

**Call to Order:** Mr. Rutherford and Ms. Allen called the meeting to order at 6:33 PM in the Old Board of Supervisors Meeting Room, County Courthouse, Lovingston.

**2023-59 Gladstone Depot TAP Grant**

**Mr. Parr made a motion to approve Resolution R-2023-59. Mr. Barton seconded the motion.**

**Yes:**

Jesse Rutherford

David Parr

Ernie Reed

Skip Barton

**2023-60 Lovingston TAP Grant**

**Mr. Reed made a motion to approve Resolution R-2023-60. Mr. Parr seconded the motion.**

**Yes:**

Jesse Rutherford

David Parr

Ernie Reed

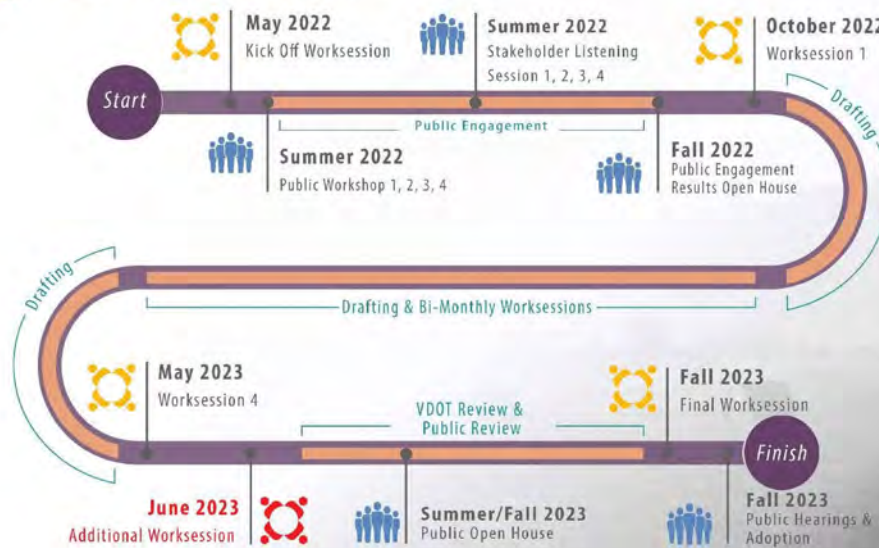
Skip Barton

Mr. Rutherford complemented the Berkley Group on a job well done at the recent open house and that he looked forward to continuing with the process as scheduled. Ms. Allen agreed with Mr. Rutherford.

Ms. Redfearn thanked them and noted that when emotions get high it is because people care. She added that they have taken care to document all comments received from the public and the purpose of this meeting was to review those comments and come to decisions.

Ms. Redfearn presented the following information:

## Project Schedule



Ms. Redfearn explained that they are nearing the finish line. She noted that this is the final joint work session and the only thing to follow would be incorporating final edits and then holding public hearings to consider adoption.

## Meetings & Events

### Review by VDOT August (90 Days)

- VDOT will review plan for Compliance with State Code & VDOT Requirements

### Public Open House (Aug 29)

- Open House to Present the Draft Plan to County Citizens & Stakeholders
- Receive Comments & Answer Questions on the Draft Plan

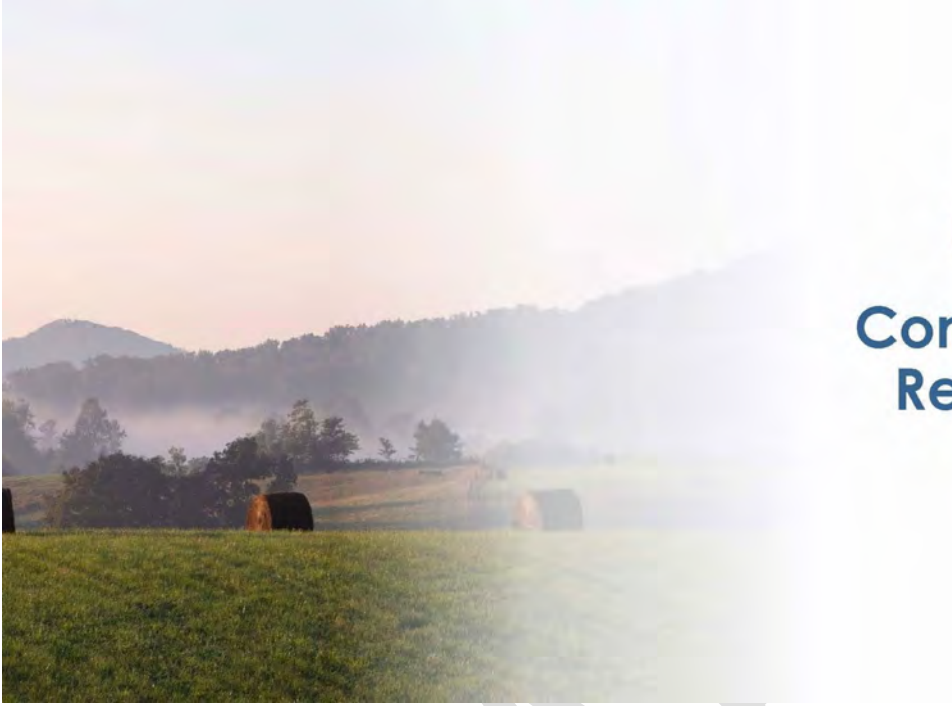
### Final Joint Worksession with BOS & PC (Sep 28)

- Review VDOT Comments
- Review Public Comments
- Make Final Edits to Plan

### Joint Public Hearing & Adoption (Date TBD)

- BOS & PC to Hear Public Comments
- PC to Consider Recommendation of Adoption
- BOS to Consider Adoption

Ms. Proulx noted that they should have separate public hearings for Planning Commission and Board of Supervisors. Ms. Redfearn confirmed that separate public hearings were the plan. Ms. Allen asked if there were any public hearings prior to the Planning Commission public hearing. Ms. Redfearn confirmed this was the last work session and the public hearings would occur with the Planning Commission and Board of Supervisors. She added that there have not been any formal public hearings yet. Mr. Reed asked about the timing of receiving the final draft and other deadlines. Ms. Redfearn confirmed that they would go over the timeline.



## Comment Review

Ms. Redfearn explained that they would be reviewing the complete list of comments received before, during, and after the August open house. She explained that there are four key areas of interest that they need consensus on.

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## Memo

Subject: Summary of Public Review & Feedback

Date: September 21, 2023

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The following summarizes comments received on the draft Nelson 2042 Comprehensive Plan as of September 21, 2023. These comments will be discussed at the September 28, 2023 Joint Worksession with Nelson County's Planning Commission and Board of Supervisors. The purpose of the Joint Worksession is to reach consensus on policy or content changes based on community feedback.

### A. Summary of Comments

#### 1. Virginia Department of Transportation (VDOT) Comments

VDOT reviewed the draft Nelson 2042 Comprehensive Plan through their 729 review process and had no edits. See attached email.

#### 2. Public Comments

The Berkley Group received over 100 comments from the community regarding the draft *Nelson 2042 Comprehensive Plan*. These comments were submitted through the Nelson 2042 online comment form or other electronic submittal (both before and after the August 29<sup>th</sup> Open House), verbally, or through the print comment cards available at the Open House. All comments are included in the attached spreadsheet. Comments include typographical edits, data clarifications, changes to strategies or policy language, and requests for additional comment time and/or public engagement. The Berkley Group has prepared an initial response and action for each of the comments. The Joint Worksession on September 28<sup>th</sup> will focus on policy comments that require direction from the Planning Commission and Board of Supervisors. These comments are highlighted in yellow in the attached spreadsheet.

The following summarizes the most frequent areas of comment or concern for community members, and will be discussed at the Joint Worksession:



- **Route 151 Vehicle, Bike, and Pedestrian Safety. Comments #44-53.**  
Traffic safety along Route 151 continues to be an important issue for the community. Concerns have been raised over vehicle speeds, commercial traffic, and bicycle and pedestrian safety. The County should evaluate these topics within the Comprehensive Plan and determine how to best address these concerns.
- **Nellysford. Comments# 69-76.**  
*The Nellysford Land Use Area is a clear point of contention. The community submitted comments both supporting the land use text as written and requesting significant changes. Additionally, comments both for and against the study for a potential UDA were received. The County must weigh these comments and determine how best to reach consensus.*
- **Multi-family Dwellings & Land Use Types. Comments # 30-33.**  
Related to the comments received on Nellysford, is the issue of allowable housing types in the different land use designations. Of particular concern, is multi-family housing in certain land use designations. Nelson County should reevaluate guidance for housing land uses in the land use framework of the Comprehensive Plan.
- **Additional Engagement & Planning Process. Comments #8-10.**  
The County should decide if they wish to expand community engagement and/or community feedback.

### 3. Data Clarifications

Additional data clarifications are needed before the Plan can be finalized. These data clarifications are highlighted in blue in the attached spreadsheet. The Berkley Group will need assistance from the County to ensure the data is updated accurately.

Data updates include:

- Updating the median gross rent and home value numbers included in the Plan.
- Updating short-term rental numbers from the Wintergreen Property Owners Association (WPOA).
- Correcting water and sewer capacity and service data throughout the Plan.
- Correcting and updating lists of local trails and other recreational amenities.



## B. Additional Edits to Consider

In addition to edits based on direct community feedback, the County should consider the following edits to the Plan.

### 1. **Urban Development Area (UDA)**

The Comprehensive Plan should be updated to reflect the recent decision to withdraw the application to study the potential for UDA designation in the County. This should include removal of any reference to the grant/study and a review of references to UDA potential within the Land Use and Transportation Chapters of the Plan.

### 2. **Implementation Matrix**

Implementation is a key part of the Comprehensive Plan, and the County may wish to reevaluate the prioritization of strategies in the implementation matrix based on community feedback.

## C. Next Steps

### 1. **Submit Final Edits (County)**

The County will have until October 26, 2023 (tentative) to submit final edits to the Berkley Group. These should include the requested data clarifications (Items listed in A.3.), any agreed upon changes based on Items B.1 and B.2., as well as any other edits identified before October 26th.

### 2. **Incorporate Edits (BG)**

Based on the direction and decisions of the Planning Commission and Board of Supervisors, the Berkley Group will incorporate all edits and prepare a Final Draft of the Plan by December 7, 2023 (tentative).

### 3. **Schedule Joint Public Hearing (County)**

Early Winter 2024.

comments and thought the plan was well done.

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include recommendations for Route 151. Ms. Redfearn asked what the Route 151 Corridor Study timeline was. Ms. McGarry noted that they should be submitting it for approval by winter.

Mr. Barton noted that the people of Nelson County are pretty universal in wanting to limit the trucks coming through. He supported including it in the Comprehensive Plan although it was not likely to happen right away. Ms. Redfearn asked if they would like to include language similar to “Support reducing commercial traffic and speed limits as laid out in the Route 151 Corridor Study. Mr. Reed recommended not referencing the Route 151 Corridor Study specifically. He noted that they could craft an amendment when the plan is completed. Ms. Proulx noted that there had been four accidents recently on Route 151 where three were caused by local residents and one was non-local. She added that there were no trucks or alcohol involved in those accidents. Ms. Proulx indicated that they did not have enough data at that point. Mr. Reed noted there were tools but they did not know enough information. He added that leaving the language open would allow them to plan as needed.

Mr. Amante clarified that they could request speed reductions but it would be a state responsibility through VDOT. He questioned if engineering commercial traffic was a supply chain issue with truck routing. Mr. Reed noted that GIS does not communicate with GIS mapping tools. He added that a possible way to affect the traffic would be to make Route 151 not the quickest route. He noted that a roundabout at the intersection of Routes 6 and 151 was already funded and had the potential for discouraging heavy commercial traffic. Ms. Allen added that roundabouts are discouraging to truck traffic. Ms. McGarry noted that they should specify commercial tractor trailers. Ms. Redfearn indicated they would go through the plan to reflect these comments.

Ms. Redfearn noted the concern for bicycle and pedestrian traffic on Route 151. Mr. Reed noted that they do not want to close the door on it and that it should be included but it did not need specifics at that time.

#### **Nellysford comments #69-76**

Ms. Redfearn explained that some of the comments in this group had overlap with concerns about the Urban Development Area (UDA) and language regarding land use designation, specifically page 44 of the plan regarding Nellysford. Mr. Barton noted that he did not know of anyone promoting economic growth in Nellysford and thought the language was the problem. Ms. Proulx noted that she saw the concerns as mainly being with housing density. Mr. Reed noted the description on page 44 was fairly accurate, but the core concept instead of prioritizing redevelopment, would rather prioritize protection of the rural landscape and a moderate small village residential and commercial development. He explained that using a qualifier such as ‘moderate’ and including restoration, connectivity, efficient and effective provision of community services, and improving quality of life would take the intense development scenario off the table. He added that it would be allowed but not incentivized.

Ms. Redfearn noted there will be at least one month to submit additional comments after the work session.

Mr. Reed noted that primary land use types should lead with conservation and preservation including historical and environmental. He added that leading with that makes everything else a question of scale. He noted that when listing the different intensity levels of residential they could use “small scale”. He

added that doing this would speak to the intention of not having intense development. He explained that it might be contrary to an UDA designation but he considers the issue to be with scale. He noted that the number 1 priority for Nellysford is that it is not a designated growth area. Ms. Proulx indicated this area may fit into the unfortunately named UDA due to Wintergreen development that is out of the scope of the Comprehensive Plan. Mr. Reed noted he did not want to take an UDA off the table but they should have all tools available to them. Ms. Proulx noted the language could be changed if/when there is a designation, for example a “town” or “village.”

### **Multi-family Dwellings & Land Use Types comments #30-33**

Mr. Harman noted they should define what large scale and small scale mean. Mr. Rutherford noted that they should be defined in the Zoning Ordinance after Comprehensive Plan adoption. Mr. Rutherford noted that “multi-family” was a relative term and had changed over the years in different areas. Ms. Redfearn noted that duplexes, triplexes, and fourplexes were a primary land use type in rural villages. She noted that they could be a subdivided house as opposed to a row of townhouses. Mr. Rutherford questioned how they would define several roommates sharing a house. Mr. Reed noted that style of housing was very common in resort communities and patrons and employees commute due to high cost and lack of housing. Mr. Reed noted that having a connected location for employees to reside has been talked about at Wintergreen for a long time. Ms. Proulx noted that there had been some employee housing primarily for employees from foreign countries.

Mr. Reed noted that Nellysford is unique and looking at it separately from the rest of the county in how things are defined could be valuable. Ms. Redfearn clarified the discussion on scale and questioned if it should this apply to other Rural Villages as well. Mr. Rutherford noted that he had no issue including it with Rural Villages. Ms. Redfearn noted a strong sentiment in comments that Faber does not belong as a Rural Village and should be a Rural Destination. Mr. Rutherford noted that it would be consistent with the other areas categorized as Rural Villages. He noted that they were all train depots historically. Ms. Bishop noted that the intent was to support mixed uses in these areas. Mr. Rutherford noted they all have access to infrastructure such as water/sewer.

Ms. Redfearn referenced comment #32 regarding cluster subdivisions, adding that this is an issue of education and defining what they mean by a cluster subdivision. Mr. Rutherford and Ms. Redfearn noted that this would be more specifically defined in the Zoning Ordinance. Ms. Bishop added that the Planning Commission had a work session to go over the current cluster ordinance and determined that a lot of the information needed would come out of the Comprehensive Plan update. Ms. Proulx noted that conservation subdivision could be a term used for cluster housing. Ms. Redfearn noted that they could look at alternate terms.

### **Additional Engagement & Planning Process comments #8-10**

Mr. Harman noted that the bulk of the comments came from Nellysford and Afton and did not have much input from other areas. Ms. Redfearn noted that those numbers are true for the survey but they had a lot of people participate in workshops that were from other areas. Mr. Rutherford noted that they made an effort to get residents out to the workshops. Ms. Proulx noted that some of these comments were made likely because they were not aware earlier. She added that the county can only do so much



and it is their responsibility to pay attention to local government activities. Mr. Barton noted that the south district knew there was a plan going on and took interest. He added that their constituents noted they were confident in the process and felt that all Board of Supervisors members could say the same. He added that it was the Board's responsibility to represent their interests. Mr. Reed noted they had done an exemplary job of soliciting public comment and adding an additional public meeting. He added his only concern was that there be ample time for public review of the final draft before the public hearings begin. Ms. Allen asked if there were ways to reach the public better. Ms. Redfearn suggested having public review copies at churches. She confirmed the website remained open indefinitely. Mr. Reed noted that there should be an executive summary so that everyone would not have to read the entire plan. Ms. Allen recommended running an extra ad before the public hearings. Mr. Musso noted that for a small community they have had great turn out so far. Mr. Rutherford noted that they have added work sessions and have been working on this for well over a year.

Comment #1 regarding Spanish translation. Mr. Amante noted he did not think this was necessary. Mr. Barton noted that they could include this in the Comprehensive plan recognizing agricultural workers in the community. Mr. Parr noted that more Spanish accessibility is worth considering, for example the county website for tax payments and other county services, especially internet based. Ms. Allen noted that schools send out mailings in English and Spanish. Ms. Proulx noted that it could be incorporated in the plan where services and equity are addressed.

Comment #2. Mr. Rutherford noted that Mr. Parr researching the idea of county social media could be a positive resource to get word out to the community. Mr. Rutherford and Mr. Parr added that it could be used to diffuse misinformation and cover a lot of ground quickly when getting information out. The consensus was not to include quarterly public forums. Mr. Parr noted that he was available through email and phone as well as at their monthly meeting. Mr. Rutherford added that a public forum should be at the discretion of the supervisor.

Comment #5. Mr. Reed noted the term "agritourism" is problematic because it was unclear and included much of the food and beverage industry. Mr. Musso noted that the General Assembly had just passed more stringent guidance for farm wineries. Mr. Reed noted they want to support agriculture at all scales, not specifically agritourism. Mr. Rutherford noted that many farms might not survive without agritourism. Ms. Proulx noted that farm wineries are keeping the land in agricultural use. Mr. Rutherford noted that there should be additional definitions for clarity. Ms. Redfearn noted that they could read through the economy chapter to incorporate agriculture of all scales. Mr. Reed asked if they could have a redline version of the plan after the session. Ms. Redfearn confirmed that they would.

Comment #14. Ms. Redfearn questioned if they should have a local housing plan rather than a regional one. Mr. Rutherford noted that housing was a regional issue. He was not against having a local plan but noted that they could not have a local plan without a regional plan. He added that the regional plan is updated actively but that there are housing issues specific to Nelson County. The consensus was to pursue a Nelson County Affordable Housing Study.

Comments #18-19. Mr. Rutherford noted that most of these uses are by Special Use Permit. He noted that the industrial park in Colleen still did not have much in it and was not comparable to industrial parks in nearby localities. Consensus was to not make any changes.

Comments #20-21. Mr. Rutherford noted that Mr. Reed had already recommended prioritizing preservation. Mr. Reed noted that many things in the Comprehensive Plan need to remain broad. Consensus was to not make any changes.

Comments #34-36. Consensus was to not make any changes regarding comment #34. Mr. Rutherford noted that they did not have mechanisms to regulate clear cutting. Consensus was to not make any changes regarding comment #35. Ms. Allen noted that it would not be practical to include a resource list in the plan because they require updating. She noted that this should be on the county website. Ms. Redfearn noted that it could be done by including a strategy in the plan to provide these resources.

Comments #60-61. Ms. Redfearn noted that comment #60 should be addressed in a recreation plan. Consensus was to not make any changes regarding comment #60. Mr. Rutherford noted that it has been interesting to see electric vehicle fleets in certain industries. He added that there are now residential building code requirements to include EV charging. Ms. Allen questioned how many people travel through the county and would stop to charge their vehicle. Ms. Redfearn questioned if they need to be specific about solar powered stations. The consensus was to leave the strategy broad.

Comment #82. Ms. Redfearn noted that they would be including an Executive Summary.

Ms. Redfearn questioned how they should change the language in the plan regarding the UDA. Ms. Bishop noted that the plan is to remove language about GAP due to withdrawal of the UDA application. She added that the plan would be updated at least every five years. Ms. Redfearn noted that they would accept any edits regarding prioritization in Implementation Matrix prior to the final draft.

## Next Steps

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Public Hearings and Adoption – November

Ms. Redfearn noted that they would like final edits by October 26th but that this date can be extended. She added that they could have the final draft available for posting by December 7th and then schedule



public hearings early-mid Winter of 2024. She noted that there would be separate hearings at Planning Commission and Board of Supervisors. Mr. Rutherford noted that these should not be during regular meeting times. Ms. Bishop noted that the meetings should be held at the high school. It was noted that the Planning Commission public hearing could be January at earliest with the Board of Supervisors in February or March.

Mr. Musso asked if October 26th was a good date to turn off public comments. Consensus was to do so and have all comments due by then. Ms. Redfearn added that after that all comments would go through the public hearing process.

**Mr. Reed made a motion to adjourn the Planning Commission at 8:02 PM. Ms. Proulx seconded the motion.**

**Yes:**

Mary Kathryn Allen

Phil Proulx

Ernie Reed

Mark Harman

Chuck Amante

**Mr. Parr made a motion to adjourn the meeting at 8:02 PM. Mr. Barton seconded the motion.**

**Yes:**

Jesse Rutherford

David Parr

Ernie Reed

Skip Barton

**The meeting adjourned at 8:02 PM**

Respectfully submitted,

*Emily Hjulström*

Emily Hjulstrom

Planner/Secretary, Planning & Zoning

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BOARD OF SUPERVISORS

THOMAS D. HARVEY  
North District

ERNIE Q. REED  
Central District

JESSE N. RUTHERFORD  
East District

J. DAVID PARR  
West District

DR. JESSICA LIGON  
South District

CANDICE W. MCGARRY  
County Administrator

AMANDA B. SPIVEY  
Administrative Assistant/  
Deputy Clerk

LINDA K. STATON  
Director of Finance and  
Human Resources

**RESOLUTION R2024-07**  
**NELSON COUNTY BOARD OF SUPERVISORS**  
**AMENDMENT OF FISCAL YEAR 2023-2024 BUDGET**  
**February 13, 2024**

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

<u>Amount</u>	<u>Credit Account (-)</u>	<u>Debit Account (+)</u>
\$ 9,416.00	4-100-999000-9905	4-100-021060-7041
\$ 29,250.00	4-100-999000-9905	4-100-013010-1010
\$ 1,109.00	4-100-999000-9905	4-100-013010-2001
\$ 205.00	4-100-999000-9905	4-100-013010-3007
\$ 2,500.00	4-100-999000-9905	4-100-013010-5201
\$ 6,000.00	4-100-999000-9905	4-100-013010-5401
\$ 6,000.00	4-100-999000-9905	4-100-013010-5413
\$ 1,600.00	4-100-999000-9905	4-100-013010-5501
\$ 350.00	4-100-999000-9905	4-100-013010-5503
\$ 5,800.00	4-100-999000-9905	4-100-013020-1002
\$ 444.00	4-100-999000-9905	4-100-013020-2001
\$ 205.00	4-100-999000-9905	4-100-013020-3007
\$ 132.00	4-100-999000-9905	4-100-013020-5201
\$ 200.00	4-100-999000-9905	4-100-013020-5401
<u>\$ 75.00</u>	4-100-999000-9905	4-100-013020-5503
<b>\$ 63,286.00</b>		

**II. Transfer of Funds (Employee Benefits & Departmental)**

<u>Amount</u>	<u>Credit Account (-)</u>	<u>Debit Account (+)</u>
<u>\$ 3,372.00</u>	4-100-091030-5616	4-100-011010-2005
<b>\$ 3,372.00</b>		
\$ 16,304.00	4-100-091030-5616	4-100-012010-1001
\$ 1,350.00	4-100-091030-5616	4-100-012010-1002
\$ 1,350.00	4-100-091030-5616	4-100-012010-2001
\$ 1,870.00	4-100-091030-5616	4-100-012010-2002
\$ 16,823.00	4-100-091030-5616	4-100-012010-2005
\$ 218.00	4-100-091030-5616	4-100-012010-2006
<u>\$ 139.00</u>	4-100-091030-5616	4-100-012010-2009
<b>\$ 38,054.00</b>		

## II. Transfer of Funds (Employee Benefits & Departmental)

<u>Amount</u>	<u>Credit Account (-)</u>	<u>Debit Account (+)</u>
\$ 13,458.00	4-100-091030-5616	4-100-012090-1001
\$ 2,457.00	4-100-091030-5616	4-100-012090-1003
\$ 1,217.00	4-100-091030-5616	4-100-012090-2001
\$ 1,544.00	4-100-091030-5616	4-100-012090-2002
\$ 1,850.00	4-100-091030-5616	4-100-012090-2005
\$ 180.00	4-100-091030-5616	4-100-012090-2006
\$ 114.00	4-100-091030-5616	4-100-012090-2009
<b>\$ 20,820.00</b>		
\$ 13,872.00	4-100-091030-5616	4-100-012130-1001
\$ 1,061.00	4-100-091030-5616	4-100-012130-2001
\$ 1,591.00	4-100-091030-5616	4-100-012130-2002
\$ 4,008.00	4-100-091030-5616	4-100-012130-2005
\$ 186.00	4-100-091030-5616	4-100-012130-2006
\$ 118.00	4-100-091030-5616	4-100-012130-2009
<b>\$ 20,836.00</b>		
\$ 13,274.00	4-100-091030-5616	4-100-012150-1001
\$ 1,015.00	4-100-091030-5616	4-100-012150-2001
\$ 1,523.00	4-100-091030-5616	4-100-012150-2002
\$ 570.00	4-100-091030-5616	4-100-012150-2005
\$ 178.00	4-100-091030-5616	4-100-012150-2006
\$ 113.00	4-100-091030-5616	4-100-012150-2009
<b>\$ 16,673.00</b>		
\$ 2,509.00	4-100-091030-5616	4-100-012180-1001
\$ 192.00	4-100-012180-2005	4-100-012180-2001
\$ 288.00	4-100-012180-2005	4-100-012180-2002
\$ 34.00	4-100-012180-2005	4-100-012180-2006
\$ 21.00	4-100-012180-2005	4-100-012180-2009
<b>\$ 3,044.00</b>		
\$ 485.00	4-100-013020-1004	4-100-013020-2002
\$ 12,100.00	4-100-013020-1004	4-100-013020-2005
\$ 2,240.00	4-100-091030-5616	4-100-013020-2005
\$ 1,020.00	4-100-013020-1004	4-100-013020-2006
\$ 612.00	4-100-013020-1004	4-100-013020-2009
<b>\$ 16,457.00</b>		
\$ 2,918.00	4-100-091030-5616	4-100-021010-1001
\$ 223.00	4-100-091030-5616	4-100-021010-2001
\$ 912.00	4-100-091030-5616	4-100-021010-2005
\$ 39.00	4-100-091030-5616	4-100-021010-2006
\$ 25.00	4-100-091030-5616	4-100-021010-2009
\$ 335.00	4-100-091030-5616	4-100-021010-2013
<b>\$ 4,452.00</b>		

**II. Transfer of Funds (Employee Benefits & Departmental)**

<u>Amount</u>	<u>Credit Account (-)</u>	<u>Debit Account (+)</u>
\$ 24,897.00	4-100-091030-5616	4-100-021060-1001
\$ 1,905.00	4-100-091030-5616	4-100-021060-2001
\$ 2,856.00	4-100-091030-5616	4-100-021060-2002
\$ 7,596.00	4-100-091030-5616	4-100-021060-2005
\$ 334.00	4-100-091030-5616	4-100-021060-2006
<u>\$ 212.00</u>	4-100-091030-5616	4-100-021060-2009
<b>\$ 37,800.00</b>		
\$ 78,794.00	4-100-091030-5616	4-100-031020-1001
\$ 8,376.00	4-100-091030-5616	4-100-031020-2001
\$ 12,559.00	4-100-031020-2005	4-100-031020-2002
\$ 1,467.00	4-100-031020-2005	4-100-031020-2006
<u>\$ 931.00</u>	4-100-031020-2005	4-100-031020-2009
<b>\$102,127.00</b>		
\$ 36,000.00	4-100-091030-5616	4-100-032010-1003
<u>\$ 2,500.00</u>	4-100-091030-5616	4-100-032010-2001
<b>\$ 38,500.00</b>		
\$ 5,140.00	4-100-091030-5616	4-100-032030-1001
\$ 393.00	4-100-091030-5616	4-100-032030-2001
\$ 590.00	4-100-091030-5616	4-100-032030-2002
\$ 912.00	4-100-091030-5616	4-100-032030-2005
<u>\$ 69.00</u>	4-100-091030-5616	4-100-032030-2006
<b>\$ 7,104.00</b>		
\$ 822.00	4-100-091030-5616	4-100-035010-2005
<u>\$ 735.00</u>	4-100-091030-5616	4-100-035010-2011
<b>\$ 1,557.00</b>		
\$ 13,374.00	4-100-091030-5616	4-100-042030-1001
\$ 16,526.00	4-100-091030-5616	4-100-042030-1003
\$ 3,155.00	4-100-091030-5616	4-100-042030-2001
\$ 885.00	4-100-091030-5616	4-100-042030-2002
\$ 4,883.00	4-100-091030-5616	4-100-042030-2005
\$ 103.00	4-100-091030-5616	4-100-042030-2006
<u>\$ 66.00</u>	4-100-091030-5616	4-100-042030-2009
<b>\$ 38,992.00</b>		
\$ 32,424.00	4-100-091030-5616	4-100-043020-1001
<u>\$ 2,481.00</u>	4-100-091030-5616	4-100-043020-2001
<b>\$ 34,905.00</b>		
\$ 7,283.00	4-100-091030-5616	4-100-071020-1001
\$ 557.00	4-100-091030-5616	4-100-071020-2001
\$ 835.00	4-100-091030-5616	4-100-071020-2002
\$ 1,656.00	4-100-091030-5616	4-100-071020-2005
\$ 98.00	4-100-091030-5616	4-100-071020-2006
<u>\$ 62.00</u>	4-100-091030-5616	4-100-071020-2009
<b>\$ 10,491.00</b>		

**II. Transfer of Funds (Employee Benefits & Departmental)**

<u>Amount</u>	<u>Credit Account (-)</u>	<u>Debit Account (+)</u>
\$ 22,000.00	4-100-091030-5616	4-100-081010-1001
\$ 1,683.00	4-100-091030-5616	4-100-081010-2001
\$ 2,504.00	4-100-091030-5616	4-100-081010-2002
\$ 2,520.00	4-100-091030-5616	4-100-081010-2005
\$ 293.00	4-100-091030-5616	4-100-081010-2006
<u>\$ 186.00</u>	4-100-091030-5616	4-100-081010-2009
<b>\$ 29,186.00</b>		
\$ 9,400.00	4-100-091030-5616	4-100-081020-1001
\$ 8,000.00	4-100-091030-5616	4-100-081020-1003
\$ 1,331.00	4-100-091030-5616	4-100-081020-2001
\$ 1,078.00	4-100-091030-5616	4-100-081020-2002
\$ 1,824.00	4-100-091030-5616	4-100-081020-2005
<u>\$ 126.00</u>	4-100-091030-5616	4-100-081020-2006
<b>\$ 21,759.00</b>		

**\$446,129.00 Total Employee Benefits & Departmental Transfers**

Adopted: February 13, 2024

Attest: \_\_\_\_\_, Clerk  
Nelson County Board of Supervisors



## EXPLANATION OF BUDGET AMENDMENT:

- I. Transfers represent funds that are already appropriated in the budget but are moved from one account line item to another. Transfers do not affect the bottom line of the budget. This **General Fund Transfer** of **\$63,286.00** reflects **(1) \$9,416.00** requested to re-activate onsite Audio/Visual equipment maintenance service for equipment utilized by the Circuit Court with guidance from the Virginia Supreme Court; **(2) \$53,870.00** requested for the Registrar and Electoral Board departments to cover the cost of additional early voting for Dual Presidential Primary Elections in March 2024. *Following this expenditure, the balance of Non-Recurring Contingency will be \$228,280.36.*
  
- II. Total transfers of **\$446,129.00** represent **(1) \$416,420.00** in the distribution of funds related to the FY24 5% pay increase for employees and Compensation Study pay adjustments to new minimum pay levels as approved by the Board of Supervisors on July 11, 2023 effective retroactive to July 1, 2023; implementing an additional 2% salary/wage adjustment for employees effective December 1, 2023 as approved by the State Compensation Board and the Board of Supervisors; disbursing to Sheriff's Deputies up to the designated two (2) year hourly cap for unused Annual Leave hours on record as approved by the Board of Supervisors December 4, 2023; adjusting associated benefits costs from the Employee Benefits line in the Non-Departmental section of the budget to respective Departmental budgets; **(2) \$29,709.00** in interdepartmental transfers are requested to cover various employee benefit lines within departmental budgets.

County of Nelson  
Information Systems

February 8, 2024

To: Linda Staton  
From: Susan Rorrer  
Re: Circuit Court Audio/Visual Equipment Maintenance

Please find attached a quote provided by NWN Carousel for renewal of the Circuit Court's audio/visual equipment maintenance contract. Per the Video Applications Engineer with the Supreme Court of Virginia, coverage under this contract is essential to ensuring access to maintenance, support and repair services on this system which has been deemed End of Life and End of Support by the manufacturer. Renewal of this agreement will provide coverage until such time as the Virginia Supreme Court can provide a recommendation and specifications for a replacement system. Funding for the replacement system is requested in the FY25 budget.

Generated Date: 02/02/2024  
 Expiration Date: 03/03/2024  
 Opportunity Name: RENEWAL: ESSENTIAL AV/POLY  
 Opportunity Number: OP-104891/OP-104866

Account Name: County of Nelson, VA - HQ  
 Primary Contact: Susan Rorrer  
 Contact Phone: (434) 263-7015  
 Contact Email: srorrer@nelsoncounty.org

NWN Carousel  
 Sales Rep: Kristin Quackenbush  
 Sales Rep Phone: 703-657-6405  
 Sales Rep Email: kquackenbush@nwncarousel.com

**BILL TO**

County of Nelson, VA - HQ  
 Po Box 336  
 Lovingson, VA  
 22949-0336

**SHIP TO**

County of Nelson, VA - HQ  
 84 Courthouse Sq  
 Lovingson, VA  
 22949-2359

**Services Q-129128 Term Dates: 2/1/2024 – 1/31/2025**

84 Courthouse Sq, Lovingson, VA 22949					
#	ITEM	DESCRIPTION	QTY	UNIT PRICE**	EXT. TOTAL
1.	VCW-EMPR-MV-O247X2BDT6	Visual Collaboration and Workspaces Service Desk	1	\$526.35	\$6,316.20
				Total:	\$6,316.20

*\*\*The Monthly/Unit Price shown above has been rounded to two decimal places for display purposes. As many as eight decimal places may be present in the actual price. The totals for this order were calculated using the actual price, rather than the Monthly/Unit Price displayed above, and are the true and binding totals for this order.*

Financial Summary	
ITEM	TOTAL
Quote Sub-Total:	\$6,316.20
Recurring Ext. Total:	\$6,316.20
Annual Recurring Ext. Total:	\$6,316.20

Billing and Payment Terms	
ITEM	TERM
Subscription Term:	12
Billing Terms:	Recurring - Annual
Payment Terms:	Net 30 Days
Payment Schedule:	100% on Completion

**Product Q-129095 Term Dates: 2/1/2024 – 1/31/2025**

#	ITEM	DESCRIPTION	QTY	UNIT PRICE**	EXT. TOTAL
1.	P65320160	Partner Poly, One Year, RealPresence Group 310 720p Group 310 HD codec, EagleEye Acoustic camera	1	\$554.81	\$554.81
2.	R65320802	REACT FEE GROUP 310 EE ACOUSTICSVCS	1	\$0.00	\$0.00
3.	P64270160	1yr Partner Poly Group 700-720 HD codec EagleEyeIV-12x camera	1	\$2,544.79	\$2,544.79
4.	R64270802	REACT FEE GS 700720P EEIV12X MOSVCS	1	\$0.00	\$0.00
				Total:	\$3,099.60

*\*\*The Monthly/Unit Price shown above has been rounded to two decimal places for display purposes. As many as eight decimal places may be present in the actual price. The totals for this order were calculated using the actual price, rather than the Monthly/Unit Price displayed above, and are the true and binding totals for this order.*

Financial Summary	
ITEM	TOTAL
Quote Sub-Total:	\$3,099.60
Recurring Ext. Total:	\$3,099.60
Annual Recurring Ext. Total:	\$3,099.60

Billing and Payment Terms	
ITEM	TERM
Subscription Term:	12
Billing Terms:	Non-Recurring - Pre-Pay
Payment Terms:	Net 30 Days
Payment Schedule:	100% on Completion

**Total Payment Due: \$9,415.80**

**Accepted and agreed by:**

County of Nelson, VA - HQ

Carousel Industries of North America, LLC

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name

\_\_\_\_\_  
Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

## Terms and Conditions

This Quote is presented to you by NWN Corporation ("NWN") and Carousel Industries of North America, LLC ("Carousel") (collectively, "NWN Carousel"). This Quote shall expire on the Expiration Date set forth above or upon the execution of a SOW, whichever shall occur first. In no event will the Quote be valid for longer than 30 days from the Generated Date, also set forth above. Applicable taxes and freight charges will be applied to the final invoice and Customer shall be billed in accordance with the terms outlined above. For purposes of calculating Taxes, Customer's location will be set to Customer's service address or billing address (if the service address is unknown) unless Customer specifically notifies NWN Carousel in writing that it intends to use the services at another/additional valid physical location(s). NWN Carousel reserves the right to reject any request to treat an alternative physical location as Customer's service address if NWN Carousel discovers that the address is invalid or otherwise inaccurate. If NWN Carousel must pay for any additional Taxes, Imposition and associated interest and/or penalties arising from Customer's provision of erroneous location data, Customer shall promptly reimburse NWN Carousel for the same within fourteen (14) days of demand by NWN Carousel. Further, Customer shall be responsible for notifying NWN Carousel in the event of any change to service address(s). The payment frequency set forth above details the timing and amount of the charges due under this Quote. One-Time Product charges, including hardware and software, will be invoiced in full at time of shipment. Where applicable, unless Customer notifies NWN Carousel in writing at least ninety (90) days prior to the subscription renewal date, Customer's subscription term will automatically renew on annual terms. Notwithstanding anything to the contrary, in the event Customer is purchasing software licenses or other usage-based consumption products or services under this Quote, and Customer's actual software license count or usage exceeds those initially purchased pursuant to this Quote, Customer will be invoiced during the next billing cycle based on the highest licenses count or usage consumed and not the amounts initially set forth in this Quote. Thereafter Customer shall be billed based on the highest license count or usage consumed under this Quote. For avoidance of doubt, overages will be billed in the month following when the overage occurred. This Quote and any applicable Products or Services purchased hereunder are subject to either (i) the applicable mutually executed Master Products and Services Agreement or Master Services Agreement that authorizes the purchase(s) herein between NWN Carousel and Customer; or (ii) where NWN Carousel and Customer have not executed such an agreement, the terms and conditions set forth at the NWN Master Agreement or Carousel Master Agreement, located at <https://nwncarousel.com/master-agreement/> shall apply (the online terms and conditions and the applicable agreement shall each be deemed the "Agreement"). This Quote is additionally subject to the applicable: (i) service descriptions set forth at <https://nwncarousel.com/service-descriptions>, (ii) the third party terms set forth at <https://nwncarousel.com/third-party-eula-tos-warranty/>, and (iii) the compliance policies and terms set forth at <https://nwncarousel.com/compliance/> and such terms are incorporated by reference into this Quote. For the avoidance of doubt, in the event of any conflict between the terms of this Quote and the Agreement, the terms of the Agreement shall prevail. To the extent the name of the Agreement does not correspond with those referenced above but authorizes Customer to purchase Products or Services from NWN Carousel, those agreements shall additionally be deemed Agreements for the purposes of this Quote. Any terms not defined in this Quote shall be set forth in the Agreement. Unless otherwise prohibited, in the event a product return by Customer triggers NWN Carousel's vendors to impose restocking fee(s) to process such return, NWN Carousel may, in its sole discretion, impose equivalent restocking fee(s) on customer.

In the event Customer does not execute this Quote and only places a Purchase Order, such Purchase Order is deemed acceptance of the terms of this Quote and any additional or different terms in such Purchase Order will not bind NWN Carousel without its written consent to amend the terms of the Quote. Provided no additional or different terms are contained in a Purchase Order, NWN Carousel may reject a Purchase Order in its sole discretion within two (2) business days from its receipt and after which time such Purchase Order is deemed accepted (an "Accepted Purchase Order"). In the event Customer chooses to place a Purchase Order rather than signing this Quote, the date of the Accepted Purchase Order shall be considered the Effective Date.

## Statement of Confidentiality

This quote has been developed by NWN Carousel and is NWN Carousel's proprietary trade secret and business confidential information. This quote may not be released to another vendor, business partner or contractor without prior written consent from NWN Carousel.

