

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 – Chair
Ernie Q. Reed, Central District Supervisor – Vice Chair
Thomas D. Harvey, North District Supervisor
Jesse N. Rutherford, East District Supervisor
Dr. Jessica L. Ligon, South District Supervisor
Candice W. McGarry, County Administrator
Amanda B. Spivey, Administrative Assistant/Deputy Clerk
Linda K. Staton, Director of Finance and Human Resources
Maureen Kelley, Director of Tourism and Economic Development
Jerry West, Director of Parks and Recreation
Dylan M. Bishop, Director of Planning and Zoning

I. CALL TO ORDER

Mr. Parr called the meeting to order at 2:00 p.m. with five (5) Supervisors present to establish a quorum.

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

II. PUBLIC COMMENTS

Robert Gubisch - Faber, VA

Mr. Gubisch commented that he had with him, a 400-page report on vaccinations, which he thought was good food for thought. He explained that there was a statement by the person who put the report together to sum up the report. He quoted the statement which read in part, “vaccination is the biggest medical fraud in history.” He noted that he also had a more current report written by a retired Lieutenant Colonel Green Beret, which described the COVID story as a premeditated war on human beings, and stated that the vaccinations distributed to help people, were the contrary. Mr. Gubisch stated that he shared that information so that they would be more educated on things like vaccinations and pandemics, so in the future, they might have more truth to back them up.

Anjana Gigi Radhakrishnan - Norwood, VA

Ms. Radhakrishnan commented that in the month and a half since she had moved to Nelson, she had spoken to many people across the County. She reported that she had heard two main issues, the need for economic investment, and an equal need for a workforce to meet those business needs. She noted those problems were not unique to Nelson County. She commented that Nelson County had an opportunity to create a competitive advantage to set themselves apart from the counties in the region and encourage investment. She suggested that Nelson County could develop a reliable workforce that was distinct from those around it, by creating a database of all individuals willing and able to work, the hours they were able to work, their availability during the week, and their skills, along with current their career interests. She noted that would be a commodity that businesses and industries across the country were looking to find. She indicated that there was no other county currently doing that work. Ms. Radhakrishnan proposed that the Board invest in a strategic workforce development plan, which would involve doing an inventory of workforce, including the skills, but also creating a workforce training program for those who were interested in participating. She commented that workforce training would attract businesses outside of the County to invest in the area. She commented that another concern from people across the County that they wanted to maintain the rural and natural beauty of the area. She noted that if they had a commodity like a robust workforce available for industry, they would be able to pick and choose what industries came into the County. She explained that provided power and leverage. Ms. Radhakrishnan provided a proposal with a budget and timeline to develop a localized workforce strategy. She noted that she was most recently an Associate Director for workforce insights and research at the Manufacturing Institute, where she spent a lot of time speaking with manufacturing leaders and workforce members across the country on this issue. She stated that she loved Nelson County and would love to contribute to the community.

Elwood Waterfield, Nelson County resident

Mr. Waterfield commented that he was homeless because he was a whistleblower, and a victim of a malicious SLAPP campaign by the County. He noted that he had four (4) things to address. Mr. Waterfield asked the Board to pass a resolution to make the County a bill of rights sanctuary. He asked the Board to bring back Keep Nelson Beautiful, noting it was beyond him as to why they would get rid of it. He then asked the Board to appoint a board of citizens to oversee the actions of the Board of Supervisors and every other department in the County. Mr. Waterfield noted for any media present that he had three (3) very

important documents to share. He commented that the world will know what had been done to him. Mr. Waterfield noted that he would return that evening and he would think of the fourth thing that he wanted to bring up to the Board. He did note that there were some heroes in the County: Rev. Rose, Deedee Green, and Lynn Carson. He commented that there were a lot of good people in Nelson County. He stated that the Board was ruining rural character of the County.

Tish Blackwell – Jefferson Area Board for Aging (JABA)

Ms. Blackwell spoke on behalf of JABA to thank the Board for another year of support and collaboration. She noted that their partnership made critical services for seniors and adults with disabilities available to everyone. She reported that in Nelson County, 38.2 percent of the population was over the age of 60. She noted that of that population, 10.5 percent were in poverty, and 11.4 percent lived alone. She reported that during fiscal year 2023, JABA served 766 individuals in Nelson County. She explained that some of that support included provided over 5,700 hours of activity to older adults at the Nelson Community Center, and serving over 1,000 nutritious hot meals approved by a registered dietician. She noted that JABA’s home delivered meals program distributed over 8,700 meals last year to 45 individuals in the county. She also reported that new staff had come in. She noted that LaRhonda Gray became the new manager of the Nelson Community Center in October. She reported that Ms. Gray had increased the center membership since starting her job at JABA. She noted that Lizzie Lewis was hired as a Health Educator for JABA. Ms. Blackwell reported that Ms. Lewis was a certified CPR trainer and Healthy Steps instructor, noting that Ms. Lewis worked with both groups and individuals to teach them how to live a healthy lifestyle. Ms. Blackwell shared the story of an 86-year-old Nelson County resident, who was the only caregiver for his 81-year-old wife who suffered from multiple sclerosis, a stroke and was confined to a wheelchair. She noted that in the past year, the husband had called EMS 45 times to assist with moving his wife. Ms. Blackwell reported that JABA’s aging services coordinator was able to meet with the couple, and determined that the couple had a long term care insurance policy and it was determined that the wife was eligible for up to six (6) months of in home care, or financial assistance for an assisted living facility. She noted that the couple decided to use in home care to help keep the wife at home and the coordinator was also able to sign the couple up for home delivered meals. Ms. Blackwell noted that the husband and wife extremely happy with services provided by JABA. She reiterated JABA’s appreciation for the support and partnership of Nelson County. She noted that funding from the County enabled JABA to provide support and programs to the people who live here in Nelson. She indicated that JABA’s fiscal year 2025 budget request had been submitted and she appreciated the Board’s consideration and support.

III. CONSENT AGENDA

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

A. Resolution – **R2024-06** Minutes for Approval

**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.

B. Resolution – R2024-07 Budget Amendment

**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
\$ 63,286.00		

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
\$ 3,372.00		
\$ 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
\$ 38,054.00		

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
\$ 20,820.00		
\$ 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
\$ 20,836.00		
\$ 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
\$ 16,673.00		
\$ 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
\$ 3,044.00		
\$ 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
\$ 16,457.00		
\$ 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
\$ 4,452.00		

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
\$ 212.00	4-100-091030-5616	4-100-021060-2009
\$ 37,800.00		
\$ 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
\$ 931.00	4-100-031020-2005	4-100-031020-2009

\$102,127.00		
\$ 36,000.00	4-100-091030-5616	4-100-032010-1003
\$ 2,500.00	4-100-091030-5616	4-100-032010-2001
\$ 38,500.00		
\$ 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
\$ 69.00	4-100-091030-5616	4-100-032030-2006
\$ 7,104.00		
\$ 822.00	4-100-091030-5616	4-100-035010-2005
\$ 735.00	4-100-091030-5616	4-100-035010-2011
\$ 1,557.00		
\$ 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
\$ 66.00	4-100-091030-5616	4-100-042030-2009
\$ 38,992.00		
\$ 32,424.00	4-100-091030-5616	4-100-043020-1001
\$ 2,481.00	4-100-091030-5616	4-100-043020-2001
\$ 34,905.00		
\$ 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
\$ 62.00	4-100-091030-5616	4-100-071020-2009
\$ 10,491.00		

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
\$ 186.00	4-100-091030-5616	4-100-081010-2009
\$ 29,186.00		
\$ 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
\$ 126.00	4-100-091030-5616	4-100-081020-2006
\$ 21,759.00		

\$446,129.00 Total Employee Benefits & Departmental Transfers

IV. PRESENTATIONS

A. VDOT Report

Robert Brown of VDOT was present to report the following:

Mr. Brown reported on the new traffic count that had been requested by the Board for 151. He noted that the raw data had been completed, but VDOT had not released it yet. He explained that after the raw data had been completed, VDOT interpreted it to come up with the final report. He noted that the final report would be coming soon.

Mr. Brown also reported that VDOT was conducting a pedestrian study on Route 29, just north of the traffic signal, to determine if any improvements were needed for the pedestrian crossing. He noted that there were currently pedestrian crossing signs in place. He indicated that the traffic engineers were looking at that to determine if additional measures were needed to make that movement safer.

Mr. Brown reported that Route 674 (Jenny's Creek Road) was closed a few weeks earlier due to a failed pipe culvert. He noted they would be purchasing a pipe within the next week. He estimated that it would take 4 to 8 weeks to fabricate the pipe, and once received, the installation would be complete within a few weeks.

Mr. Brown reported that state forces were cutting the bushes (boom axing) on Route 151 from Bryant to Route 250. He indicated that would make a big difference in sight distance along that highway. He noted that boom axing was also taking place on Route 29 from the Amherst line to the Albemarle line. He reported that inmates from the prison camp in Rustburg had been cutting the median in Nelson.