## Additional Information

### Essential AV Assets

Nelson County Court House			Description
Qty	Manufacturer	Mfg Part #	
1	Chief	K1C120B	K1 CLMN MNT SINGLE DISPLAY 2L ARM BLK
1	Chief	XSM1U	X-Lg Fusion Micro-Adj Fixed Wall Mount
1	NEC	E805	NEC E805 80in LED Commercial Disp
1	Crestron	DMC-4KZ-CO-HD	2-Channel DigitalMedia 8G+® 4K60 4:4:4 HDR Output Card for DM® Switchers
1	Crestron	DMC-4KZ-HDO	2-Channel HDMI® 4K60 4:4:4 HDR Scaling Output Card for DM® Switchers
5	Crestron	DMC-4KZ-C	DigitalMedia 8G+® 4K60 4:4:4 HDR Input Card for DM® Switchers, HDBaseT® Compatible
1	Crestron	DM-MD8X8	8x8 DigitalMedia® 153; Switcher
2	Crestron	DM-TX-201-C	DigitalMedia 8G+® Transmitter 201

3	Crestron	DM-TX-200-C-2G-B-T	Wall Plate DigitalMedia 8G+® Transmitter 200, Black Textured
2	Crestron	DMC-4KZ-HD	HDMI® 4K60 4:4:4 HDR Input Card for DM® Switchers
1	Poly	2215-64200-001	EagleEye Digital Extender, extend the EagleEye IV or EE Acoustic/Cube (sans audio) cameras up to 100m from the codec via customer provided Cat 5e cable. Includes: transmitter, receiver and 1m HDCI/mini-HDCI digital cable. (order power cord separately)
1	Poly	2624-65058-001	EagleEye Acoustic Camera: Compatible with Group Series HDCI inputs. Electronic Pan Tilt 2x Digital Zoom. Auto focus. Embedded stereo microphone. Single built-in HDCI cable (incl: power, Comm, IR, Y/Pb/Pr, audio) 2M cable length.
1	Poly	7200-64270-001	RealPresence Group 700-720p: Group 700 HD codec, EagleEyeIV-12x camera, mic array, univ. remote, NTSC/PAL. Cables: 1 HDMI 1.8m, 1 CAT 5E LAN 3.6m, 1 HDCI digital 3m, Power: AMER-Type B, NEMA 5-15. Maintenance Contract Required.
2	Shure	MX395W/O	White Low Profile Boundary Mic, 3-pin XLR
1	Shure	SM58-LC	Cardioid Dynamic
1	Biamp Systems	0315.900	Tesira EX-LOGIC
1	BIAMP Systems	PH POE36U-1AT-R	PHIHONG Gigabit PoE+ Injector, IEEE802.3af compliant, IEEE802.3at classified, 90-264 VAC Input Voltage
1	Biamp Systems	0312.900	Tesira EIC-4
5	Shure	MX415LP/C	15" Shock-Mounted Gooseneck, Cardioid, Less Preamp
5	Shure	MX400DP	Small Desktop Base with input, switched preamp, programmable logic switch and LED. Supports standard and light ring microphones
2	Biamp Systems	0313.900	Tesira EOC-4
1	Biamp Systems	0311.900	Tesira EX-MOD
14	Crestron	SAROS ICE8T-W-T-EACH	Saros® Express 8" 2-Way In-Ceiling Speaker, White Textured, Single (must be ordered in multiples of 2)
8	Crestron	SAROS ICI4T-W-T-EACH	Saros® Integrator 4" 2-Way In-Ceiling Speaker, White Textured, Single (must be ordered in multiples of 2)
2	Crestron	AMP-3210T	3x210W Commercial Power Amplifier, 4/8/16/24V; or 70/100V
1	Biamp Systems	0395.900	TesiraFORTE AVB CI
1	Crestron	CP3N	3-Series Control System®
2	Crestron	CEN-SW-POE-5	5-Port PoE Switch
2	Crestron	TSW-1050-B-S	10.1" Touch Screen, Black Smooth
2	Crestron	TSW-1050-TTK-B-S	Tabletop Kit for TSW-1050 & TSW-1052, Black Smooth
2	Crestron	DM-RMC-4K-100-C-1G-W-T	Wall Plate 4K DigitalMedia 8G+® Receiver & Room Controller 100, White Textured
1	Middle Atlantic	PTRK-2726	PORTABLE RACK 27SP 26D



Armand J. Thieblot  
Electoral Board Chairman

William H. Smith  
Electoral Board Vice Chairman

Susan B. Greene  
Electoral Board Secretary



Jacqueline C. Britt  
Director of Elections

Jacquelynne C. Harris  
Chief Deputy Registrar

Rachael A. Snapp  
Deputy Registrar

January 12, 2024

Mrs. Candy McGarry  
Administrator  
County of Nelson  
PO Box 226  
Lovingston, VA 22949

Dear Mrs. McGarry,

I am requesting on behalf of the Nelson County Electoral Board and the Registrar's Office that the Board of Supervisors amend their budget and appropriate additional funds to enable the Electoral Board to hold the March 5, 2024 Dual Presidential Primary Election. Attached is the projected of the cost of the primary elections that was not included in the original budgets for this fiscal year.

ELECT has advised "As provided by Code of Virginia §24.2-545, the Department of Elections will reimburse local governments to the level of funds available in the Appropriation Act for the cost for the March 5, 2024 Presidential Primary." ELECT is anticipating that the reimbursement will be processed prior to June 30, 2024.

Sincerely,

A handwritten signature in black ink that reads "Jacqueline C. Britt". The signature is written in a cursive, flowing style.

Jacqueline Britt  
Director of Elections and General Registrar

Cc: Linda Staton

Department: 013000 Board of Elections			
Line Item Number	Line Item Description	Jan-24 Request	Justification
013010-1010	Remuneration - Electoral Board and Pollworkers	\$29,250	32 Days Early Voting; 3 Days CAP Preprocessing/Post Election; Training; Supply Preparation; Election Day
013010-2001	FICA	\$1,109	0.0765%
013010-3007	Advertising	\$205	Required Legal Notices
013010-5201	Postal Services	\$2,500	Currently <b>-494.09</b> from November General. Ballot Postage, Certificates of Mailing, Certified/Expedited mail
013010-5401	Office Supplies	\$6,000	Ballots, Absentee Envelopes and Instructions, Address labels, Election Forms and Materials, Training Manuals, I voted stickers
013010-5413	Other (Voting Machines)	\$6,000	Programming/Testing/Calibration/USBs
013010-5501	Travel - Mileage	\$1,600	Board/Election Officer Mileage
013010-5503	Travel - Subsistence	\$350	Board/Election Officer Meals/Refreshments
	<b>TOTAL</b>	<b>\$47,014</b>	

Department: 013020 Registrar			
Line Item Number	Line Item Description	Jan-24 Request	Justification
013020-1002	Overtime	\$5,800	Line item is currently <b>-\$2,815.60</b> from November General for staff out sick the week of election and during canvass
013020-2001	FICA	\$444	Daily Open/Close Polls (32 Days); Two Required Saturdays; Election Day. 0.7650%
013020-3007	Advertising	\$205	Required Newspaper Advertisements - Final Day of Registration
013020-5201	Postal Services	\$132	Voter Communications
013020-5401	Office Supplies	\$200	Administrative Materials
013020-5503	Travel - Subsistence	\$75	Registrar/Staff Meals/Refreshments
	<b>TOTAL</b>	<b>\$6,856</b>	

Grand Total

\$53,870



SAFE STREETS AND  
ROADS FOR ALL  
DISCRETIONARY  
GRANT PROGRAM

move  
**SAFELY**  
blue ridge 



# SAFE STREETS AND ROADS FOR ALL (SS4A) PROJECT BACKGROUND

- U.S. DOT Discretionary Grant Program established in the Bipartisan Infrastructure Law to improve safety and help prevent deaths and serious injuries on the nation's roadways
- Funding is available for both planning and project implementation
- Eligibility for implementation funding is dependent on first adopting a qualifying Comprehensive Safety Action Plan
- TJPDC applied for and was awarded a grant to develop a Comprehensive Safety Action Plan that will meet eligibility requirements for all six of its member jurisdictions
  - Each jurisdiction committed funding to support the local match
- Planning process is being managed regionally by the TJPDC, but priority countermeasures will be identified individually for each locality



## BENEFITS OF A COMPREHENSIVE SAFETY ACTION PLAN

- Comprehensive understanding of crash locations and contributing factors, including identification of systemic or recurring factors
- Considers safety for all users (roadway, bike/ped, transit)
- Multi-faceted strategies to reduce/eliminate roadway fatalities and serious injuries
- Creates a pipeline of identified projects to leverage implementation funding beyond SMART SCALE:
  - SS4A Discretionary Grant Program for implementation
  - Transportation Alternatives Program
  - Revenue Sharing
  - Highway Safety Improvement Program



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## REQUIRED COMPONENTS OF A COMPREHENSIVE SAFETY ACTION PLAN

Leadership commitment

Oversight group to  
develop, implement, and  
monitor

Comprehensive safety data  
analysis

Robust public and  
stakeholder engagement

Inclusive and representative  
process in the plan  
development

Evaluation of processes and  
policies

Comprehensive  
identification/prioritization  
of projects and strategies

Ongoing monitoring and  
Reporting





## NELSON COUNTY

Year	Serious Injuries	Fatalities	Total
2018	25	8	33
2019	23	4	27
2020	35	5	40
2021	36	10	46
2022	22	5	27
<b>Total</b>	<b>141</b>	<b>32</b>	<b>173</b>



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## RECOMMENDED GOAL & REQUESTED ACTION

- **Nelson County commits to undertake efforts to reduce the combined number of roadway fatalities and serious injuries in the County by 50 percent by 2045**
  - Virginia's Strategic Highway Safety Plan establishes a goal of reducing roadway fatalities and serious injuries by 50% by 2045
- TJPDC is requesting approval from the Board of Supervisors for the Resolution of Commitment to Roadway Safety Goals

## Memorandum

**To:** Nelson County Board of Supervisors  
**From:** Curtis Scarpignato, Regional Planner  
**Date:** January 30, 2024  
**Reference:** Letter of Commitment - Safe Streets and Roads for All Comprehensive Safety Action Plan

### Purpose:

The Bipartisan Infrastructure Law (BIL) established the Safe Streets and Roads for All (SS4A) discretionary grant program, providing \$5-\$6 billion in grants over the next 5 years. The goal of this funding is to prevent roadway deaths and serious injuries. To be eligible to receive project implementation funding, applicants must first have developed an approved Comprehensive Safety Action Plan. Since none of the localities within the Thomas Jefferson Planning District have such a plan in place, the Planning District Commission applied for and was awarded funding through the SS4A program to develop a Comprehensive Safety Action Plan on behalf of participating localities in the region.

### Background:

The Notice of Funding Opportunity states that “the purpose of SS4A grants is to improve roadway safety by significantly reducing or eliminating roadway fatalities and serious injuries through safety action plan development and implementation focused on all users, including pedestrians, bicyclists, public transportation users, motorists, personal conveyance and micromobility users, and commercial vehicle operators. The program provides funding to develop the tools to help strengthen a community’s approach to roadway safety and save lives.”

While localities in the Thomas Jefferson Planning District prioritize safety in their grant funding applications, the process to obtain funding for infrastructure projects is highly competitive and implementation is incremental. There are limited opportunities to understand systemic problems and possible solutions with the current resources available.

Safety Action plans developed through the SS4A program are required to take a systems approach, identifying larger trends contributing to safety issues and developing comprehensive strategies to resolve these concerns that may include considerations beyond roadway improvements. Required elements of a safety action plan developed through the SS4A funding opportunity include:

- Leadership commitment to the reduction and eventual elimination of roadway fatalities and serious injuries;
- The establishment of a group to oversee the development, implementation, and monitoring of the action plan;

- A comprehensive analysis of safety data;
- Robust public and stakeholder engagement;
- The use of inclusive and representative processes in the plan development;
- An evaluation of existing processes and policies;
- Identification and prioritization of a comprehensive set of projects and strategies; and
- Measurement of progress over time as an outcome of the Safety Action Plan.

To satisfy these requirements, the Planning District Commission will administer the grant and coordinate the overall development of the Safety Action Plan. Localities will benefit from the economies of scale of regional data collection and analysis and cross-jurisdictional information sharing and stakeholder engagement, while maintaining autonomy over the development of the specific elements of the action plan based on local needs and resources. Once the Safety Action Plan is adopted, localities will be eligible to apply for additional funding for implementation of priority projects identified in the plan.

This is a federal grant with a 20 percent local match requirement. Nelson County has committed and paid its \$21,389.00 share toward the 20 percent local match requirement for the SS4A grant program.

**Request:**

The TJPDC is asking local governments to commit to a letter of resolution re-affirming their jurisdiction's commitment to actively participate in the planning process with the aim of reducing and eliminating deaths and serious injuries on the roadway network. This letter of commitment will serve to satisfy SS4A requirements for leadership commitment to the plan and the goals on the SS4A program.

Included attachments:

- U.S. Department of Transportation Safe Streets and Roads for All Fact Sheet
- U.S. Department of Transportation Action Plan Components
- Examples of eligible implementation grant activities (from Safe Streets and Roads for All grant website)

If there are any questions or comments, please contact Curtis Scarpignato at [cscarpignato@tjpd.org](mailto:cscarpignato@tjpd.org).

# S | S SAFE STREETS AND ROADS FOR ALL 4 | A (SS4A) FACT SHEET

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## What is this program and its goal?

The Bipartisan Infrastructure Law (BIL) establishes the new Safe Streets and Roads for All (SS4A) discretionary program that will provide \$5-6 billion in grants over the next 5 years. Funding supports regional, local, and Tribal initiatives through grants to prevent roadway deaths and serious injuries. The SS4A program supports the Department's [National Roadway Safety Strategy](#) and a goal of zero deaths and serious injuries on our nation's roadways.

## Who is eligible to apply?

- Metropolitan planning organizations;
- Counties, cities, towns, and other special districts that are subdivisions of a State;
- Federally recognized Tribal governments; and
- Partnerships comprised of the entities above.

## What kind of activities are eligible?

- Develop or update a "Comprehensive Safety Action Plan" or Action Plan (e.g., Vision Zero plans).
- Conduct planning, design, and development activities in support of an Action Plan.
- Carry out projects and strategies identified in an Action Plan. Illustrative examples of projects and strategies could include but are not limited to:
  - **Implementing improvements** along an expanded multimodal network of reconfigured roads with separated bicycle lanes and improved safety features for pedestrian crossings.
  - **Applying low-cost safety treatments** such as rumble strips, wider edge lines, flashing beacons, and better signage along high-crash rural corridors.
  - **Conducting speed management projects** such as implementing traffic calming road design changes and setting appropriate speed limits for all road users.
  - **Installing safety enhancements** such as safer pedestrian crossings, sidewalks, and additional lighting for people walking, rolling, or using mobility assistive devices.
  - **Addressing alcohol-impaired driving** along key corridors through education, outreach, and publicized sobriety checkpoints on weekends and holidays.
  - **Making street design changes** informed by culturally competent education and community outreach.
  - **Creating safe routes to school and public transit services** through multiple activities that lead to people safely walking, biking, and rolling in underserved communities.

## When can I apply for funding?

A Notice of Funding Opportunity (NOFO) is anticipated to be released in the **spring of 2022, likely in May**. Award announcements are expected to be made by the end of 2022 or early 2023.

## What should I be preparing for in the meantime?

The development and establishment of an Action Plan is a key component of this program. If you are interested in applying for funds to develop a new Action Plan, start identifying who your partners will be, such as government stakeholders (e.g., in transportation, planning, health, law enforcement), private-sector entities, and community groups. Consider how to engage community members, specifically those historically underrepresented in transportation decision-making. Applicants seeking funding for projects and strategies identified in an established Action Plan could begin considering which specific activities and projects would address their most pressing roadway safety issues. For potential projects, consider the extent to which additional planning and design is needed, and assess the applicability of laws such as the National Environmental Protection Act or the National Historic Preservation Act.

[Subscribe to email updates](#) to receive program announcements and get notified when the NOFO is released.

# Safe Streets and Roads for All Action Plan Components

This document is not meant to replace the NOFO. Applicants should follow the instructions in the NOFO to correctly apply for a grant. See the SS4A website for more information: <https://www.transportation.gov/SS4A>

## Leadership Commitment and Goal Setting



An official public commitment (e.g., resolution, policy, ordinance, etc.) by a high-ranking official and/or governing body (e.g., Mayor, City Council, Tribal Council, MPO Policy Board, etc.) to an eventual goal of zero roadway fatalities and serious injuries. The commitment must include a goal and timeline for eliminating roadway fatalities and serious injuries achieved through one, or both, of the following:

- (1) the target date for achieving zero roadway fatalities and serious injuries, OR
- (2) an ambitious percentage reduction of roadway fatalities and serious injuries by a specific date with an eventual goal of eliminating roadway fatalities and serious injuries.



## Planning Structure

A committee, task force, implementation group, or similar body charged with oversight of the Action Plan development, implementation, and monitoring.



## Safety Analysis

Analysis of existing conditions and historical trends that provides a baseline level of crashes involving fatalities and serious injuries across a jurisdiction, locality, Tribe, or region. Includes an analysis of locations where there are crashes and the severity of the crashes, as well as contributing factors and crash types by relevant road users (motorists, people walking, transit users, etc.). Analysis of systemic and specific safety needs is also performed, as needed (e.g., high-risk road features, specific safety needs of relevant road users, public health approaches, analysis of the built environment, demographic, and structural issues, etc.). To the extent practical, the analysis should include all roadways within the jurisdiction, without regard for ownership. Based on the analysis performed, a geospatial identification of higher-risk locations is developed (a High-Injury Network or equivalent).



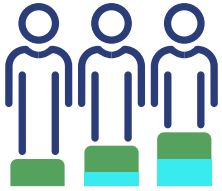
## Engagement and Collaboration

Robust engagement with the public and relevant stakeholders, including the private sector and community groups, that allows for both community representation and feedback. Information received from engagement and collaboration is analyzed and incorporated into the Action Plan. Overlapping jurisdictions are included in the process. Plans and processes are coordinated and aligned with other governmental plans and planning processes to the extent practical.



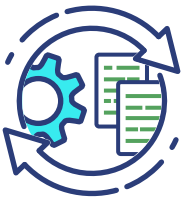


# Safe Streets and Roads for All Action Plan Components



## Equity Considerations

Plan development using inclusive and representative processes. Underserved communities\* are identified through data and other analyses in collaboration with appropriate partners. Analysis includes both population characteristics and initial equity impact assessments of the proposed projects and strategies.



## Policy and Process Changes

Assessment of current policies, plans, guidelines, and/or standards (e.g., manuals) to identify opportunities to improve how processes prioritize transportation safety. The Action Plan discusses implementation through the adoption of revised or new policies, guidelines, and/or standards, as appropriate.



## Strategy and Project Selections

Identification of a comprehensive set of projects and strategies, shaped by data, the best available evidence and noteworthy practices, as well as stakeholder input and equity considerations, that will address the safety problems described in the Action Plan. These strategies and countermeasures focus on a Safe System Approach, effective interventions, and consider multidisciplinary activities. To the extent practical, data limitations are identified and mitigated.

Once identified, the list of projects and strategies is prioritized in a list that provides time ranges for when the strategies and countermeasures will be deployed (e.g., short-, mid-, and long-term timeframes). The list should include specific projects and strategies, or descriptions of programs of projects and strategies, and explains prioritization criteria used. The list should contain interventions focused on infrastructure, behavioral, and/or operational safety.



## Progress and Transparency

Method to measure progress over time after an Action Plan is developed or updated, including outcome data. Means to ensure ongoing transparency is established with residents and other relevant stakeholders. Must include, at a minimum, annual public and accessible reporting on progress toward reducing roadway fatalities and serious injuries, and public posting of the Action Plan online.

\* An underserved community as defined for this NOFO is consistent with the Office of Management and Budget's Interim Guidance for the Justice40 Initiative <https://www.whitehouse.gov/wp-content/uploads/2021/07/M-21-28.pdf> and the Historically Disadvantaged Community designation, which includes U.S. Census tracts identified in this table <https://datahub.transportation.gov/stories/s/tsyd-k6ij>; any Tribal land; or any territory or possession of the United States.



## Safe Streets and Roads for All (SS4A) Grant Program

Implementation Grant example activities  
(<https://www.transportation.gov/grants/SS4A>)

Below are illustrative examples of activities that could be conducted as part of an Implementation Grant. This list is not intended to be exhaustive in nature and could include infrastructure, behavioral, and operational safety activities identified in an Action Plan:

- **Applying low-cost roadway safety treatments** system-wide, such as left- and right-turn lanes at intersections, centerline and shoulder rumble strips, wider edge lines, high-friction surface treatments, road diets, and better signage along high-crash urban and rural corridors.
- **Identifying and correcting common risks** across a network, such as improving pedestrian crosswalks by adding high-visibility pavement markings, lighting, and signage at transit stops, in a designated neighborhood, or along a busy public transportation route.
- **Transforming a roadway corridor** on a High-Injury Network into a Complete Street with safety improvements to control speed, separate users, and improve visibility, along with other measures that improve safety for all users.
- **Installing pedestrian safety enhancements and closing network gaps** with sidewalks, rectangular rapid-flashing beacons, signal improvements, and audible pedestrian signals for people walking, rolling, or using mobility assisted devices.
- **Working with community members in an identified problem area** to carry out quick-build street design changes informed by outreach and user input.
- **Supporting the development of bikeway networks** with bicycle lanes for different roadway volumes and speeds that are safe for people of all ages and abilities.
- **Carrying out speed management strategies** such as implementing traffic calming road design changes, addressing speed along key corridors through infrastructure, conducting education and outreach, setting appropriate speed limits, and making strategic use of speed safety cameras.
- **Creating safe routes to school and public transit services** through multiple activities that lead to people safely walking, biking, and rolling in underserved communities.
- **Promoting the adoption of innovative technologies or strategies to promote safety** and protect vulnerable road users in high-traffic areas where commercial motor vehicles (CMVs), pedestrians, bicyclists, motorcyclists, etc. interact.
- **Conducting education campaigns to accompany new or innovative infrastructure**, such as roundabouts, pedestrian hybrid beacons, or pedestrian-only zones.
- **Implementing standard and novel data collection and analysis technologies and strategies** to better understand vulnerable road user (pedestrian/bicycle/transit rider) network gaps and to collect exposure data.
- **Deploying advanced transportation technologies**, such as the installation of connected intersection-based safety solutions and vehicle-to-infrastructure (V2I) advisory speed limit systems (e.g., Intelligent Speed Assistance [ISA]).

- **Combating roadway departure crashes** through enhanced delineation, shoulder widening, rumble strips, and roadside safety improvements.
- **Evaluating and improving the safety of intersections** by considering innovative design changes, improved delineation, and advanced warning.
- **Improving first responder services** with improved crash data collection, formalizing street names and addressing, and enhancing emergency vehicle warning systems.
- **Unifying and integrating safety data across jurisdictions** where local agencies share their crash, roadway inventory, and traffic volume data to create an analytic data resource.



BOARD OF SUPERVISORS

THOMAS D. HARVEY  
North District

ERNIE Q. REED  
Central District

JESSE N. RUTHERFORD  
East District

J. DAVID PARR  
West District

DR. JESSICA LIGON  
South District

CANDICE W. MCGARRY  
County Administrator

AMANDA B. SPIVEY  
Administrative Assistant/  
Deputy Clerk

LINDA K. STATON  
Director of Finance and  
Human Resources

**RESOLUTION R2024-08**  
**NELSON COUNTY BOARD OF SUPERVISORS**  
**RESOLUTION OF COMMITMENT TO ROADWAY SAFETY GOALS**

**WHEREAS**, 173 people were killed or seriously injured in crashes that took place in Nelson County from 2018 to 2022 and have lasting impacts on victims, loved ones, and communities at large; and

**WHEREAS**, achieving the goal of providing a safe and secure transportation system in Nelson County will require collaboration among Nelson residents and other jurisdictions, as well as regional, state, and federal organizations; and

**WHEREAS**, the Bipartisan Infrastructure Law established the Safe Streets and Roads for All (SS4A) discretionary program and funds regional, local, and Tribal initiatives through grants to prevent roadway fatalities and serious injuries; and

**WHEREAS**, Move Safely Blue Ridge—the safety action plan for the Thomas Jefferson Planning District Commission (TJPDC) —will identify and prioritize roadway safety improvements in the region; and

**WHEREAS**, the federal grant received by the TJPDC requires that this safety action plan contain an official public commitment to an ambitious percentage reduction of roadway fatalities and serious injuries by a specific date with an eventual goal of eliminating roadway fatalities and serious injuries; and

**WHEREAS**, Nelson County is committed to the Virginia Strategic Highway Safety Plan (SHSP)’s vision of zero deaths and serious injuries and its goal to reduce roadway fatalities and serious injuries by half by 2045;

**NOW, THEREFORE, BE IT RESOLVED**, by the Nelson County Board of Supervisors that the County supports Move Safely Blue Ridge, will actively participate in the planning process, and will prioritize implementation of the recommended safety countermeasures, all with the eventual goal of zero roadway fatalities and serious injuries.

**RESOLVED**, that Nelson County commits to undertake efforts to one day eliminate roadway fatalities and serious injuries; and

**RESOLVED**, that Nelson County commits to undertake efforts to reduce the combined number of roadway fatalities and serious injuries in the County by 50 percent by 2045.

Approved: \_\_\_\_\_

Attest: \_\_\_\_\_, Clerk  
Nelson County Board of Supervisors

I, Candy McGarry, do hereby certify that the foregoing writing is a true and correct copy of a Resolution duly adopted by the Board of Supervisors of Nelson County by a vote of \_\_\_\_\_ to \_\_\_\_\_, as recorded below, at a meeting held on \_\_\_\_\_, 2024.

\_\_\_\_\_  
Clerk, Board of County Supervisors

	<u>Aye</u>	<u>Nay</u>
Mr. Harvey	_____	_____
Ms. Ligon	_____	_____
Mr. Parr	_____	_____
Mr. Reed	_____	_____
Mr. Rutherford	_____	_____




COMMONWEALTH of VIRGINIA  
DEPARTMENT OF SOCIAL SERVICES  
*Office of the Commissioner*

Danny TK Avula MD, MPH  
Commissioner

January 11, 2024

TO: County Administrators  
City Managers

COPY: Local Department of Social Services Directors

FROM: Danny TK Avula 

SUBJECT: 2023 Annual Financial Statements

Please find a copy of your locality's financial statement for fiscal year 2023 attached. The statement represents a synopsis of program and administrative costs for the social services provided to your community. The statement reflects the share of costs paid by federal, state, and local governments.

This year's financial statement includes federal funding for American Rescue Plan Act (ARPA), Coronavirus Aid, Relief, and Economic Security Act (CARES) and/or Coronavirus Response and Relief Supplemental Appropriations Act (CRRSA) expenditures. Some federal stimulus funding payments for Energy and Childcare were processed by the Home Office without a FIPS/locality code. As a result, these expenditures are not reported by FIPS/locality within the statement. The federal stimulus funding for relevant budget lines is included in the Federal Funds column of the FY2023 Annual Financial Statements (AFS).

In FY 2023, budget line 851 was originally cost allocated to both state and federal funds in LASER. However, with the April passage of the 2023 Session Appropriation Act, Chapter 769, ARPA funds were made available for work related to Medicaid Unwinding. As such, VDSS made an adjusting entry after LFY 2023 LASER close, to move budget line 851 cost allocated general fund and regular federal fund expenses to the ARPA funds (shown under federal funds in the AFS).



Also attached is a statewide summary to provide a benchmark for reviewing your locality's data. These statements are intended to provide you with a better view of the total social services system as it exists within the Commonwealth.

To produce this report, the Virginia Department of Social Services (VDSS) gathered locality data from several VDSS systems, as well as from other state agency systems and websites. Every effort is made to ensure the report is as accurate and useful as possible.

Please direct general comments and questions to Torsheba Givens, VDSS Local Reimbursement Manager, at [torsheba.givens@dss.virginia.gov](mailto:torsheba.givens@dss.virginia.gov) or (804) 726-7298. We welcome any comments you may have that would assist us in refining and improving the report in the future.

Fiscal Year 2023 Social Services Expenses by Category and Budget Line  
LASER Set of Books Adjusted by Cost Allocation Results

Abbreviation Key for Category:

A: Staff, Administrative and Operational Overhead Expenditures

B: Income Benefits paid to or on behalf of clients by LDSSs

PS: Purchased Services by LDSSs on behalf of Clients

U: Unspecified Local and Miscellaneous Programs

R: Central Service Cost Allocation Expenditures

SW: Statewide Benefits-Programs operated by LDSSs but paid primarily at state/federal level

<sup>1</sup> Some Budget Lines include federal funding for the American Rescue Plan Act (ARPA), Coronavirus Aid, Relief, and Economic Security Act (CARES) and/or Coronavirus Response and Relief Supplemental Appropriations Act (CRRSA).

<sup>2</sup> 0033 Non-Reimbursable costs are **Local Only costs** as reported by the locality in VDSS financial systems. Local records may vary.

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<sup>6</sup> FY2023, \$103.5M in Energy and Child Care COVID-19 stimulus payments were processed by Home Office and are not reported by FIPS/Locality.

<sup>7</sup> Split between Federal & State is prorated 07/01/22-09/30/23 split was 69.34% Federal and 30.66% State. For 10/01/23-03/31/23 split was 69.80% Federal and 30.20% State. For 04/01/23-06/30/23 split was 68.96% Federal and 31.04% State.

NOTE: Percentages calculated against Total YTD Reimbursables

Category	BL	Budget Line Description	Federal Funds YTD <sup>1</sup>	Fed %	State Funds YTD	State %	Federal/ State Funds YTD	Federal/ State %	Local Funds YTD	Local %	Total Reimbursable YTD	0033 Non Reimbursable YTD <sup>2</sup>	0077 Non Reimbursable YTD <sup>3</sup>	Grand Total YTD
<b>I Local Department of Social Services<sup>4</sup></b>														
<b>Staff, Administrative and Operational Overhead Costs</b>														
A	849	Staff & Operations No Local Match	40,739	57.90%	29,618	42.10%	70,357	100.00%	0	0.00%	70,357	(6)	0	70,351
A	851	Overtime Surge Alias	1,375	100.00%	0	0.00%	1,375	100.00%	0	0.00%	1,375	(0)	0	1,375
A	855	Staff & Operations Base Budget	567,633	54.29%	315,865	30.21%	883,498	84.50%	162,058	15.50%	1,045,556	41,163	0	1,086,719
<b>Subtotal: Staff, Administrative and Operational Overhead Costs</b>			<b>\$ 609,747</b>	<b>54.57%</b>	<b>\$ 345,483</b>	<b>30.92%</b>	<b>\$ 955,230</b>	<b>85.50%</b>	<b>\$ 162,058</b>	<b>14.50%</b>	<b>\$ 1,117,288</b>	<b>\$ 41,157</b>	<b>\$ -</b>	<b>\$ 1,158,445</b>
<b>Benefit Payments to Clients</b>														
B	804	Auxiliary Grant	0	0.00%	65,825	80.00%	65,825	80.00%	16,456	20.00%	82,281	0	0	82,281
B	811	IV-E - Foster Care	38,358	56.37%	29,686	43.63%	68,044	100.00%	0	0.00%	68,044	10,304	0	78,348
B	812	IV-E Adoption Assistance	143,392	56.16%	111,933	43.84%	255,325	100.00%	0	0.00%	255,325	0	0	255,325
B	814	Fostering Futures Foster Care Assistance	5,192	56.27%	4,035	43.73%	9,227	100.00%	0	0.00%	9,227	0	0	9,227
B	817	Special Needs Adoption	0	0.00%	14,558	100.00%	14,558	100.00%	0	0.00%	14,558	0	0	14,558
<b>Subtotal: Benefit Payments to Clients</b>			<b>\$ 186,942</b>	<b>43.53%</b>	<b>\$ 226,037</b>	<b>52.64%</b>	<b>\$ 412,979</b>	<b>96.17%</b>	<b>\$ 16,456</b>	<b>3.83%</b>	<b>\$ 429,435</b>	<b>\$ 10,304</b>	<b>\$ -</b>	<b>\$ 439,739</b>
<b>Client Services Purchased by LDSSs</b>														
PS	829	Family Preservation (SSBG)	590	84.00%	4	0.50%	593	84.50%	109	15.50%	702	(0)	0	702
PS	830	Child Welfare Substance Abuse Svcs	0	0.00%	1,377	84.50%	1,377	84.50%	253	15.50%	1,630	(0)	0	1,630
PS	833	Adult Services	3,744	80.00%	0	0.00%	3,744	80.00%	936	20.00%	4,679	127	0	4,806
PS	861	Independent Living Program - E&T Vouchers	1,104	80.00%	276	20.00%	1,380	100.00%	0	0.00%	1,380	0	0	1,380
PS	868	Promoting Safe and Stable Families - COVID	5,098	100.00%	0	0.00%	5,098	100.00%	0	0.00%	5,098	0	0	5,098
PS	872	VIEW	151	19.15%	516	65.35%	668	84.50%	122	15.50%	790	0	0	790
PS	884	CHAFEE Independent Living COVID	544	100.00%	0	0.00%	544	100.00%	0	0.00%	544	0	0	544
PS	895	Adult Protective Services	(8)	84.50%	0	0.00%	(8)	84.50%	(2)	15.50%	(10)	0	0	(10)
PS	898	Adult Protective Services - ARPA	3,505	100.00%	0	0.00%	3,505	100.00%	0	0.00%	3,505	0	0	3,505
<b>Subtotal: Client Services Purchased by LDSSs</b>			<b>\$ 14,727</b>	<b>80.39%</b>	<b>\$ 2,173</b>	<b>11.86%</b>	<b>\$ 16,900</b>	<b>92.26%</b>	<b>\$ 1,418</b>	<b>7.74%</b>	<b>\$ 18,318</b>	<b>\$ 127</b>	<b>\$ -</b>	<b>\$ 18,445</b>

Fiscal Year 2023 Social Services Expenses by Category and Budget Line  
LASER Set of Books Adjusted by Cost Allocation Results

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NOTE: Percentages calculated against Total YTD Reimbursables

Category	BL	Budget Line Description	Federal Funds YTD <sup>1</sup>	Fed %	State Funds YTD	State %	Federal/ State Funds YTD	Federal/ State %	Local Funds YTD	Local %	Total Reimbursable YTD	0033 Non Reimbursable YTD <sup>2</sup>	0077 Non Reimbursable YTD <sup>3</sup>	Grand Total YTD
<b>Unspecified Local &amp; Miscellaneous Programs</b>														
U	000	Miscellaneous	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0	0	0
<b>Subtotal: Unspecified Local &amp; Miscellaneous Programs</b>			\$ -	0.00%	\$ -	0.00%	\$ -	0.00%	\$ -	0.00%	\$ -	\$ -	\$ -	\$ -
<b>Totals: Local Department of Social Services</b>			\$ 811,415	51.85%	\$ 573,693	36.66%	\$ 1,385,108	88.50%	\$ 179,932	11.50%	\$ 1,565,041	\$ 51,588	\$ -	\$ 1,616,629

II Reimbursements to Localities for Non LDSS Expenses<sup>4</sup>

Central Services Cost Allocation

R	843	Central Service Cost Allocation	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0	0	0
<b>Subtotal: Central Services Cost Allocation</b>			\$ -	0.00%	\$ -	0.00%	\$ -	0.00%	\$ -	0.00%	\$ -	\$ -	\$ -	\$ -
<b>Grand Totals: To Localities</b>			\$ 811,415	51.85%	\$ 573,693	36.66%	\$ 1,385,108	88.50%	\$ 179,932	11.50%	\$ 1,565,041	\$ 51,588	\$ -	\$ 1,616,629

III Statewide Benefit Payments<sup>4</sup>

State, Federal & Local Paid Benefits

SW		Children's Services Act (CSA) <sup>5</sup>	0	0.00%	1,737,558	68.42%	1,737,558	68.42%	802,104	31.58%	2,539,662	0	0	2,539,662
SW		Medicaid Benefits	20,592,337	50.00%	20,554,489	49.91%	41,146,826	99.91%	37,848	0.09%	41,184,674	0	0	41,184,674
SW		Supplemental Nutrition Assistance Program (SNAP)	4,906,523	100.00%	0	0.00%	4,906,523	100.00%	0	0.00%	4,906,523	0	0	4,906,523
SW		Energy Assistance <sup>6</sup>	378,775	100.00%	0	0.00%	378,775	100.00%	0	0.00%	378,775	0	0	378,775
SW		TANF/TANF UP	109,157	56.74%	83,221	43.26%	192,378	100.00%	0	0.00%	192,378	0	0	192,378
SW		Child Care (VACMS) <sup>6</sup>	143,901	78.97%	38,316	21.03%	182,217	100.00%	0	0.00%	182,217	0	0	182,217
SW		FAMIS (Total Title XXI Expenditures) <sup>7</sup>	679,308	69.48%	298,465	30.53%	977,773	100.00%	0	0.00%	977,773	0	0	977,773
<b>Subtotal: State, Federal &amp; Local Paid Benefits</b>			\$ 26,810,000	53.23%	\$ 22,712,050	45.10%	\$ 49,522,050	98.33%	\$ 839,952	1.67%	\$ 50,362,002	\$ -	\$ -	\$ 50,362,002
<b>Grand Totals: Social Services System</b>			\$ 27,621,415	53.19%	\$ 23,285,743	44.84%	\$ 50,907,158	98.04%	\$ 1,019,885	1.96%	\$ 51,927,043	\$ 51,588	\$ -	\$ 51,978,630

OVERALL Statewide Summary

Fiscal Year 2023 Social Services Expenses by Category and Budget Line  
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<b>I Local Department of Social Services<sup>4</sup></b>														
<b>Staff, Administrative, and Operational Overhead Costs</b>														
A	847	Current Year Staff & Operations - No Local Match Alias	48,586	57.77%	35,521	42.23%	84,107	100.00%	0	0.00%	84,107	(7)	-	84,100
A	849	Staff & Operations No Local Match	12,863,595	57.90%	9,352,603	42.10%	22,216,197	100.00%	0	0.00%	22,216,197	(179)	276,502	22,492,520
A	850	Outstationed Eligibility Staff	1,564,872	74.77%	0	0.00%	1,564,872	74.77%	528,054	25.23%	2,092,926	9,309	27,125	2,129,361
A	851	Overtime Surge Alias	180,479	100.05%	(64)	-0.04%	180,415	100.02%	(35)	-0.02%	180,380	(1)	-	180,379
A	855	Staff & Operations Base Budget	256,438,543	54.28%	142,749,825	30.22%	399,188,368	84.50%	73,223,572	15.50%	472,411,940	12,983,610	-	485,395,550
A	858	Staff & Operations Pass Through	82,273,463	32.14%	0	0.00%	82,273,463	32.14%	173,704,051	67.86%	255,977,514	1,085,968	243,631	257,307,113
<b>Subtotal: Staff, Administrative, and Operational Overhead Costs</b>			<b>\$ 353,369,539</b>	<b>46.93%</b>	<b>\$ 152,137,884</b>	<b>20.21%</b>	<b>\$ 505,507,423</b>	<b>67.14%</b>	<b>\$ 247,455,642</b>	<b>32.86%</b>	<b>\$ 752,963,065</b>	<b>\$ 14,078,699</b>	<b>\$ 547,258</b>	<b>\$ 767,589,023</b>
<b>Benefit Payments to Clients</b>														
B	804	Auxiliary Grant	0	0.00%	20,384,916	80.00%	20,384,916	80.00%	5,096,229	20.00%	25,481,146	(580)	6,671	25,487,237
B	807	Auxiliary Grant Program	0	0.00%	430,973	80.00%	430,973	80.00%	107,743	20.00%	538,716	0	-	538,716
B	808	TANF - Manual Checks	(98,091)	51.00%	(94,244)	49.00%	(192,334)	100.00%	0	0.00%	(192,334)	(39,710)	-	(232,045)
B	810	TANF Emergency Assistance	2,819	51.00%	2,708	49.00%	5,527	100.00%	0	0.00%	5,527	0	-	5,527
B	811	IV-E - Foster Care	19,008,111	56.05%	14,905,596	43.95%	33,913,708	100.00%	0	0.00%	33,913,708	873,453	26,589	34,813,750
B	812	IV-E Adoption Assistance	78,917,969	56.22%	61,445,970	43.78%	140,363,939	100.00%	0	0.00%	140,363,939	51,122	(120,944)	140,294,119
B	813	General Relief	0	0.00%	286,527	62.50%	286,527	62.50%	171,916	37.50%	458,443	635,626	39,333	1,133,402
B	814	Fostering Futures Foster Care Assistance	2,976,571	56.27%	2,313,273	43.73%	5,289,844	100.00%	0	0.00%	5,289,844	2,188	29,137	5,321,169
B	815	Fostering Futures Federal Adoption Assistance	8,236	56.24%	6,408	43.76%	14,644	100.00%	0	0.00%	14,644	0	-	14,644
B	816	International Home Studies	5,350	50.00%	5,350	50.00%	10,700	100.00%	0	0.00%	10,700	0	-	10,700
B	817	Special Needs Adoption	1,276,259	8.54%	13,661,758	91.46%	14,938,017	100.00%	0	0.00%	14,938,017	5,599	2,923	14,946,539
B	819	Refugee Cash Assistance	4,010,763	100.00%	0	0.00%	4,010,763	100.00%	0	0.00%	4,010,763	0	(35,007)	3,975,756
B	820	Adoption Incentives	148,063	100.00%	0	0.00%	148,063	100.00%	0	0.00%	148,063	625	-	148,688
B	822	Kinship Guardianship Assistance	258,856	56.22%	201,598	43.78%	460,455	100.00%	0	0.00%	460,455	12,012	-	472,467
B	823	Extension of the Kinship Guardianship Assistance	917	56.20%	714	43.80%	1,631	100.00%	0	0.00%	1,631	0	-	1,631
B	848	TANF-UP - Manual Checks	0	0.00%	(14,330)	100.00%	(14,330)	100.00%	0	0.00%	(14,330)	5	-	(14,325)
B	867	TANF Competitive Grant	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	86,069	-	86,069
<b>Subtotal: Benefit Payments to Clients</b>			<b>\$ 106,515,824</b>	<b>47.25%</b>	<b>\$ 113,537,217</b>	<b>50.36%</b>	<b>\$ 220,053,042</b>	<b>97.62%</b>	<b>\$ 5,375,889</b>	<b>2.38%</b>	<b>\$ 225,428,930</b>	<b>\$ 1,626,409</b>	<b>\$ (51,297)</b>	<b>\$ 227,004,043</b>
<b>Client Services Purchased by LDSSs</b>														
PS	824	Other Purchased Services	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	59,628	55,057	114,685
PS	829	Family Preservation (SSBG)	704,164	84.00%	4,192	0.50%	708,356	84.50%	129,935	15.50%	838,291	1	13,859	852,152
PS	830	Child Welfare Substance Abuse Svcs	0	0.00%	1,363,424	85.28%	1,363,424	85.28%	235,398	14.72%	1,598,822	4,169	27,845	1,630,836
PS	833	Adult Services	4,086,445	80.00%	0	0.00%	4,086,445	80.00%	1,021,612	20.00%	5,108,056	134,102	3,163,448	8,405,607
PS	835	IV-E Prevention Services Program	121,490	50.00%	121,490	50.00%	242,980	100.00%	0	0.00%	242,980	(0)	-	242,980
PS	844	SNAPET Purchased Services	382,375	68.07%	92,275	16.43%	474,650	84.50%	87,066	15.50%	561,717	(1)	-	561,716
PS	861	Independent Living Program - E&T Vouchers	282,568	80.00%	70,642	20.00%	353,210	100.00%	0	0.00%	353,210	7,423	1,290	361,923
PS	862	Independent Living Program - Basic Allocation	432,560	80.00%	108,140	20.00%	540,700	100.00%	0	0.00%	540,700	17,263	7,433	565,395
PS	864	Respite Care for Foster Families	72,617	35.64%	131,135	64.36%	203,753	100.00%	0	0.00%	203,753	880	5	204,638
PS	866	Family Preservation / Support - Purch Serv	3,475,991	75.01%	444,539	9.59%	3,920,530	84.60%	713,811	15.40%	4,634,340	15,776	-	4,650,116
PS	868	Promoting Safe and Stable Families - COVID	979,371	100.00%	0	0.00%	979,371	100.00%	0	0.00%	979,371	1,658	149	981,178
PS	871	TANF/VIEW Working and Trans Child Care	(3,854)	50.00%	(3,854)	50.00%	(7,708)	100.00%	0	0.00%	(7,708)	0	-	(7,708)
PS	872	VIEW	2,189,909	19.15%	7,472,367	65.35%	9,662,275	84.50%	1,772,371	15.50%	11,434,647	37,183	105,411	11,577,241
PS	873	IV-E Foster/Adoptive Parent Training (enhanced rate)	277,824	57.00%	0	0.00%	277,824	57.00%	209,587	43.00%	487,411	70,696	4,260	562,368
PS	875	IV-E Foster/Adoptive Parent Training (admin rate)	86,129	38.00%	0	0.00%	86,129	38.00%	140,527	62.00%	226,657	0	6,780	233,437
PS	878	Head Start Transition To Work Child Care	(2,222)	100.00%	0	0.00%	(2,222)	100.00%	0	0.00%	(2,222)	0	-	(2,222)
PS	880	CRRSA - Expanded Eligibility Child Care	451,465	100.00%	0	0.00%	451,465	100.00%	0	0.00%	451,465	(812)	3,662	454,315
PS	881	Fee Child Care - Matching	(1,513)	50.00%	(1,513)	50.00%	(3,025)	100.00%	0	0.00%	(3,025)	0	-	(3,025)
PS	883	Fee Child Care	(19,103)	53.79%	(16,408)	46.21%	(35,511)	100.00%	0	0.00%	(35,511)	0	-	(35,511)
PS	884	CHAFEE Independent Living COVID	916,370	100.00%	0	0.00%	916,370	100.00%	0	0.00%	916,370	52,825	3,643	972,839
PS	885	CHAFEE E&TV COVID	236,864	100.00%	0	0.00%	236,864	100.00%	0	0.00%	236,864	12,599	-	249,463
PS	888	Non-VIEW Repayment of VACMS	(316,981)	100.00%	0	0.00%	(316,981)	100.00%	0	0.00%	(316,981)	0	-	(316,981)
PS	889	VIEW Repayment of VACMS	(18,344)	50.00%	(18,344)	50.00%	(36,687)	100.00%	0	0.00%	(36,687)	0	-	(36,687)
PS	890	Child Care Quality Initiative Program	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	9,680	-	9,680
PS	895	Adult Protective Services	757,868	84.50%	0	0.00%	757,868	84.50%	139,015	15.50%	896,883	139,702	336,129	1,372,714
PS	896	Adult Protective Services - COVID-19 Relief	545,448	100.00%	0	0.00%	545,448	100.00%	0	0.00%	545,448	0	-	545,448
PS	898	Adult Protective Services - ARPA	1,061,740	100.00%	0	0.00%	1,061,740	100.00%	0	0.00%	1,061,740	2,765	-	1,064,505
<b>Subtotal: Client Services Purchased by LDSSs</b>			<b>\$ 16,699,183</b>	<b>54.01%</b>	<b>\$ 9,768,085</b>	<b>31.59%</b>	<b>\$ 26,467,268</b>	<b>85.61%</b>	<b>\$ 4,449,323</b>	<b>14.39%</b>	<b>\$ 30,916,591</b>	<b>\$ 565,537</b>	<b>\$ 3,728,971</b>	<b>\$ 35,211,100</b>
<b>Unspecified Local &amp; Miscellaneous Programs</b>														
U	000	Miscellaneous	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	614,159	-	614,159

OVERALL Statewide Summary

Fiscal Year 2023 Social Services Expenses by Category and Budget Line  
LASER Set of Books Adjusted by Cost Allocation Results

Abbreviation Key for Category:

A: Staff, Administrative and Operational Overhead Expenditures

B: Income Benefits paid to or on behalf of clients by LDSSs

PS: Purchased Services by LDSSs on behalf of Clients

U: Unspecified Local and Miscellaneous Programs

R: Central Service Cost Allocation Expenditures

SW: Statewide Benefits-Programs operated by LDSSs but paid primarily at state/federal level

<sup>1</sup> Some Budget Lines include federal funding for the American Rescue Plan Act (ARPA), Coronavirus Aid, Relief, and Economic Security Act (CARES) and/or Coronavirus Response and Relief Supplemental Appropriations Act (CRRSA).