Mr. Brown noted that a county wide litter pickup was being planned starting April 1st with contractors on Route 29, all primary routes, and some of the major secondary routes.

Mr. Brown reported that VDOT would be participating in Career Day at Nelson County High School on March 28th. He noted that VDOT would set up a booth there to try and hire some Nelson County people for engineering and other positions. He commented that VDOT had attended Career Day last year and it was an enjoyable event.

Mr. Rutherford:

Mr. Rutherford thanked Mr. Brown for the work that had been happening to clean up the ditches.

Mr. Harvey:

Mr. Harvey had no VDOT issues to report.

Mr. Reed:

Mr. Reed thanked Mr. Brown for the report on the 151 traffic count. He asked when the data may be available. Mr. Brown noted that he did not have a date yet, but he hoped it would be within the next two weeks.

Dr. Ligon:

Dr. Ligon had no VDOT issues to report.

Mr. Parr:

Mr. Parr had no VDOT issues to report.

B. Comprehensive Safety Action Plan Goals – TJPDC (R2024-08)

Curtis Scarpignato, Planner with the Thomas Jefferson Planning District Commission (TJPDC), was present to discuss Comprehensive Safety Action Plan being developed by the TJPDC in partnership with their jurisdictions which included Nelson County. He noted that Sandy Shackelford and Christine Jacobs of the TJPDC were also present. He indicated that his goal was to provide some background information on the Safe Streets and Roads for All (SS4A) Grant Program, and to seek a resolution of support from Nelson County to support efforts to reduce roadway related fatalities and serious injuries.

Mr. Scarpignato explained that SS4A was a grant program that was established with the passage of the Bipartisan Infrastructure Law in 2021 and it provided funding for planning efforts and implementation efforts. He explained that the implementation efforts were basically where they went from construction to

actual activities that would work to reduce deaths and serious injuries on the roads. He noted that the TJPDC had applied for funding for a safety action plan, and they were awarded that funding with support from the County. He explained the importance of developing the safety action plan, noting that by the developing the Comprehensive Safety Action Plan, they would render Nelson County, and the region, eligible to receive funding for implementation projects through SS4A. He commented that it potentially opened a new pot of money for projects in the future. He noted that the process was being managed regionally by the TJPDC, but they wanted the process to be locally driven. He explained that the TJPDC would be working closely with County staff to ensure that the plan was not just a regional plan, but also a local, and hyper-local plan.

Mr. Scarpignato showed a slide with the overall 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

He noted that the goal was to use the process to identify implementation projects that would improve roadway safety for all types of users. He indicated that could include infrastructure improvements, they would also consider opportunities to improve roadway safety through traffic safety enforcement, education and emergency services. He noted that another major benefit of the planning effort was that it would allow each locality to develop a pipeline of projects that could be implemented through a wide array of funding sources, in addition to SMART SCALE funding.

Mr. Scarpignato explained that one of the required components of a Comprehensive Safety Action Plan, was a leadership commitment to supporting the reduction of deaths and serious injuries on the roads. He noted that the plan was also required to be data driven and it needed to incorporate a robust public engagement process, with special attention to inclusive and representative planning processes. He explained that the TJPDC would use its established transportation programs to provide the ongoing oversight, monitoring, and reporting necessary to meet the grant requirements. He noted that he was present for the leadership commitment component and indicated that they needed a commitment from the Board to support efforts to reduce deaths and serious injuries on the roads in Nelson County. He noted that was one of the requirements of the Comprehensive Safety Action Plan to be eligible to receive implementation funding in the future.

Mr. Scarpignato provided data on roadway related crashes in Nelson County.

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
Total	141	32	173

Mr. Scarpignato noted that from 2018 to 2022, there were 173 serious injuries or fatalities on the roads in Nelson County. He explained that the commitment must include a goal and timeline for eliminating those roadway fatalities and serious injuries, which may be accomplished through an ambitious percentage

reduction goal by a specific timeline. He recommended that Nelson County adopt the same goal as outline by Virginia’s Strategic Highway Safety Plan, which establishes a goal of reducing roadway fatalities and serious injuries by 50 percent by 2045. He explained that the resolution was not just a commitment to the reduction efforts, but it was also a commitment to Nelson County participating actively in the planning process and prioritizing recommendations identified as part of the planning process.

Mr. Scarpignato asked for the Board’s commitment with the adoption of Resolution R2024-08, which was included in their packet.