<sup>2</sup> 0033 Non-Reimbursable costs are **Local Only costs** as reported by the locality in VDSS financial systems. Local records may vary.

<sup>3</sup> 0077 Non-Reimbursable **costs Exceed State Allocation** as reported by locality in VDSS financial systems. Local records may vary.

<sup>4</sup> Sections I & II are costs reported in VDSS financial systems and reflect June 1 to May 31 costs. Section III are costs incurred during the state FY.

<sup>5</sup> CSA Costs are paid at the local level with reimbursement from the Office of Children's Services.

<sup>6</sup> FY2023, \$103.5M in Energy and Child Care COVID-19 stimulus payments were processed by Home Office and are not reported by FIPS/Locality.

<sup>7</sup> Split between Federal & State is prorated 07/01/22-09/30/23 split was 69.34% Federal and 30.66% State. For 10/01/23-03/31/23 split was 69.80% Federal and 30.20% State. For 04/01/23-06/30/23 split was 68.96% Federal and 31.04% State.

NOTE: Percentages calculated against Total YTD Reimbursables

Category	BL	Budget Line Description	Federal Funds YTD <sup>1</sup>	Fed %	State Funds YTD	State %	Federal/ State Funds YTD	Federal/ State %	Local Funds YTD	Local %	Total Reimbursable YTD	0033 Non Reimbursable YTD <sup>2</sup>	0077 Non Reimbursable YTD <sup>3</sup>	Grand Total YTD
Subtotal:	.		\$ -	0.00%	\$ -	0.00%	\$ -	0.00%	\$ -	0.00%	\$ 0	\$ 614,159	\$ -	\$ 614,159
<b>Totals: Local Department of Social Services</b>			\$ 476,584,546	47.22%	\$ 275,443,187	27.29%	\$ 752,027,733	74.51%	\$ 257,280,854	25.49%	\$ 1,009,308,587	\$ 16,884,805	\$ 4,224,933	\$ 1,030,418,325

II Reimbursements to Localities for Non LDSS Expenses <sup>4</sup>

Central Services Cost Allocation

R	843	Central Service Cost Allocation	26,542,124	50.00%	0	0.00%	26,542,124	50.00%	26,542,124	50.00%	53,084,248	0	35,035,551	88,119,799
Subtotal: Central Services Cost Allocation			\$ 26,542,124	50.00%	\$ -	0.00%	\$ 26,542,124	50.00%	\$ 26,542,124	50.00%	\$ 53,084,248	\$ -	\$ 35,035,551	\$ 88,119,799

<b>Grand Totals: To Localities</b>			\$ 503,126,670	47.36%	\$ 275,443,187	25.93%	\$ 778,569,857	73.28%	\$ 283,822,978	26.72%	\$ 1,062,392,835	\$ 16,884,805	\$ 39,260,484	\$ 1,118,538,124
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III Statewide Benefit Payments <sup>4</sup>

State, Federal & Local Paid Benefits

SW		Children's Services Act (CSA) <sup>5</sup>	0	0.00%	315,703,633	66.67%	315,703,633	66.67%	157,837,878	33.33%	473,541,511	0	0	473,541,511
SW		Medicaid Benefits	9,231,196,876	50.00%	9,216,720,327	49.92%	18,447,917,203	99.92%	14,476,550	0.08%	18,462,393,753	0	0	18,462,393,753
SW		Supplemental Nutrition Assistance Program (SNAP)	2,480,145,361	100.00%	0	0.00%	2,480,145,361	100.00%	0	0.00%	2,480,145,361	0	0	2,480,145,361
SW		State & Local Health												
SW		Energy Assistance <sup>6</sup>	104,891,277	100.00%	0	0.00%	104,891,277	100.00%	0	0.00%	104,891,277	0	0	104,891,277
SW		TANF/TANF UP	53,840,300	50.54%	52,485,398	49.46%	106,125,699	100.00%	0	0.00%	106,125,699	0	0	106,125,699
SW		Child Care (VACMS) <sup>6</sup>	251,196,993	78.97%	66,885,938	21.03%	318,082,931	100.00%	0	0.00%	318,082,931	0	0	318,082,931
SW		FAMIS (Total Title XXI Expenditures) <sup>7</sup>	438,430,866	69.47%	192,631,914	30.52%	631,062,780	100.00%	1,018	0.00%	631,063,798	0	0	631,063,798
SW		Refugee Assistance												
Subtotal: State, Federal & Local Paid Benefits			\$ 12,559,501,675	55.63%	\$ 9,844,427,210	43.61%	\$ 22,403,928,885	99.24%	\$ 172,315,445	0.76%	\$ 22,576,244,330	\$ -	\$ -	\$ 22,576,244,330

<b>Grand Totals: Social Services System</b>			\$ 13,062,628,345	55.26%	\$ 10,119,870,397	42.81%	\$ 23,182,498,742	98.07%	\$ 456,138,423	1.93%	\$ 23,638,637,165	\$ 16,884,805	\$ 39,260,484	\$ 23,694,782,454
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**DATE:** February 7, 2024

**RE:** February 13th Agenda Summary of V. A-E New & Unfinished Business

**V. NEW & UNFINISHED BUSINESS**

- A. Financing for County and School Projects – Davenport & Company (Roland Kooch and Ben Wilson)

County DSS Office Building and Schools High School Renovation

The County and Schools are both at the point where we will start to incur significant Architectural and Engineering (AE) costs associated with the schematic designs for these projects - \$1.1 M for County and around \$2 M for Schools. The financing strategy is being presented by Davenport to both Boards at their February meetings (2/8 NCSB and 2/13 BOS), which is to secure temporary financing by a Bond Anticipation Note (BAN) for both entities through a Request for Proposals (RFP) process. The temporary financing is proposed to occur sometime in March/April and would cover the AE costs of the projects until such time as final construction costs are known for a permanent financing. This is the same strategy being utilized for the Regional Jail renovation project. Construction costs are expected to be known around the end of the 2024 calendar year for the DSS building and early in the 2025 calendar year for schools. Davenport will also present conceptual options to be considered for the permanent financings to cover AE fees and project construction. Paul Jacobson of Sands Anderson, the County’s Bond Counsel, is proposing the County adopt reimbursement resolutions, one for each project in an amount just slightly over the anticipated project costs to cover the interim and future long-term financing. He advised that *“Adoption of a reimbursement resolution by the Board of Supervisors is not a commitment to borrow money and is not a commitment to borrow any certain amount. The purpose of a reimbursement resolution is to comply with federal tax regulations to allow reimbursement of certain expenses paid “up front” before the issuance of debt from the proceeds of that debt, once the debt is issued.”*

This financing process does involve the Economic Development Authority (EDA) serving as the conduit for the financing in the same way as in the Larkin property purchase. Briefing of the EDA regarding these financing plans will take place on February 26th.

1. Reimbursement Resolution for County Project (DSS Building) **R2024-09**
2. Reimbursement Resolution for Schools Project (HS Renovation) **R2024-10**

**Recommended Action:**

- (1)** If amenable to the plan of finance presented, vote by motion and second to proceed with issuance of an RFP for interim financing in the form of a Bond Anticipation Note; for AE fees associated with the High School renovation and Department of Social Services building projects as presented; and
- (2)** Adopt proposed **Resolutions R2024-09** and **R2024-10** as presented; providing for reimbursement of AE fee expenditures incurred in the previous 60 days as part of the anticipated Bond Anticipation Note financing.



B. CHA Proposal for Evaluation of Lovingson Water and Wastewater System – Stephen Steele (CHA)

Previously, via Resolution **R2023-54** (see packet), the Board authorized the County, in partnership with the Service Authority, to proceed with contracting an engineering firm to evaluate the Lovingson water and wastewater systems. CHA is the contracted engineering firm through the Service Authority's term contract, and they will present their proposal for this work. In summary, they recommend a Phase I evaluation that takes stock of the current water and wastewater system capacities and current demands, then applies estimated future demand as it relates to the Larkin Property and other known developments in the Lovingson system service area; extrapolating the anticipated demand in 5 year increments for a 30 year planning period and comparing that to existing capacity up to the 80% threshold that would require system capacity expansions. Depending on if/when exceedance of either or both of the 80% thresholds is anticipated in their analysis, they would then recommend proceeding with a Phase II analysis that would evaluate the feasibility of all possible measures to increase those capacities and the necessary timing – including the feasibility of a Larkin Property water impoundment and treatment plant. This approach makes sense and is cost-effective in that we are not potentially paying for a costlier in depth analysis of capacity increasing measures without first knowing if/when these may be needed. The cost of the Phase I proposal is a **not to exceed amount of \$25,000** and is expected to be completed within 60 days of receipt of required data from the County and Service Authority.

**Recommended Action:** If amenable to the proposal, vote by motion and second to proceed with the Phase I proposal as presented with funding of not to exceed \$25,000 to be provided to the Service Authority from the Non-Recurring Contingency budget line.

**Subsequent Action:** If approved, transfer of these funds from Non-Recurring Contingency to an appropriate expenditure line of the budget would be included in the March FY24 Budget Amendment Resolution.

C. Faber Volunteer Fire Department 80/20 Program Truck Order Request (**R2024-11**) - Jeff Fletcher (Faber Vol. Fire Dept.)

Faber Volunteer Fire Department is requesting funding for a new equipped tanker under the County's 80/20 program for fire and EMS vehicles. The request was endorsed by the Emergency Services Council as noted in the provided letter from the Council President. Three quotes were solicited; with only 2 responding, and Fesco Emergency Sales being the lowest proposal at \$414,438, is the preferred vendor. Delivery of the tanker is estimated to be 400-565 calendar days from order, with payment due upon delivery. Due to the lengthy delivery time, the Department is seeking the Board's authorization to place the order and have staff include a funding request of \$331,551 (80% of cost) in the FY25 proposed budget being developed. Funding approval would not be final until adoption of the FY25 budget with this funding included.

**Recommended Action:** If amenable to the request, consider adoption of Resolution **R2024-11** authorizing Faber Volunteer Fire Department to place the order with Fesco Emergency Sales for the requested equipped tanker and directing staff to include a funding request of \$331,551 in the FY25 proposed budget; with the understanding that final funding approval is pending adoption of the FY25 budget including these funds.

D. Lovingston Revitalization (Branding) – Maureen Kelley

The Board of Supervisors previously provided funding for a Brand Compass analysis for Lovingston; completed through the Central Virginia Small Business Development Center and contracted consultants, the spill team, along with Lovingston stakeholders. The results of this work will be presented by Maureen Kelley and includes two branding options for the Board to consider, for use in the cohesive marketing of Lovingston going forward.

**Recommended Action:** If amenable to the branding concepts, choose one of the presented options for implementation.

E. Fourth of July Event Proposal and Funding Requests – Kenneth Venter (Event Promoter), Maureen Kelley, Jerry West, and Jade Bunner (LVFD)

County staff have been working with event promoter Mr. Kenneth Venter on a three-day family oriented, agri-centric event proposal called Stars 'n SPURS @ Oak Ridge that would take place July 4-6 2024 at Oak Ridge in Arrington. There would be scheduled events throughout each day as well as continuous activities (see packet). A music concert and free fire-works display coordinated by the Lovingston Volunteer Fire Department (pending funding approval) would be held on Thursday, the 4<sup>th</sup>, a Monster Truck show on Friday, the 5<sup>th</sup>, and a professional Rodeo on Saturday the 6<sup>th</sup>. This event is being planned as a Category 2 Temporary Event, for which admission is charged and goods sold for an anticipated 5,000-7,000 people (500 – 9,999 attendees allowed- see County Code Article 24). *Category 2 Temporary Events do not require Board of Supervisors approval but must comply with Article 24 of County Code.*

Funding requests for this event include: **\$10,000** in County Event sponsorship and a not to exceed amount of **\$11,000** to be donated to the Lovingston Volunteer Fire Department for the free fireworks display.

**Recommended Action:** If amenable to the funding requests, vote by motion and second to approve the event funding requests as presented (\$10,000 for the event sponsorship and up to \$11,000 for fireworks) using available Non-Recurring Contingency funds.

**Subsequent Action:** If approved, transfer of these funds from Non-Recurring Contingency to an appropriate expenditure line of the budget would be included in the March FY24 Budget Amendment Resolution.

F. Sheriff's Department Vehicle Funding Request (**R2024-12**) – Sheriff Mark Embrey, Candy McGarry

Sheriff Embrey wishes to retain both K-9 Officers "Bane" and "Xombie"; however, the County has only one K-9 equipped vehicle which has transmission and engine issues. Amherst County has 2 fully equipped 2023 low mileage (9,000 mi and 23,000 mi) K-9 equipped vehicles that they would sell the County for \$60,000 and \$55,000 immediately and the current K-9 vehicle would be retained as a spare. Sheriff Embrey is also requesting an equipped patrol car at an estimated cost of not to exceed \$45,000. Sheriff Embrey is able to purchase the higher mileage K-9 vehicle using \$55,000 of FY24 Sheriff's Department budgeted Asset Forfeiture funds; leaving a balance of \$47,812 as of 2/6/24 (*This purchase does not required Board approval*).



# Discussion Materials | Plan of Finance

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## Nelson County, Virginia



February 2024



- As Financial Advisor to Nelson County (the “County”), Davenport & Company LLC (“Davenport”) presented an update to the Debt Capacity/Affordability Analysis to the Board of Supervisors in December 2023.
  - The analysis showed that the County’s track record of structurally balanced budgeting and strong reserves provide the flexibility to undertake as much as \$57.0 Million of new debt while still remaining within industry standard benchmarks for certain key debt ratios (see Appendix for details).
  
- As a part of the Debt Capacity/Affordability Analysis, Davenport analyzed the effect of the County’s upcoming major capital projects on the General Fund. These projects included (among others):
  - The construction of a new facility that will house the County’s Department of Social Services (the “DSS Building”) estimated to cost \$9.5 Million; and
  - A School Renovation Project estimated to cost \$25.0 Million (with \$2.5 Million of that amount funded from a grant that has already been awarded for the project).
  
- The Debt Capacity/Affordability Analysis currently assumes a long-term Permanent Financing for each project rather than the use of cash.
  - Typically, a permanent financing would not be completed until bids are received and actual project costs are known.



## Overview (*continued*)

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- Based on recent discussions with County and Schools Staff, both projects are moving forward at this time.
  - Design for both projects is scheduled to begin in March 2024 and continue through much of calendar year (CY) 2024.
  
- With design expenditures anticipated to begin in Spring 2024, Davenport recommends that the County consider borrowing a portion of the total project costs on a short-term basis in order to:
  - Maintain the County’s current strong level of reserves;
  - Allow time for the details of the projects to evolve; and
  - Evaluate various funding vehicles for the projects.
  
- This presentation provides information on the anticipated Plan of Finance for these two projects, including an Interim Financing this spring.



# Anticipated Project Timelines

Timing	DSS Building	School Renovation
March 2024	Schematic Design completed	Schematic Design completed
April 2024	Design Development & Construction Documents	Design Development & Construction Documents
May 2024		
June 2024		
July 2024		
August 2024		
September 2024	Design & Bidding Documents completed	
October 2024	Advertise for Bids	
November 2024	Bids in hand (project costs known)	Design & Bidding Documents completed
December 2024		Advertise for Bids
January 2025		Bids in hand (project costs known)





# Interim Financing Approach

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- Davenport recommends that the County move forward with an Interim Financing this spring to provide funding until a Permanent Financing is completed in late CY 2024 or early CY 2025 for both the DSS Building and School Renovation Projects.
  - At that time, the Interim Financing would be paid off from proceeds of the Permanent Financing, converting it from a short-term to a long-term borrowing.
  
- Based on discussions with Staff and Bond Counsel, the Interim Financing is anticipated to be implemented through a direct bank loan secured by a School Facility.
  
- As has previously been done in the County (most recently in 2022), the legal framework in Virginia for a financing that utilizes real property as collateral would require the inclusion of the Economic Development Authority (“EDA”) as the conduit issuer.
  - Under this structure, the County would make the payments on the loan, and the EDA’s only role would be ‘on paper’, with no financial commitment required of the EDA.
  
- Davenport, on behalf of the County, would distribute a Request for Proposals (“RFP”) to local, regional, and national banking institutions that would outline the County’s preferred terms and conditions.

# Interim Financing Timeline



Date	Task
February 8	Present Plan of Finance to the School Board.
February 13	Present Plan of Finance to the Board of Supervisors.
February <i>TBD</i>	Present Plan of Finance to the EDA Board.
Week of February 26	Distribute RFP to local, regional, and national banking institutions.
On/About March 22	Proposals due from banks.
April 9	Board of Supervisors considers selecting winning proposal and final approvals.
April 9 – April 11	EDA considers approval of documents and collateral.
April 11	School Board considers approval of documents and collateral.
Week of April 22	Closing Date.



# Permanent Financing Options

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- In order for the County to fund all of the projects included in the Debt Capacity/Affordability Analysis, the permanent funding of the DSS Building and School Renovation projects was assumed to have a term of 27-30 years.
  
- Though a direct bank loan would be an effective avenue for the issuance of the Interim Financing, which would have a term of no more than 2 years, banks typically do not fund loans with a term in excess of 20 years.
  
- Given the nature of the projects, the County could consider several options for the Permanent Financing that would be able to provide the necessary structure, including:
  - The Virginia Resources Authority’s (“VRA”) Pooled Financing Program;
  - The Virginia Public School Authority (“VPSA”) Pooled Bond Program; and/or
  - The Public Issuance of County Public Facility Revenue Bonds.



## VRA

### Pooled Financing Program

#### Overview

- Direct Loan through and held by VRA.
- Provides funding for County projects only.
- Issuances occur three times per year in May, August, and November with applications for each pool due approximately three months prior to closing.

#### Potential Advantages

- Interest rates based on VRA's AAA/AA Credit Ratings.
- Flexibility to structure.
- Non-local up-front costs are shared with other pool participants.

#### Potential Disadvantages

- Does not fund school projects.
- Only three issuances per year.
- More in-depth due diligence process and may require credit enhancements (e.g., Support Agreements, DSRFs, etc.).
- Interest rate includes incremental annual administration fees.
- Requires collateral.



## Pooled Bond Program

### Overview

- Direct Loan through and held by VPSA.
- Provides funding for Schools projects only.
- Issuances occur two times per year in May and November with applications for each pool due approximately two and a half months prior to closing.

### Potential Advantages

- County can use a G.O. pledge with only a Public Hearing required.
- Interest rates based on VPSA's Aa1/AA+ Credit Ratings.
- Flexibility to structure.
- Non-local up-front costs are shared with other pool participants.

### Potential Disadvantages

- Does not fund County projects.
- Only two issuances per year.
- Interest rate includes incremental annual administration fees.



## County Public Issuance

### Overview

- Issuance of Bonds sold directly to investors through the public markets.
- Interest rates based on the County's Bond Rating and the strength of the security.

### Potential Advantages

- Not likely to require an asset as collateral on the issuance.
- Timeline can be tailored to meet the County's cash flow needs.
- Can fund both County and Schools projects (potential economies of scale with one issuance).
- Flexibility to structure.
- No incremental annual fees.

### Potential Disadvantages

- Requires disclosure (offering) document.
- Additional up-front work to be completed by financing team participants.
- Ratings will be required.
- Ongoing continuing disclosure requirements.
- County bears all issuance costs (not shared with pool members).



# Next Steps

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- Work with County and Schools Staff to determine the preferred borrowing amount for the Interim Financing based on an estimated schedule of expenditures.
- Distribute the Bank RFP for the Interim Financing.
- Further analyze the options for the Permanent Financing to determine the most appropriate approach given the timing of the projects and the capabilities/features of the various financing options.
- Consider the implementation of financial policies for debt and fund balance.
- Discuss the potential for obtaining a credit rating to better position the County for future debt issuances and financing flexibility.
- Continue to work with staff and the Board of Supervisors to update the Debt Capacity/Affordability Analysis as new information becomes available.





# Appendix

## Debt Ratio Impact



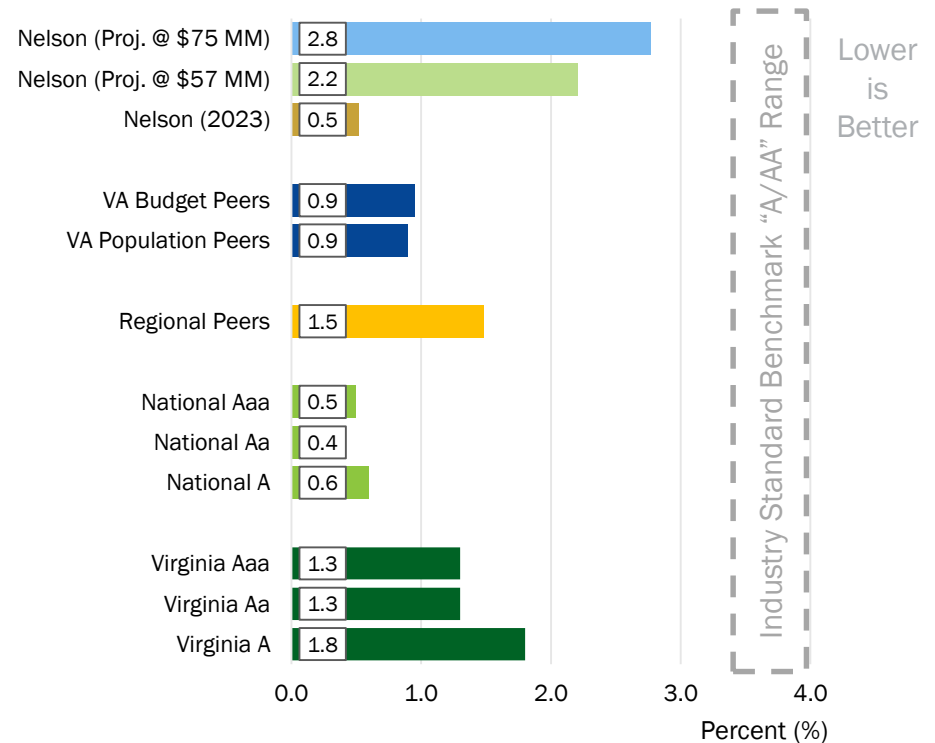
# Key Debt Ratio | Debt to Assessed Value

## Potential Policy

As Presented December 2023

- Debt vs. Assessed Value of taxable property is a key ratio that answers the question **“Can I Borrow This?”**. It is commonly used by rating agencies to measure an issuer’s capacity to support existing and additional debt.
- Currently, the County’s ratio is approximately 0.5% and considered **“Very Strong”** from the Rating Agencies’ perspective.
- Assuming a projected maximum issuance approximating \$57 Million based on the Debt Capacity/Affordability Analysis, the County’s Debt vs Assessed Valuation approximates 2.2%.
- Consideration: formally adopt Financial Policy Guidelines that establish a 3.5% to 4.0% policy target range.

### Debt to Assessed Value Peer Comparative



- Rating Considerations:
  - Moody’s: Criteria for General Obligation Credits defines categories of Debt to Assessed Values as:
    - **Very Strong (Aaa):** < 0.75%
    - Strong (Aa): 0.75% - 1.75%
    - Moderate (A): 1.75% - 4.0%
    - Weak - Very Poor (Baa and below): > 4.0%
  - S&P: A positive qualitative adjustment is made to the Debt and Contingent Liabilities score for a debt to market value ratio below 3.0%, while a negative adjustment is made for a ratio above 10.0%.



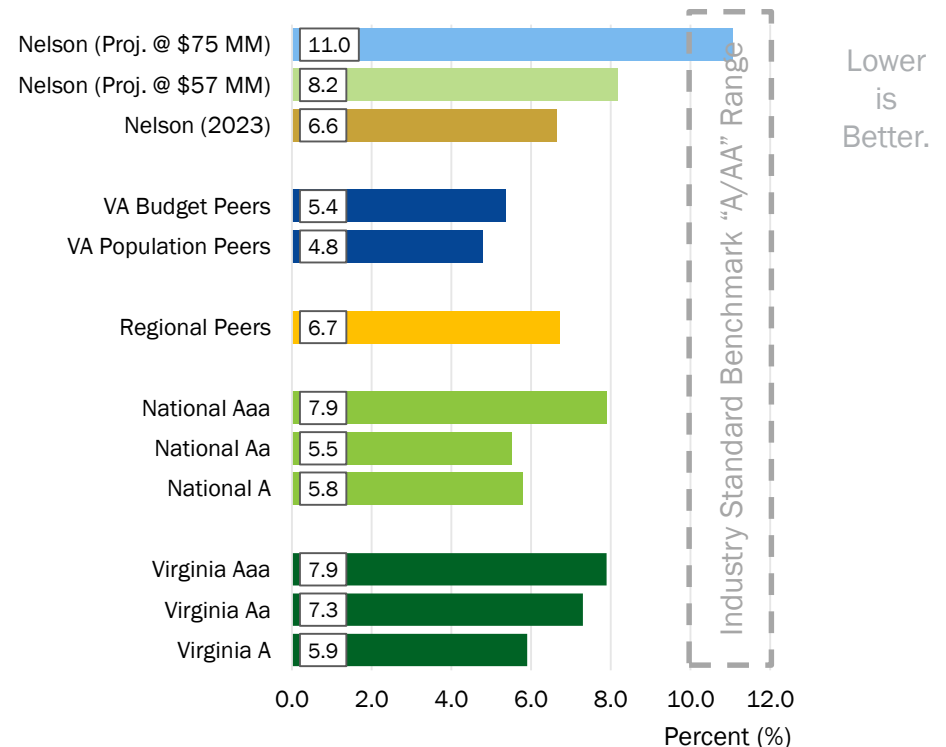
# Key Debt Ratio | Debt Service as a % of Expenditures

## Potential Policy

As Presented December 2023

- Debt Service vs. Expenditures is a key ratio because it measures how much of the annual budget is being spent to pay for debt, and can show how much additional debt service can be added before exceeding prudent levels. It answers the *“Can I Afford This?”* question.
- Currently the County’s ratio is approximately 6.6% and considered “Very Strong” from the Rating Agencies’ perspective.
- Assuming a projected maximum issuance approximating \$57 Million based on the Debt Capacity/Affordability Analysis, the County’s “Stabilized” Debt Service vs Expenditures approximates 8.2%.
- Consideration: formally adopt Financial Policy Guidelines that establish a 10% to 12% policy target range.

### Debt Service vs. Expenditures Peer Comparative



- Rating Considerations:
  - Moody’s: Moody’s criteria allows for a scorecard adjustment if an issuer has very high or low debt service relative to its budget Percent.
  - S&P: The Debt and Contingent Liabilities section defines categories of Net Direct Debt as a % of Total Governmental Funds Expenditures as follows:
 

– Very Strong:	<8%
– Strong:	8% to 15%
– Adequate:	15% - 25%
– Weak:	25% - 35%
– Very Weak:	> 35%



The enclosed information relates to an existing or potential municipal advisor engagement.

The U.S. Securities and Exchange Commission (the “SEC”) has clarified that a broker, dealer or municipal securities dealer engaging in municipal advisory activities outside the scope of underwriting a particular issuance of municipal securities should be subject to municipal advisor registration. Davenport & Company LLC (“Davenport”) has registered as a municipal advisor with the SEC. As a registered municipal advisor Davenport may provide advice to a municipal entity or obligated person. An obligated person is an entity other than a municipal entity, such as a not for profit corporation, that has commenced an application or negotiation with an entity to issue municipal securities on its behalf and for which it will provide support. If and when an issuer engages Davenport to provide financial advisory or consultant services with respect to the issuance of municipal securities, Davenport is obligated to evidence such a financial advisory relationship with a written agreement.

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Central District

JESSE N. RUTHERFORD  
East District

J. DAVID PARR  
West District

DR. JESSICA LIGON  
South District



CANDICE W. MCGARRY  
County Administrator

AMANDA B. SPIVEY  
Administrative Assistant/  
Deputy Clerk

LINDA K. STATON  
Director of Finance and  
Human Resources

**RESOLUTION 2024-09**  
**NELSON COUNTY BOARD OF SUPERVISORS**  
**DECLARATION OF INTENT TO REIMBURSE THE COUNTY FROM THE**  
**PROCEEDS OF ONE OR MORE TAX-EXEMPT FINANCINGS FOR CERTAIN**  
**EXPENDITURES MADE AND/OR TO BE MADE IN CONNECTION WITH A**  
**COUNTY FACILITIES AND OFFICE BUILDING CAPITAL PROJECT**

**WHEREAS**, the County of Nelson, Virginia (**the “Issuer”**) is a political subdivision organized and existing under the laws of the State of Virginia; and

**WHEREAS**, the Issuer has paid beginning no earlier than 60 days prior to the date of adoption of this resolution, and will pay, on and after the date hereof, certain expenditures (**“Expenditures”**) for the design, acquisition, construction, improvement, expansion, renovation and equipping of a County of Nelson facilities and office building project, further described on Exhibit A attached hereto (**the “Project”**); and

**WHEREAS**, the Board of Supervisors of the Issuer (**the “Board”**) has determined that those moneys previously advanced no earlier than 60 days prior to the date of adoption of this resolution and to be advanced on and after the date hereof to pay the Expenditures are available only for a temporary period and it is necessary to reimburse the Issuer for the Expenditures from the proceeds of one or more issues of tax-exempt financing (**the “Financing”**).

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD AS FOLLOWS:**

Section 1. The Board hereby declares the Issuer’s intent to reimburse the Issuer with the proceeds of the Financing for the Expenditures with respect to the Project made on and after the date referenced above. The Issuer reasonably expects on the date hereof that it will reimburse the Expenditures with the proceeds of the Financing.

Section 2. Each Expenditure was and will be either (a) of a type properly chargeable to capital account under general federal income tax principles (determined in each case as of the date of the Expenditures), (b) a cost of issuance with respect to the Financing, (c) a nonrecurring item that is not customarily payable from current revenues, or (d) a grant to a party that is not related to or an agent of the Issuer so long as such grant does not impose any obligation or condition (directly or indirectly) to repay any amount to or for the benefit of the Issuer.

Section 3. The maximum principal amount of the Financing expected to be issued for the Project is \$9,850,000.

Section 4. The Issuer will make a reimbursement allocation, which is a written allocation by the Issuer that evidences the Issuer's use of proceeds of the Financing to reimburse an Expenditure, no later than 18 months after the later of the date on which the Expenditure is paid or the Project is placed in service or abandoned, but in no event more than three years after the date on which the Expenditure is paid. The Issuer recognizes that exceptions are available for certain "preliminary expenditures," costs of issuance, certain de minimis amounts, expenditures by "small issuers" (based on the year of issuance and not the year of expenditure) and expenditures for construction projects of at least 5 years.

Section 5. This resolution shall take effect immediately upon its passage.

Approved: \_\_\_\_\_

Attest: \_\_\_\_\_, Clerk  
Nelson County Board of Supervisors

## **EXHIBIT A**

The design, improvement, expansion, renovation, construction and equipping of facilities and office space for County governmental purposes, including specifically department of social services offices and public meeting space, on real property described as County tax map parcel number 57 A 34.



\* \* \* \* \*

I, Candace McGarry, Clerk of the Nelson County Board of Supervisors, DO HEREBY CERTIFY that the foregoing Resolution was duly adopted and has been carefully copied from the actually recorded minutes of said Board at a regular meeting held on February 13, 2024, the record having been made in the minutes of said Board, and is a true copy of so much of said minutes as relates in any way to the passage of the resolution described therein.

WITNESS my hand this \_\_\_\_ day of February, 2024.

\_\_\_\_\_  
Clerk, Nelson County Board of Supervisors



BOARD OF  
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THOMAS D. HARVEY  
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Administrative Assistant/  
Deputy Clerk

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Director of Finance and  
Human Resources

**RESOLUTION R2024-10**  
**NELSON COUNTY BOARD OF SUPERVISORS**  
**DECLARATION OF INTENT TO REIMBURSE THE COUNTY FROM THE**  
**PROCEEDS OF ONE OR MORE TAX-EXEMPT FINANCINGS FOR CERTAIN**  
**EXPENDITURES MADE AND/OR TO BE MADE IN CONNECTION WITH A**  
**COUNTY OF NELSON SCHOOL CAPITAL PROJECT**

WHEREAS, the County of Nelson, Virginia (**the “Issuer”**) is a political subdivision organized and existing under the laws of the State of Virginia; and

WHEREAS, the Issuer has paid beginning no earlier than 60 days prior to the date of adoption of this resolution, and will pay, on and after the date hereof, certain expenditures (**“Expenditures”**) for the design, acquisition, construction, improvement, expansion, renovation and equipping of a County of Nelson public school capital project, further described on Exhibit A attached hereto (**the “Project”**); and

WHEREAS, the Board of Supervisors of the Issuer (**the “Board”**) has determined that those moneys previously advanced no earlier than 60 days prior to the date of adoption of this resolution and to be advanced on and after the date hereof to pay the Expenditures are available only for a temporary period and it is necessary to reimburse the Issuer for the Expenditures from the proceeds of one or more issues of tax-exempt financing (**the “Financing”**).

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD AS FOLLOWS:**

Section 1. The Board hereby declares the Issuer’s intent to reimburse the Issuer with the proceeds of the Financing for the Expenditures with respect to the Project made on and after the date referenced above. The Issuer reasonably expects on the date hereof that it will reimburse the Expenditures with the proceeds of the Financing.

Section 2. Each Expenditure was and will be either (a) of a type properly chargeable to capital account under general federal income tax principles (determined in each case as of the date of the Expenditures), (b) a cost of issuance with respect to the Financing, (c) a nonrecurring item that is not customarily payable from current revenues, or (d) a grant to a party that is not related to or an agent of the Issuer so long as such grant does not impose any obligation or condition (directly or indirectly) to repay any amount to or for the benefit of the Issuer.

Section 3. The maximum principal amount of the Financing expected to be issued for the Project is \$25,000,000.

Section 4. The Issuer will make a reimbursement allocation, which is a written allocation by the Issuer that evidences the Issuer's use of proceeds of the Financing to reimburse an Expenditure, no later than 18 months after the later of the date on which the Expenditure is paid or the Project is placed in service or abandoned, but in no event more than three years after the date on which the Expenditure is paid. The Issuer recognizes that exceptions are available for certain "preliminary expenditures," costs of issuance, certain de minimis amounts, expenditures by "small issuers" (based on the year of issuance and not the year of expenditure) and expenditures for construction projects of at least 5 years.

Section 5. This resolution shall take effect immediately upon its passage.

Approved: \_\_\_\_\_

Attest: \_\_\_\_\_, Clerk  
Nelson County Board of Supervisors

## **EXHIBIT A**

The design, improvement, renovation, construction and equipping of County public school facilities, including electrical, mechanical, plumbing, fire safety, roadway and parking lot, security and other upgrades and renovations at Nelson County High School.

\* \* \* \* \*

I, Candace McGarry, Clerk of the Nelson County Board of Supervisors, DO HEREBY CERTIFY that the foregoing Resolution was duly adopted and has been carefully copied from the actually recorded minutes of said Board at a regular meeting held on February 13, 2024, the record having been made in the minutes of said Board, and is a true copy of so much of said minutes as relates in any way to the passage of the resolution described therein.

WITNESS my hand this \_\_\_\_ day of February, 2024.

\_\_\_\_\_  
Clerk, Nelson County Board of Supervisors



February 6, 2024

Ms. Candy McGarry  
County Administrator  
Nelson County  
84 Courthouse Square  
P.O. Box 336  
Lovingston, VA 22949

**Re: Nelson County Larkin Property Water and Sewer Study Proposal**

Dear Ms. McGarry:

CHA is pleased to provide the following proposal for the Larkin Property Water and Sewer Study. This work will be performed under the terms and conditions outlined in the term contract dated November 16, 2023. The term contract was established for use by the County and the Authority. Our project understanding, scope of services, schedule, and professional fee are detailed in the following paragraphs.

#### **PROJECT UNDERSTANDING**

Nelson County (County) has acquired the Larkin Property near the Nelson County High School and is currently evaluating development alternatives for this property. Based upon the development plan, the County desires to understand the water and sanitary sewer needs for the property. Water and wastewater service in the County is provided by the Nelson County Service Authority (NCSA). The NCSA owns and operates a regional drinking water plant and a regional wastewater treatment plant located near the community of Colleen. These facilities would be the logical choice for providing potable water to the site and providing wastewater treatment from the site. However, these facilities have less than 50% available capacity and the development of the Larkin property could result in the need to expand the facilities or evaluate alternative water and sewer capacity.

Based upon our understanding of the needs, CHA recommends a two-phased approach to evaluate the water and sewer needs for the Larkin property. The first phase will be an evaluation of the water and sewer needs for the development of the property and a desktop study of the current water demand at the regional water treatment plant and the current flows to the wastewater treatment plant. If the projected water and wastewater demand, exceeds the 80% capacity threshold for one or both treatment facilities, then CHA will recommend proceeding with a more detailed evaluation (Phase II) of expansion alternatives at these facilities as well as consider alternative treatment alternatives. This phased approach will enable CHA to better understand the demand projections as part of the Phase I study and will help guide alternative consideration for Phase II, if necessary. This proposal is for the Phase I desktop evaluation.

#### **SCOPE OF SERVICES**

CHA will assist the County in developing water demand and wastewater flow projections for the planning area based upon input from the County planning department. CHA will review the planning area and calculate water demand and wastewater flow based upon the proposed zoning and land use. CHA will

consult with the planning department to determine the timeline for the water and wastewater needs and provide separate water demand and wastewater flow projections over a 30-year planning period at 5-year increments. These projections will be utilized as the basis for comparing to the available water and wastewater capacities at the regional water and wastewater treatment plants.

CHA will evaluate up to three (3) years of monthly operating reports from the water plant and three (3) years of daily monitoring reports from the wastewater plant to determine the current available capacity at both plants. This evaluation will include a determination of the raw water reservoir safe yield for available water to treat. The evaluation will also include potable water peak day demand calculations as well as peak day flow at the wastewater plant. Based upon this information and the water and sewer projections for the Larkin Property, CHA will develop water demand curve that will identify when the 80% capacity threshold will be reached at that the water treatment plant and when the 80% capacity threshold will be reached at the wastewater treatment plant. The findings of this assessment will be documented in a technical memorandum for review by the County and the NCSA.

If both plants will be below the 80% capacity threshold based upon the analysis above, then no further work will be required. If one or both treatment plants will exceed the 80% capacity threshold, then CHA will proceed with a Phase II analysis of alternatives for meeting the long-term water and sewer needs of the property. This alternatives analysis may include proposing upgrades at the treatment plants or alternative water source and treatment facilities. The Phase II work is not currently included in this scope and will be further defined upon completion of the Phase I analysis if required. At that time plant tours of both treatment plants will be required.

**SCHEDULE**

CHA proposes to complete the analysis and technical memorandum within 60 days of receipt of information from the planning department and receipt of the treatment plant reports noted above.

**FEES**

CHA proposes to perform the Phase 1 work hourly not to exceed \$25,000. An hourly approach will provide the County with the flexibility to manage project costs as the planning portion of the work is developed.

We look forward to the opportunity to work with you on this project. As always, please do not hesitate to contact CHA should you have any questions or wish to discuss this further.

Sincerely,



Douglas B. Hudgins, P.E.  
Vice President

ACCEPTED BY:

DBH

\_\_\_\_\_  
Candy McGarry, County Administrator  
Nelson County

\_\_\_\_\_  
Date





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

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

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

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

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

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

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

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

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

Approved: August 8, 2023

Attest: , Clerk  
Nelson County Board of Supervisors

**NELSON COUNTY EMERGENCY SERVICES COUNCIL**

P.O. Box 336  
Lovington, Va. 22949

---

2/2/2024

County Of Nelson  
Candy McGarry, Administrator  
P.O. Box 336  
Lovington, Va. 22949

Dear Mrs. McGarry,

The Emergency Services Council has unanimously voted to support the Tanker for the Faber Volunteer Fire Department. They reached out to three vendors with the specifications they required, and only two responded. With all factors considered, Fesco Emergency Sales, was the preferred vendor on meeting the requirements, and was the best price.

We are requesting this to be considered as the next funded Fire Unit for the 80/20 program the County has done previously.