Mr. Rutherford noted the 32 fatalities referenced in the data from 2018 to 2022. He asked if they could find out where those fatalities took place in Nelson. Mr. Scarpignato indicated he did not have that information on hand but he could provide it after the meeting. Dr. Ligon noted there may be a map in the Comprehensive Plan with that information.

The Board had no other questions.

Mr. Reed moved to adopt **Resolution R2024-08** and Mr. Rutherford seconded the motion. There being no further discussion, Supervisors approved the motion unanimously (5-0) by roll call vote and the following resolution was adopted:

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.

C. Nelson County Department of Social Services 2023 Annual Financial Statement

Brad Burdette, Director of Nelson County Department of Social Services, was present to report on the 2023 Annual Financial Statement for Social Services. He noted that the Board had been provided a synopsis of Social Services’ program expenditures which have been provided to the citizens in various programs that the Department of Social Services administers. He reported that the largest expense in their budget was reflected in budget lines 849, 851 and 855 (budget lines related to staff, administrative and operational overhead costs). He noted that the total number reflected Virginia Department of Social Services (VDSS) accounting and what was reimbursed to the State and locality in relation to the programs that they had

administered. He indicated that VDSS reported about \$1.1 million in staff and operation reimbursable expenditures. He noted that their allocation for fiscal year 2023 (FY23) for budget lines 849, 851 and 855, was about \$1.2 million. He indicated that the variance in the budget was due to low staffing in FY23. He noted that as they on boarded more staff for this year, he anticipated that variance to decrease and give a better picture of their staffing.

Mr. Burdette then discussed the benefit payments to clients. He noted the benefit payments were a mix of federal and state funding. He reported that the only program in that category with a local match was the Auxiliary Grant, which provided payments to seniors and citizens who met the category for assisted living. He noted that budget lines 811, 812, 814 and 817 were the budget lines used to fund Foster Care and Adoptive Services for children currently in Nelson DSS care and custody. He reported that those budget lines reflected payments made for Foster Care maintenance, including the payments made to Foster Care parents, payments to adoptive parents with children that have been approved for adoption subsidy and for Fostering Futures, which provided payments to foster children over the age of 18 to provide them some financial stability.

Mr. Burdette then explained that budget lines 829 through 898 reflected the goods and services purchased on behalf of clients, which could include paying for a one-time assessment for the client, or purchasing good such as food, clothing, emergency one-time assistance. He shared that the adult population continued to grow in the County. He noted with age, there was a greater need for community based services and community based care, as well as home health and home medical services.

Mr. Burdette discussed the state wide benefit payments and noted the amounts reflected were the amounts that had been spent on citizens. He reported that the Medicaid program spent about \$41 million on Medicaid benefits to citizens in Nelson County. He noted that included payments to doctors, hospitals, community based services for seniors and counseling and other services for children and families. He reported that in the SNAP program, commonly called food stamps, they were able to generate about \$5 million in SNAP benefits. He explained that the SNAP program only allowed for food purchases, so the \$5 million reflected food purchased at the grocery store, convenience store, and local farmers market that accepts EBT benefits.

Mr. Burdette reported that their allocation total in FY23 was almost \$2 million and from that allocation, through federal and state they were able to draw down about \$52 million in total program spending and administrative costs. He noted that translated into real dollars for professionals providing services to the community, staff, businesses providing good and services, citizens who are able to maintain independence in their homes, and families who are thriving with some supportive services.

Mr. Rutherford asked how many kids were currently in foster care. Mr. Burdette reported that there were currently 17 kids in foster care. He indicated that those numbers had been trending down. He noted that COVID had created some roadblocks for adoptions but they had gotten those numbers down. He commented that they had not had a lot of kids in care currently, so that was a good thing.

The Board had no other questions for Mr. Burdette. Mr. Parr commented that as a member of the DSS Board, it had been a pleasure working with Mr. Burdette. He thanked Mr. Burdette for all of his work.

V. NEW & UNFINISHED BUSINESS

A. Project Financing for County and School Projects

Ms. McGarry reported the following:

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.