The contact for the Faber Volunteer Fire Department is Assistant Chief Jeff Fletcher at 434-962-3326, if you should have any specific question regarding the unit.

Thank you for your continued support, and let me know if you have any questions.

Sincerely,



Daniel T. Johnson  
President, NCECSC

Faber Volunteer Fire Department  
8207 Irish Road  
Faber, VA 22938

CY 2023 FVFD Expenditure December 17, 2023

Propane + 2 Heating Oil	\$5,393.84
Electricity	\$5,131.90
Insurance	\$9,608.00
Internet & Firefly	\$3,296.50
Gasoline & Diesel for apparatus	\$5,423.34
Inspections/Testing/ESO-Knox Box	<u>\$9,440.67</u>
<b>Grand Total:</b>	<b>\$38,294.25</b>

Beginning Checking Balance December 2022	\$64,177.95
Deposits: Fire Funds	\$8,468.00
Nelson 2022 reimbursement	\$39,964.81
Fund Raising + Grants	<u>\$25,964.03</u>
	<b>\$138,574.79</b>

Expenditure for Equipment	(\$62,765.78)
Truck maintenance + building repaint + Insurance + expenses	

Ending Checking Balance Dec. 2023 \$75,809.01

FVFD paid out more than \$20,000 in early Jan 2024 for truck maintenance, power, and insurance for 2024. The current 1988 tanker is costing more than \$5,000 a year for maintenance. I think the department can pay \$8,000 a year on a new tanker and still go forward with other capital improvement projects. i.e. roof maintenance on the shelter building (probably \$30,000) and the response building in Schuyler. The landing pad at the Wayside is poured and will need lights. We have about \$20,000 of the checking account that is budgeted for capital improvement.

Falen Volunteer Fire Department  
 8207 DICK ROAD  
 Falen Virginia 22938

Dec 17 2023

CY 2023 FVFD Expenses

	5393.84
Propane + #2 Heating Oil	<del>3655.73</del>
Electricity	5131.90
Insurance	9608.00
Internet + Firefly	3296.50
Gasoline + Diesel Fuel Apparatus	5423.34
<del>#2 Heating Oil</del>	<del>1738.71</del>
Inspections / Testing / ESD - Knox Box	9440.67
	<hr/>
GRAND TOTAL	38,294.15

Beginning checking Balance <sup>Dec 2022</sup>	64,177.95
Deposits	+ 74,396.84
Fire Funds 8,468.00	
Nelson 2022 Reimbursement 39,964.81	
Fund raising + Grants 25,964.03	
	<hr/>
	138,574.79
- Expenditures For equipment	- 62,765.78
Tire & maintenance & building	
repair + insurance + <del>Expenses</del>	
Ending <sup>checking</sup> Balance	<hr/>
Dec 2023	75,809.01

FVFD paid out more than 20,000.00 in <sup>early</sup> JAN 2024 For  
 TRUCK MAINT, power, + Insurance For 2024.  
 The current 1988 Tanker is costing more than 5,000.00  
 a year for maintenance. I think the Department  
 can pay 8,000.00 a year on a new Tanker and still go  
 forward with other capital improvement projects  
 ie roof maintenance on the shelter building (probably 30,000.00)  
 + the response building in Schulyer. The landing pad  
 AT the Wayside is paved + well need lights. THAT is budgeted  
 we have about 20,000.00 OF THE checking account THAT is budgeted  
 for CAPITAL improvement.

**FESCO EMERGENCY SALES***BID PROPOSAL for furnishing***ANCHOR-RICHEY EVS**

**Faber Volunteer Fire Department  
8207 Irish Road  
Faber, Va. 22938**

December 20<sup>th</sup>, 2023

Gentlemen,

The undersigned is prepared to manufacture and/or supply for you, upon an order being placed by you for final acceptance by FESCO Emergency Sales (FESCO), at our main office in Elkridge, Maryland, the apparatus, and equipment herein named and for the following prices:

One (1) Anchor-Richey Tanker on a Freightliner M2 112 2 Door Chassis complete with an Aluminum Body with Lifetime Warranty, 450 HP Cummins Engine, 3000 Allison Transmission, Hale 1000 GPM pump, 1500 Gallon Water Tank, a Ziamatic Hydraulic Drop Tank System, Rearview Camera, Rear Swivel Dump, All LED Warning Lights and all equipment and accessories proposed to you as described herein for the total sum of \$414,438.00

Said apparatus and equipment are to be built and shipped in accordance with the specifications hereto enclosed. Delays due to strikes, war or international conflict, failures to obtain materials, or other causes beyond our control in preventing, delivery shall be within 565 calendar days after receipt of this order and the acceptance thereof at our main office in Elkridge, MD., and to be delivered to you at Taylorsville, N.C.

The specifications herein contained shall form a part of the final contract, and are subject to changes desired by the purchaser, provided such alterations are initialed by authorized representatives of both parties prior to the acceptance by FESCO of the offer to purchase, and provided such alterations do not materially affect the cost of the construction of the apparatus.

Unless accepted within 30 days from the above date, the right is reserved to withdraw this proposal.

**FESCO EMERGENCY SALES  
7010 TROY HILL DRIVE  
ELKRIDGE, MARYLAND 21075**

By *Donald Fitzgerald*  
Donald Fitzgerald, Regional Sales Manager





Emergency Vehicle Services, Inc.

July 31, 2023

Revised October 6, 2023

**Revised January 15, 2024 (current year pricing)**

**Anchor-Richey EVS Dryside Tanker - 1500 Gallons**  
**Hale Sidekick 1,000 GPM PTO Pump**

**Chassis**

(1) Supply and install a 2025 M2 112 Conventional Freightliner chassis (4x2) with the following  
**(The CA of the chassis will need to be confirmed before ordering):**

A proposal for  
**NC SHERIFFS ASSOCIATION**  
ANCHOR-RICHEY  
Prepared by  
**EXCEL TRUCK GROUP**  
Dayton Rogers

Jan 09, 2024

**Freightliner M2 112 Plus**



Application Version 11.9.305  
Data Version PRL-28M.024  
MY25 MTN VIEW M2 112+



01/09/2024 10:02 AM

Page 1 of 19



Emergency Vehicle Services, Inc.

Prepared for:  
 SHAYLA NELSON  
 ANCHOR RICHEY  
 241 ADVENT CHURCH RD.  
 TAYLORSVILLE, NC 28681  
 Phone: 828.310.1085

Prepared by:  
 Dayton Rogers  
 EXCEL TRUCK GROUP  
 4633 EQUIPMENT DRIVE  
 CHARLOTTE, NC 28269  
 Phone: 980.244.0730

QUOTATION

M2 112 PLUS CONVENTIONAL CHASSIS

SET BACK AXLE - TRUCK  
 CUM L9 450EV HP @ 2100 RPM; 2200 GOV RPM, 1250  
 LB-FT @ 1200 RPM, R/F/E  
 ALLISON 3000 EVS AUTOMATIC TRANSMISSION WITH  
 PTO PROVISION  
 RS-23-161 24,000# R-SERIES FIRE/EMERGENCY  
 SERVICE SINGLE REAR AXLE  
 24,000# FLAT LEAF SPRING REAR SUSPENSION WITH  
 HELPER, WITH RADIUS ROD, FOR  
 FIRE/EMERGENCY SERVICE

DETROIT DA-F-12.0-3 12,000# FF1 71.5 KPI/3.74 DROP  
 SINGLE FRONT AXLE  
 12,000# DUAL TAPERLEAF FRONT SUSPENSION  
 112 INCH BBC FLAT ROOF ALUMINUM CONVENTIONAL  
 CAB  
 4550MM (179 INCH) WHEELBASE  
 NO FIFTH WHEEL  
 7/16X3-9/16X11-1/8 INCH STEEL FRAME  
 (11.11MMX282.6MM/0.437X11.13 INCH) 120KS  
 1525MM (60 INCH) REAR FRAME OVERHANG

		PER UNIT	TOTAL
VEHICLE PRICE	TOTAL # OF UNITS (1)	\$ 119,869	\$ 119,869
EXTENDED WARRANTY		\$ 0	\$ 0
DEALER INSTALLED OPTIONS		\$ 0	\$ 0
<b>CUSTOMER PRICE BEFORE TAX</b>		<b>\$ 119,869</b>	<b>\$ 119,869</b>
<b>TAXES AND FEES</b>			
FEDERAL EXCISE TAX (FET)		\$ (176)	\$ (176)
TAXES AND FEES		\$ 0	\$ 0
OTHER CHARGES		\$ 0	\$ 0
<b>TRADE-IN</b>			
TRADE-IN ALLOWANCE		\$ (0)	\$ (0)
<b>BALANCE DUE</b>	<b>(LOCAL CURRENCY)</b>	<b>\$ 119,693</b>	<b>\$ 119,693</b>

**Daimler Truck Financial**  
 Financing that works for you.

See your local dealer for a competitive quote from Daimler Truck Financial, or contact us at [Information@dtfoffers.com](mailto:Information@dtfoffers.com).  
 Daimler Truck Financial offers a variety of finance, lease and insurance solutions to fit your business needs. For more information about our products and services, visit our website at [www.daimler-truckfinancial.com](http://www.daimler-truckfinancial.com).

Application Version 11.9.305  
 Data Version PRL-28M.024  
 MY25 MTN VIEW M2 112+



01/09/2024 10:02 AM  
 Page 2 of 19



# FABER VOLUNTEER FIRE DEPARTMENT

FREIGHTLINER 1500 GALLON TANKER

PROPOSAL 12-22-23







## Proposal for Furnishing Apparatus

Dec 22, 2023

Department: Faber Volunteer Fire Department

Attn: Assistant Chief Jeff Fletcher

8207 Irish Road Faber, VA 22938

Upon an order being placed by you, and final acceptance by Pierce Manufacturing the apparatus and equipment herein named will be manufactured for the following prices:

	Price
One (1) New Pierce Freightliner 1500 Gallon Tanker per specifications dated 12-22-23	\$596,182.00

Total : **\$596,182.00**

Any discount(s), whether implied or explicit, will be applied upon delivery, acceptance, and final invoicing of Apparatus.

Said apparatus and equipment are to be built and shipped in accordance with the specifications hereto attached, delays due to strikes, war, or intentional conflict, failures to obtain chassis, materials, or other causes beyond our control not preventing, within about <sup>870 - 960</sup> calendar days after receipt of this order and the acceptance thereof by

Pierce Manufacturing. Due to global supply chain constraints, any delivery date contained herein is a good faith estimate as of the date of this order/contract, and merely an approximation based on current information. Delivery updates will be made available, and a final firm delivery date will be provided as soon as possible.

**Persistent Inflationary Environment:** If the Producer Price Index of Components for Manufacturing [www.bls.gov Series ID: WPUID6112] ("PPI") has increased at a compounded annual growth rate of 5.0% or more between the month Pierce accepts our order ("Order Month") and a month 14 months prior to the then predicted Ready For Pickup date ("Evaluation Month"), then pricing may be updated in an amount equal to the increase in PPI over 5.0% for each year or fractional year between the Order Month and the Evaluation Month. Atlantic will document any such updated price for the customer's approval before proceeding and provide an option to cancel the order.

**Taxes:** Tax is not included in this proposal. In the event that the purchasing organization is not exempt from sales tax or any other applicable taxes and/or the proposed apparatus does not qualify for exempt status, it is the duty of the purchasing organization to pay any and all taxes due.

**Cancellation:** In the event this proposal is accepted, and a purchase order is issued then cancelled or terminated by Customer before completion, Atlantic Emergency Solutions may charge a cancellation fee of 30% of the purchase price.

**Terms:** The terms of this proposal will be governed by the laws of the state of Virginia. No additional terms or conditions will be binding upon Atlantic Emergency Solutions unless agreed to in writing and signed by a duly authorized officer of Atlantic Emergency Solutions.

This proposal is valid until December 31, 2023, due to required NFPA 1900 changes on January 1, 2024.

Sincerely,

Bobby St.Clair, Regional Account Manager

845 Third Street  
Vinton, VA 24179  
(540) 353-5299 - Cell  
bstclair@atlanticemergency.com

X \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_



Faber Volunteer Fire Department  
Freightliner 1500 Gallon Tanker  
Dealer to Furnish Services

December 22, 2023

1. Weekly Photo report once construction begins on apparatus.
2. One (1) TFT#XX211A Blitz Fire Oscillating monitors with a TFT #MD12A Dual Pressure Nozzle
3. One (1) Pre-Con Fyrelane valve (#PC3-6.0FS-6.0M)
4. **One (1) 6" F NST x 4" stortz adapter long handle (#HSFS40-60NHLH**
5. **One (1) 2.5" F NST x 4" stortz adapter (#HSFS40-25NH)**
6. Delivery of Apparatus from Pierce Mfg. to Roanoke Regional Service Center.
7. Pre-delivery service / check-in of apparatus at our Service Center.
8. Valid VA state inspection sticker.
9. Delivery of Apparatus from our Service Center to Faber Volunteer Fire Department.
10. Training on apparatus at Faber Volunteer Fire Department. Times and dates to be determined by Faber Volunteer Fire Department.



BOARD OF  
SUPERVISORS

THOMAS D. HARVEY  
North District

ERNIE Q. REED  
Central District

JESSE N. RUTHERFORD  
East District

J. DAVID PARR  
West District

DR. JESSICA LIGON  
South District

CANDICE W. MCGARRY  
County Administrator

AMANDA B. SPIVEY  
Administrative Assistant/  
Deputy Clerk

LINDA K. STATON  
Director of Finance and  
Human Resources

**RESOLUTION R2024-11  
NELSON COUNTY BOARD OF SUPERVISORS  
APPROVAL OF 80/20 TRUCK ORDER REQUEST FOR  
FABER VOLUNTEER FIRE DEPARTMENT**

**BE IT RESOLVED**, that the Nelson County Board of Supervisors hereby authorizes Faber Volunteer Fire Department to place an order for an equipped Anchor-Richey Tanker with Fesco Emergency Sales.

**BE IT FURTHER RESOLVED**, that staff is hereby directed to include a funding request of \$331,511 (80% of the truck cost) in the FY25 proposed budget; with the understanding that final funding approval is pending adoption of the FY25 budget including these funds.

Approved: \_\_\_\_\_

Attest: \_\_\_\_\_, Clerk  
Nelson County Board of Supervisors

VD

# THE VILLAGE OF LOVINGSTON

## Brand Compass

2023-2027

carefully crafted by You &  spill teem®



# BRAND COMPASS CONTENTS:

**01** Our Target Audience & Hierarchy of Need(s)

**02** Our Vision & Mission Alignment

**03** Our Core Values & Guiding Principles

**04** Our Brand Attributes

**05** Our Brand Attributes SWOT Remix Analysis

**06** Recommendations

**OUR TARGET AUDIENCE  
HIERARCHY OF NEED(S)**



## TARGET AUDIENCE HIERARCHY OF NEED(S)

### OUR TARGET AUDIENCE

- Travelers
- Visitors
- Resident and;
- Surrounding Communities

### WHO THEY NEED US TO BE...

**A VILLAGE THAT LEVERAGES ITS  
HISTORY, ART, AND NATURE.**



# OUR VISION & MISSION ALIGNMENT



**"WE ENGAGE WITH A  
DIVERSE COMMUNITY OF  
BUSINESSES, LOCALS,  
AND CONSUMERS!"**

**THE VILLAGE OF LOVINGSTON**



## VISION & MISSION ALIGNMENT

Our Vision is to...

**Leverage our art, history, and nature.**

Our Mission Statement: *(how we do it)*

Option: **To provide a welcoming community where people come to engage in the attractions of our diverse setting; One that invests in its people and businesses to obtain maximum potential.**

Option: **To create attractions and events that unleash the potential of the historic Village of Lovington, engaging with a diverse community of businesses, locals, and consumers from outside the area.**

# **CORE VALUES & GUIDING PRINCIPLES**



## CORE VALUES & GUIDING PRINCIPLES

### Our Causes: *(who we serve, what drives us, and where we do our work)*

- COMMUNITY
- ATTRACT BUSINESSES
- ACT ON POTENTIAL
- EVENT CREATION

### Our Actions: *(what we do)*

- MESSAGE WITH INTENTIONALITY
- RESTORE 'WHAT'S "HERE'
- CREATE ATTRACTIONS
- ENGAGEMENT

### Our Impacts: *(what changes for the better as a result of our work)*

- EXCITING ATTRACTIONS/EVENTS
- LEARNING EXPERIENCES
- DIVERSE COMMUNITY (GROWING COMMUNITY IMPROVEMENTS)

# OUR BRAND IDENTITY

Brand Attributes

Brand Attributes SWOT Remix Analysis



# BRAND ATTRIBUTES

# OUR BRAND IDENTITY

## CORE ATTRIBUTES:

ARE FRONT-FACING AND SHOULD BE THE FIRST POINT OF CONTACT PEOPLE ENCOUNTER WITH YOU. HOWEVER, THEY ONLY EXIST BECAUSE OF YOUR PILLAR ATTRIBUTES.

## PILLAR ATTRIBUTES:

ARE YOUR SUPPORTIVE ATTRIBUTES; THEY'RE YOUR "WHY," FOUNDATION AND SECOND LINE OF DEFENSE TO ENSURE YOUR IDENTITY IS CONSISTENT AND REMAINS SOLID!

### CUSTOMER:

Our ideal community member.

#### **Supportive**

Friendly  
Generous  
Open-minded  
Involved

### CULTURE:

How our community describes us.

#### **Lovingly engaged**

Eclectic  
Inviting  
Energetic  
Supportive

### FEELING:

How communities feel after interacting with us.

#### **Fulfilled**

Friendly  
Quiet/peaceful  
Welcomed  
Inspired

### VOICE:

How we sound to others.

#### **Approachable**

Genuine  
Harmonious  
Joyful  
Assuring

## OUR BRAND IDENTITY

### CORE ATTRIBUTES:

ARE FRONT-FACING AND SHOULD BE THE FIRST POINT OF CONTACT PEOPLE ENCOUNTER WITH YOU. HOWEVER, THEY ONLY EXIST BECAUSE OF YOUR PILLAR ATTRIBUTES.

### PILLAR ATTRIBUTES:

ARE YOUR SUPPORTIVE ATTRIBUTES; THEY'RE YOUR "WHY," FOUNDATION AND SECOND LINE OF DEFENSE TO ENSURE YOUR IDENTITY IS CONSISTENT AND REMAINS SOLID!

### VALUE:

What people say that we offer as valuable/impactful.

#### Unique Experience

Growth  
Satisfaction  
Legacy

### STYLE:

How we visually look to others.

#### Vintage Modern

Vibrant  
Creative  
Openness  
Casual

### HUMBLE BRAG:

What makes us different.

#### Genuine Love

Advanced infrastructure  
Walkable  
Close-knit (togetherness)  
Well-rounded (complete experience)

# SWOT **REMIX** ANALYSIS

Competitive Advantage

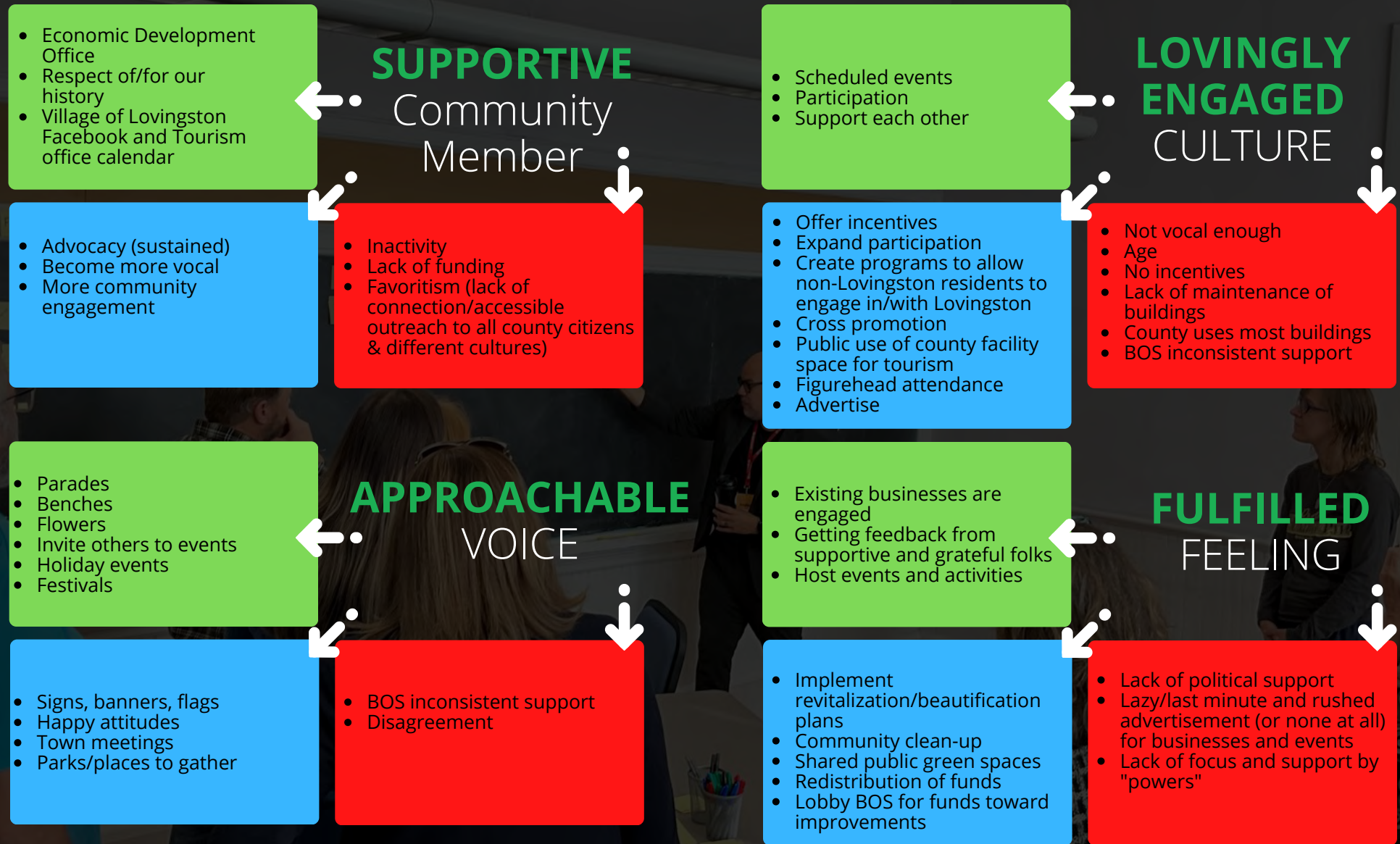


## SWOT REMIX ANALYSIS / COMPETITIVE ADVANTAGE

SWOT **REMI**X is a strength-based focus that allows you to look at current weaknesses not as an acceptance but as an awareness of what should be addressed.

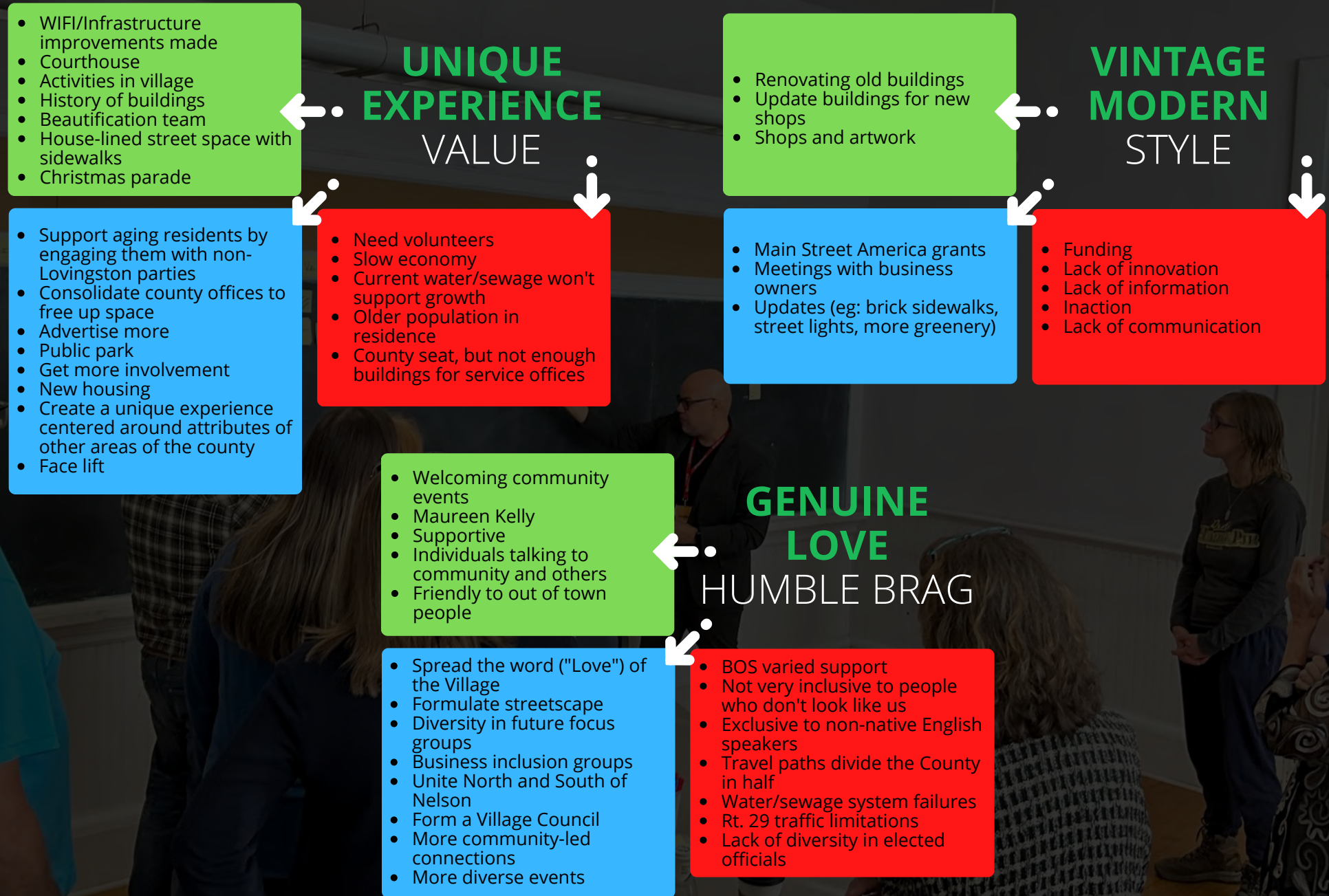


# SWOT REMIX ANALYSIS / COMPETITIVE ADVANTAGE





# SWOT REMIX ANALYSIS / COMPETITIVE ADVANTAGE



# RECOMMENDATIONS



## RECOMMENDATIONS

Using Your **Brand Compass** as a guide:

### Brand & Marketing Audit:

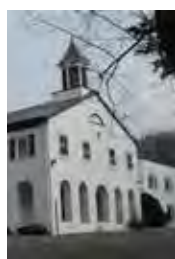
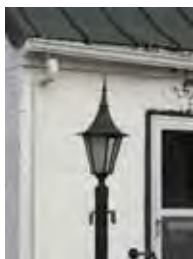
- Website
- Marketing Materials
- Marketing Strategy
- Messaging (internal and external)
- Visual Communication
- Refine Mission Statement
- Ongoing evaluation of internal and external verbal and visual communication decisions

### Process & Strategy Audit:

- Operations / Processes
- Operation / Process Manuals & Guides
- Ongoing evaluation of future partnerships, collaborations and opportunities

### Culture & Team Strategy:

- Focus Group Evaluations (*how and what you hold each other accountable*)
- Role Descriptions (*direct and indirect team members, volunteers etc.*)
- Ongoing evaluation of future team members, contractors, volunteers, etc.



WALKING TOUR  
of the

LOVINGTON  
HISTORIC  
DISTRICT



(1809 - 1925)



**Message with intentionality**

**Leverage our art, history, and nature.**

**What makes us different.**

Genuine Love

**VOICE:**

Approachable

**VALUE:**

Unique Experience

**STYLE:**

Vintage Modern

Lovingston  
VIRGINIA

Lovingston  
VIRGINIA



Love♥vingston  
VIRGINIA

Lovingston  
VIRGINIA

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Lovingston  
VIRGINIA

Love<sup>ing</sup>ston  
VIRGINIA

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VIRGINIA

Love<sup>ing</sup>ston  
VIRGINIA



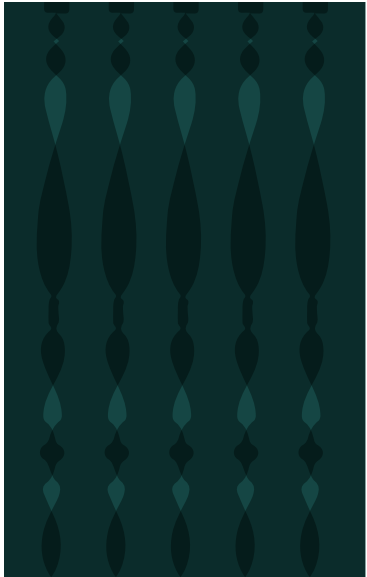


A large, stylized heart shape in a dark teal color, centered on a background of lighter teal and dark teal geometric shapes.

Lovingston  
VIRGINIA

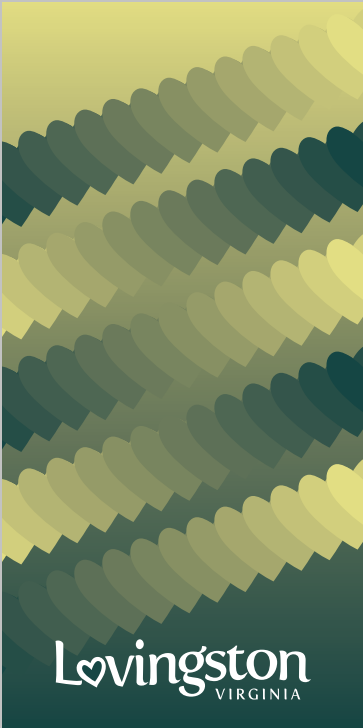


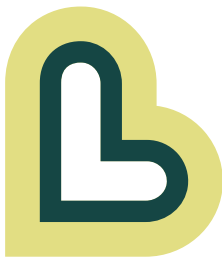
Livingston  
VIRGINIA



Livingston  
VIRGINIA



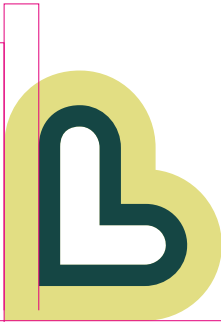




LOVINGSTON

VIRGINIA

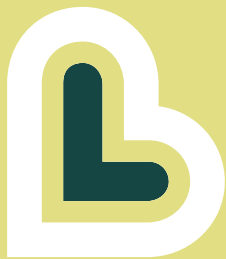
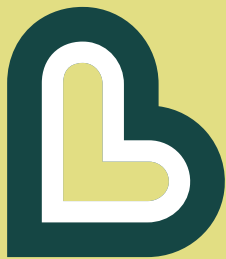
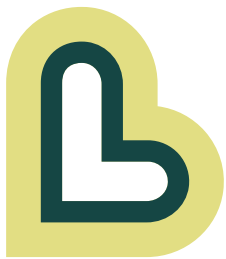
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LOVINGSTON

VIRGINIA



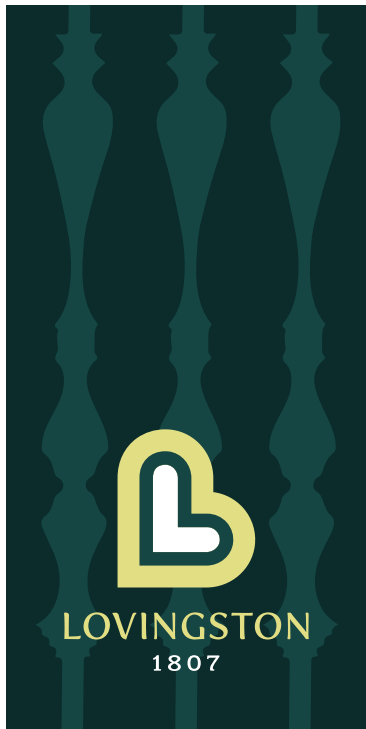




LOVINGSTON

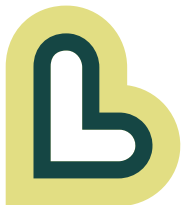
VIRGINIA







LOVINGSTON  
VIRGINIA



LOVINGSTON  
1806



LOVINGSTON  
VIRGINIA



LOVINGSTON  
1807

February 7, 2024

The Board of Supervisors  
Nelson County  
PO Box 336  
Lovington, VA 22949



Dear Members of the Board,

Subject: Request for Funding Support for Stars & Spurs @ Oak Ridge VA

I trust this letter finds you well. My name is Kenneth Venter, and I am writing on behalf of the Stars & Spurs @ Oak Ridge VA event planning committee. We are seeking financial support from Nelson County for our upcoming event, scheduled to take place on July 4 – 6, 2024 at Oak Ridge Estate.

### **About Stars & Spurs @ Oak Ridge VA:**

The event is a focus on the Family. It will be a three-day event with an expected patronage of 5,000 to 7,000 people. Main events on day one, July 4, are a music concert, fireworks show (if approved by the Board of Supervisors) and a sound stage featuring music talent from Nelson County. On Friday, July 5, the main event will be a monster truck show. We will also feature a construction machine contest with Giant Jenga as the drawcard. Saturday is all about rodeo. A major rodeo event in the evening with riders from across the Country, will be preceded by mutton busting, barrel racing, stick horse rodeo and roping lessons.

Throughout the event, people will have the opportunity to enjoy side activities such as rock climbing and rides on a monster truck and more. The Nelson County chapter of the FFA will have a livestock show each day of the event.

Food trucks, craft market stalls and a beer garden (Craft Corner) will be available to patrons throughout.

### **Why We Need Your Support:**

Being the inaugural event of an annual vision, everything starts from scratch. The venue has no infrastructure, with the implication of hiring generators for power and water. There are also no buildings or cover that will provide shade for exhibitors and participants. We will hire tents to address this issue.

As this is a family event, our aim is to keep admission ticket prices as low as possible, thus making the event affordable for families.

### **Community Impact:**

We are not aware of a similar event on the East Coast. Bringing people to Nelson County from all over the State and beyond, will bring revenue to local businesses. We intend to involve all willing hospitality vendors in special package deals for travellers from afar. We will also focus on the County Schools and their involvement.



Local music talent will be featured throughout the day on the Sound Stage, creating opportunities for them to be approached by the hospitality businesses that are part of the event.

Even though there will be an influx of people to the Lovington area, Oak Ridge Estate is perfectly situated to absorb the influx without disrupting the daily routine of the citizens of the area.

Locals will have the opportunity to experience this one-of-a-kind event firsthand.

### **Request for Funding:**

We are requesting financial support of \$10,000.00 from Nelson County as a County Event Sponsorship to help ensure the success of Stars & Spurs @ Oak Ridge VA. The funds will be crucial in reaching our goal of keeping admission ticket prices as low as possible.

### **Recognition and Benefits:**

Stars & Spurs @ Oak Ridge VA will ensure that Nelson County is recognised on the event website, not only as the location of the event, but also as a supporter and contributor. We will ensure that Nelson County is also referenced in media advertisements and social media advertising.

The roles of the staff of Nelson County can not be negated and they will receive special recognition throughout the planning and execution phase of the event.

Thank you for considering our request. Your support will play a pivotal role in making Stars & Spurs @ Oak Ridge VA a success and contributing to the well-being of our community.

Sincerely,

Kenneth Venter  
Event Promoter  
Stars & Spurs @ Oak Ridge VA  
434 247 3291  
kenneth@ttz.co.za

From the STARS that pop in a fireworks display  
to the SPURS that jangle on boots tapping to the rhythm of country music ...

From children playing firefighter-firefighter and touching cool trucks  
to stickhorse rodeo and mutton bustin' ...

From high school students showing off their rodeo skills and art accomplishment  
to FFA students displaying their prize animals ...

From mothers, daughters and grandma's meandering through market stalls  
to dads, sons and grandpa's checking out vintage cars and antique farm  
implements ...

From family picnics on the beautiful racetrack at Oak Ridge  
to families around a table enjoying the best food truck fair ...

From sharing a local cider or craft beer with buddies  
to sipping wine at sunset in the shadow of the Blueridge mountains ...

From buckin' bulls and barrel races  
to the jumping, crunching and crushing of huge monster trucks ...

Get it all and then some at

## **STARS & SPURS @ OAK RIDGE**

Nelson County, VA

**4 – 6 July 2024**



# **STARS & SPURS @ OAK RIDGE VA**

July 4 - 6, 2024

## **Schedule of events**

### *Full day displays and events:*

Petting Zoo  
Touch-a-truck  
Axe throwing  
Photo booth  
Classic car show  
Vintage farm implement exhibit  
Rock wall climbing  
Mechanical bull rides  
Monster truck rides  
Pony/Horse rides  
Donkey cart rides  
Kids Electric car races  
Adopt-a-donkey (Peaceful Valley Donkey Sanctuary)  
Future Farmers of America  
School Art Gallery  
Exhibits  
Beverage tents  
Food trucks  
Craft vendors

### **Thursday, July 4**

Independence Day Parade  
Kids Firefighting games  
Soundstage Local Bands  
Hot Dog eating contest  
Volunteer Firefighters prelim contest  
Axe throwing contest  
Mutton bustin'  
Roping lesson  
Roping competition  
Kids Firefighting games  
Stick horse barrel race and rodeo  
High School Rodeo  
Music concert  
Fireworks display (*Pending approval by Board*)

## **Friday, July 5**

Kids Firefighting games  
Soundstage Local Bands  
Blind man tractor drive  
Tractor pulling contest / Start Giant Jenga  
Hauling strength contest  
Yellow Machine skill contest  
Kids Firefighting games  
Fiddling contest  
Monster Truck Show

## **Saturday, July 6**

Mountain bike Trail ride  
BBQ chefs challenge  
Kids Firefighting games  
Volunteer Firefighter Finale  
Family Picnic with Entertainment  
Pie eating contest  
Awards: FFA Livestock, BBQ and Firefighters  
Kids Firefighting games  
Soundstage Local artists  
Barrel races  
Rodeo  
Donkey parade (Adopt-a-Donkey)  
Rodeo continues

**From:** [Candy McGarry](#)  
**To:** [Amanda Spivey](#)  
**Subject:** FW: 4th of July Fireworks  
**Date:** Friday, February 9, 2024 9:06:15 AM

---

See below for packet if needed, thanks!

**From:** Jade Bunner [mailto:info.lvfd29@gmail.com]  
**Sent:** Monday, February 5, 2024 6:04 PM  
**To:** Candy McGarry <CMcGarry@nelsoncounty.org>  
**Subject:** Re: 4th of July Fireworks

Hello Candy,

I apologize for my delayed response. [REDACTED] I have two proposals depending on a few more conversations.

I'm requesting \$11,000 for fireworks. We may not spend this total amount, the fireworks technician and I are trying to account for inflation.

Thanks, Jade

On Mon, Feb 5, 2024 at 3:14 PM Candy McGarry <[CMcGarry@nelsoncounty.org](mailto:CMcGarry@nelsoncounty.org)> wrote:

Hi Jade,

Hope you had a good weekend! Do you have an amount yet that you'll be requesting for the 4<sup>th</sup> of July Fireworks? Thank you!

Best,  
Candy

**Candice McGarry**

Nelson County  
County Administrator

(434) 263-7001 Work  
[CMcGarry@nelsoncounty.org](mailto:CMcGarry@nelsoncounty.org)  
P.O. Box 336  
Lovingson, VA 22949  
[www.nelsoncounty-va.gov](http://www.nelsoncounty-va.gov)

## **ARTICLE 24. TEMPORARY EVENTS, FESTIVAL GROUNDS, OUT-OF-DOOR ACCESSORY USES**

### *Statement of Intent*

This Article provides regulations designed to address temporary uses in districts where such uses would not otherwise be permissible, establishes criteria for the approval or disapproval of such temporary uses, and provides requirements for the permitting and conduct of such uses. The Article also requires for the issuance of a Special Use Permit for properties where the intended use envisions large scale events, and provides for the regulation of out-of-door activities conducted as an accessory use to certain permitted commercial uses. The Article is not intended to regulate, and does not regulate, the traditional non-commercial use of property by its owners; such use is subject to other provisions of this Ordinance, the Noise Ordinance, and other applicable law.

### 24-1

#### *Definitions*

*Agritourism Activity:* any activity carried out on a farm or ranch engaged in bona fide Agricultural Operations that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities, including farming, wineries, ranching, historical, cultural, harvest-your-own activities, or natural activities and attractions. An activity is an agritourism activity whether or not the participant paid to participate in the activity.

*Festival Grounds:* The use of land for the hosting and operation of Category 3 Temporary Events, and the construction, erection, or other use of structures or other improvements (temporary or permanent) associated with Category 3 Temporary Events. The minimum acreage for a Festival Grounds is 250 acres. Contiguous parcels under the same or different ownership or control may be aggregated to attain the minimum acreage; if contiguous parcels are under different ownership or control, the owner or agent for each parcel must formally authorize the application for a Festival Grounds Special Use Permit.

*Out-of-Door, Accessory Use:* The following out-of-door activities are accessory uses to a Banquet Hall, Conference Center, Corporate Training Center, Restaurant, Brewery, and Distillery: receptions, dining, and entertainment, such as musical or other cultural performances, which (i) are conducted in connection with the primary permitted use, (ii) do not involve amplified sound later than 9:00 p.m. on Sundays through Thursdays or later than 10:00 p.m. on Fridays or Saturdays, and (iii) host no more than five hundred (500) attendees at any one time during the activity. Unless otherwise specified in (ii), all such accessory activities are limited to 10:00 p.m. on Sundays through Thursdays, and are limited to 11:00 p.m. on Fridays and Saturdays.

*Temporary Event:* The temporary use of property that is not otherwise a by-right use or use permitted by special or conditional use permit.

*Temporary Event, Historical Property:* An event such as historical reenactments, living history, home tours, or similar activities which are conducted in connection with a property of historical or natural value when there is either (i) no admission or (ii) a nominal admission dedicated to preservation, restoration, or charitable purposes.

*Temporary Event, Non-Profit:* An event conducted by local non-profit community service organizations such as fire departments, rescue squads, schools, fraternal organizations, faith-based organizations, or community centers.

*Temporary Event, Social:* A one (1) day private social event, such as weddings, receptions, and reunions, which is conducted on property not zoned for commercial uses and not a farm winery or agritourism activity venue, which is not open to the general public, to which attendance does not exceed 300 people, and for which the landowner charges a fee for the use of his property.

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(Ord. No. O2016-04, 1-10-17)

24-2

*Temporary Event Permits*

A Temporary Event Permit is required for Temporary Events defined in this subsection as either Category 1, 2, or 3.

24-2-A

*Exempt Events*

The following Temporary Events are exempt from Temporary Event Permit requirements and fees:

1. Private non-commercial functions conducted on the property of the host
2. Social Temporary Events where permitted by right
3. Historical Property Temporary Events
4. Non-Profit Temporary Events having or projecting no more than five hundred (500) attendees at any time during the event
5. Athletic and sporting events conducted on sites approved for such events
6. Political gatherings
7. Religious gatherings
8. Out-of-Door Accessory Uses
9. Farm winery 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.
10. 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.
11. Temporary Events which are conducted entirely within the Residential Planned Community District (RPC).

24-2-B

*Temporary Event, Category 1*

A Category 1 Temporary Event is any event which is neither an otherwise permitted use nor exempt and:

- (i) for which admission is charged or at which goods and services are sold, having or projecting no more than five hundred (500) attendees at any time during the event, or,
- (ii) Non-Profit Temporary Events having or projecting more than five hundred (500) attendees and less than one thousand (1,000) attendees at any time during the event, or,
- (iii) Farm winery activities or Agritourism activities which - by virtue of the number of attendees, size and location of property, or hours of conduct - cause any substantial impact(s) on the health, safety, or general welfare of the public, and having or projecting less than one thousand (1,000) attendees at any time during the event.

Each such event may not exceed a maximum duration of four (4) consecutive days open to the attending public, inclusive of an arrival day and a departure day. Amplified sound is not permitted after 11:00 p.m. on any Sunday,



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Monday, Tuesday, or Wednesday night; nor after 11:59 p.m. on any Thursday night; nor after 1:00 a.m. on any Saturday or Sunday morning. A Category 1 Temporary Event Requires a Temporary Event Permit.

24-2-C

*Temporary Event, Category 2*

24-2-C-1

A Category 2 Temporary Event is any event which is neither an otherwise permitted use nor exempt:

- (i) for which admission is charged or at which goods and services are sold, and having or projecting more than five hundred (500) attendees but less than ten thousand (10,000) attendees, or
- (ii) Non-Profit Temporary Events having or projecting more than one thousand (1,000) attendees but less than ten thousand (10,000) attendees at any time during the event, or,
- (iii) Farm winery activities or Agritourism activities which by virtue of the number of attendees, size and location of property, or hours of conduct cause any substantial impact(s) on the health, safety, or general welfare of the public, and having or projecting more than one thousand (1,000) attendees but less than ten thousand (10,000) attendees at any time during the event

Each such event may not exceed a maximum duration of six (6) consecutive days open to the attending public, inclusive of an arrival day and a departure day. Amplified sound is not permitted after 11:00 p.m. on any Sunday, Monday, Tuesday, or Wednesday night; nor after 11:59 p.m. on any Thursday night; nor after 1:00 a.m. on any Saturday or Sunday morning. A Category 2 Temporary Event Requires a Temporary Event Permit.

24-2-D

*Structures for Category 1 and 2 Temporary Events*

The installation of temporary structures and facilities, such as tents and portable lavatories, is permissible in connection with approved Temporary Event Permits, subject to all applicable laws and regulations. All such temporary structures and facilities shall be lawfully removed within ten (10) days of the approved end date.

No new non-temporary structure(s) used for either Category 1 or 2 Temporary Event(s) shall be installed or constructed unless all required zoning permit approvals and building permit approvals are obtained, as may be applicable.

Existing non-temporary structures proposed for use for either Category 1 or 2 Temporary Event(s) (i) shall have been in existence on the date of adoption of this Article, provided that this requirement shall not apply to accessory structures less than one hundred fifty (150) square feet in size, and (ii) shall be a lawful conforming properly permitted structure and shall support or have supported a lawful use of the property.

24-2-E

*Temporary Event, Category 3*

24-2-E-1

A Category 3 Temporary Event is any event having or projecting more than ten thousand (10,000) attendees and requires a Special Use Permit for Festival Grounds land use to be obtained pursuant to Article 12, Section 3 "Special Use Permits" and Article 13 "Site Development Plan" and also a Temporary Event Permit. The erection of non-temporary structures and/or the installation of permanent infrastructure used in connection with Category 3 Temporary Events is permissible in connection with a Festival Grounds Special Use Permit, and subject to all other

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required zoning permit approvals and building permit approvals, including but not limited to Zoning Ordinance Article 13 "Site Development Plan."

24-2-E-2

A Festival Grounds Special Use Permit shall be automatically reviewed at a public hearing conducted by the Board of Supervisors every five (5) years after the initial issuance, after which hearing the Board may revoke or modify the terms and conditions of the Special Use Permit in accordance with Article 12, Section 3 "Special Use Permits."

24-2-E-3

A Category 3 Temporary Event may not exceed a maximum duration of six (6) consecutive days open to the attending public, inclusive of an arrival day and a departure day. Amplified sound is not permitted after 11:00 p.m. on any Sunday, Monday, Tuesday, or Wednesday night; nor after 11:59 p.m. on any Thursday night; nor after 1:00 a.m. on any Saturday and Sunday morning. Without limiting the general authority of the Board of Supervisors under Article 12, the Board of Supervisors may impose additional conditions or further modify the number of events, days, and times in granting a Special Use Permit for Festival Grounds land use.

24-2-F

For the purposes of this Article 24, "applicant" includes the members of an applicant's immediate family or an affiliated business entity relationship. An affiliated business entity relationship exists when (i) one (1) business entity has a controlling ownership interest in the other business entity, (ii) a controlling owner in one (1) entity is also a controlling owner in the other entity, or (iii) there is shared management or control between the business entities. Factors that may be considered in determining the existence of an affiliated business entity relationship include that the same person or substantially the same person owns or manages the two (2) entities, there are common or commingled funds or assets, the business entities share the use of the same offices or employees, or otherwise share activities, resources or personnel on a regular basis, or there is otherwise a close working relationship between the entities.

(Ord. No. O2016-04, 1-10-17)

24-3

*Issuance of Temporary Event Permits*

24-3-A

The Planning and Zoning Director shall evaluate Temporary Event Permit applications to determine if any substantial impacts to public health, safety, or welfare would be reasonably likely to occur, due to the proposed event's operational details such as location, size, or number of attendees; frequency of events; or hours of conduct.

Specifically, the following factors shall be considered when determining whether a Temporary Event Permit will be issued:

1. The completeness of the Temporary Event Permit application as specified in Section 24-3-D;
2. If and how the proposed event would alter the character of the area or circumvent the ordinance;
3. The relationship between the proposed event and the permitted primary use(s) of the property;
4. If and how the proposed event would result in undue interference with other planned activities in the County;

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5. The schedules of churches, schools, governmental operations, and similar public and quasi-public entities;
6. The availability and provision of necessary resources such as transportation infrastructure, law enforcement, emergency services, parking, and similar considerations;
7. The location and operation(s) of other permitted Temporary Events during the same time period as the proposed event; and
8. Compliance with the requirements of other agencies and departments; and
9. The prior history of compliance by the applicant or landowner with this article, the zoning ordinance, and applicable conditions. Prior or existing non-compliance may be grounds for the denial of a permit.

24-3-B

In issuing the permit, the Planning and Zoning Director, may, after consideration of the foregoing factors, modify the terms of approval as may be necessary to protect the health, safety and welfare of attendees and residents of the County.

24-3-C

The Director may issue a single Temporary Event Permit for more than one (1) Temporary Event if he determines that each Temporary Event is substantially similar in nature and size and that a single set of conditions would apply to each Temporary Event.

24-3-D

A Temporary Event Permit application requires the following submissions to be considered a completed application:

1. Temporary Event Permit application signed by the property owner(s) and the event promoter or sponsor, who shall collectively constitute the "Applicant";
2. Temporary Event Permit application fee, as follows:
  - a. Category 1 Temporary Event Permit application = \$100.00
  - b. Category 2 Temporary Event Permit application = \$500.00
  - c. Category 3 Temporary Event Permit application = \$2,500.00
3. Site Plan, drawn to scale and containing all necessary dimensions, annotation, and other details regarding event layout and event operations; except that Category 3 Temporary Event Permit applications require a Site Plan to be prepared in accordance with Article 13 "Site Development Plan" and Article 24-2-E-1 and submitted with the Festival Grounds Special Use Permit application in accordance with Article 12, Section 3 "Special Use Permits."
4. Transportation Plan, containing all necessary details regarding vehicular arrival, departure, informational signage, and on-site circulation (as applicable);
5. Safety Plan, containing all necessary details regarding emergency preparedness and emergency response plans, emergency services, medical services, law enforcement and security services, and similar details necessary for ensuring the safety of attendees and the general public; and
6. Any other event information deemed necessary by the Director of Planning and Zoning.

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24-3-E

After formal approval of a Temporary Event Permit, and in the event of unforeseen circumstances outside of the event promoter's control or causation, the Planning & Zoning Director has the authority to formally approve modifications to the Temporary Event Permit and/or the various event plans specified in the preceding subsection, in consultation with the applicable law enforcement and regulatory agencies and with the event promoter(s).

(Ord. No. O2016-04, 1-10-17)



SHERIFF  
M.E. EMBREY

## NELSON COUNTY SHERIFF'S OFFICE

An equal opportunity employer

P.O. Box 36, 84 COURTHOUSE SQUARE, LOVINGSTON, VIRGINIA 22949 ~ BUSINESS 434.263.7050 ~ FAX 434.263.7056

V F

February 5, 2024

To: Ms. Candy McGarry, Nelson County Administrator  
Ms. Linda Staton, Director of Nelson County Human Resources and Finance  
Nelson County Board of Supervisors

From: Sheriff Mark E. Embrey

RE: Amendment to FY23/24 Budget

The following correspondence is in reference to my request for contingency funding to support the purchase of (2) additional patrol vehicles for the Nelson County Sheriff's Office. This request is being made independently, and it is completely unrelated to any future requests that will be associated with the FY24/25 Fiscal Budget.

Effective January 1, 2024, the Nelson County Sheriff's Office owns (2) Patrol Canines: Canine Xombie and Canine Bane. Both of these assets are trained in Narcotic Detection and Tracking Services. Presently, the NCSO only has (1) canine-equipped vehicle within the fleet to transport one of these canines. This vehicle is described as a Chevrolet Tahoe with over 140,000 miles, and it is beginning to incur major maintenance costs.

Due to this situation, I began actively looking for law enforcement vehicles that could be utilized for canine transport. Presently, the Amherst County Sheriff's Office owns (2) canine-equipped patrol vehicles that are available for purchase. These vehicles are identified as (2), 2023 Dodge Durangos with 9k and 23k miles, respectively.

I recently met with Sheriff Ayers to view the vehicles that his Department owns, and to observe the equipment that each vehicle comes with. Both vehicles are equipped with canine-equipment that would be adequate, ideal, and necessary for the Nelson County Sheriff's Office. I presented Sheriff Ayers with financial offers of \$55,000.00 and \$60,000.00 for both vehicles, which was accepted in principal.

The Nelson County Sheriff's Office would like to purchase the Dodge Durango agreed upon with Amherst County at \$55,000.00, using funds that are presently located in the Asset Forfeiture line item. I respectfully request the second vehicle agreed upon at \$60,000.00, to be purchased utilizing a combination of FY23/24 funds and funds that have been accrued from Salvage Title sales. The purchase of both of these vehicles will allow the Nelson County Sheriff's Office to adequately utilize both canine assets to serve the community.

In addition to both afore-mentioned vehicles, I am respectfully requesting the purchase of a third vehicle utilizing contingency funds. This vehicle can be described as a new vehicle purchased under a VSA Contract that will be utilized as a 'Non-pursuit', Administrative vehicle only. This vehicle will not be provided with the routine police equipment that is normally allotted for each patrol car. The base price of this vehicle, accompanied with the cost of a standard radio and



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SHERIFF  
M.E. EMBREY

minimal emergency lights, should prevent the total expense from exceeding \$45,000.00. The purchase of this vehicle will allow a current, 'Pursuit-rated' patrol vehicle to be issued to a Patrol Deputy, rather than operated by an Administrator of the Department. Due to the present vehicle shortage in the Department, this would be the most cost effective purchase to alleviate the immediate burden. I respectfully request the Board of Supervisors to vote in favor of the purchase of these vehicles.

Respectfully,

Mark Embrey  
Sheriff, Nelson County Sheriff's Office

AMHERST COUNTY SHERIFF OFFICE

**INVOICE**

PO BOX 390  
 Amherst, VA 24521  
 Phone: 434-946-9301

DATE	1/26/2024
INVOICE #	100

[www.countyofamherst.com](http://www.countyofamherst.com)

**BILL TO**

COUNTY OF NELSON  
 PO BOX 336  
 LOVINGSTON, VA 22949

DESCRIPTION	TAXED	AMOUNT
1 2023 DODGE DURANGO W/K-9 EQUIPMENT 9,000 MILES VIN # 1C4RDJFGXNC137099		60,000.00

**OTHER COMMENTS**  
 MAKE ALL CHECKS PAYABLE TO:  
 AMHERST COUNTY TREASURER  
 PO BOX 390  
 AMHERST, VA 24521

Subtotal	60,000.00
Taxable	-
Tax rate	
Tax due	-
Other	-
<b>TOTAL</b>	<b>\$ 60,000.00</b>

If you have any questions about this invoice, please contact  
 Wendy Campbell, 434-946-9304  
**Thank You For Your Business!**



AMHERST COUNTY SHERIFF OFFICE

INVOICE

PO BOX 390  
Amherst, VA 24521  
Phone: 434-946-9301

DATE	1/26/2024
INVOICE #	101

[www.countyofamherst.com](http://www.countyofamherst.com)

**BILL TO**

COUNTY OF NELSON  
PO BOX 336  
LOVINGSTON, VA 22949

DESCRIPTION	TAXED	AMOUNT
1 2023 DODGE DURANGO W/K-9 EQUIPMENT 23,000 MILES VIN # 1C4RDJFG8NC13179		55,000.00

Subtotal	55,000.00
Taxable	-
Tax rate	
Tax due	-
Other	-
<b>TOTAL</b>	<b>\$ 55,000.00</b>

**OTHER COMMENTS**

MAKE ALL CHECKS PAYABLE TO:  
AMHERST COUNTY TREASURER  
PO BOX 390  
AMHERST, VA 24521

If you have any questions about this invoice, please contact  
Wendy Campbell, 434-946-9304  
**Thank You For Your Business!**

# VIRGINIA SHERIFFS' ASSOCIATION

FORD EXPLORER 4X4 2.3L (K8B)

2024 Ford Explorer

**Contract 22-05-0917 Item# 166**

Name of Dealership	Type of Vehicle	Zone	Base Unit Price
Sheehy Ford of Richmond *	2024 FORD EXPLORER 4X4 2.3L EcoBoost I-4 ENGINE	Dogwood	\$39,333.45
Sheehy Ford of Richmond *	2024 FORD EXPLORER 4X4 2.3L EcoBoost I-4 ENGINE	Colonial	\$39,202.21
Sheehy Ford of Richmond *	2024 FORD EXPLORER 4X4 2.3L EcoBoost I-4 ENGINE	Heritage	\$39,202.21
Sheehy Ford of Richmond *	2024 FORD EXPLORER 4X4 2.3L EcoBoost I-4 ENGINE	Chesapeake	\$39,021.93
Sheehy Ford of Richmond *	2024 FORD EXPLORER 4X4 2.3L EcoBoost I-4 ENGINE	No Delivery	\$38,869.07

While the Virginia Sheriffs' Association has attempted to identify and include those equipment item most often requested by participating agencies for full size vehicles, we realize equipment needs and preferences are going to vary from agency to agency. In an effort to incorporate flexibility into our program, we have created specific add/delete options which allow the purchaser to tailor the vegicle to their particular wants or needs. Note: An official listing of all add/delete options and their prices should be obtained form the appropriate dealer in your zone when preparing your order.

**CUSTOMER: Nelson County NT246137** **Color: WHITE**

Quantity	(choose zone from drop down menu below)	Unit Price	Qty Price
1	Colonial K8B/100A	\$39,202.21	\$39,202.21

### Order Code Add Options

1	3.3 L Ti-VCT V6 FFV ENGINE	99B/44T	N/C	
1	All Weather Floor Mats - without Carpet Mats	16A	\$150.40	\$150.40
1	Front License Bracket	STD	STD	
1	Auto Start Stop Removal	52X	\$0.00	\$0.00
1	4G LTE WIFI Hotspot Credit	59W	(\$18.00)	-\$18.00
1	Rear Auxiliary Controls Credit	91X	(\$47.00)	-\$47.00
	Colors:			
1	Oxford White	YZ	N/C	
1	Interior Color: SANDSTONE	7N	N/C	
	<b>Total Per Unit</b>			\$39,287.61
	<b>Total of All Units</b>			\$ 39,287.61

Vehicle ID (last 4 of VIN)	Vehicle Type	Assigned to:	Badge number	Notes	Mileage
9272	Tahoe	Johnson	341	Transmission slipping. A/C issues. Check engine light for sensor	139,600
1849	Durango	Brandon	331	Grinding noise in dash. Rear seatbelt broken	60,808
9094	Durango	Scott Stort		Went to Front Street	
2296	Explorer	Bodek	310	Deer crash. Grill Headlights broken.	20,335
2798	Explorer	Brookins	321	Waiting to fix. Submitted to VACORP	161,793
9177	Explorer	Metje	304		41,000
7175	Explorer	Walz	330		101,850
5407	Explorer	Gibson	316	Front radar mount broken	19,623
9046	Explorer	Carroll	312		21,870
2797	Explorer	Clarkson	335	Chipped windshield	173,130
8388	Crown Vic	Renalds	324		171,107
2799	Explorer	Pifer	327		131,850
1923	Explorer	Meadows	332		11,863
7545	Charger (cancer car)	Richardson	326		171,858
6666	Charger (Gold)	White	323		150,650
1825	Charger (White)	Spare		Junk. Running. Cleaned out by Bruce	256,322
9055	Durango (unmarked)	Tobin	309		70,396
1462	Charger (gold)	K. Brown	328		142,738
3562	Explorer (Autisim)	W. Brown	322		142,200
7965	Charger (White)	Spare			211,000
6411	Explorer	Embrey	300	Brand new. No Equip.	
6406	Explorer	Phillips	302	Brand new. No Equip.	1,620
6138	Explorer			Brand new. No Equip.	1,409
8549	Explorer	body shop		Currently in Mail. Garage Wall crash	
5493	Explorer	Tempeton			12,900
2796	Explorer	Spare			156,442

*Needs to Go*

*Deer*

## Sheriff's Department Vehicle Request Costs and Proposed Funding

<b>Vehicle Costs:</b>	\$55,000	K-9 Unit (23,000 miles)
	\$60,000	K-9 Unit (9,000 miles)
	<u>\$45,000</u>	Patrol Unit
Total:	\$160,000	
<b>Proposed Vehicle Funding:</b>	\$55,000	<i>Budgeted FY24 Sheriff's Dept. Asset Forfeiture Funds</i>
	\$43,146	Balance of FY24 Budgeted Sheriff's Vehicle Funding
	\$30,864	Appropriated from FY24 Salvage Vehicle Sales
	<u>\$30,990</u>	Transferred from Non-Recurring Contingency
Total:	\$160,000	

Staff has prepared Resolution **R2024-12** Amendment of FY24 Budget which would provide immediate funding availability for the proposed vehicle purchases. *\$55,000 for 1 K-9 Unit will be charged directly to the FY24 budgeted Sheriff's Department Asset forfeiture expenditure line and does not require Board approval.*

### **Recommended Action:**

**(1)** If amenable to the request, vote by motion and second to approve the Sheriff's funding request for vehicles as presented; and

**(2)** Adopt Resolution **R2024-12** Amendment of Fiscal Year 2023-2024 Budget to provide immediate funding. **R2024-12** amends the FY24 budget to appropriate unbudgeted funds of \$30,864 in salvage vehicle sale revenue to the Sheriff's Vehicle funding account line of the budget and transfer of \$30,990 in Non-Recurring Contingency funds to the Sheriff's Vehicle funding account line of the budget; providing total additional funds in the Sheriff's Vehicle funding account line of \$61,854 and providing a new total balance available of \$105,000.



BOARD OF SUPERVISORS

THOMAS D. HARVEY  
North District

ERNIE Q. REED  
Central District

JESSE N. RUTHERFORD  
East District

J. DAVID PARR  
West District

DR. JESSICA LIGON  
South District

CANDICE W. MCGARRY  
County Administrator

AMANDA B. SPIVEY  
Administrative Assistant/  
Deputy Clerk

LINDA K. STATON  
Director of Finance and  
Human Resources

**RESOLUTION R2024-12  
NELSON COUNTY BOARD OF SUPERVISORS  
AMENDMENT OF FISCAL YEAR 2023-2024 BUDGET  
February 13, 2024**

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

<u>Amount</u>	<u>Revenue Account (-)</u>	<u>Expenditure Account (+)</u>
\$30,864.00	3-100-001502-0005	4-100-091050-7078
<b>\$30,864.00</b>		

**II. Transfer of Funds (Non-Recurring Contingency)**

<u>Amount</u>	<u>Credit Account (-)</u>	<u>Debit Account (+)</u>
\$30,990.00	4-100-999000-9905	4-100-091050-7078
<b>\$30,990.00</b>		

Adopted: \_\_\_\_\_, 2024

Attest: \_\_\_\_\_, Clerk  
Nelson County Board of Supervisors

**EXPLANATION OF BUDGET AMENDMENT:**

- I. Appropriations are the addition of unbudgeted funds received or held by the County for use within the current fiscal year budget. These funds increase the budget bottom line.*

**The General Fund Appropriation of \$30,864 reflects a request of (1) \$30,864** in unbudgeted revenues from the sale of salvage vehicles be appropriated to fund unbudgeted expenditures in the Sheriff's Vehicles and Equipment line of the Capital Outlay budget; for the purchase of Sheriff's Department vehicles and equipment as requested by Sheriff Embrey.

- II. Transfers represent funds that are already appropriated in the budget but are moved from one budget line item to another. Transfers do not affect the bottom line of the budget.*

**Transfers from General Fund Non-Recurring Contingency in the amount of \$30,990 requested are: (1) \$39,990** is requested to be moved from the budgeted Non-Recurring Contingency expenditure line to the Sheriff's Vehicles and Equipment line in the Capital Outlay budget; for the purchase of unbudgeted Sheriff's Department vehicles and equipment as requested by Sheriff Embrey.

February 7, 2024

To: Board of Supervisors  
 From: C. McGarry  
 Re: County Administrator's Report for February 13, 2024 Board Meeting

- A. Comprehensive Plan:** The project website is [www.Nelson2042.com](http://www.Nelson2042.com). The Planning Commission held its public hearing on January 31<sup>st</sup> and now they will review comments and make a recommendation on the Plan to the Board of Supervisors at their regular meeting on February 28<sup>th</sup>. The Board of Supervisors will then review the Planning Commission's recommendation at their regular meeting on March 12<sup>th</sup>, prior to their public hearing on March 20<sup>th</sup>. Final adoption of the Plan is not scheduled until at least the Board's regular meeting on April 9, 2024.
- B. DSS Building:** The work group met with PMA staff on January 16<sup>th</sup> and participated in exercises geared toward identifying preliminary building interior and exterior design and general layout functionality preferences. The next work group meeting on February 15<sup>th</sup> will entail review of a preliminary building plan and concept, followed by site design and engineering concepts review in March; culminating with a presentation of a proposed schematic design and budget to the Board at the April 9<sup>th</sup> regular meeting. The next phase will entail working on building interior and exterior design and furniture.
- C. FY24-25 Budget - Schools and General Assembly Action:** The School Division has prepared their budget based upon the Governor's introduced biennium budget; incorporating a higher Local Composite Index of .6645, up from .5888 and expected student enrollment of 1,430. The current proposed budget shortfall is considered worst case at approximately \$2.4 M and a School Board public hearing on this budget was held on February 8<sup>th</sup>. Draft budget documents have been provided to the Board by email.

The Governor's budget is considered a worst case scenario and does not include any Grocery or Re-benchmarking Hold Harmless funds or All-in Per Pupil funding, which may be restored in proposed Senate and House budget bills, currently being developed. Should these items be included in the final State budget; State funding to localities would increase, which would lessen the local impact of the Governor's budget; partially reducing the shortfall amount. In FY23-24 these items totaled \$943,015.

Key Upcoming School Division Budget Calendar Dates:

- **February 22<sup>nd</sup>:** Budget Work Session
- **March 14<sup>th</sup>:** Approval of the 2024-2025 School Budget
- **March 18<sup>th</sup>:** Approved and Requested 2024-2025 Budget Presented to Board of Supervisors

Key Upcoming General Assembly Dates:

- **February 13<sup>th</sup>:** "Crossover", deadline for the House and Senate to each complete work on legislation originating in that Chamber (except for budget bills)
- **February 18<sup>th</sup>:** "Budget Sunday", deadline for the "money committees" to report their respective budgets by midnight.
- **February 22<sup>nd</sup>:** Deadline for House and Senate to each complete consideration of their budget bills.
- **February 28<sup>th</sup>:** Deadline for House and Senate to each complete consideration of the other chamber's budget bill and revenue bills.
- **March 4<sup>th</sup>:** Deadline for committee consideration of legislation, by midnight.
- **March 9<sup>th</sup>:** Scheduled General Assembly adjournment.
- **April 17<sup>th</sup>:** Reconvened General Assembly session for consideration of Governor's amendments and vetoes.

- D. Route 151 Corridor Study Update:** VDOT's online public survey on the updated plan concluded on January 2, 2024 and the results document has been posted on the County's website under News and Announcements. Rick Youngblood is scheduled to report to the Board at the March 12<sup>th</sup> Board Meeting with the goal of getting the Board's input on projects for the next round of Smart Scale pre-applications. Next steps include refining project alternatives, selecting project(s) to advance for Smart Scale applications, producing detailed concept sketches and estimates and finalizing the study report.



- E. Route 151 Through Truck Restriction:** Staff is working on getting the required information together for the Board's consideration of authorizing a public hearing on a Route 151 through truck restriction. Some questions regarding the process have been submitted to VDOT; specifically, I have asked if the Board can request that VDOT perform an assessment of Route 151 for the through truck restriction prior to holding a public hearing on the matter. I have also asked if the beginning termini of the route to be restricted can start at the intersection of Route 250 and Route 151 in Albemarle County or if it has to begin and end in Nelson County. I am awaiting their guidance on this before I can establish the proposed beginning and ending termini of the route to be restricted, which is a requirement for the public hearing notices.
- F. Regional Jail Renovation Update:** The project webpage is <https://www.acrj.org/renovationproject>. ACRJ and Mosely Architects have been conducting public forums throughout January/February to get input on three incremental levels of renovation of the facility. Three forums are being held in Charlottesville with virtual attendance options and one was held in Nelson at the Nelson Center on February 7<sup>th</sup>. The Regional Jail Board will consider this input and come to a decision on the preferred option to proceed with at their March 14<sup>th</sup> meeting. The following is the current project schedule:
- Schematic Design (March – May 2024)
  - Design Development (May – August 2024)
  - Construction Documents Developed (September – December 2024)
  - Building Permit Review (December – January 2025)
  - Bidding and Award (January – April 2025)
  - NTP and Construction (April – July 2026)
- G. 24-Hour Library Kiosk in Nellysford:** Library staff advised that the 24-hour library kiosk to be located in Nellysford has been delivered. Library staff are working with the vendor on configuration and testing with a ribbon cutting ceremony to be scheduled in the coming weeks.
- H. Line of Duty Act Bill Update:** Senate Bill 466, which would make changes to the Line of Duty Act (LODA) to permit officers employed by private police departments, such as Wintergreen, to access the benefits available under LODA, was unanimously approved in committee and will head to the Senate floor. The bill will include an amendment that likely will stipulate that the new participating employers under the bill will cover the costs of an anticipated \$35,000 fiscal impact for implementation. A House subcommittee early in the session defeated an identical measure, HB 232 in part due to concerns about the fiscal impact. Thank you to Supervisors Rutherford and Parr for their tenacious work on this legislation!
- I. Hat and Black Creek Community Engagement Meetings:** The meeting on January 10<sup>th</sup> regarding the water quality study of Hat and Black Creek, centered around discussion of reducing the phosphorus levels in Black Creek. Participants discussed the sources of the phosphorous, addressing sewage treatment plant phosphorus loads, shifting from a Total Maximum Daily Load (TMDL) to a Watershed Plan alternative, phosphorus reduction scenarios, implementation timelines, funding discussion, selection of a reduction scenario and next steps. The work group chose to focus on a uniform reduction from all of the different sources and move forward with development of a Watershed Plan. A summary document of the meeting is available upon request. The next meeting is scheduled for **February 27, 2024 from 3:00 – 4:30 pm at the Nelson Memorial Library (8521 Thomas Nelson Hwy, Lovingsston, VA)**. In the event of inclement weather, the meeting will be held on March 4<sup>th</sup> at the same time and location.
- J. Piney River Solar, LLC Special Exception 2023-369 – Amherst County: NO CHANGE** This matter has been further deferred until February 20<sup>th</sup>.
- K. Savion/Wild Rose Solar Community Meeting:** Savion/Wild Rose Solar is conducting a community meeting in Gladstone at the Gladstone Fire and Rescue Squad building from 5-7pm on February 27<sup>th</sup>, to discuss and answer questions about their proposed project intended to be sited in the area.
- L. Staff Reports:** Department and office reports for January/February have been provided.



MONTICELLO AREA COMMUNITY ACTION AGENCY -MACAA  
BOARD OF DIRECTORS

1 GOVERNMENT REPRESENTATIVE MEMBER

MEMBER

TERM EXPIRATION

Mr. Chris Sandquist  
277 Saddleback Knoll  
Nellysford, VA 22958  
(434) 361-0041  
[chris.sandquist@gmail.com](mailto:chris.sandquist@gmail.com)

March 13, 2024 (UT)

Term(s) of Office: 2 years from date of appointment, No Limits

Summary of Duties: To serve as an advisor representing the interests of Nelson County in furthering MACAA's mission of eradicating poverty and improving the lives of people living in the served communities.

Board of Directors: MACAA's Board of Directors consists of 15-18 members, with equal representation from three sectors of the community - the private sector (businesses, educational institutions, and other non-profit organizations), the public sector (elected officials from each of the jurisdictions served or their appointed representatives) and constituents (elected representatives of low-income groups). Terms vary from one to five years. Individuals from the community may serve as non-voting members of Board committees.

Meetings: The Board meets at 5:30pm on the last Thursday of each month (November and December meetings combined). Committee meetings vary throughout the month. Meetings are held at the MACAA offices: 1025 Park Street, Charlottesville VA 22901. Phone: 434-295-3171, Fax: 434-296-0093 Office Hours: 9am – 5pm M-F.

URL: [www.macaa.org](http://www.macaa.org) MACAA's Executive Director, Sarah Hanks (434) 295-3171  
[shanks@macaa.org](mailto:shanks@macaa.org)

NELSON COUNTY ECONOMIC DEVELOPMENT AUTHORITY

NAME, ADDRESS & PHONE

TERM

Larry Saunders  
1610 Wilson Hill Road  
Arrington, VA 22922  
434-981-1235 (C)  
[Larrya5819@aol.com](mailto:Larrya5819@aol.com)

July 1, 2023 -June 30, 2027  
(First appointed 3-14-23)

John Bruguiera  
1339 Stoney Creek West  
Nellysford VA 22958  
434-277-5516 (W)  
540-456-6778 (H)  
[John@DickieBros.com](mailto:John@DickieBros.com)

July 1, 2023 -June 30, 2027

R. Carlton Ballowe  
19218 Thomas Nelson Hwy  
Faber, VA 22938  
434-263-6285 (H)  
434-996-7796 (W)  
[catbalul@aol.com](mailto:catbalul@aol.com)

July 1, 2020 –June 30, 2024  
(First Appointed 3-12-13)

Deborah L. Brown  
23 Windy Acres Drive  
Afton, VA 22920  
434-981-2832 (C)  
[dbrown@alliedconcrete.com](mailto:dbrown@alliedconcrete.com)

July 1, 2020 –June 30, 2024  
(First Appointed 4-10-18)

Richard Averitt  
88 Grace Glen  
Nellysford, VA 22958  
434-262-3418  
[richard@raveritt.com](mailto:richard@raveritt.com)

July 1, 2021 – June 30, 2025  
(Unexpired term, appointed 4-11-23)

Natt A. Hall, Jr.  
462 Horseshoe Mountain Rd.  
Roseland, VA 22967  
434-361-1780  
[natthall69@gmail.com](mailto:natthall69@gmail.com)

July 1, 2022 – June 30, 2026

J. Alphonso Taylor  
288 Village Rd.  
Shipman, VA 22971  
434-263-5894 (H)  
434-263-6195 (W)  
[alphonsotaylor04@gmail.com](mailto:alphonsotaylor04@gmail.com)

July 1, 2022 – June 30, 2026

Authority:                    **Established pursuant to the Code of Virginia §15.2-4903 et seq.**

Membership:                Consists of seven (7) County Resident members

Term:                         4 years, July – June (Staggered) with **no term limits.**

Summary of Duties:        To administer the provisions of Virginia State Code §15.2-4905

Meetings:                    Meets biannually on the 1<sup>st</sup> Thursday of each month. Members are compensated \$75 per meeting plus mileage.

**Please publish Thurs. February 1<sup>st</sup> and February 8<sup>th</sup> in The Nelson County Times:**

**LEGAL NOTICE  
NOTICE OF PUBLIC HEARING  
NELSON COUNTY BOARD OF SUPERVISORS**

In accordance with Volume 3A, Title 15.2, Counties, Cities and Towns, of the Code of Virginia, 1950, as amended, and pursuant to §15.2-107, §15.2-2204, §15.2-2285, §15.2-2310 and §15.2-4307, the Nelson County Board of Supervisors hereby gives notice that a Public Hearing will start at **7:00 p.m., Tuesday, February 13, 2024** in the **General District Courtroom** on the third floor of the Nelson County Courthouse located at 84 Courthouse Square, Lovingston.

Public Hearing(s):

**1. Special Use Permit #1044 – Campground**

Consideration of a Special Use Permit application requesting County approval to allow a Campground (two sites) on property zoned A-1 Agriculture. The subject property is located at Tax Map Parcel #41-A-31 in Tyro. The subject property is 0.828 acres and is owned by John H. Jr. and Roberta Fitzgerald.

**2. Special Use Permit #1085 - Campground**

Consideration of a Special Use Permit application requesting County approval to allow a Campground (two sites) on two adjacent properties zoned A-1 Agricultural. The subject properties are located at Tax Map Parcels #22-A-59 (2.001 acres) and #22-A-59D (2 acres) at 5032 Rockfish Valley Hwy in Nellysford. The subject properties total 4.001 acres and are owned by Kelly A. Kahle.

**3. Special Use Permit # 1101 - Amendment to Condition of Approved Multifamily Dwelling**

Consideration of an application requesting an amendment to a condition regarding fencing requirements of previously approved Special Use Permit #716 for a Multifamily Dwelling use on property zoned A-1 Agricultural. The subject property is located at Tax Map Parcels #6-A-131 and 6-A-163D at 9485 Rockfish Valley Hwy in Afton. The subject properties total 10.94 acres and are owned by Quakeela Teasley.

Copies of the above files are available for review in the Dept. of Planning & Zoning office, 80 Front Street, Lovingston, Virginia, Monday through Friday, 8:00 a.m. to 4:00 p.m., or the Office of the County Administrator, 84 Courthouse Square, Monday through Friday, 9:00 a.m. to 5:00 p.m. For more information, call the County Administrator's Office at (434) 263-7000. EOE.

BY AUTHORITY OF NELSON COUNTY BOARD OF SUPERVISORS

## Nelson County Board of Supervisors

To: Board of Supervisors

From: Dylan M. Bishop, Director of Planning & Zoning *DMB*

Date: February 13, 2024

Re: SUP #1044 – Campground (2 sites) – Crabtree Falls Hwy (Tyro)

---

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

*Public Hearings Scheduled:* PIC – October 25; Board – February 13

*Location / Election District:* Crabtree Falls Hwy / West District

*Tax Map Number(s) / Total Acreage:* 41-A-31 / 0.828 +/- total

*Applicant/Owner Contact Information:* John H. Jr. and Roberta Fitzgerald, 266 Big Rock Road, Tyro, VA 22976, 434-277-8044, thinpine@aol.com / rhfitz9701@aol.com

*Comments:* This property is currently vacant and located within the Regulatory Floodway. The owners currently use the lot for tent camping and fishing, and are proposing to rent out two portable tiny homes on wheels for short-term lodging. Section 10-13(D)2 of the Floodplain Ordinance allows public and private recreational uses and activities in the Floodway. The applicants received a special use permit (#764) on December 13, 2022 for two sites on the adjoining parcel that remains active.

### **DISCUSSION:**

*Land Use / Floodplain:* This area is residential and agricultural in nature. Zoning in the vicinity is A-1 Agriculture. The property is entirely located within the Floodway.

*Access / Traffic / Parking:* The property is accessed by an existing entrance on Crabtree Falls Hwy. VDOT comments indicate they have no concerns, and that the entrance would align with a low volume or moderate volume commercial entrance.

*Utilities:* The applicant has existing electric service to the property and existing septic permitted by VDH. The Health Department has no additional comments or concerns

*Comprehensive Plan:* This property is located in an area designated Rural and Farming in the current Comprehensive Plan, which would promote agricultural uses and compatible open space uses but discourage large scale residential development and commercial development that would conflict with agricultural uses. It would permit small scale industrial and service uses that complement agriculture and protection of usable farmland shall be encouraged.



*Recommendation:* At their meeting on October 25, 2023, the Planning Commission voted (4-1) to recommend approval of SUP #1044 for a campground with the following conditions:

1. There shall be no more than 2 sites, and the 2 units shall be provided by the property owner.
2. The sites shall be serviced by adequate water and septic facilities to be occupied.

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

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

Attachments:

Application

Narrative

Site Plan

Zoning and Floodplain



**PERMIT APPLICATION:**  
**Nelson County Department of Planning & Zoning**

TO THE ZONING ADMINISTRATOR: Special Use Permit # 1044  
application type application number

1. The undersigned hereby petitions the Planning Commission and/or Board of Supervisors for approval of the following (check appropriate box):

- Special Use Permit
- Rezoning from \_\_\_\_\_ to \_\_\_\_\_
- Conditional Rezoning from \_\_\_\_\_ to \_\_\_\_\_
- Other: \_\_\_\_\_
- Subdivision
- Site Plan – Minor
- Site Plan – Major

Reason(s) for request:

We would like to use the property to create an area for camping/vacationing using portable cabins/tiny houses that can be hooked up to electricity, water and a septic system. The units will be portable and able to be transported whenever needed.

*(Please use reverse or attach additional sheet if more space is needed.)*

2. Applicant(s) and Property Owner(s):

*(Please provide names of applicants and property owners and indicate applicable title; if applicant is not the property owner, please show relationship, i.e. lessee, contract purchaser, etc.)*

Applicant  Property Owner Name: John H. Fitzgerald, Jr.

Mailing Address: 2106 Big Rock Road, Tyro VA 22976

Telephone #: 434.272.8044 Email Address: thinpine@aol.com

Relationship (if applicable): \_\_\_\_\_

Applicant  Property Owner Name: Roberta Fitzgerald

Mailing Address: same

Telephone #: same Email Address: same

Relationship (if applicable): \_\_\_\_\_

*(Please attach additional sheet if more space is needed for applicant(s) / property owner(s) info.)*

**3. Location and Characteristics of Subject Property:**

a. Address of Property (specific location, route numbers, street names, voting district, etc.):  
from Route 151 (Patrick Henry Hwy), take Route 56 (Crested Falls Hwy) go approximately 6 miles to Tyro, pass Route 712 and the driveway to the property is about .5 miles on the right voting district: West, 401-Roseland

b. Official tax map number: 41-A-31

c. Acreage of property: 1.828

d. Present use: unused land

e. Present zoning classification: class 2. single family suburb

f. Zoning classification of surrounding properties: class 2. single family suburb

**4. Affidavit:** The undersigned applicant(s) and/or property owner(s) certifies that this application and the foregoing answers, statements, and other information herewith submitted are, in all respects, true and correct to the best of their knowledge and belief. Also, the applicant(s) and/or property owner(s) gives permission for members of the Planning Commission, Board of Supervisors, and County Staff to visit and view the subject property.

Signature: John H. Fitzgerald Printed Name: John H. Fitzgerald, Jr.

Signature: Roberta Fitzgerald Printed Name: Roberta Fitzgerald

*(Please attach additional sheet if more space is needed for applicant(s) / property owner(s) signatures.)*

**5. Additional information:** *(Please attach separate sheet for additional details, explanations, etc.)*

**6. Please note:** In the event of cancellation or postponement at your request after the initial newspaper advertisement for this application, an additional fee will apply for re-advertisement (determined by the actual cost of the ad). This fee will not apply in cases of Planning Commission or Board of Supervisors deferment.

-----**TO BE COMPLETED BY PLANNING & ZONING STAFF**-----

Pursuant to Article \_\_\_\_\_, Section \_\_\_\_\_ of the Nelson County Zoning Ordinance.  
Pursuant to Section \_\_\_\_\_, Subsection \_\_\_\_\_ of the Nelson County Subdivision Ordinance.

- o Completed application and fee (\$ 200 ) received on 8-30-2023
- o Hearing Notice published on \_\_\_\_\_
- o Planning Commission action: Date of Meeting / Hearing: \_\_\_\_\_  
Recommendation: \_\_\_\_\_
- o Board of Supervisors action: Date of Hearing: \_\_\_\_\_ Date of Decision: \_\_\_\_\_  
Action: \_\_\_\_\_

**Nelson County Planning & Zoning Department**

*(Mailing Address)* P.O. Box 558, Lovingson, Virginia 22949 | *(Physical Address)* 80 Front Street, Lovingson, Virginia 22949  
*(Telephone Number)* 434 263-7090 or Toll Free 888 662-9400, selections 4 & 1 | *(Fax Number)* 434 263-7086  
<http://www.nelsoncounty-va.gov/departments/planning-zoning/>

**John H. and Roberta Fitzgerald**

**Tax Map # 41-A-31**

**Special Use Permit**

**August 25, 2023**

**Project Narrative:**

Our project stems from a love of the area that has grown over the generations and has developed into an opportunity to share what makes Nelson County so special. We as well as others have used the area designated for our project for camping, fishing, and general outdoor activities. Now we would like to extend that to provide a place for family, friends, and the public to come and to stay. This project would provide an opportunity for others to enjoy the stocked trout waters, the surrounding orchards, and festivals as well as the breath-taking views of Crabtree Falls, the Appalachian Trail and much more.

The project would provide a place for people to stay while exploring the area. These site will be portable and able to be transported as needed but also will be hooked into water, power, and septic to offer a more comfortable stay. In the last few years, the demand for such places has increased as is evident with the camping area across the road from our site as well as the other campsites up the road. Several Airbnb houses and cabins also exist in the general location of our site. Our goal is to improve the property potential and provide an outlet for the increased desire to explore our county.

What we plan follows the present zoning classifications for our rural area and would have insignificant impact on the current or future neighborhood conditions. The surrounding area already hosts fishermen on locations up and down the river, festival attendees at the local packing sheds, hikers on the nearby trails and those out hunting for the perfect view of our encircling mountains. Traffic patterns too would go unaffected as access to the project's area would require no new road building and the road access has great sight distance while proceeding on and off the property. The increase to traffic would be minimal and virtually unnoticed.

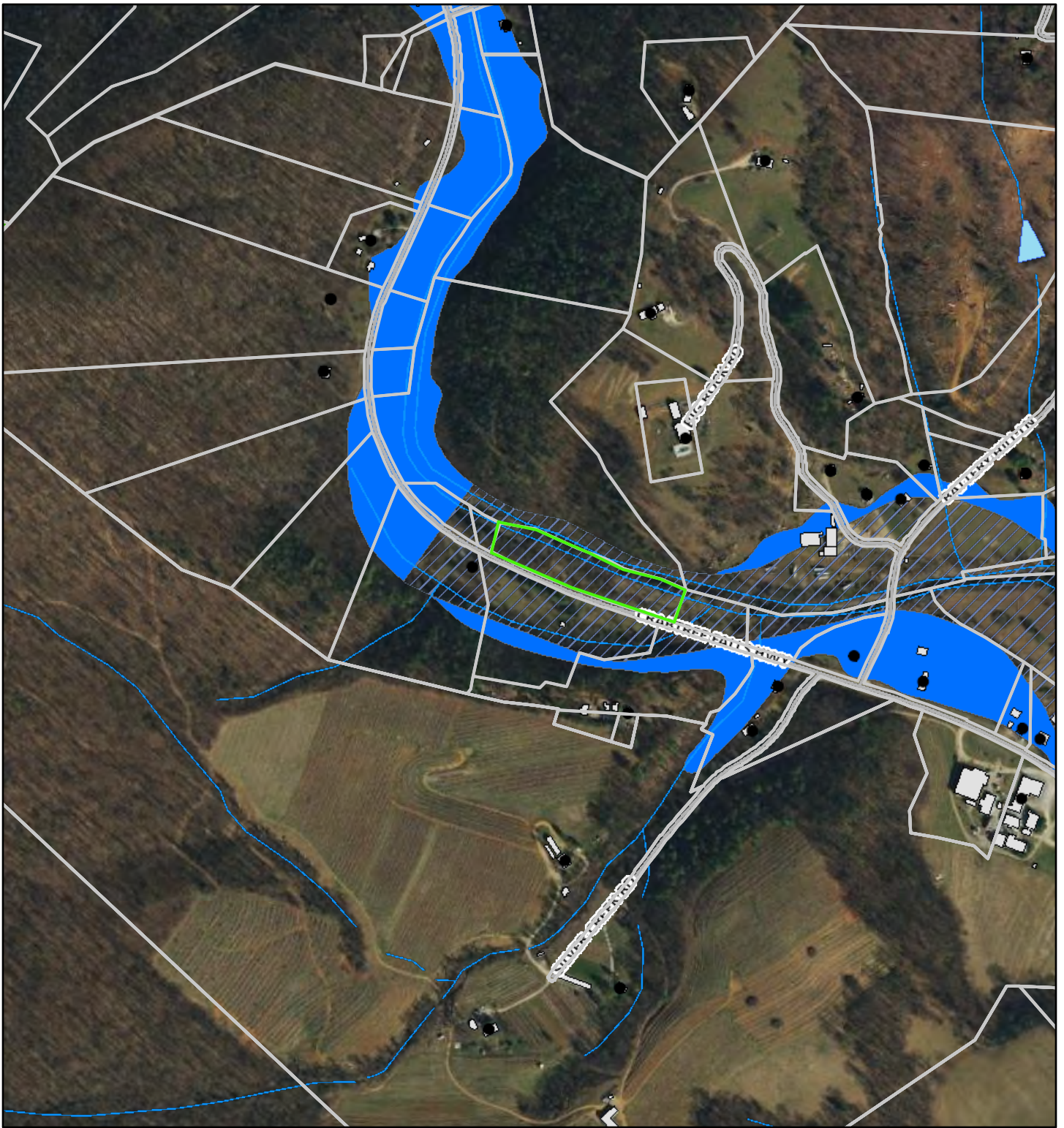
Our world has become very hectic and busy. These places on the river will allow a chance to relax while listening to the river flow by and to step away from the time-consuming "screentime" while enjoying the solitude and beauty Nelson has to offer.



PRESENT S.R. 56 R-W  
 HWY. PLANS BEARING N 69° 21' 30" W

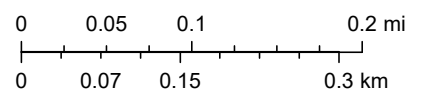
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November 10, 2022

1:9,028



Nelson County  
Board of Supervisors

To: Board of Supervisors

From: Dylan M. Bishop, Director of Planning & Zoning *DMB*

Date: February 13, 2024

Re: SUP #1085 – Campground (2 sites) – 5032 Rockfish Valley Hwy (Faber)

---

**BACKGROUND:** This is a request for a special use permit on property zoned A-1 Agriculture for a campground use for two (2) sites on two (2) adjacent parcels.

Public Hearings Scheduled: P/C – January 24; Board – February 13

Location / Election District: Rockfish Valley Hwy, Faber / North Election District

Tax Map Number(s) / Total acreage: 22-A-59, 59D / 2.001, 2.00 acres +/-

Applicant/Owner Contact Information: Kelly A. Kahle, P.O. Box 448, Sherman, NY 14781, 434-262-2639, kellyakahle@gmail.com

Comments: These two adjacent properties are primarily wooded. A third adjacent parcel also owned by the applicant contains an existing cabin that the owner intends to secure a certificate of occupancy for and utilize as their primary dwelling.

The owner is proposing to establish two campsites – one on each lot. Lot 59D would contain a “yome” or “yurt home”, and a teepee style tent on Lot 59. These short term lodging options that are not offered within an approved dwelling are classified as a campground use and require a special use permit. According to the narrative and site plan, there is a shared parking area for both of the sites, and guests will access the individual sites by foot along the south property lines. The narrative indicates that they intend to hire out for property maintenance, lawn maintenance, and property management.

**DISCUSSION:**

Land Use / Floodplain: This area is agricultural and residential in nature, and is adjacent to Rockfish Presbyterian Church. These properties are located south of the Route 6 / Route 151 intersection, and north of the Wintergreen development on the east side of Route 151. There are no floodplains located on the property. This property is also located within the South Rockfish Valley Rural Historic District, although there are no County regulations or implications associated with this fact.



Access and Parking: The property is accessed by an existing commercial entrance on Route 151 that is shared with Rockfish Presbyterian Church. According to the application, guests will use the existing entrance to the property where a shared parking area would provide sufficient parking for the proposed use. An abandoned right-of-way along a utility easement along the southern property boundaries to access the sites is currently grass. VDOT indicated that they do not have any comments; that utilizing the existing commercial entrance will have no impact to Route 151.

Utilities: The narrative provided indicates that each site will have a camping toilet and self-contained sink station. Comments from the Health Department indicate that with two (2) sites, there is no VDH requirement for permanent sewage disposal or water supply. The applicant informed the Health Department that they plan to contract with a local company to provide and service a portable toilet and hand wash station, and to provide commercially available drinking water. The Zoning Ordinance definition for a campground use requires the provision of potable water and sanitary facilities.

Comprehensive Plan: In the 2002 Comprehensive Plan, this area is designated as Rural and Farming on the Future Land Use Map. This district 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.

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

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

At their meeting on January 24, 2024, the Planning Commission voted (4-1) to recommend denial of SUP #1085 to the Board of Supervisors.

Attachments:

Application  
Narrative  
Site Plan  
Photos  
Zoning Map  
Historic District Map  
Public Comments



# PERMIT APPLICATION:

## Nelson County Department of Planning & Zoning

TO THE ZONING ADMINISTRATOR: Special Use Permit # 1085  
application type application number

1. The undersigned hereby petitions the Planning Commission and/or Board of Supervisors for approval of the following (check appropriate box):

- Special Use Permit
- Rezoning from \_\_\_\_\_ to \_\_\_\_\_
- Conditional Rezoning from \_\_\_\_\_ to \_\_\_\_\_
- Other: \_\_\_\_\_
- Subdivision
- Site Plan – Minor
- Site Plan – Major

Reason(s) for request: 2 site Campground

*(Please use reverse or attach additional sheet if more space is needed.)*

2. Applicant(s) and Property Owner(s):  
*(Please provide names of applicants and property owners and indicate applicable title; if applicant is not the property owner, please show relationship, i.e. lessee, contract purchaser, etc.)*

Applicant  Property Owner Name: Kelly A. Kahle  
 Mailing Address: PO Box 488 Sherman NY 14781  
 Telephone #: 434-262-2639 Email Address: KellyaKahle@gmail.com  
 Relationship (if applicable): \_\_\_\_\_

Applicant  Property Owner Name: \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_  
 Telephone #: \_\_\_\_\_ Email Address: \_\_\_\_\_  
 Relationship (if applicable): \_\_\_\_\_

*(Please attach additional sheet if more space is needed for applicant(s) / property owner(s) info.)*

**3. Location and Characteristics of Subject Property:**

a. Address of Property (specific location, route numbers, street names, voting district, etc.):

5032 Rockfish Valley Hwy

b. Official tax map number: 22-A-59C (2.031) 22-A-59D (2)

c. Acreage of property: 6 acres in 3 2 acre lots 22-A-59 (2.001)

d. Present use: Private Residence

e. Present zoning classification: A1

f. Zoning classification of surrounding properties: A1

**4. Affidavit:** The undersigned applicant(s) and/or property owner(s) certifies that this application and the foregoing answers, statements, and other information herewith submitted are, in all respects, true and correct to the best of their knowledge and belief. Also, the applicant(s) and/or property owner(s) gives permission for members of the Planning Commission, Board of Supervisors, and County Staff to visit and view the subject property.

Signature: Kelly A Kahle

Printed Name: Kelly A. Kahle

Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

*(Please attach additional sheet if more space is needed for applicant(s) / property owner(s) signatures.)*

**5. Additional information:** *(Please attach separate sheet for additional details, explanations, etc.)*

**6. Please note:** In the event of cancellation or postponement at your request after the initial newspaper advertisement for this application, an additional fee will apply for re-advertisement (determined by the actual cost of the ad). This fee will not apply in cases of Planning Commission or Board of Supervisors deferment.

-----TO BE COMPLETED BY PLANNING & ZONING STAFF-----

Pursuant to Article \_\_\_\_\_, Section \_\_\_\_\_ of the Nelson County Zoning Ordinance.  
Pursuant to Section \_\_\_\_\_, Subsection \_\_\_\_\_ of the Nelson County Subdivision Ordinance.

- Completed application and fee (\$ 200 ) received on 10-25-2023
- Hearing Notice published on \_\_\_\_\_
- Planning Commission action: Date of Meeting / Hearing: \_\_\_\_\_  
Recommendation: \_\_\_\_\_
- Board of Supervisors action: Date of Hearing: \_\_\_\_\_ Date of Decision: \_\_\_\_\_  
Action: \_\_\_\_\_

**Nelson County Planning & Zoning Department**

*(Mailing Address)* P.O. Box 558, Lovingson, Virginia 22949 | *(Physical Address)* 80 Front Street, Lovingson, Virginia 22949  
*(Telephone Number)* 434 263-7090 or Toll Free 888 662-9400, selections 4 & 1 | *(Fax Number)* 434 263-7086  
<http://www.nelsoncounty-va.gov/departments/planning-zoning/>

Members of the Board of Supervisors:

I am requesting a special special use permit for two primitive campsites adjoining the lots to my permanent residence consisting of a Cheyenne style tipi, and Yome (geodesic dome with Yurt roof is more efficient and structurally sound) both 20 feet in diameter and 304.7 square feet accommodating two guests per structure. The temporary structures will be on treated deck platforms and taken down for storage during the winters. The soil disruption will consist of 8 deck plugs and less than 5 trees less than 8 inches in caliber. This location of a prior business from 2007 to 2011 of a 25 x 50' greenhouse (known as Kelly's Garden Center and Florist: the little cottage is a known landmark as the Christmas Cottage). A full-service floral shop zoned Agricultural (A1), it was approved for the traffic flow by VDOT and has a parking area of 40 x 20. There were never any accidents on site. As mentioned, the site is both a previous and existing business (Rockfish Valley Presbyterian Church Inc.) utilizing an existing commercial entry. There is a shared parking area for both the sites at a site prepared for a pole barn in 2007 measuring in excess of 25x40 sq'. Visitors will access the individual sites by foot along the south of the property as indicated on the measurements on the site plan. This site nor the parking areas is not visible from the road or adjoining properties, as it is 40 feet into the wooded area. The sites will be placed at the edge of woods to benefit the shade and overlook the view of the meadow and Pilot Mountain. SEE Site plan This also allows for controlled development while providing passive income to an otherwise disabled individual who would otherwise potentially need to sell the lots in an area not earmarked in the Comprehensive Plan 2042 for residential development.

A handicap accessible latrine with a handwashing station will be located 30' to the left of the parking area and serviced weekly. Commercially available drinking water will be available for drinking, in accordance with local Health Department regulations.

Campfires are not permitted, however there is a water pipe on the property less than 50' from the sites parking area and the upper lots also have electric infrastructure onsite. The wintergreen Fire Department is 2.7 miles from the property and there is a 25-10' ditch that serves as a fire break between the adjoining property that is also equipped with fire sprinklers.

Loving Care Landscaping & Handyman Services is employed to perform property maintenance. Eastside Lawn Services LLC for lawn services and Cindy Terres as the Property Manager. Anyone of them can be onsite within thirty minutes should a need arise.

It is important as a historically registered property to be maintain the forested area to its natural beauty of mature hardwoods that produce the now scarce white and red oak acorns (quercus alba and rubrus) or Forestry Department has asked people to collect and donate as well as the native wildlife. The property overlooks an active agriculture field in the backdrop of our mountains for guests to prevue and appreciate the rural side of life here in Nelson County while being close to all it has to offer.

Thank you for your time and consideration.

Sincerely,

Kelly A. Kahle



NOTES:

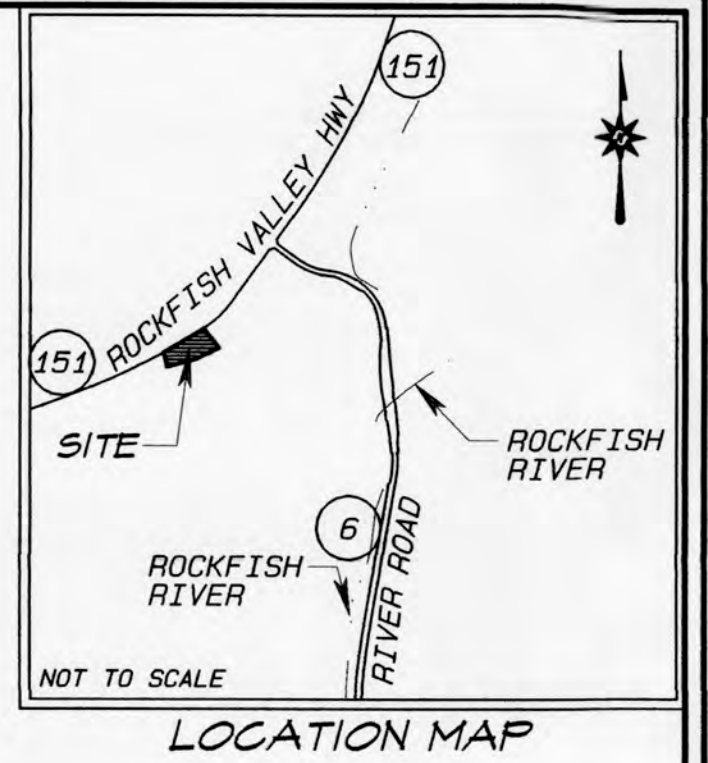
- THIS PLAT WAS PREPARED AT THE REQUEST OF KELLY A. KAHLE.
- NO DETERMINATION OF WETLANDS WAS REQUESTED OF NOR WAS ANY DETERMINATION/DELINEATION MADE BY ACRES OF VIRGINIA, INC. OR THIS SURVEYOR. THIS PLAT DOES NOT ADDRESS THE EXISTENCE OR DELINEATION OF ANY ENVIRONMENTALLY SENSITIVE AREAS IN OR AROUND THE BOUNDARIES OF THIS PROPERTY.
- SUBSURFACE AND ENVIRONMENTAL CONDITIONS WERE NOT SURVEYED OR EXAMINED OR CONSIDERED AS PART OF THIS SURVEY. NO EVIDENCE OR STATEMENT IS MADE CONCERNING THE EXISTENCE OF UNDERGROUND OR OVERHEAD CONDITIONS, CONTAINERS OR FACILITIES THAT MAY AFFECT THE USE OR DEVELOPMENT OF THIS PROPERTY.
- THIS SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD OR ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE. THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT THEREFORE NECESSARILY INDICATE ALL ENCUMBRANCES OR IMPROVEMENTS ON THIS PROPERTY. ALL ADJOINING OWNERS ARE NOW OR FORMER OWNERS.
- THIS PROPERTY AS PLATTED FALLS WITHIN THE FLOOD ZONE "X" AS DETERMINED BY F.E.M.A. AND SHOWN ON THEIR MAP. NO CERTIFICATION BY THIS SURVEYOR IS MADE TO THE ACCURACY OF THE FLOOD INSURANCE RATE MAP.
- IN PROVIDING THIS PLAT NO ATTEMPT HAS BEEN MADE TO OBTAIN OR SHOW DATA CONCERNING EXISTENCE, SIZE, DEPTH, CONDITION, CAPACITY OR LOCATION OF ANY UTILITY EXISTING ON THE SITE, WHETHER PRIVATE, MUNICIPAL OR PUBLIC OWNED.
- ANY SUBAQUEOUS BEDS LOCATED WITHIN THE BOUNDARIES OF THIS PROPERTY MAY BE THE PROPERTY OF THE COMMONWEALTH OF VIRGINIA. THIS SURVEYOR HAS MADE NO ATTEMPT TO DETERMINE SAID OWNERSHIP. THEREFORE THE AREA SHOWN ON THIS PLAT IS PLUS OR MINUS AND IS INCLUSIVE OF ANY SUBAQUEOUS BEDS UNLESS OTHERWISE NOTED.
- IT IS UNLAWFUL TO DISTURB ANY GRAVE OR GRAVE MARKER, ACCORDINGLY, ANY GRAVE OR ANY OBJECT OR STRUCTURE MARKING A PLACE OF BURIAL IDENTIFIED DURING THE SURVEY, PROPERTY RESEARCH OR PLAT PREPARATION OR AS DENOTED ON THIS PLAT, ACRES OF VIRGINIA, INC. AND THIS SURVEYOR EXPRESSLY DISCLAIM ANY RESPONSIBILITY (MONETARY OR OTHERWISE) FOR THE DESTRUCTION, REMOVAL OR DISTURBANCE OF ANY GRAVES OR GRAVE MARKERS THAT MAY NOT HAVE BEEN DETECTED OR SHOWN ON THIS PLAT AS WELL AS ANY GRAVES OR GRAVE MARKERS THAT HAVE BEEN SHOWN.
- THIS PROPERTY IS ZONED A1 AGRICULTURAL.
- SETBACK REQUIREMENTS:  
 FRONT YARD: 75 FEET FROM CENTERLINE OF THE ROAD OR 50 FEET FROM THE RIGHT-OF-WAY FOR INTERNAL LOTS WITHOUT ROAD FRONTAGE; 50 FEET FROM THE PROPERTY LINE DESIGNATED AS THE FRONT YARD  
 SIDE YARD: LOTS 1 TO 5 ACRES IN SIZE: 10 FEET, 25 FEET TOTAL LOTS GREATER THAN 5 ACRES IN SIZE: 20 FEET, 50 FEET TOTAL  
 REAR YARD: LOTS 1 TO 5 ACRES IN SIZE: 25 FEET LOTS GREATER THAN 5 ACRES IN SIZE: 50 FEET  
 ACCESSORY STRUCTURES: 15 FEET FROM PROPERTY LINE. NO ACCESSORY STRUCTURES WITHIN THE FRONT SETBACK

NUMBER OF LOTS ALLOWED: TAX MAP PARCEL 22-A-59B (6.021 ACRES)  
 SOURCE OF TITLE: 202100527  
 TOTAL NUMBER OF LOTS ALLOWED: (3) TOTAL  
 NUMBER OF (PROPOSED) NEW LOTS: 2  
 NUMBER OF REMAINING (UNUSED) LOTS: 1  
 ASSIGNMENT OF THOSE REMAINING LOTS ALLOWED AMONG THE PARCELS SHOWN  
 THE RESIDUE IS ASSIGNED THE REMAINING UNUSED LOT.

THE PLATTING OR DEDICATION OF THE FOLLOWING DESCRIBED LAND (SEE TITLE BLOCK AND NOTES) IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRE OF THE UNDERSIGNED OWNERS PROPRIETORS AND TRUSTEES. IF ANY, THE STATEMENT SHALL BE SIGNED BY SUCH PERSONS AND DULY ACKNOWLEDGED BEFORE AN OFFICER AUTHORIZED TO TAKE ACKNOWLEDGEMENT OF DEEDS.

*Kelly A. Kahle*  
 KELLY A. KAHLE  
 STATE OF Virginia  
 CITY/COUNTY OF Nelson  
 THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 4/11/22 BY  
*Kelly A. Kahle*  
*Jody Ashton Campbell*  
 NOTARY PUBLIC  
 REGISTRATION NO. 7933737  
 MY COMMISSION EXPIRES 9/30/25

**JODY ASHTON CAMPBELL**  
 NOTARY PUBLIC  
 Commonwealth of Virginia  
 Reg. # 7933737  
 My Comm. Expires September 30, 2025

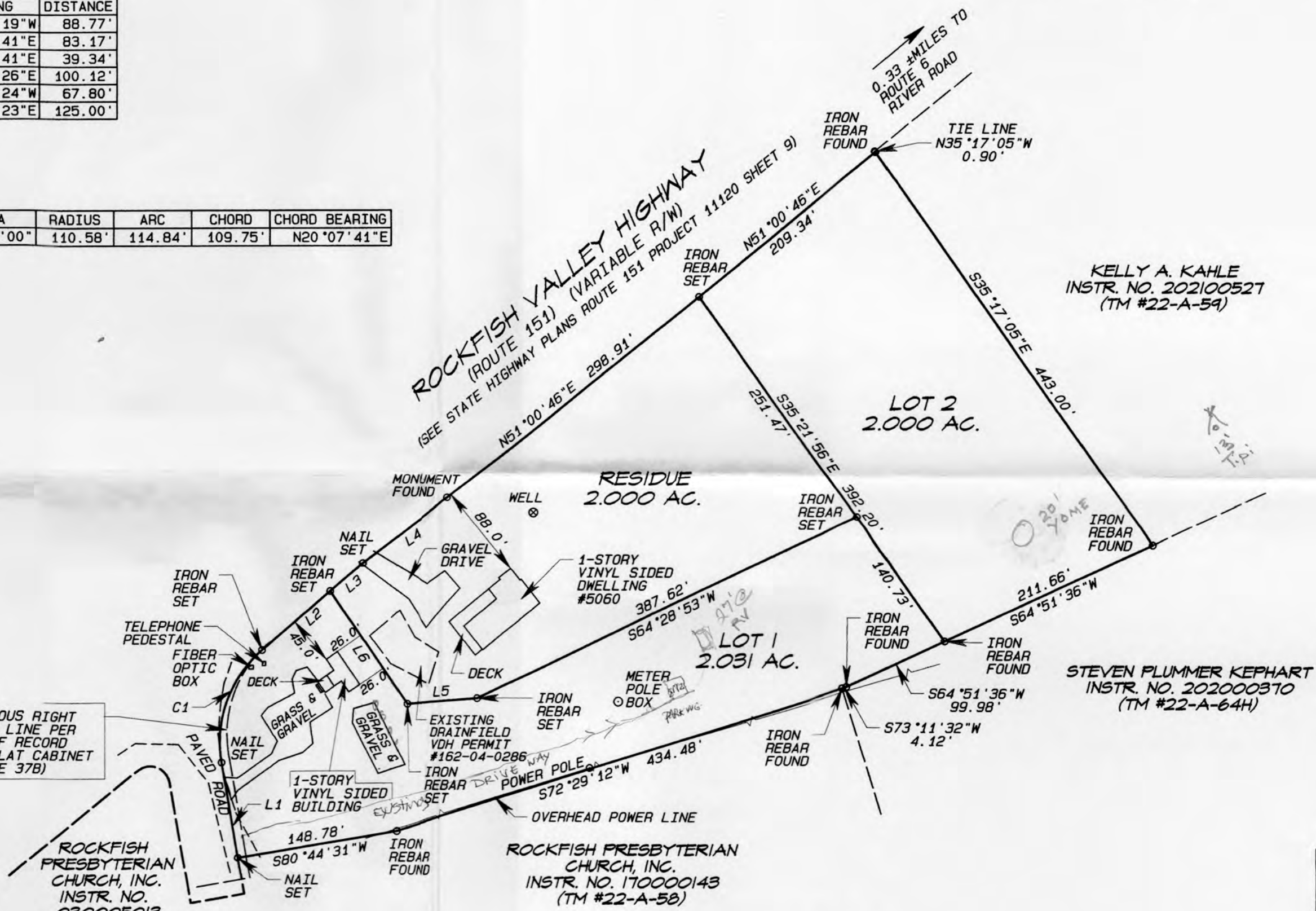


LINE LEGEND:

LINE	BEARING	DISTANCE
L1	N09°37'19"W	88.77'
L2	N49°52'41"E	83.17'
L3	N49°52'41"E	39.34'
L4	N52°44'26"E	100.12'
L5	S85°28'24"W	67.80'
L6	S34°12'23"E	125.00'

CURVE DATA:

LINE	DELTA	RADIUS	ARC	CHORD	CHORD BEARING
C1	59°30'00"	110.58'	114.84'	109.75'	N20°07'41"E



AOSE CERTIFICATION STATEMENT

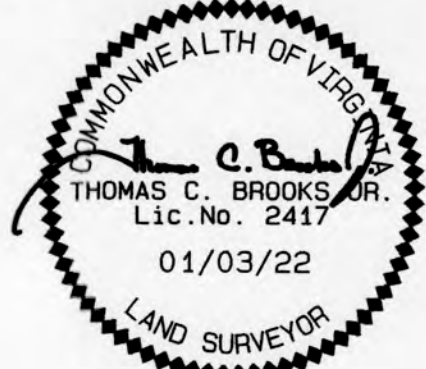
THIS SUBDIVISION IS APPROVED FOR INDIVIDUAL ON-SITE SEWAGE SYSTEMS IN ACCORDANCE WITH THE PROVISIONS OF THE CODE OF VIRGINIA AND THE SEWAGE HANDLING AND DISPOSAL REGULATIONS (12 VAC 5-610-10 ET SEQ., THE "REGULATIONS"), AND LOCAL ORDINANCES IF THE LOCALITY HAS AUTHORIZED THE LOCAL HEALTH DEPARTMENT TO ACCEPT PRIVATE EVALUATIONS FOR COMPLIANCE WITH LOCAL ORDINANCES. THIS SUBDIVISION WAS SUBMITTED TO THE HEALTH DEPARTMENT FOR REVIEW PURSUANT TO SECTION 32.1-163.5 OF THE CODE OF VIRGINIA WHICH REQUIRES THE HEALTH DEPARTMENT TO ACCEPT PRIVATE SOIL EVALUATIONS AND DESIGNS FROM AN AUTHORIZED ON-SITE SOIL EVALUATOR (AOSE) OR A PROFESSIONAL ENGINEER WORKING IN CONSULTATION WITH AN AOSE FOR RESIDENTIAL DEVELOPMENT. THE DEPARTMENT IS NOT REQUIRED TO PERFORM A FIELD CHECK OF SUCH EVALUATIONS. THIS SUBDIVISION IS CERTIFIED AS BEING IN COMPLIANCE WITH THE BOARD OF HEALTH'S REGULATIONS BY: CHRISTOPHER L. BROOKS, AOSE THIS SUBDIVISION APPROVAL IS ISSUED IN RELIANCE UPON THAT CERTIFICATION. PURSUANT TO SECTION 360 OF THE REGULATIONS, THIS APPROVAL IS NOT AN ASSURANCE THAT SEWAGE DISPOSAL SYSTEM CONSTRUCTION PERMITS WILL BE ISSUED FOR ANY LOT IN THE SUBDIVISION UNLESS THAT LOT IS SPECIFICALLY IDENTIFIED AS HAVING AN APPROVED SITE FOR AN ON-SITE SEWAGE DISPOSAL SYSTEM, AND UNLESS ALL CONDITIONS AND CIRCUMSTANCES ARE PRESENT AT THE TIME OF APPLICATION FOR A PERMIT AS ARE PRESENT AT THE TIME OF THIS APPROVAL. THIS SUBDIVISION MAY CONTAIN LOTS THAT DO NOT HAVE APPROVED SITES FOR ON-SITE SEWAGE SYSTEMS. THIS SUBDIVISION APPROVAL IS ISSUED IN RELIANCE UPON THE CERTIFICATION THAT THE APPROVED LOT IS SUITABLE FOR "TRADITIONAL SEPTIC SYSTEM"; HOWEVER, ACTUAL SYSTEM DESIGNS MAY BE DIFFERENT AT THE TIME CONSTRUCTION PERMITS ARE ISSUED.



I CERTIFY THE SOIL EVALUATION FOR THIS PROPERTY HAS BEEN DONE IN ACCORDANCE WITH BOTH STATE LAW, AND NELSON COUNTY ORDINANCES RELATING TO ON-SITE SEWAGE DISPOSAL. DATA RESULTING FROM SOIL WORK, INCLUDING TREATMENT SYSTEMS, PRE-TREATMENT SYSTEMS, PRIMARY AND RESERVE DRAINFIELDS, HAS BEEN APPROPRIATELY EVALUATED AND APPROVED BY THE VIRGINIA DEPARTMENT OF HEALTH.

SOURCE OF TITLE:  
 INSTRUMENT NUMBER 202100527

THIS PLAT WAS PREPARED (JANUARY 3, 2022) FROM AN ACTUAL AND CURRENT FIELD SURVEY MADE UNDER MY SUPERVISION AND COMPLIES WITH THE MINIMUM STANDARDS AND PROCEDURES ESTABLISHED BY THE VIRGINIA STATE BOARD OF ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS, CERTIFIED INTERIOR DESIGNERS AND LANDSCAPE ARCHITECTS TO THE BEST OF MY KNOWLEDGE AND BELIEF.



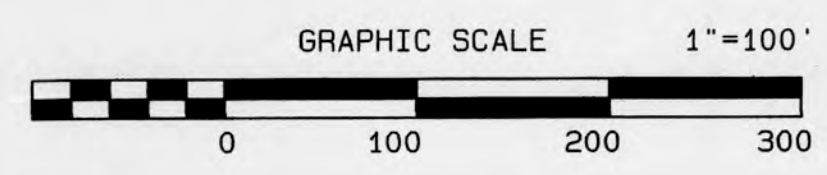
COUNTY APPROVAL  
 APPROVED FOR RECORDATION:  
*Dylan M. Bishop* 4/20/22  
 DIRECTOR OF PLANNING DATE:  
*Sean O'Neil* 4-19-22  
 VIRGINIA DEPARTMENT OF HEALTH DATE:

**ACRES OF VIRGINIA, INC.**  
 ENGINEERS SURVEYORS PLANNERS  
 ENVIRONMENTAL SOIL CONSULTANTS GEOTECHNICAL  
 email: Serca2@aol.com  
 www.acresofvirginia.com

404 CLAY STREET  
 LYNCHBURG, VA. 24504  
 OFFICE (434) 528-4674  
 FAX (434) 845-1048

PLAT SHOWING  
 LOT 1, 2 AND RESIDUE PARCEL  
 PROPERTY OF:  
**KELLY A. KAHLE**  
 ROCKFISH DISTRICT  
 NELSON COUNTY, VIRGINIA

SCALE= 1"= 100' DATE: JANUARY 3, 2022  
 COMM. NO. 21957/A21957 - SERVER-NEWJOBS2021  
 TAX MAP 22-A-59B COPYRIGHTED





THIS DRAINFIELD LOCATION MAP IS NOT INTENDED FOR RECORDATION

- NOTES:
- IT WILL BE THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY THE DRAINFIELD LOCATION USING THE DIMENSIONS SHOWN ON THIS MAP.
  - CONTRACTOR MUST NOTIFY AGENCIES OF VIRGINIA, INC. 48 HOURS PRIOR TO INSPECTION. THE TOTAL SYSTEM MUST BE COMPLETE. IF A SECOND INSPECTION TRIP IS REQUIRED DUE TO AN INCOMPLETE SYSTEM THE CONTRACTOR WILL BE CHARGED. FAILURE TO GIVE THE REQUIRED 48 HOUR NOTICE MAY DELAY THE INSPECTION.
  - CONTRACTOR SHALL CALL MISS UTILITIES AT 811 (48) HOURS PRIOR TO CONSTRUCTION.
  - THE OWNER WILL BE RESPONSIBLE FOR PAYMENT TO AGENCIES OF VIRGINIA, INC. FOR THE FINAL INSPECTION REPORT AND FOR AN AS-BUILT SURVEY. THE AS-BUILT SURVEY MUST BE SUBMITTED TO THE VIRGINIA DEPARTMENT OF HEALTH IN ORDER TO OBTAIN A OPERATIONAL PERMIT.
  - THE SEPTIC INSTALLER IS NOT ALLOWED TO USE ANY THIN WALL PIPE OR CORRUGATED VINYL DRAIN PIPE FOR THE INSTALLATION OF THIS WASTE WATER SYSTEM. INSTALLER SHALL USE ALL SCH 40 PVC PIPING.
  - THIS PLAN DESIGN WILL BE VOID, IF THERE ARE ANY PHYSICAL ALTERATIONS IN THE TOPOGRAPHY AT THE DRAINFIELD SITE OR ANY SOIL ADDED OR REMOVED AT THE DISPOSAL SITE.
  - THIS PLAN HAS BEEN PREPARED EXCLUSIVELY FOR THE OWNER/OWNERS OF THIS PROPERTY. THIS PLAN IS NOT TRANSFERABLE TO ANY OTHER PARTY. THIS PLAN SHALL NOT BE USED BY ANY OTHER PARTY WITHOUT THE WRITTEN CONSENT OF AGENCIES OF VIRGINIA, INC. AND THE UNDERSIGNED PROFESSIONALS.

LINE LEGEND

LINE NUMBER	DESCRIPTION
1	IRON REBAR SET
2	IRON PIPE FOUND
3	IRON REBAR FOUND
4	R/O = RIGHT OF WAY
5	DEED BOUND
6	PAGE
7	INSTR. = INSTRUMENT NO. = NUMBER
8	O.H. = OVERHEAD
9	UNDERSOIL DRAINFIELD
10	USGS CONTOUR

CURVE DATA

LINE	BEARING	ANGLE	ARC	CHORD	CHORD BEARING
1	S 88° 17' 30" E	110.98'	114.64'	100.75'	S 69° 57' 41" E
2	S 88° 17' 30" E	110.98'	114.64'	100.75'	S 69° 57' 41" E

- LEGEND
- IN = POWER POLE
  - IRG = IRON REBAR SET
  - IPF = IRON PIPE FOUND
  - IRF = IRON REBAR FOUND
  - R/O = RIGHT OF WAY
  - DB = DEED BOUND
  - P. = PAGE
  - INSTA. = INSTRUMENT NO. = NUMBER
  - O.H. = OVERHEAD
  - UNDERSOIL DRAINFIELD
  - USGS CONTOUR

**NOTE TO CONTRACTOR INSTALLING THIS SYSTEM**

TO OBTAIN A SEPTIC SYSTEM PERMIT FROM THE VIRGINIA DEPARTMENT OF HEALTH, THE CONTRACTOR MUST PROVIDE TO AGENCIES OF VIRGINIA, INC. THE FOLLOWING:

- HEALTH DEPARTMENT IDENTIFICATION NUMBER
- DATE SEPTIC PERMIT WAS ISSUED.
- INSTALLER'S COMMERCIAL REGISTRATION AND ANY OTHER FORMS RELATED TO THE SEPTIC INSTALLATION, I.E., ILLUSTRATION ETC.



**Existing abandoned State Rd**

GRAPHIC SCALE 1" = 100'



**Laboratory Hand washing**

TABLE 8.4  
8016-01  
(NO FURTHER REDUCTION ALLOWED)



PAGE 12 OF 12

**AGENCIES OF VIRGINIA, INC.**

ENGINEERING DIVISION

10015-B DISTRICT

DRAINAGE FIELD LOCATION MAP FOR SUBDIVISION APPROVAL, LOTS 1 AND 2

**KELLY A. KAHL**

REGISTERED PROFESSIONAL ENGINEER

NO. 200000070

DATE: JANUARY 3, 2009

CONTRACT NO. 0721887-0721887-00000001

TITLE SHEET 8016-01





Nomadics' own 24ft showroom tipi, OR









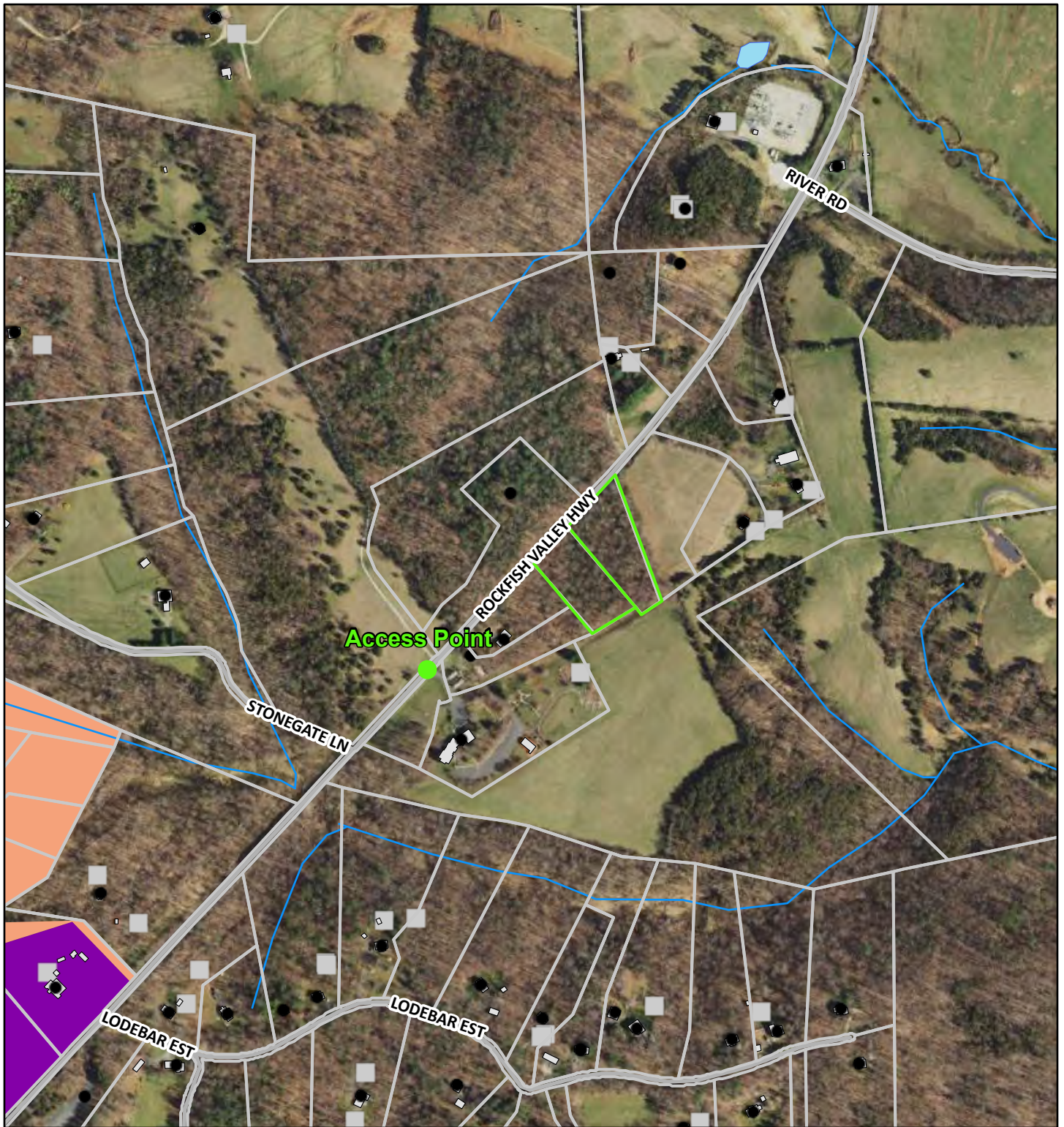




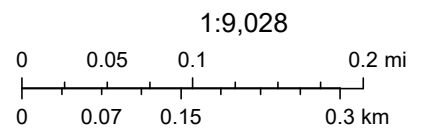








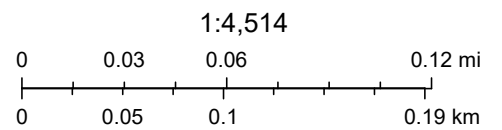
January 17, 2024



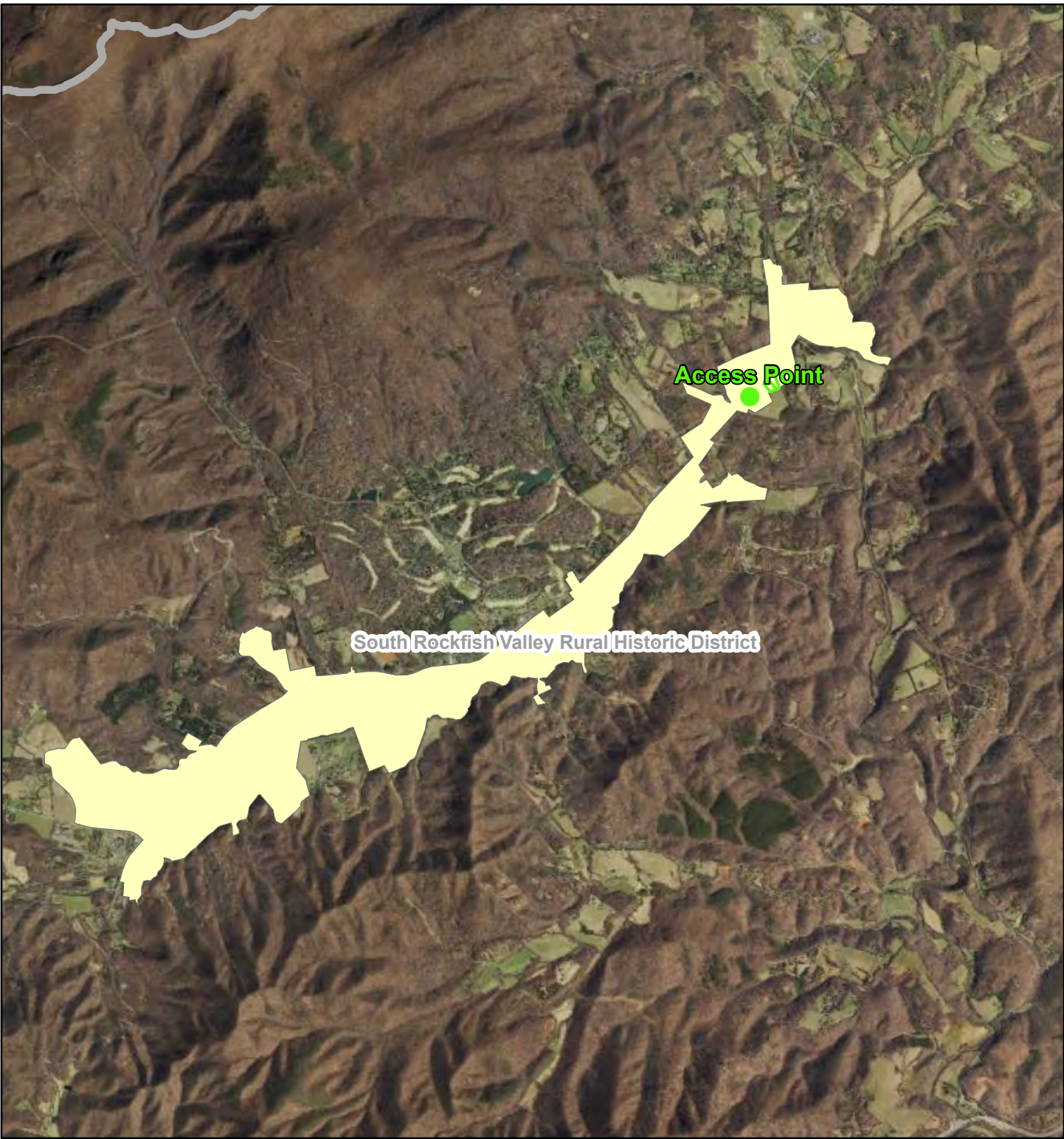




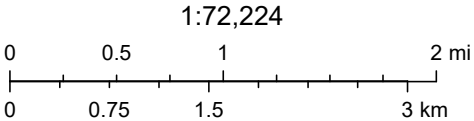
January 17, 2024







January 17, 2024





**Fw: SUP 1085 Kahle - public comment**

Dylan Bishop &lt;dbishop@nelsoncounty.org&gt;

Fri 2/9/2024 9:51 AM

To: Dylan Bishop &lt;dbishop@nelsoncounty.org&gt;

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**From:** Amy Swope <amy.swope@yahoo.com>**Sent:** Thursday, February 8, 2024 4:49 PM**To:** Dylan Bishop <dbishop@nelsoncounty.org>**Cc:** Kelly Kahle <kellyakahle@gmail.com>; Emily Hjulstrom <ehjulstrom@nelsoncounty.org>; Steve Kephart <covesville104@msn.com>**Subject:** Re: SUP 1085 Kahle - public comment

Hi Dylan,

I live at 5282 Rockfish Valley Highway. There is only one property in between my place and Ms Kahle. I don't have any problems at all with Ms Kahle's plan to have a campground. I absolutely believe she should be able to use her property in the way that best serves her interests, and a campground is very much in line with Nelson County's love of the outdoors and the reason people come here to visit: to appreciate the nature in a luxurious way. I doubt it will be nearly as disruptive as others are expecting, and the fears of the church may prove to be largely unfounded. I have no complaints.

Thank you for considering my letter in the process.

-Amy Swope

Sent from my iPhone

**Fw: SUP 1085 Kahle - public comment**

Dylan Bishop &lt;dbishop@nelsoncounty.org&gt;

Fri 2/9/2024 9:55 AM

To: Dylan Bishop &lt;dbishop@nelsoncounty.org&gt;

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**From:** Dylan Bishop <dbishop@nelsoncounty.org>**Sent:** Friday, February 9, 2024 9:52 AM**To:** Dylan Bishop <dbishop@nelsoncounty.org>**Subject:** Fw: SUP 1085 Kahle - public comment**From:** Steven Kephart <covesville104@msn.com>**Sent:** Saturday, December 9, 2023 10:39 AM**To:** Kenneth Engebretson <ken.engebretson@verizon.net>**Subject:** Re: Proposed campground (SUP #1085 Kelly Kahle) adjacent to Rockfish Presbyterian Church

Good morning Mr. Engebretson,

I am not opposed to Kelly Kahle's project. After my call to the Church I called Ms. Kahle to discuss the campground.

I presume the County has regulations to cover all the issues. This is a legal area I don't know much about.

Her guest are sure to walk out into my field to take in the view. Our Nelson neighbors do this now. They drive off the Church back lot directly into my field to fish in the another neighbors pond. Ask Jamie Heard, your groundkeepers were mowing well outside the lines. The only reason I intervened was because I fertilized so a farmer could get a full crop.

They hunt too. I don't give permission but if I'm asked I tell them: "It isn't posted".

Believe me, people know of the garden and wood lot. Ms. Kahle said she will tell her customers not to trespass on our properties. If there's a *real* problem I'll call the Sheriff.

Nelson County is still mostly informal. I presume the County has regulations to cover all the issues.

Thanks,

Steve Kephart

RE: Public Hearing on SUP Application #1085 February 13, 2024

To the Members of the  
Nelson County Board of Supervisors:

I am Jeri Engebretson, a resident of Nelson County and member of Rockfish Presbyterian Church. I am writing with respect to concerns about the Special Use Permit application for a campground. You have already been made aware of our many concerns regarding fire, change of character to the area, historic site protection, etc.

I am writing about something entirely different, issues which became abundantly clear at the Planning Commission hearing on January 24th. I attended that hearing and was appalled at the inconsistencies and blatant misrepresentations made by the applicant. These issues should be critical to your decision: 1) the numerous changes in Ms. Kahle's plan, many of which are verbal and not written, so that the proposed plan is constantly changing and very difficult to pin down; 2) the inaccuracies of many of her statements supporting her project; and 3) other statements of concern.

Prior to citing examples, please understand the bottom line issue:

Ms. Kahle has not been consistent in any of the details of the plan for the permit she seeks, as it keeps evolving, and that to the extent the Board approves her permit for a PERMANENT CHANGE IN USE, it would primarily be IN RELIANCE UPON HER STATEMENTS, which are changing, many of which are misrepresentations, AND WHICH CANNOT REALISTICALLY BE ENFORCED.

Examples are the following:

1. The application was modified to seek 2 rather than 3 units, thereby avoiding VA Dept. of Health and other requirements.
2. She previously stated she had hired professionals to manage the property, as she was unable to do so due to a disability. At the Jan 24th Planning Commission public hearing, she said those she hired were only to manage grounds care, including sanitary management, but that, as she will be living on-site, she will provide 24/7 site management.
3. She stated at the hearing that she has a building permit for renovation of the cottage in which she plans to live. As of 1/27/24, upon our inquiry, we were advised that no such building permit has been issued, and, in fact, no application for same had been filed.

4. The targeted renters have changed, as she stated for the first time on Jan. 24th that the specific and intended purpose of the campsites is to provide a place for respite for veterans, specifically handicapped veterans, and for “ministers of her two spiritual non-profit ministries.” This was in response to concerns we expressed about families with children and groups of adults renting the campsites and the various impacts of same on our adjacent church. Nonetheless, she has also stated she would be advertising the campsites on Air BNB. This makes it very difficult to understand how the campsite occupants will be restricted and differ from any other short term rentals in Nelson County. This is significant only to the extent that she keeps describing the plan differently, causing concerns about the actual plan, its implementation and changes over time, and whether or not the concerns of the church will, in fact, be addressed.
5. With respect to concerns about ‘attractive nuisance’ and church liability for children who might come onto the church property, e.g., to play on the playground and become injured, she stated that the property will be advertised as “not appropriate for children.” This is not a prohibition, and certainly does not address the problem.
6. She has modified her position on campfires by stating she will not allow them. However, aside from our concerns about renter compliance, on-site supervision and enforcement, this fails to address the real problem, also created by fireworks and propane camping equipment, such as lanterns or cooktops, and the method of enforcing their prohibition.
7. She initially stated her intention to provide 5 gallons of water to each camper, then stated at the Jan 24th public hearing that the question of sufficient water supply was satisfied by her ‘water line’ which would be available to campers. Yet when asked by the Planning Commission members where the water line is located, she was unable to answer and when asked to identify its location on a map, she was unable to do so.

With respect to misrepresentations:

1. Ms. Kahle stated the church is a ‘public building’ therefore people, including her renters and especially children, should be able to be on church property, and specifically, our playground.
2. She stated with respect to our concerns about fire and damage to our church that the church has a sprinkler system. It does not.
3. She stated that her property is an “historic site” just the same as the church. While her property lies within the boundaries of the South Rockfish Historic District, unlike the church, it is not named as a ‘contributing factor’ i.e., an actual specifically-identified historic site within the District.
4. She stated that the church is far away from the campsites, stating .5 - .6 miles. It is not.

I am also concerned about her statement that, despite the recommendation of the Planning Board that, if approved, the applicant should be required to have adequate fencing along the boundary with the church, she indicated she shouldn't have to pay for that. This indicates to me that she is not willing to take on the responsibilities attendant with creating the campsites, and that she does not respect the impact of her plan on the church.

Many of these conflicting statements lead me to wonder whether her ultimate objective is not the operation of a primitive campground, but something else, in which event regulation and enforcement might be even more critical. These are three contiguous lots which can be sold separately. But a special use permit is a PERMANENT CHANGE - it cannot be changed or revoked and runs with the land, to whomever the buyer may be. How could that work? When most details of a plan are verbal, how can they be enforced, now or with future buyers? Of more urgency, how can such a permit be approved with so many questions unanswered and unreconciled, many misrepresentations, and without a detailed, definitive plan?

For these reasons, and others raised previously, I request that this application be denied.

Respectfully,

Jeri Engebretson  
218 Bland Wade Lane, Afton

## SUP#- 1085 Campground 5032 Rockfish Valley Hwy

hannah <13afton@gmail.com>

Tue 2/6/2024 2:58 PM

To: Dylan Bishop <dbishop@nelsoncounty.org>

To: Nelson County Board of Supervisors,

I am writing to comment on the request for SUP# - 1085 for a Campground at 5032 Rockfish Valley Hwy. I own property near this parcel.

My concerns are ,

\*The impact it will have on the historic Rockfish Presbyterian Church.

\*This will open the door for all agriculture land owners on 151 to apply for special use permit for a campground.

Please vote to deny this application.

Sincerely,

Donna Small



Jane Andrews  
395 Pine Needles Lane  
Afton, VA 22920

February 5, 2024

Nelson County Board of Supervisors  
80 Front Street  
P.O. Box 558  
Lovingston, VA 22949

**Re: Special Use Permit #1085 Kelly Kahle Campground**

Dear Members of the Board,

As a property owner and resident of Nelson County, **I am asking you to deny this Special Use Permit application** for several reasons.

- It would be premature to approve this special use permit until the new Comprehensive Plan is approved and implemented in the Zoning Ordinance. The current Comprehensive Plan and Zoning Ordinance are outdated and do not reflect the community's vision.
- The application does not include the necessary infrastructure and onsite management to support this use and assure that it does not have offsite impacts.
- Approval of a special use permit is a permanent approval that runs with the land and future owners. This proposal has too many offsite impacts that can negatively affect existing uses on adjacent property.
- This Special Use Permit application does not meet the special use permit criteria.

**Please deny this special use permit application.** In the event the Board chooses to consider approval of this application, please include conditions of approval that will limit the adverse impacts on adjoining properties, roadways and important resources to Nelson County.

The staff recommends 6 conditions in their staff report. Even this many conditions do not completely address operations and requirements that will prevent adverse impacts from this use. Please consider revisions to their conditions that will further clarify them, avoid debate as to their meaning and make them easier to enforce. (Please see requested revisions in bold.)

1. There shall be no more than two **camping** sites, and the **overnight camping** accommodations shall be provided by the property owner.
2. Any lighting shall be directed **away from adjacent properties and roadways** and glare shielded to prevent light pollution onto adjacent properties and roadways and to protect the dark night sky.
3. There shall be no more than six guests on **parcel number 22 A – 59D and 22 A – 59**, (these two properties) at any one time. **No camping sites and guests are approved for parcel number 22 A – 59C.**
4. **Prior to beginning the use**, fencing shall be installed along the southern property boundaries (~~discuss height and material~~). **Opaque wooden fencing that is a minimum of 5 feet high is required and must be maintained.**

5. There shall be no fire or flame of any kind (including but not limited to campfire rings, grills, propane lanterns or cook stoves, etc.) permitted on these two properties. **Smoking shall not be permitted on these two properties by campground guests.**

6. Campsites shall be setback a minimum of ~~50'~~**75'** from the southern property boundary.

Please consider adding conditions that are missing and that address other impacts from this use.

7. **Prior to beginning the use, a fire break of 75 feet shall be established adjacent to the southern property boundary, to the satisfaction of the Planning Director. In making this finding, the Planning Director may consult with appropriate agency staff.**

8. **All three parcels shall remain in common ownership for this special use permit to remain in effect.**

9. **Prior to beginning the use, a aggregate stone base shall be installed for the access road and parking for the campsites. The stone base shall be a minimum of 5 inches in depth.**

10. **Prior to beginning the use and any time there is a change in management company contact information, the owner shall send out a letter to neighbors within a ¼ mile radius of the property, providing the phone number for the management company. In the event issues arise, the management company shall be responsive within 30 minutes of receiving a phone call.**

The sheer number of conditions to address offsite impacts only reinforces that this is not an appropriate location for the proposed use.

The applicant for the campground, Ms. Kahle, stated at the Planning Commission meeting that she did not want to install the fencing, as required by the condition proposed by staff. In fact, she thought the adjacent church should have to install fencing for protection from her commercial use. It is clear by this and other statements, as well as the ever-changing application proposal, that this applicant does not intend to comply with conditions of approval.

We also know that the Nelson County Planning Department is not currently staffed to provide enforcement for zoning violations in addition to their other duties. The inability to adequately enforce conditions of approval, puts all the responsibility for recognizing and addressing noncompliance with the neighbors. This is not fair.

**Please vote to deny this special use permit application.**

Sincerely,



Jane Andrews

To the Members of the Board of Supervisors:

My husband and I are residents of Nelson County and members of Rockfish Presbyterian Church. I am writing with respect to concerns about the application for Special Use Permit #1085. As I stated in my comments at the January 24 public hearing, I have considerable concern regarding any approval of applications for more short-term rentals on the cusp of new regulations that will be included in the new Comprehensive Plan.

At the public hearing I became disturbed by many of Ms. Kahle's comments as they seemed to contradict previous statements made both verbally and in writing. It is difficult to know what the specific plans are for the proposed campground sites because those plans seem to constantly be in flux. Additionally, I was concerned by the number of incorrect statements made by Ms. Kahle during that hearing.

The changes include the modification of the application to seek 2 rather than 3 units thereby avoiding VA Department of Health regulations for water, sanitary waste etc. Previously, Ms. Kahle stated that she would hire professionals to manage the property and provide on-site supervision. However, at the hearing she stated that the individuals she intends to hire will only manage the grounds. She, herself, would provide the 24-hour onsite supervision as she will be living on-site. We also heard that she has an approved building permit for the renovation of the cottage in which she will be residing. It is my understanding that, as of this writing, no such building permit has been approved nor has an application for one been received. At the hearing she mentioned that there is a water line on her property but when queried by the Planning Commission member, was unable to point to the exact location of the line. Finally, it appears from her comments that the individuals to whom she intends to rent the sites include handicapped veterans and ministers of the two spiritual non-profit ministries she owns. However, she also stated that she would be advertising on Airbnb. The latter suggests that these sites will be no different than any other short-term rental in the county as opposed to having targeted renters.

I would also like to correct two inaccurate statements made by Ms. Kahle. She claims that our church has a sprinkler system when in fact it does not. Additionally, she stated that her property is an "historic site" just the same as the church. The church and her property are indeed both located within the boundaries of the South Rockfish Historic District. However, her property is not named as a "contributing structure" within the district as the church is so designated.

In summary, given that Ms. Kahle has offered several inconsistent statements and some inaccurate ones, my concern is that an approval of this permit for a permanent change in use would be based on a less than solid and clear plan thus increasing my concern that the church's interests will not be protected or addressed.

We appreciate your consideration of our concerns and, again, urge you to also consider delaying any approval of special use permits until the new Comprehensive Plan and subsequent Zoning ordinances are approved and finalized.

Most sincerely,

John and Phyllis Savides  
264 River Ridge Ln.  
Afton, VA 22920

## Emily Hjulstrom

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**From:** jill raveritt.com <jill@raveritt.com>  
**Sent:** Thursday, November 16, 2023 8:51 AM  
**To:** Ernie Reed; robin.hauschner@gmail.com  
**Cc:** Dylan Bishop; Emily Hjulstrom  
**Subject:** Special use permit #1085

Dear Ernie and Robin,

I would like to request that you deny the proposed SUP #1085 Campground permit that abuts Rockfish Presbyterian Church.

I attend RPC regularly for the 8am outdoor service. I am concerned that having campers in close proximity will disturb our overall experience of worship outside. With no one on the premises for the campers quiet time would be difficult to enforce.

I understand there is no septic, water or electricity on site. With the church being so close I am concerned that campers would be accessing the churches water and electrical resources near the garden or the church. Having additional outside access and activity on church grounds is an additional liability for the church that it does not currently have.

Recently the airbnb next to us lite off mortar fireworks at 1:30am in the middle of the night during the drought we are having. We walked through the forest up to the house they were staying in within minutes of the fireworks. When we talked with them about it they said "nobody lived around here" and, "we didn't know you were in a drought?" At the campsites, having campfires with no water source to put out the fire when finished is very dangerous. RPC is of historical significance and we should all take particular care in protecting this site.

Kindly,  
Jill Averitt  
88 Grace Glen  
Nellysford, VA 22958  
434-262-3417

## Emily Hjulstrom

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**From:** Leslie Buchanan <lillybean.lb@gmail.com>  
**Sent:** Monday, November 13, 2023 3:28 PM  
**To:** Dylan Bishop; Emily Hjulstrom  
**Subject:** Re planning commission meeting 11/15



IRONSCALES couldn't recognize this email as this is the first time you received an email from this sender lillybean.lb@gmail.com

Nelson County Planning Commission  
Nelson County Board of Supervisors

As a fifty year resident of Nelson County, I am writing this letter to you today to ask that you deny a special use permit #1085 for a campground on route 151 just south of the route 6 junction.

First, I am concerned that this campground will negatively impact the neighbors of the property, and second I am concerned about pop up zoning changes which impact the integrity of zoning in the county.

I am a member of Rockfish Presbyterian Church, the neighbor of this proposed campground. Just adjacent to the area described for a campground, we have two important ongoing projects to help to feed the hungry and heat the homes of those in need. We have a wood pile in which our volunteers work tirelessly cutting and splitting firewood in order that a number of Nelson County residents have enough wood to keep their homes warm. Additionally, we have a 50x75 foot vegetable garden where our volunteers raise an average of 1000 pounds of vegetables each year. Some of the vegetables are directly distributed to those in need of fresh food, and the remainder is sold to raise money to feed hungry people in developing countries. Without proper monitoring of the campers, I fear that our resources may be pilfered, that our water supply may be contaminated, and with a worse case scenario that an unattended campfire may easily destroy years and years of future work done for the residents of this county. Although the church building itself is a ways away, there is always a strong wind blowing in that open space which could so easily blow a small untended fire through the historic graveyard, hundreds of years old oak trees and threaten our very old beautiful church.

The second important reason that I ask that you deny this special use permit is that continuing to grant small zoning changes such as these has a very negative impact on the county. If one cannot trust that living in a residential area, or starting a farm in an area zoned for farming will not be corrupted by for-profit pop-up businesses which change the character of the area, then what good are zoning regulations?

Thank you for your consideration of my appeal.

Sincerely Yours  
Leslie Buchanan



## Emily Hjulstrom

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**From:** Michael Chambers <chambersmj53@gmail.com>  
**Sent:** Sunday, November 12, 2023 6:44 PM  
**To:** Dylan Bishop; Emily Hjulstrom  
**Cc:** Chambers Michael  
**Subject:** Rockfish Presbyterian Church Abutting Owner to Proposed SUP #1085 Campground

To the Nelson County Planning Commission and Board of Supervisors:

The Rockfish Presbyterian Church (RPC) property contains an historic cemetery. The oldest known person interred in the RPC Cemetery is Samuel Woods (1727 - 1781) who was a soldier in the Revolutionary War. There are a total of 37 known Veterans of the United States Armed Services interred in the RPC Cemetery. There are 434 known graves in the RPC Cemetery which is at least 242 years old.

One of the criteria for a special use permit is that the proposed use shall not result in the destruction, loss or damage of any feature determined to be of significant ecological, scenic or historic importance.

Having transient campers in temporary structures adjacent to the RPC Cemetery will impact the established historic atmosphere of quiet respect, serenity, and reverence in the surroundings that is maintained for the past and present family members of the dead buried in the Rockfish Presbyterian Church graveyard.

With respect,

Michael J. Chambers  
Co-Chairman, RPC Cemetery Ministry  
501 Bryant Mountain Rd.  
Roseland, VA 22967  
434 241 6456  
ChambersMJ53@gmail.com

Rockfish Presbyterian Church  
5016 Rockfish Valley Highway  
Nellysford, VA 22958

November 7, 2023

**BY EMAIL AND BY HAND DELIVERY**

Nelson County Planning Commission  
80 Front Street  
P.O. Box 558  
Lovingston, VA 22949

**Re: Special Use Permit Application # 1085 Campground (Kelly Kahle)**

Members of the Planning Commission,

This letter is a unanimous request by the Board of Directors of Rockfish Presbyterian Church, Inc., Elders of the Session and the Trustees of Rockfish Presbyterian Church. **We are writing to urge you to defer the public hearing on Special Use Permit Application #1085 until the December, 2023 Commission meeting.** Rockfish Presbyterian Church, Inc. is an adjacent owner and shares an entrance onto Route 151 with this proposed campground. We only learned of this application on Friday and do not have sufficient time to understand and consider the impacts on our 277 year old church. **See Exhibit 1.** We were only able to get a small group to meet late Monday afternoon to try to grasp what needed to be done, and with all the missing information and input, and the need to respond for the information package to be sent to the Members of this Commission the very next day, concluded that **in the interests of equity, fairness and due process** we should propose to all the corporate Directors, the Session Members and the Trustees, that **we urgently seek this deferral for just one month** to consider and prepare a reasoned response. The vote was unanimous by all.

Also on Monday, November 6, a request for a delay was made directly to the applicant in order that we might gather more information. She declined, repeatedly stating she did not understand why we would have any concerns, and with threats to interfere with access to the church, alleging we did not have legal access rights. We firmly believe that to be wrong, but have had inadequate time to locate and review all relevant documents. **See Exhibit 2.**

We understand that, per the Nelson County Zoning Ordinance, special use permit applications are reviewed using four criteria (Sec. 12-3-2). Each of these criteria relates to impacts of the use upon our historic church. The Rockfish Meeting House Church was established in 1746, making it one of the oldest Presbyterian churches in the region.

We request sufficient time for due diligence to understand the impact of the proposed use on our church based on all four criteria:

- a. ***The use shall not tend to change the character and established pattern of development of the area or community in which it proposes to locate;***
- b. ***The use shall be in harmony with the uses permitted by right in the zoning district and shall not affect adversely the use of neighboring property;***

- c. *The proposed use shall be adequately served by essential public or private services such as streets, drainage facilities, fire protection and public or private water and sewer facilities; and*
- d. *The proposed use shall not result in the destruction, loss or damage of any feature determined to be of significant ecological, scenic or historic importance.*

Thus, there are issues which we believe need to be addressed in connection with this application, including but not limited to the following:

- Whether the proposed use is adequately served by fire protection.
- Whether the proposed use is adequately served by private water and sewer facilities and protects adjacent and nearby water source wells (see also the definition of "campground.")
- How the proposed use will be managed by someone onsite to assure that it will not adversely affect the existing use of our property. (Our property is used every day of the week, both inside the building and outside in the pavilion, playground and cemetery areas.)
- How private streets, such as our common entrance and a common portion of the driveway, will be able to accommodate traffic to the proposed campground as well as traffic to the church.

We request that you defer this application to the late December, 2023 Planning Commission meeting.

Respectfully yours, unanimously,

Rockfish Presbyterian Church, Inc., by its Board of Directors,

The Session of Rockfish Presbyterian Church, and

The Trustees of Rockfish Presbyterian Church

By /s/ Susan D. Fulton

Susan D. Fulton, Secretary of the Corporation and Clerk of the Session,

/s/ \_\_\_\_\_

Judy S. Smythers, Trustee

/s/ \_\_\_\_\_

David M. Lawson, Trustee

/s/ \_\_\_\_\_

Harris T. Luscomb, Trustee

Signed in several counterparts for the original, hand delivered copy.

- c. *The proposed use shall be adequately served by essential public or private services such as streets, drainage facilities, fire protection and public or private water and sewer facilities; and*
- d. *The proposed use shall not result in the destruction, loss or damage of any feature determined to be of significant ecological, scenic or historic importance.*

Thus, there are issues which we believe need to be addressed in connection with this application, including but not limited to the following:

- Whether the proposed use is adequately served by fire protection.
- Whether the proposed use is adequately served by private water and sewer facilities and protects adjacent and nearby water source wells (see also the definition of “campground.”)
- How the proposed use will be managed by someone onsite to assure that it will not adversely affect the existing use of our property. (Our property is used every day of the week, both inside the building and outside in the pavilion, playground and cemetery areas.)
- How private streets, such as our common entrance and a common portion of the driveway, will be able to accommodate traffic to the proposed campground as well as traffic to the church.


We request that you defer this application to the late December, 2023 Planning Commission meeting.

Respectfully yours, unanimously,

Rockfish Presbyterian Church, Inc., by its Board of Directors,  
The Session of Rockfish Presbyterian Church, and  
The Trustees of Rockfish Presbyterian Church

By /s/ \_\_\_\_\_

Susan D. Fulton, Secretary of the Corporation and Clerk of the Session,

/s/   
Judy S. Smythers, Trustee

/s/   
David M. Lawson, Trustee

/s/   
Harris T. Luscomb, Trustee

Signed in several counterparts for the original, hand delivered copy.

EXHIBIT 1

RA 4

# ROCKFISH CHURCH

The Rockfish meetinghouse was established here by 1746, making it one of the oldest Presbyterian churches in the region. James McCann conveyed land for a church and school. Samuel Black became the first pastor of the church in 1747. Thomas Mason built a new frame structure for the congregation about 1771. The present Greek Revival brick structure was constructed by 1854. Further modifications have been made to the building and grounds since that time, including an addition completed in 1995.

DEPARTMENT OF HISTORIC RESOURCES, 2002

November 7, 2023  
BY EMAIL

Dear Ms. Kahle,

Unfortunately, we were totally unaware of and did not receive any information about you or your plans prior to your email to Reverend Manchester on Friday, November 3 at 1pm. Her day off is Friday, so your email was not read until the weekend. We reached out to you on Monday, November 6 as we scrambled to get some members together in hopes to better understand your intentions and to walk the property. You were unable to meet with us. You also made several verbal threats that if we did not go along with your plan, "things would not go well for the church." This was said several times in both conversations with our member, Amelia. This did not inspire confidence.

We also then learned that we had only until Tuesday morning to send in comments to the Planning Commission. When informed of your plans, the Board of Directors of Rockfish Presbyterian Church, Inc., unanimously agreed that we needed to seek a deferral so we can adequately address several aspects of your requested planned usage that are likely to impact us.

It is not our desire to be unsupportive neighbors, however, you have made the timing very difficult, and we do need to have a complete understanding of your Special Permit Application and how your proposed business plan will affect Rockfish Presbyterian Church, a church that has been in place for 277 years and serves the Nelson community in many ways. We ask for your understanding of our position, and obligation to our members, and look forward to reviewing the plans more fully in the future.

Kindly direct all replies and future communications to this email address.

Respectfully,

The Session of Rockfish Presbyterian Church, and  
Rockfish Presbyterian Church, Inc.



## Emily Hjulstrom

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**From:** Kenneth Engebretson <ken.engebretson@verizon.net>  
**Sent:** Monday, November 13, 2023 3:00 PM  
**To:** dbishop@nelsoncounty.gov; Emily Hjulstrom  
**Cc:** Amelia McCulley; sluscomb5@gmail.com  
**Subject:** Proposed Special Use Permit # 1085 Campground



IRONSCALES couldn't recognize this email as this is the first time you received an email from this sender ken.engebretson@verizon.net

Mr Bishop and Ms Hjulstrom,

I am a resident of Nelson County and the chairperson of the Facilities Management Committee at Rockfish Presbyterian Church. In that role of responsibility, I am especially concerned with several aspects of this application for a Special Use Permit.

Our church is designated as an historic site, given that it was started in 1746, and the graveyard attests to that age, containing a Revolutionary War veteran and several from the Civil War. Our main outbuilding is a pavilion in which we hold church services and other events throughout the year. We are adjacent to forests and actively farmed hayfields as well as several large trees near the main church building which was erected before the Civil War.

My greatest concern is the potential for a campfire to accidentally spread to a field or wooded area, and with any wind, quickly reach our church structures. There is no water source on the proposed campsites/parcels, so extinguishing a rapidly spreading fire would be impossible until fire trucks could respond. Their access to those lots is also not possible as there is no roadway leading to the proposed campsites. This certainly does not meet the requirement to be “adequately served by essential public or private services such as streets, drainage facilities, fire protection and public or private water and sewer facilities...” (from Section 12-3-2 of the Nelson County Zoning Ordinance). All it would take is one accident to potentially damage or destroy some or all of our historic church structures.

Another concern, also covered under the same Nelson County Zoning Ordinance regards water and sewage facilities for the campsites. The proposed method of supplying “a self-contained sink station with a five-gallon capacity for their water and sanitary needs and disposed of in an existing septic system...” is not a true statement. There is NO septic system on the property. And the only nearby water well is on the church property, easily seen from the edge of the campground, near our church garden. That would be quite tempting for a camper who has exhausted the five-gallon reservoir. And if the “camping toilet and Neptune biodegradable gel pack” becomes unusable or full, where will the human waste be deposited? Also, it was stated that the gel packs will “be disposed in a waste receptacle”. Will that receptacle be bear-proof and what will be the frequency of emptying it? In the hot summer, if not emptied frequently, the odor may waft its way onto our grounds, with it reaching people who are on those grounds every day of the week.

An on-site property manager is evidently not going to be the case (no mention of this in the application), so how will the above concerns be handled on a daily basis? Will trash be promptly picked up and the area checked for litter that could blow onto the church property? Will campers complain about “noise” from Church Services or other gatherings on Sundays or during special events that our church hosts?

For these obvious reasons, I urge the denial of this Permit or delay until these issues can be adequately

addressed.

Sincerely,

Ken Engebretson  
218 Bland Wade Ln  
Afton, VA 22920

757-561-3023

# Harry L. (Lee) Goodrich

331 Wood Nettle Lane  
Nellysford, Virginia 22958  
(434) 770-3645 (cell)  
lee9406@gmail.com

VIA EMAIL

November 11, 2023

Planning Commission  
Nelson County, Virginia

Re: Proposed Special Use Permit #1085 Campground

Ladies and Gentlemen:

My wife and I are residents of Nelson County and members of Rockfish Presbyterian Church (the “Church”), a landowner abutting the land which is the subject of the referenced permit (the “Permit”). **We write to request that the Planning Commission (the “Commission”) recommend denial of the Permit.** The basis for denial is the applicant’s failure to meet any of the criteria which must be met in order to support its approval. Details are set forth in other communications which have been and are being presented to the Commission on behalf of the Church, with which we strongly agree. In this letter we wish to focus on a particular concern of ours, which relates primarily to the following criterion for approval:

**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.**

A site visit is crucial in order to understand why the applicant has failed to satisfy, or even address this important criterion. The proposed campsites are located on relatively small wooded parcels backed by a busy highway, a residence, and another structure. Besides the Church property, all of the surrounding properties consist of hay fields and woods - rural and basically undeveloped. The Church property itself blends beautifully into this rural setting, consisting of a historic building surrounded by a tree shaded cemetery containing graves dating back to the American Revolution, an outdoor pavilion where worship services and picnics are held, a playground, and open fields featuring a vegetable and flower garden, and a woodpile from which Church members deliver wood to Nelson County residents who have no other source of heat in the winter. The Church property as a whole lends itself to quiet, solitude, and communion with nature and with God.

Without a doubt the proposed campground will “affect adversely the use of [the Church] property.” A site visit and careful study of the plats will clearly demonstrate that there’s really no place for campers to walk, play, or explore nature. The Church property will present an irresistible expanse of open ground on which to walk, run the dog, play frisbee, and let the kids burn off energy in the playground. While most campers will be good folks, inevitably there will

be a few unable to resist pilfering some fresh vegetables from the garden, or firewood from the woodpile, both of which are located away from the Church building and near the proposed campsites. A bold few will even feel free to enter the Church building, which unlike the campground, has running water and clean and attractive restroom facilities.

It is certain that unrestricted access to the Church's property will result in expense to the Church for wear and tear and/or damage to facilities, or potential liability for any personal injuries or damages suffered by campers while engaging in the unauthorized use of the Church's property and facilities.

Additionally, the presence of uninvited strangers on Church property may well discourage use of facilities by members and friends who are concerned about safety and/or discouraged by the change from a quiet, spiritual atmosphere to a more raucous, recreational environment. As noted above, the vegetable and flower garden is located some distance from the Church building and quite close to the proposed camping areas. The garden is most frequently tended by female members, often in small groups or alone. How will the near proximity of unknown persons with unrestricted access to the Church grounds impact on these activities?

There will be increased risk of unauthorized use of alcohol or drugs on Church property. There will be an increased potential for vandalism of Church facilities, including the historic cemetery. All of these things have future adverse implications for the Church's insurance rates and availability. The application does not address any of these issues. It is clear that the proposed campground will adversely affect the use of the Church property.

We submit that it is patently unfair to impose these expenses and potential liabilities on the Church and its members. How would any of us, as property owners, feel if a neighbor was effectively granted unrestricted access to our property in connection with and in furtherance of their business? None of us would stand for it. But that is effectively the position the Church will be in if this application is approved. There is no way to fully mitigate the adverse effects we've described. Accordingly, the only reasonable choice is to disapprove this application.<sup>1</sup>

Respectfully submitted,

/s/ Harry L Goodrich

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<sup>1</sup> In the event the Commission chooses to recommend approval of the application, it should not do so without rigorous conditions requiring the applicant, at her expense, to restrict access of campers to Church property and facilities, including but not limited to appropriate fencing and signage. The applicant should also acknowledge in the permit conditions responsibility for any damages or injuries caused by campers improperly accessing Church property and should undertake to maintain liability insurance with limits reasonably acceptable to the Church, and to provide the Church with insurance certificates evidencing such coverage.

## Emily Hjulstrom

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**From:** patricia heggie <pwheggie@gmail.com>  
**Sent:** Monday, November 13, 2023 5:33 PM  
**To:** Dylan Bishop; Emily Hjulstrom  
**Subject:** Concerns regarding application for Special Use Permit #1085



IRONSCALES couldn't recognize this email as this is the first time you received an email from this sender pwheggie@gmail.com

To:

The Nelson County Planning Commission

The Nelson County Board of Supervisors

From:

Patricia W. and W. Grant Heggie, Jr.

Date:

November 13, 2023

We are writing with regard to the proposed Special Use Permit #1085, for a campground next to the Rockfish Presbyterian Church on Route 151, submitted by Kelly A. Kahle on October 15, 2023. Ms. Kahle, who submitted the application, is the owner of the property and resides in New York.

We are extremely concerned about this application because the property on which the proposed campground would be created, abuts the Rockfish Presbyterian Church property.

Based on our understanding of the intended use of Ms. Kahle's property, the Special Use Permit application does not meet the 4 requirements outlined in the Nelson County Zoning Ordinance.

The campsite, if allowed, WOULD change the character and established pattern of development of the area in which it is located. This district is designed to accommodate farming, forestry, and limited residential use.

The campground WOULD NOT be in harmony with and has the potential to significantly, adversely, affect the Rockfish Presbyterian Church property. The campground would have limited or no access to public services. Without public water/private well, there will be limited water resources in event of fire. There will be no sewage/septic (no drainage facilities); no electricity and limited street access ("mowed grass access from the street) which may be inadequate in rain, inclement weather and/or emergency responders. There will be no on-site manager at the campground.

Rockfish Presbyterian Church is deemed to be of significant historic importance by the Virginia Department of Historic Resources (per the marker at the entrance to the RPC property on route 151). The possibility of destruction, loss or damage to the property, cemetery and/or church due to fire spreading from adjoining property, potential trespassing and damage done by unsupervised campers and the potential impact on scenic and ecological feature of this historic church are very real concerns.

As you consider this SU application, imagine the following:

- driving down 151, passing Rockfish Presbyterian church and the historic marker and at the same time seeing RVs, tents and yurts abutting the church property;
- sitting outside at an early morning church service trying to hear the Pastor above sounds from campers;
- attending a funeral service in the RPC cemetery for a dear family member or friend and having to tune out sights and sounds from a campground;
- going to visit a grave of a loved one in the RPC cemetery and instead of the quietness and beauty of Rockfish Presbyterian's landscape, be disturbed by laughter, talking and music inappropriate to a moment of quiet contemplation and reflection.

For these reasons, we respectfully request that the Planning Commission and the Board of Supervisors deny this application.

Sincerely,

Patricia W. Heggie and W. G. Heggie, Jr.

93 Fox Run, Nellysford, VA 22958

Phone: 434-325-1254



## Emily Hjulstrom

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**From:** Linda Heuer <lheuer@icloud.com>  
**Sent:** Monday, November 13, 2023 11:55 AM  
**To:** Dylan Bishop; Emily Hjulstrom  
**Subject:** Proposed Special Use Application 1085 3-Site Campground



IRONSCALES couldn't recognize this email as this is the first time you received an email from this sender lheuer@icloud.com

To: Planning Commission, Nelson County, Virginia

I have resided in Nelson County for 23 years and am a member of the historic Rockfish Presbyterian Church at 5016 Rockfish Valley Highway, which is an abutting owner to the proposed Special Use Permit for a 3-site campground.

I request a deferral of action by the Planning Commission as the church did not receive adequate (or official) notice prior to this week's meeting.

I am very concerned that such a permit, running with the land, does not meet any of the 4 criteria necessary in an A-1 zoning district and in fact could irreparably harm the character of the area surrounding it, being neither farming, forestry, nor limited residential use.

Great potential for fire accompanies camping facilities.

The application does not address any required road, well, septic field, drainage, or toilet facility.

Any camping would require an onsite supervisor.

Such a development would adversely affect the church's use of its outdoor pavillion for activities.

Its playground may lead campers to allow unsupervised use and possible injury.

In short, this proposal is not appropriate for this zone.

I firmly ask that it be deferred at this time and that the Commission make know directly to Rockfish Presbyterian Church any further action on the matter.

Thank you for your consideration.

~Linda Gamble Heuer

Linda Heuer

## Emily Hjulstrom

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**From:** Mary Hopkins <mary.t.hopkins3@gmail.com>  
**Sent:** Monday, November 13, 2023 10:09 AM  
**To:** Emily Hjulstrom  
**Subject:** Rockfish Presbyterian Church Abutting Owner to Proposed SUP #1085 Campground



IRONSCALES couldn't recognize this email as this is the first time you received an email from this sender mary.t.hopkins3@gmail.com

As a Nelson County resident and member and a current Ruling Elder at the Rockfish Presbyterian Church, I am writing to implore you to reject the current Special Utilization Permit application #1085 which would permit a campground on the property adjacent to the Church.

There are 4 primary reasons supporting this rejection from my perspective -

1) **This will fundamentally change the character of the area.** Putting an unsupervised commercial campground next to the historic Church is a clear and sudden development departure from the character of the neighborhood which is what I understand is currently zoned A-1, for a zoning district accommodating farming, forestry, and limited residential use.

2) **The activities proposed by the commercial campground will likely have a negative impact and are not-harmonious with the activities of the Church.** Unsupervised campers unfamiliar with the land area will most likely be interested in utilizing and availing themselves of the Church's resources including garden produce and/or water supply (the congregation does extensive work growing vegetables for the Nelson Community), woodpile for unsupervised fires (the Wood Ministry helps heat the homes of a large population of poorer Nelson County residents), and the children's playground - all immediately adjacent to the proposed campground. Another major concern is that the unsupervised campers are likely to make noise at all hours - potentially disruptive to Church services held outdoors weekly at the pavilion by the playground, and disruptive to the many who visit the cemetery and loved ones - also adjacent to the proposed campground area.

3) **The campground proposes a major risk to the historic Church and fundamental public safety & health with regard to fire safety, security and sewage.** Permitting public camping with open fire pits right next door to a Sanctuary built in 1853 naturally proposes a huge risk to the Church - which cannot be underestimated. The Church is made up of a vibrant congregation - many of whom are campers themselves - all of whom understand the risk of open fire pits - and the risk of a fire easily lighting in the woods immediately next door... we also know there is no established or planned water source at the proposed campground for extinguishing an accidental fire (beyond proposed 5 gal supplied for drinking/cooking). On the sewage front -

the allowance of a public campground with no established water source or sewage system (beyond compost camp toilets) is inadequate for this area and logical to assume campers will seek to use restrooms of other sources (including the neighboring Church). The proposed campground will also not have electricity or fresh water - which would naturally drive prospective campers to also seek close/neighboring sources for these fundamental needs too.

**4) The Rockfish Presbyterian Church is deemed by the Virginia Department of Historic Resources, to be of significant historic importance (signified by the historic marker at the entrance to the property on Route 151) and is critical to be protected from destruction, loss or damage of any feature determined to be of significant ecological, scenic or historic importance.** Allowing an unsupervised public campground, with woefully inadequate fire protection, sewage systems and proposed monitoring or regulation of activities immediately adjacent to the historic Church should be denied - in order to protect this very historic and scenic community landmark.

Thank you for your work for Nelson County and your consideration of denying this application.

Sincerely,  
Mary Hopkins

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Mary Hopkins

738 Chestnut Ridge Road  
Roseland, VA 22967 USA  
Email: [mary.t.hopkins3@gmail.com](mailto:mary.t.hopkins3@gmail.com)  
Mobile: +1(443) 521-7583  
Home: +1(434) 277-5131

## Emily Hjulstrom

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**From:** Kathryn Humphrey <humphreykj56@gmail.com>  
**Sent:** Sunday, November 12, 2023 6:32 PM  
**To:** Dylan Bishop; Emily Hjulstrom  
**Cc:** Kathryn Joan Humphrey  
**Subject:** Deny SUP #1085 Campground



IRONSCALES couldn't recognize this email as this is the first time you received an email from this sender HumphreyKJ56@gmail.com

Dear Nelson County,

I urge you to deny SUP #1085 Campground application.

The multitude of responses to this proposal may seem that sufficient notice was given, but because an abutting property is an historic church with members largely retired from professional careers means that we've been able to feed back to you a wide range of logical reasons to deny the application.

I think there is enough information to deny the application as soon as possible.

- The proposed primitive campsite has no onsite supervision.
- The proposed primitive campsite has no access to water and no toilets, so the human waste disposition remains unknown, and our church is downhill.
- The proposed primitive campsite includes fire pits, and our church has an active wood ministry delivering cut wood to people where that is their only source of heat and sometimes cooking.
- Many people in Nelson County know the combination lock key code to access a key and enter the church, which has multiple bathroom and shower facilities.
- Our church is unlocked for many hours in the day.
- The proposed primitive campsite is uphill from our church, and lines of site should show the structures plainly, but more importantly the campsite would be adjacent to both the wood ministry wood pile as well as the 'goodness grows' ministry garden.

Can't you just image the wandering aka trespassing of the campers onto church property for wood? For food? For a bathroom or shower? For a raid of the kitchen?

Because the applicant does not address campsite rules, regulations, oversight or other requirements — it is within human nature that these events will happen. There will be arrests. There will be frightened people. There will be assistance requested by law enforcement.

There are reasons why the commission in October also denied a special use permit. Nelson County may devolve into chaos with a solid master plan.

I urge you to deny this permit as well.

# **Kate**

Kathryn Humphrey

[HumphreyKJ56@gmail.com](mailto:HumphreyKJ56@gmail.com) NEW! 434-241-6457 NEW!

501 Bryant Mountain Road, Roseland VA 22967

## Emily Hjulstrom

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**From:** David Lawson <dmlwsn65@gmail.com>  
**Sent:** Monday, November 13, 2023 1:40 PM  
**To:** Dylan Bishop; Emily Hjulstrom  
**Subject:** Proposed SUP #1085 Campground



IRONSCALES couldn't recognize this email as this is the first time you received an email from this sender dmlwsn65@gmail.com

The purpose of this email is to express my concerns regarding the application for a Special Use Permit (#1085) for a primitive campground off Route 151 near Nellysford. I am a member, Elder and Trustee of the Rockfish Presbyterian Church, the property of which abuts the parcel on which the campground is proposed.

My major concern relates to the Planning Commission's Review Criterion #3 (The proposed use shall be adequately served by essential public or private services such as streets, drainage facilities, fire protection and public or private water and sewer facilities).

As I read the application and related documents, I see no provision for fire protection. Campers will almost certainly build campfires, and there is no description of where those could be safely built nor is there any description of how the accidental spread of campfires to adjoining properties would be prevented or controlled. Certainly, the 5 gallons of water described in the application would be insufficient to put out a grass or brush fire started by sparks or embers from a campfire. Regarding campfires, some campers may discover a ready source of firewood on the adjoining church's property very near where the campground is proposed. This wood is used to supply needy residents of Nelson County with firewood during the winter months, and unauthorized use of it would be a disservice to those who really need it to heat their homes during cold weather.

Secondly, provision of a 5 gallon container of water does not insure that the campers will have a safe and adequate source of potable water. Likely, the observant campers will soon find that there is a standing water spigot on the church grounds not far from the proposed campground which is used to water the community vegetable garden that is maintained by members of the church. How would unauthorized use of this water source be controlled?

In addition, the description of "chemical" toilet facilities is not an adequate description of sewer facilities. The application and associated documents do not indicate who will manage the disposal of human waste or how frequently these wastes will be disposed of.

Finally, vehicular access to and from the site is not adequately described. Vehicles would apparently move over paved areas (Route 151 and the church's driveway) to the proposed campsites over grass or dirt as no improved road is described in the application. Such an unimproved route could become impassable following a heavy rain storm, and campers may elect to drive over adjoining church property to enter or leave the campsite area. In fact, campers may elect to cross church property as a short cut to their



campsite even in good weather. How would the campsite operators prevent these occurrences of trespass?

Based on these concerns, I ask that the Planning Commission deny the application.

David M. Lawson

TO: Nelson County Planning Commission

RE: Special Use Permit #1085 - Campground

I am writing in opposition to the above application for a campground on land adjacent to Rockfish Presbyterian Church, of which I am a Trustee. I and my fellow Trustees are tasked with protecting the Church and its property, and we believe approval of this application puts our church at risk.

Of the many issues raised by this application, we are greatly concerned by the lack of on-site supervision. We understand the applicant has represented that she will hire a manager who will be available at the campground on 30 minutes' notice. Those of us who live in Nelson County, while the applicant apparently does not, know that cell reception can be spotty and variable, that there are many 'dead zones.' That alone may make such an arrangement unreliable, as the manager may be virtually anywhere when someone may try to reach him/her. Furthermore, the manager might be held up or unable to respond for any variety of reasons, e.g., accident, illness, car trouble, etc. If there were to be an emergency, it is less than reassuring that someone might be able to respond within 30 minutes. Furthermore, **it is only with constant on-site supervision that the consequences of prohibited or illegal activity can be avoided.**

We are all aware of the severe drought we had been experiencing over the course of several months, and members of the congregation have previously communicated to you **our concerns about fire**. The applicant has reportedly said she will not allow campfires, but many of us have already experienced visitors to Nelson County who, feeling they are on a vacation they are paying for, are lax in following rules, respecting others or caring for the environment. In July, my wife and I personally observed renters on property immediately next to our home setting off elaborate fireworks in the dry field between the houses and we were so concerned that we grabbed our fire extinguishers. Further, it is unreasonable to expect that campers will not wish to build a campfire, whether just for ambiance or even cooking - hot dogs on a stick, marshmallows for s'mores and the like are campers' staples. We have heard about small campfires in neighboring areas becoming bonfires with large groups of people participating, regardless of the number of campers permitted to occupy a tent or yurt. Without actual on-site supervision, **who will prevent or stop these activities?**

It is also easy to envision a scenario where campers pack up and leave, with embers from a fire still live, resulting in a fire on site of which no one is aware until it has become widespread and possibly out of control, with a hayfield immediately adjacent. Our historic church building does not have a fire suppression system. Without actual on-site supervision, **who will prevent or stop these activities?**

As some of you know already, one of our church's ministries is to receive unwanted cut timber which would otherwise end up in the landfill or left on the ground as potential wildfire fuel; we then cut and split it into firewood and deliver it to the less fortunate of Nelson County who rely on, but cannot afford to purchase, firewood for heating to ward off the winter cold, and sometimes for cooking as well. We call it our 'wood ministry'. This **pile of cut and split firewood** intended for the less fortunate would be in full view of the applicant's campers who

just want a prohibited campfire...or a bigger fire. Without actual on-site supervision, **who will prevent or stop these activities?**

Another of our ministries is to reach out to younger families of Nelson County, to encourage their participation and learning at our church. To that end, we have built a small playground, which would also be in full view of applicant's campers. When we utilize the playground, we try to ensure that there is alert adult supervision to prevent as much as possible and to respond promptly to any injuries. But the sight of our small playground would be very attractive to applicant's campers, who may decide, despite any prohibitions from the campground, to go across our property and play. As Trustees, we are very concerned about possible injuries and possible liability. Without actual on-site supervision, **who will prevent or stop these activities?**

Another ministry of our church is our Goodness Grows vegetable garden, where we plant and grow vegetables to add to our regular contributions to the Nelson County Food Pantry for the benefit of those who are less fortunate and hungry. This garden, too, would be in full view of applicant's campers, and would probably be tempting to applicant's campers to help themselves. Aside from possible disruption of the ministry the garden is not attended all the time of course. Without actual on-site supervision, **who will prevent or stop these activities?**

Finally, we understand that it is the applicant's intention to provide only **5 gallons of water** for washing and drinking per 'campsite', with up to 4 people per campsite. Daily recommended water consumption is almost 1 gallon per day for men(somewhat less for women). If 4 men were to occupy a campsite, that would leave only one gallon per day for all hand washing and dish washing for 4. Not much for hygiene, and **totally inadequate if there is an accidental fire**. And risk of an accidental fire is increased since there is no proposed electrical power, leaving candles and kerosene lanterns for light, and what? for cooking?? The church has several yard spigots in view of any of applicant's renters, but they are connected to the well serving all the church's drinking, cooking, washing and irrigation needs. These would be very attractive to applicant's renters, who will not have an adequate supply of water. But they would need to trespass on church land to get our water, perhaps in the dark, creating further liability, and not being familiar with farm hydrants or perhaps being a bit careless, if left on, they could create flooding damage, damage to the church's well pump, and damage to the well. Who would pay for that? Without actual on-site supervision, **who will prevent or stop these activities?**

Without someone on site to enforce them, rules and regulations are virtually meaningless and rely solely upon the character of the renters for compliance. **This is an unreasonable burden on our church for a special use benefit to the applicant.**

We ask that the Planning Commission take these concerns into account in recommending denial of the application for the Special Use Permit application, or, in the alternative, if nevertheless recommending approval, only on the tightest conditions requiring 24/7 on-site supervision, with explicit requirements for termination of the Special Use Permit in the event of violation of such requirement.

Thank you for your consideration.

Sincerely yours,

Harris Luscomb

TO: Nelson County Planning Commission

RE: Special Use Permit #1085 - Campground

I am writing as a resident of Nelson County and a member and Ruling Elder of Rockfish Presbyterian Church. Many others have previously written about our concerns and Ms. Kahle's failure to satisfy any of the four mandatory criteria for approval of a special use permit. I agree with them all, but wish to raise an over-arching issue which I believe must be fully addressed and resolved before any special use permit, including Ms. Kahle's, may be properly evaluated.

Nelson County has been long awaiting completion of a Comprehensive Plan, which is defined in its [Nelson 2042 website](#) as 'our community's guide for the future of Nelson County.... a long-range plan establishing a shared vision for what a community wants to be in 20+ years, with strategies to achieve that vision.' The website is well done, informative and persuasive, citing the many reasons such a Plan is crucial for the future of Nelson County. Interestingly, the very first line of the text is the following:

*"If you don't know where you're going, you'll end up somewhere else" Yogi Berra*

To evaluate this special use permit application prior to completion of the Comprehensive Plan undermines the very purpose of the Plan. A completed Comprehensive Plan could be of great help to the County officials tasked with evaluating this application, as well as others, and certainly of benefit to the residents of the County in protecting our County and its resources, historic and otherwise, as further growth and development take place. For example, is the subject property still categorized as agricultural? If so, what are the goals and objectives for agricultural property? What uses are permitted in agricultural zones? If not, how is the property zoned? What uses might require special use permits? In which areas will campgrounds be permitted? Is there any guidance concerning protecting nearby historic resources? What about safety and health concerns?

Although the Comprehensive Plan may not be intended to specifically address campground regulations, ideally it will also provide some guidance to help address the multiple issues concerning campgrounds which have arisen in counties throughout much of rural Virginia, including but not limited to Page, Bedford, Clark, and Warren. These counties have experienced considerable conflict about campgrounds, confirming the need to review and/or adopt regulations ranging from sanitation (water and disposal issues), safety (e.g., campfires and bonfires), aesthetics (lighting and screening) to the need for on-site management. There are significant questions about these issues in connection with Ms. Kahle's application, none of which is adequately addressed in her application.

I urge you, as members of the Planning Commission, to go back and review the Nelson 2042 website. You will see all the reasons this Plan is important to the future of Nelson County, at a time when everyone wants to build or start some sort of business here, as its intent is to *provide guidance*, rather than allowing the equivalent of spot-zoning. As stated in Nelson 2042, there are many benefits of a Comprehensive Plan, among them a Future Land Use Map and "justification for decisions by providing a factual and objective basis to support zoning decisions." Please defer a decision on this application until the Comprehensive Plan is finalized and adopted.

Sincerely yours,

Susan Luscomb





Amelia McCulley  
395 Pine Needles Lane  
Afton, VA 22920

November 8, 2023

Nelson County Planning Commission  
80 Front Street  
P.O. Box 558  
Lovingston, VA 22949

**Re: Concerns about Special Use Permit #1085 Kelly Kahle**

Dear Members of the Planning Commission,

I am writing to you as a property owner and resident of Nelson County, and as a member of the historic Rockfish Presbyterian Church adjacent to this proposal. The Rockfish meeting house was established in 1746 and is noted by an historic marker along Route 151. I am a nationally certified Planner, and have practiced planning and zoning for a nearby local government for over 39 years. **I strongly urge you to defer this application until the late December Planning Commission meeting.** If instead you chose to act on this application on November 15<sup>th</sup>, **I strongly urge you to recommend denial to the Board of Supervisors.** I will explain the basis for these requests.

The Rockfish Presbyterian Church was just informed of this application adjacent to our property last Friday. We have not had sufficient time to consider the implications on the use of our historic church. We are directly abutting neighbors to one of the three lots involved in this application. We also share an entrance onto Route 151 with these properties. There are many direct impacts from a proposed use such as this. There is not sufficient information or time for us to conduct due diligence on the impacts to our 277 year old church. **Please defer this application to the late December Planning Commission meeting.**

In the event you chose to consider and act upon this application, please consider the following.

1. The application is incomplete and insufficient for review.
  - a. Per Nelson County Zoning Ordinance Section 12-3-4 c (1), a special use permit must be accompanied by a minor site plan. The minor site plan submitted by the applicant is woefully inadequate and does not address the minor site plan application requirements per Section 13.4 of the Nelson County Zoning Ordinance. The plan that was submitted does not sufficiently show the proposed use at a scale or detail to adequately depict the proposed use. It is missing information critical to understanding the proposed use and its impact on our historic church - such as existing and proposed topography, amount of land to be disturbed, and the location of all utilities and easements. The narrative refers to locating sites at the "edge of the woods," and the plan does not show a woodline or dimensions to clarify where the sites will be.
  - b. Per Nelson County Zoning Ordinance Section 12-3-4 c (3), a special use permit must include a written statement of project compatibility with the (iii) surrounding properties, (iv) Current and future neighborhood conditions and (v) traffic patterns, on-site and off-site. The applicant's narrative does not adequately address these important aspects.

- c. Per Nelson County Zoning Ordinance Appendix A, Article 2, the definition of “campground” states “Campgrounds require the provision of potable water and sanitary facilities.” The use of a camp toilet with deodorizer and only a 5-gallon water station should not be considered adequate. Even if this proposal somehow meets the minimum Health Department standard, it should not be permitted as adequate for a use by special use permit adjacent to an active and historic church. There is potential for this small amount of water and this form of bathroom facilities, to be inadequate - leading to offsite impacts, including odor.

As the Commission is aware, a use requiring a special use permit is a use that may be appropriate in a zoning district, but because of its nature, extent, or external effects, requires special consideration of its location, design, and methods of operation before it can be deemed appropriate in the district and compatible with its surroundings. **The proposed use fails to meet all four criteria for issuance of a special use permit.** Per 12-3-2 of the Nelson County Zoning Ordinance, a special use permit “shall be reviewed using the following criteria:

- a. The use shall not tend to change the character and established pattern of development of the area or community in which it proposes to locate;  
Having campers in 3 temporary structures adjacent to our historic church will change the character and established pattern of development of the area. The statement of intent for this zoning district, Agricultural A-1, states: *This district is designed to accommodate farming, forestry, and limited residential use. While it is recognized that certain desirable rural areas may logically be expected to develop residentially, it is the intent, however, to discourage the random scattering of residential, commercial, or industrial uses in this district.* The proposed use is not consistent with the intent of this district and represents random scattering of a commercial use.
- b. The use shall be in harmony with the uses permitted by right in the zoning district and shall not affect adversely the use of neighboring property;  
The applicant does not live on the subject property. And while she’s indicated she is planning to do so, she notes that she is disabled and has physical limitations. To assure that this type of use does not adversely impact neighbors, it is critical to have an onsite manager. The Rockfish Presbyterian Church outdoor areas include several cemeteries, a playground, a pavilion and a garden. As proposed, this use will adversely impact our existing uses. There are potential impacts from noise, traffic, and people coming in our direction in need of more adequate water and sanitary disposal needs.
- c. The proposed use shall be adequately served by essential public or private services such as streets, drainage facilities, fire protection and public or private water and sewer facilities; and  
The proposed use is proposed to be served by a “road” off Route 151 that is not currently adequate for traffic from transient lodgers as well as for trucks pulling a camper. The “road” does not meet most standards for adequate access. Part of the camping experience includes sitting outside by the fire. As we recently saw with a brush fire last weekend along Route 151 off Avon Road, it is very easy to start a brushfire. The proposed use does not have a water supply or well that could easily put out a fire and prevent it from becoming a larger brush fire, that could then impact nearby structures, including our historic church.

- d. The proposed use shall not result in the destruction, loss or damage of any feature determined to be of significant ecological, scenic or historic importance.

The Rockfish Presbyterian Church is a property of historic importance as determined by the Virginia Department of Historic Resources. As noted in the concern about fire under criteria c), there is the potential for the destruction or damage of this property of historic importance. As noted under the other criteria, the impacts of campers and their activities could adversely impact our church.

A special use permit must satisfy all four of the previously mentioned criteria. This application does not fully satisfy any of these criteria.

I ask the Planning Commission to consider whether recommending approval of this application will set a dangerous precedence for campgrounds throughout the County on A-1 property. Especially on properties adjacent to uses of historic importance and on properties that are not adequately served by well, septic, etc. There are appropriate locations for campgrounds in Nelson County on properties that have adequate utilities and infrastructure, and do not adversely impact adjacent historic properties.

**If you chose to act on this application on November 15<sup>th</sup>, please vote to recommend denial.**

Sincerely,



Amelia G. McCulley, American Institute of Certified Planners

## Emily Hjulstrom

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**From:** Dana and Rob Ogilvie <aftonogilvie@yahoo.com>  
**Sent:** Monday, November 13, 2023 9:17 AM  
**To:** Dylan Bishop; Emily Hjulstrom  
**Subject:** Proposed SUP 1085



IRONSCALES couldn't recognize this email as this is the first time you received an email from this sender aftonogilvie@yahoo.com

We are writing to express concerns about proposed SUP 1085 for a campground off 151 abutting Rockfish Presbyterian Church. We are requesting that you deny the request for the campground based on the following concerns:

- Allowing this proposed campground will negatively impact the neighboring property (Rockfish Presbyterian Church) which is a designated historical site.
- The campground will not have an onsite manager to supervise the guests' behavior and fire use which could result in damage to the church's historic property including cemetery.
- There is no sewer to provide waste service, electricity or well service. 3 campsites without these basic services will adversely impact the church and sanitation in the area.
- The church grounds include a playground, garden site, wood ministry area, cemetery and outdoor pavilion that are used weekly by the church. 8 am services are held at the outdoor pavilion March to November.
- Approval of this campground would not be keeping with the character and pattern of development of the area. In addition, proper notice was not given about the request to the affected properties.

We have been members of Rockfish Presbyterian Church for 24 years and have lived in Nelson County for 24 years. The natural beauty of Nelson County is its main attraction for tourists and residents, and the Planning Commission and Board of Supervisors must protect this asset. Our beautiful county must be thoughtfully developed with consideration to this natural asset. An unsupervised campground without services next to a historic church on a major road is not going to protect that asset and will result in an eye sore to the community.

We respectfully request that you deny proposed SUP 1085 or at the very least defer to gain more information.

Thank you for your consideration,

Dana and Robert Ogilvie  
152 Apple Lane  
Afton, VA

Date: November 12, 2023

To: Nelson County Planning Commission & Board of Supervisors

From: Arlie Saunders

Subject: Proposed Zoning request SUP # 1085 Campground

I appreciate the service you provide to all the citizens of our county and the demands on your time. I have some real concerns and questions about the proposed above subject special use permit. This is a new venture and the business plan should be supported by more details to give you confidence that it will succeed. I don't think you or the adjoining land owners want to see someone make an investment that will fail without adequate research.

I also have some real concerns about the impact this will have on the activities of the Rockfish Presbyterian Church. I've been a member for 22 years and its mission is a light in the valley. It's contribution to Nelson and adjoining Counties has been a blessing to thousands of residents. I strongly recommend that you give adequate time for all impacted parties to do their due diligence. I trust that you will weigh all the facts and make a decision after doing your due diligence for the best long term interest of Nelson County.

## Emily Hjulstrom

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**From:** Dylan Bishop  
**Sent:** Tuesday, November 14, 2023 10:47 AM  
**To:** Emily Hjulstrom  
**Subject:** Fw: Planning commission meeting re Campground

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**From:** Ginny Simpson <vbsimpson@gmail.com>  
**Sent:** Monday, November 13, 2023 4:09 PM  
**To:** Dylan Bishop <dbishop@nelsoncounty.org>; ehjuistrom@nelsoncounty.org <ehjuistrom@nelsoncounty.org>  
**Subject:** Planning commission meeting re Campground



IRONSCALES couldn't recognize this email as this is the first time you received an email from this sender vbsimpson@gmail.com

Dear Members of the Planning Commission and Board of Supervisors,

Many of the Rockfish Presbyterian Church members are deeply concerned about the proposed campground abutting the church property. There are so many concerns to address, but we would like our letter to focus on the history of our church and its commitment to Nelson County.

My husband and I have been members of this church since 1994. We were fortunate to be able to participate in the 250th celebration of this church in our community. As we shared re-enactments of the church from its inception, we also recognized the past members of our county who were committed to its creation. We walked through the cemetery reflecting on those who came before us. As I am sure you are aware, there are stones dating back to the 1800's; truly a historic site. We shared in the common goals of being good stewards of the grounds and the community.

Several years ago, our church made the concerted effort to change our missions from global to local. We wanted to serve this community which we love. While there are many ways in which our church has committed to the county, two of our biggest missions have the potential to be affected by a continuous changing group of campers. We provide wood to so many in our county during the winter. Our wood ministry is sorely needed to keep Nelson county families warm. Additionally, we grow a very large community garden; again supporting those in need. What is to stop campers from using our wood and eating food that many in our community desperately need?

What will stop campers from being disrespectful of our cemetery and surrounding grounds? What will prevent campers from bringing their pets onto our grounds for their personal use? How do we protect the children who play on our grounds from pets gone awry? How do we prevent campers from using our Pavilion as their covered picnic spaces? Our Pavillion is intended as a place for our outdoor services.

We provide so many gifts of service to this community. We humbly ask that you protect our church's history and legacy of commitment to all in Nelson County. Please do not allow a campground to desecrate our grounds and interrupt our mission work.

Respectfully,  
Ginny and Al Simpson  
139 Lakeside Close  
Nellysford, VA 22958





## Emily Hjulstrom

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**From:** 2smysers@gmail.com  
**Sent:** Monday, November 13, 2023 2:01 PM  
**To:** Dylan Bishop; Emily Hjulstrom  
**Subject:** PROPOSED SUP #1085 Campground



IRONSCALES couldn't recognize this email as this is the first time you received an email from this sender 2smysers@gmail.com

## **PROPOSED SUP #1085 Campground**

**Rockfish Presbyterian Church**, an historic church of significant importance in Nellysford, Nelson County, is an abutting owner to a proposed special use permit for a campground. A special use permit requires that **four criteria** be met for use that may be appropriate in a zoning district, but because of its nature, extent, or external effects, requires special consideration of its location, design, and methods of operation before it can be deemed appropriate in the district and compatible with its surroundings.

***The abutting property owners (Rockfish Presbyterian Church) are concerned about impacts to their property and use.***

**Criteria #4:** The proposed use shall not result in the destruction, loss or damage of any feature determined to be of significant ecological, scenic or historic importance. The Rockfish Presbyterian Church is deemed by the Virginia Department of Historic Resources, to be of significant historic importance. This is signified by the historic marker at the entrance to the property on Route 151.

- a) The use as proposed will result in impacts to our property of historic importance, as noted in the other 3 criterion.
- b) The use as proposed could result in the destruction, loss or damage of our historic church. Failure to stem a wildfire started at a campfire would be the greatest potential damage. Offsite impacts from the campground use can adversely impact our historic church.

The safety of those people who utilize the Church is of utmost concern to us as Church members. The Church is open and busy throughout the day and evenings. In addition to worship services on Sundays, there are various meetings, children's programs, adult classes, choir practice, etc. We have a large senior population in this church, as well as young children. Having a primitive campground abutting Church property with no attendant would seem to be an invitation for some campers to wander onto Church property at free will to avail themselves of our wood ministry firewood stacks, a vegetable garden with a standpipe for water, a playground and cemetery or even possibly church bathrooms if the doors are open.

**We ask you to deny this special use permit application because it fails to meet all of the criteria in the Nelson County Zoning Ordinance. Even the failure for a special use permit application to meet 1 criterion, is grounds for denial. We ask you to deny this application because the proposed primitive campground is not compatible with the abutting historic church.**

Respectfully submitted,

Linda & Michael Smyser  
637 Cedar Meadow Drive, Nellysford, VA 22958  
[2Smyers@gmail.com](mailto:2Smyers@gmail.com)

*703.915.6247 (Linda Cell)*  
*703.626.0281 (Michael Cell)*

## Emily Hjulstrom

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**From:** Peggy Toms <peggytoms@gmail.com>  
**Sent:** Sunday, November 12, 2023 3:17 PM  
**To:** Dylan Bishop; Emily Hjulstrom  
**Subject:** SUP #1085



IRONSCALES couldn't recognize this email as this is the first time you received an email from this sender peggytoms@gmail.com

To Whom it May Concern,

I cannot attend the planned PC meeting this week, thus am writing to express my opposition to the proposed permit for a primitive campground (SUP#1085), which would abut the historic Rockfish Presbyterian Church on Route 151, Nellysford.

It is my understanding that certain criteria must be satisfied to obtain the necessary special use permit. It does not seem that this property supports safe and reasonable facilities to accommodate camping activities. Such as adequate water supply, for use by campers and availability for emergencies such as fire. This is especially important, as outdoor recreation often includes open air campfires & cooking. If a fire would occur, our historic church would possibly be lost.

Also, private waste facilities should be provided as well as electricity, which does not currently exist. Where will these campers bathe and use the restroom?

In addition to the above mentioned safety concerns, vehicle access to the proposed campground does not currently exist. (The only entrance is the driveway into the church.) Any new driveway/road construction would greatly impact church activities, parking and vehicle/pedestrian safety.

Also, is there planned supervision and onsite management for this campground? I can attest for the importance of this as I have camped/RV camped for decades. An unsupervised campground is trouble & danger waiting to happen!

Our church has grown and provides many missions benefiting our community and beyond. Such as fundraisers in the outside pavilion and children's activities, often outside on the grounds, parking lot and playground. Our wood ministry works "on the hill", our community garden feeds many. All of these areas are within close walking distance of the proposed campground. What would prevent campers from using our playground (thus causing liability issues) or open pavilion, where we have electricity?

Noise from the campground would adversely affect & possibly disrupt many of our outdoor missions & activities, including our early Sunday morning services in the pavilion.

There are many generations of families buried in our historic cemetery, and many more plots paid for. Funerals & graveside services are an important part of our church. I believe the respect and beauty of our peaceful cemetery would be compromised by a "public" campground that close.

Rockfish Presbyterian Church is deemed by the Virginia Department of Historic Resources to be of historic importance in our community & county.

I would ask for that distinction to be considered & respected.

While our doors are open to all, we welcome all to join us in worship and the important missions we provide, I believe a primitive campground directly abutting RPC would not be compatible.

I ask you to deny this permit for the above listed reasons, as it appears the criteria has not been met.

Respectfully & Prayerfully submitted,

Peggy Toms  
Nellysford, VA.

Sent from PLT's iPad

To whom it may concern at Nelson County,

I am the current owner of 5060 Rockfish Valley Hwy. I heard my neighbor Kelly Kahle had ambitions to start some campsites on adjacent plots to mine and I wanted to express my support for this project. I purchased the house over a year ago and she has been a kind and supportive neighbor. I believe her project would be a successful business and contribution to the local economy. Please reach out to me if you have any concerns.

Best,

A handwritten signature in black ink, appearing to read "Jerry Uejio". The signature is written in a cursive, flowing style.

Jerry Uejio  
415-350-7621  
jerryuejio@gmail.com



December 7, 2023

Dear Members of the Nelson County Planning Commission

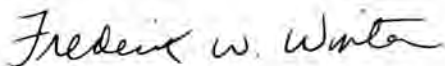
I have great concern regarding the request to provide permitting for a camping facility at the property adjacent to the Rockfish Presbyterian Church. As a member of the Rockfish Presbyterian Church, I am at that location working for our church's Wood Ministry (firewood for the needy) at least fifteen days from October-March, so I am well aware of the conditions there.

I am worried that the hay field adjacent to the property could pose a severe fire hazard to the church, nearby residences, and the forest that surrounds the hay field. As of December 6, 2023, the hayfield has not been harvested (see picture). Even if mowed, a hayfield can be extremely flammable where the fire can move across hay at remarkable speed. I know since I currently have a property with 30 acres of hay. I only burn myself when conditions permit (no wind, no drought, a watered perimeter, etc.) and I have a hydrant with a hose within 75 ft of the burn pile.

I understand the owner wants to establish a campground that offers a basic, primitive camping experience, but the proposed plan lacks sufficient amenities to satisfy safety concerns. The target market for this is likely to be out-of-towners who are not only unfamiliar with local conditions (like this year's drought and the no burning restrictions from February 15-May 1), but are also likely to be inexperienced woodsmen. I cannot imagine the proprietor forbidding campfires at a camping facility (that also has no heat), but even if he/she did, is there a chance that an adoring parent will refuse little Bobby's request to just build "just one little fire for his s'mores"? Or set off fireworks?

Without around the clock on-site supervision, even if campfires, bonfires, fireworks and the like were expressly forbidden, such restrictions are unlikely to be honored by transient campers. Members and friends of our congregation have already experienced out-of-towners who blatantly ignore restrictions who have paid to be on vacation and enjoy their time in Nelson County on their own terms.

Sincerely,



Frederick W. Winter  
225 Glenthorne Loop  
Nellysford, VA, 22958  
rwinter14@yahoo.com  
434-996-2024

## Emily Hjulstrom

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**From:** Carol Wisler <wisler99sue@gmail.com>  
**Sent:** Monday, November 13, 2023 10:18 AM  
**To:** Dylan Bishop; Emily Hjulstrom  
**Subject:** Proposed SUP #1085 Campground



IRONSCALES couldn't recognize this email as this is the first time you received an email from this sender wisler99sue@gmail.com

As residents of Nellysford, we are asking that the primitive campground proposal be deferred. The four criteria needed are not met:

1. The campground would change the area which is zoned to accommodate farming, forestry, and residential use.
2. It is not directly served by private water and sewage facilities for the campers nor does it include an on-site manager.
3. There is danger of fire from campfires or lanterns which could spread to the historic church which is next to it.
4. It does not have electricity.
5. Access to the campground is mowed grass, not a street. This could present problems in inclement weather

Please oppose this primitive campground as it does not meet all the criteria in the Nelson County Zoning Ordinance.

Thank you,  
Dave and Suzi Wisler

## Nelson County Board of Supervisors

To: Board of Supervisors

From: Dylan M. Bishop, Director of Planning & Zoning *DMB*

Date: February 13, 2024

Re: SUP #1101 – Proposed Amendment to Condition of Approved SUP #716 –  
“The DeLander at Nelson” Multifamily Dwellings – 9485 Rockfish Valley  
Hwy

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**BACKGROUND:** This is a request for an amendment to a condition of a previously approved special use permit for a multifamily dwelling use on property zoned A-1 Agriculture.

*Public Hearings Scheduled:* P/C – January 24; Board – February 13

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

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

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

*Comments:* SUP #716 for multifamily dwellings was approved by the Board of Supervisors on October 11, 2022 with conditions (attached). The Major Site Plan has been submitted and is currently in the review phase with various agencies including Health Department, VDOT, Erosion & Sediment Control, and DEQ for stormwater management. The final site plan will come to the Planning Commission for administrative review when approvals are near finalization.

As more formal plans and details were developed, the applicants noted the scale of the required fencing, and are requesting an amendment to condition #6. The condition as approved states, “A fence 6’ (feet) in height lined with evergreen vegetation shall be installed along all property boundaries.” Instead of fencing the entire property along the boundaries (approximately 11 acres), the applicants are proposing to fence the area around the usable community only (approximately 3-4 acres). They are also requesting a reduction in the height requirement from 6 feet to 4 feet. The final amendment they are requesting is to require only evergreen vegetation along Route 151 (per condition #5) with no fencing. This is shown on the attached site plan dated December 8, 2023. Existing vegetation would be left in place where appropriate.

Conditions: Approved by the Board of Supervisors on October 11, 2022:

- 1. Dwelling units shall only be rented to those individuals 55+ years of age.
- 2. The maximum number of units shall not exceed 12 units, and each of the two buildings shall not exceed 5,000 square feet each.
- 3. All existing structures on the property shall be removed prior to the start of construction.
- 4. The existing boundary lines shall be reconfigured to comply with density requirements in Section 4-10, prior to the issuance of a building permit.
- 5. A landscape buffer along Route 151 is required, as shown on the site plan dated September 14, 2022.
- 6. A fence 6' in height lined with evergreen vegetation shall be installed along all property boundaries.**
- 7. All lighting shall be directional and glare shielded to prevent light pollution onto adjoining properties, roadways, and the dark night sky.
- 8. The units shall not be utilized for short-term rental purposes.
- 9. Construction shall begin within 2 years of the approval date (October 11, 2022).

At their meeting on January 24, 2024, the Planning Commission voted (5-0) to recommend approval of SUP #1101 for an amendment to condition #6 with the following language:

6. A fence 4' in height shall be installed along the boundary of the community as shown on the site plan dated December 8, 2023. Existing vegetation shall be left in place where feasible.

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

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

Attachments:  
 Application  
 Site Plan  
 Acknowledgement Letter dated 10/13/22



# PERMIT APPLICATION:

## Nelson County Department of Planning & Zoning

TO THE ZONING ADMINISTRATOR: Special Use Permit # 1101  
application type application number

1. The undersigned hereby petitions the Planning Commission and/or Board of Supervisors for approval of the following (check appropriate box):

- Special Use Permit
- Rezoning from \_\_\_\_\_ to \_\_\_\_\_
- Conditional Rezoning from \_\_\_\_\_ to \_\_\_\_\_
- Other: Amend condition #6's language on SUP # 716
- Subdivision
- Site Plan - Minor
- Site Plan - Major

Reason(s) for request:

We would like to amend condition #6 to allow for a shorter height fence (4') installed around the "usable" property boundaries (approximately 3-4 acres). Also, we would like to request only having to provide vegetation along 151's fence line and not around entire fenced area. We will not be clearing the entire acreage, so vegetation will naturally be left in place.  
*(Please use reverse or attach additional sheet if more space is needed.)*

2. Applicant(s) and Property Owner(s):

*(Please provide names of applicants and property owners and indicate applicable title; if applicant is not the property owner, please show relationship, i.e. lessee, contract purchaser, etc.)*

Applicant  Property Owner Name: Charles Meade + Quakeela Teasley

Mailing Address: 4804 Craigs Mill Ct, Glen Allen VA 23060

Telephone #: 804-514-4738 (P) Email Address: quakeela3@yahoo.com  
804-916-9545 (C) cmade2261@gmail.com

Relationship (if applicable): \_\_\_\_\_

Applicant  Property Owner Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Telephone #: \_\_\_\_\_ Email Address: \_\_\_\_\_

Relationship (if applicable): \_\_\_\_\_

*(Please attach additional sheet if more space is needed for applicant(s) / property owner(s) info.)*

**3. Location and Characteristics of Subject Property:**

- a. Address of Property (specific location, route numbers, street names, voting district, etc.): 9485 Rockfish Valley Hwy, Astor VA 22920
- b. Official tax map number: # 6-A-131, 6-A-163D
- c. Acreage of property: 10.94 acres
- d. Present use: NA
- e. Present zoning classification: SUP # 716 for multifamily dwelling
- f. Zoning classification of surrounding properties: residential

**4. Affidavit:** The undersigned applicant(s) and/or property owner(s) certifies that this application and the foregoing answers, statements, and other information herewith submitted are, in all respects, true and correct to the best of their knowledge and belief. Also, the applicant(s) and/or property owner(s) gives permission for members of the Planning Commission, Board of Supervisors, and County Staff to visit and view the subject property.

Signature: Quakeela Teasley Printed Name: Quakeela Teasley  
 Signature: Charles Made Printed Name: Charles Made

*(Please attach additional sheet if more space is needed for applicant(s) / property owner(s) signatures.)*

**5. Additional information:** *(Please attach separate sheet for additional details, explanations, etc.)*

**6. Please note:** In the event of cancellation or postponement at your request after the initial newspaper advertisement for this application, an additional fee will apply for re-advertisement (determined by the actual cost of the ad). This fee will not apply in cases of Planning Commission or Board of Supervisors deferment.

**-----TO BE COMPLETED BY PLANNING & ZONING STAFF-----**

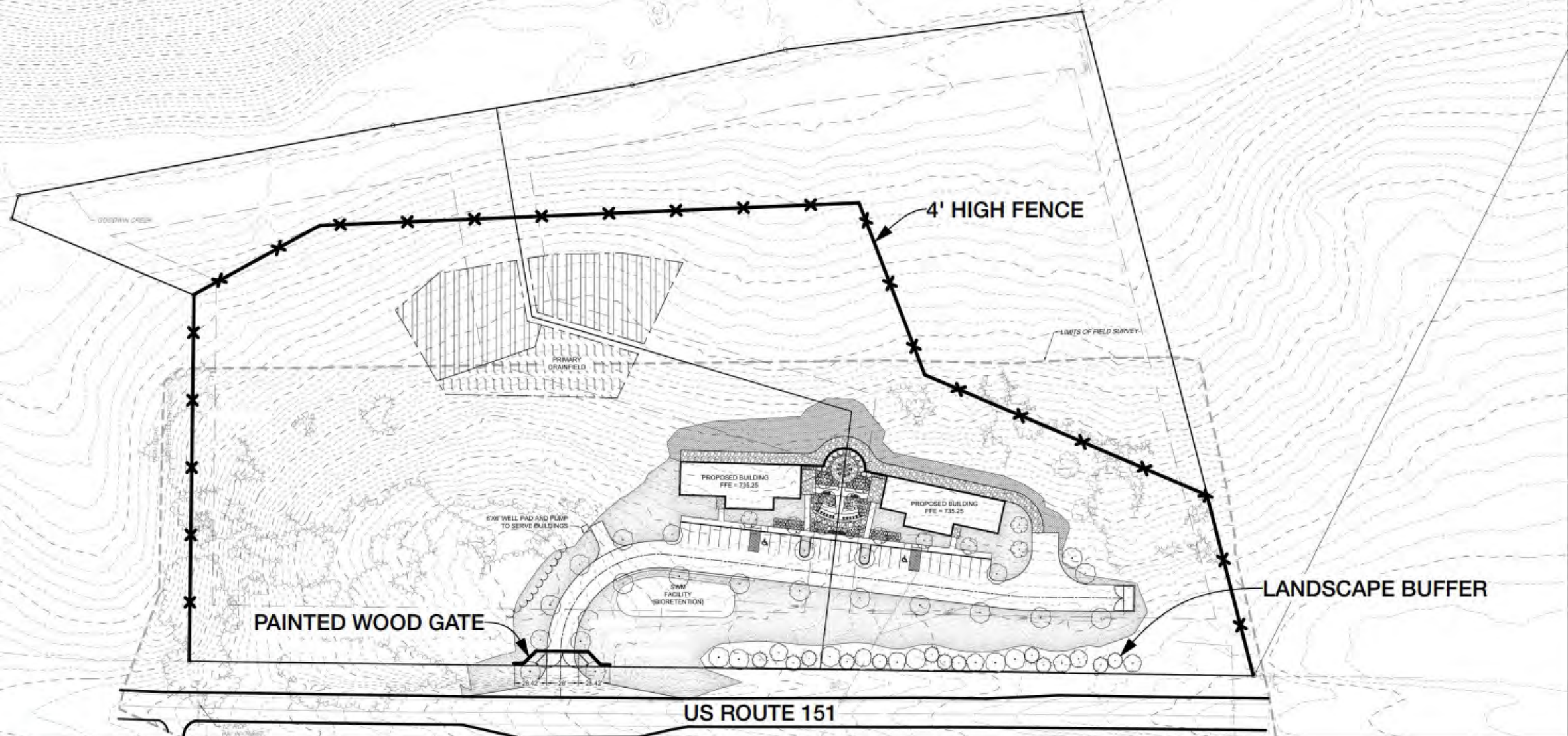
Pursuant to Article \_\_\_\_\_, Section \_\_\_\_\_ of the Nelson County Zoning Ordinance.  
 Pursuant to Section \_\_\_\_\_, Subsection \_\_\_\_\_ of the Nelson County Subdivision Ordinance.

- o Completed application and fee (\$ \_\_\_\_\_) received on \_\_\_\_\_
- o Hearing Notice published on \_\_\_\_\_
- o Planning Commission action: Date of Meeting / Hearing: \_\_\_\_\_  
 Recommendation: \_\_\_\_\_
- o Board of Supervisors action: Date of Hearing: \_\_\_\_\_ Date of Decision: \_\_\_\_\_  
 Action: \_\_\_\_\_

**Nelson County Planning & Zoning Department**

*(Mailing Address)* P.O. Box 558, Lovingson, Virginia 22949 | *(Physical Address)* 80 Front Street, Lovingson, Virginia 22949  
*(Telephone Number)* 434 263-7090 or Toll Free 888 662-9400, selections 4 & 1 | *(Fax Number)* 434 263-7086  
<http://www.nelsoncounty-va.gov/departments/planning-zoning>





PROJECT NO	58949	ISSUE	NAME	DATE	12/08/2023
DRAWN BY	M. SHEETS				
CHECKED BY	J. FOX				
COPYRIGHT	© 2023 BUSHMAN DREYFUS ARCHITECTS PC				



October 13<sup>th</sup>, 2022

Todd Rath – Rockfish Valley Events LLC  
161 Wood House Ln  
Nellysford, VA 22958

Charles Meade & Quakeela Teasley  
4804 Craigs Mill Ct  
Glen Allen, VA 23060

Dear Applicant:

This letter acknowledges that on September 28<sup>th</sup>, 2022 the Nelson County Planning Commission reviewed your Special Use Permit application #716 to allow for a multifamily dwelling at 9485 Rockfish Valley Hwy, Tax Map Parcels #6-A-131 and 6-A-163D. After the hearing concluded, the PC voted (4-1) to recommend approval of this application to the Board of Supervisors.

On October 11<sup>th</sup>, the Board of Supervisors (BOS) held a public hearing and voted unanimously (5-0) to approve SUP #716 for a multifamily dwelling with the following conditions:

1. Dwelling units shall only be rented to those individuals 55+ years of age.
2. The maximum number of units shall not exceed 12 units, and each of the two buildings shall not exceed 5,000 square feet each.
3. All existing structures on the property shall be removed prior to the start of construction.
4. The existing boundary lines shall be reconfigured to comply with density requirements in Section 4-10, prior to the issuance of a building permit.
5. A landscape buffer along Route 151 is required, as shown on the site plan dated September 14, 2022.
6. A fence 6' in height lined with evergreen vegetation shall be installed along all property boundaries.
7. All lighting shall be directional and glare shielded to prevent light pollution onto adjoining properties, roadways, and the dark night sky.
8. The units shall not be utilized for short-term rental purposes.
9. Construction shall begin within 2 years of the approval date (October 11, 2022).

Please note that if the use is not established in 24 months (on or before October 11<sup>th</sup>, 2024) the SUP will “automatically terminate without notice and become null and void.”

Please also note that if you have any questions, concerns, and/or requests for assistance at this time, don't hesitate to let us know.

Thank you very much,

A handwritten signature in black ink that reads "Dylan M Bishop". The signature is written in a cursive, slightly slanted style.

Dylan M. Bishop  
Planning & Zoning Director  
Nelson County, Virginia

DMB/ewh