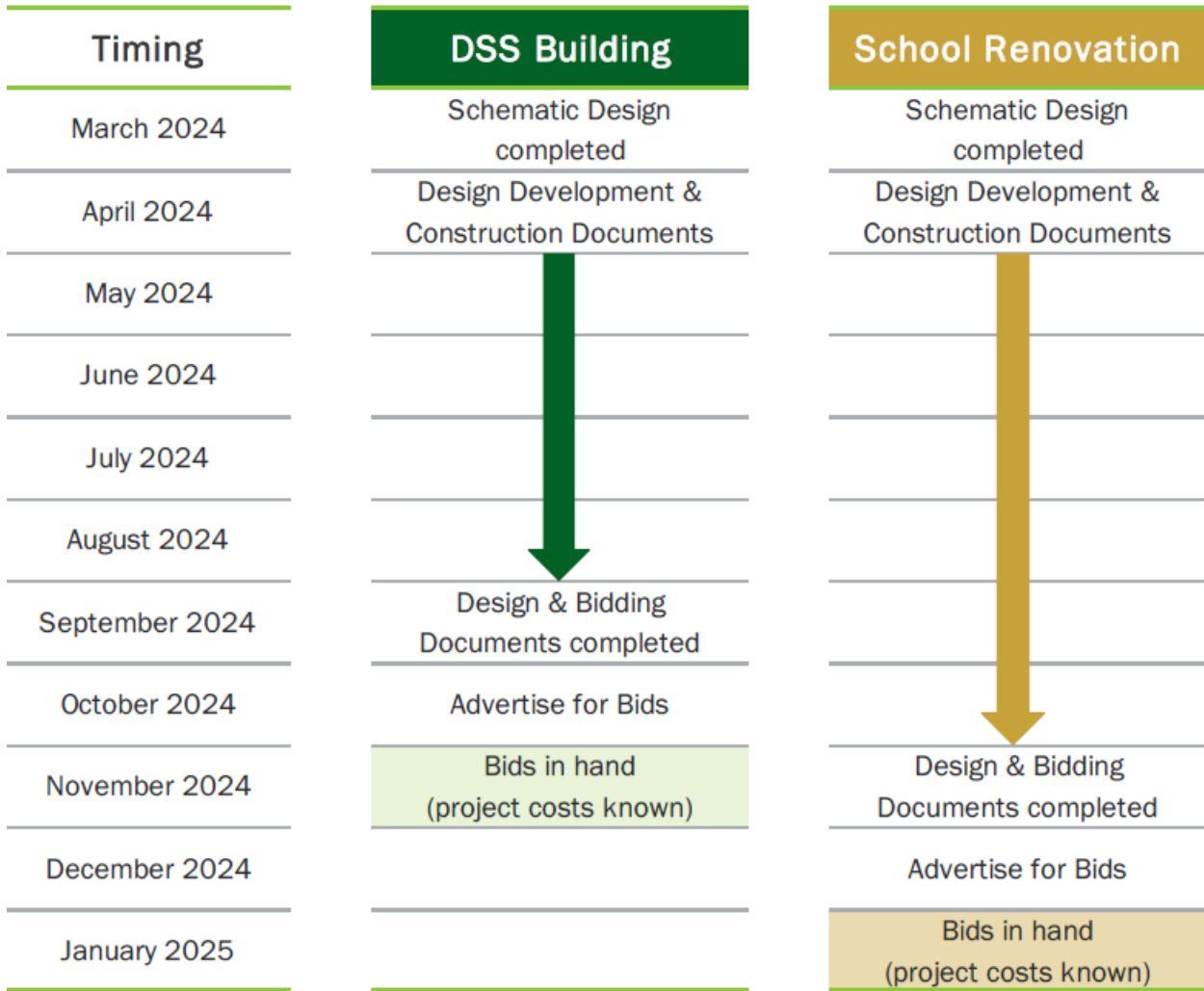
Recommended Action:

- (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.

Ms. McGarry introduced Ben Wilson of Davenport. Mr. Wilson reported that Davenport had been working on the Debt Capacity/Affordability Analysis for about a year and a half. He explained as part of that, they were looking at the County potentially issuing \$57 million worth of projects. He noted that as part of the \$57 million, they had assumed that the two projects referenced by Ms. McGarry, the DSS building and the High School renovation, were a part of that. Mr. Wilson explained that both projects were at the point of design where they would start incurring costs. He noted that they wanted to speak to the Board to talk through the financing plan. He explained that in the analysis, they had assumed both projects would be funded on a long term basis in a 25 to 30 year repayment, which he noted was very normal for projects of that nature.

Mr. Wilson explained that they were at the point with both projects, where they would start incurring costs over the next several months. He noted that in order to prevent the County from spending the cash they had in the bank, Davenport had come up with a plan to borrow on a short term basis with a bank loan that would only stay out for only as long the as the interim process was going on. He explained that when they went to get the 25 to 30 year financing, they would pay off the shorter term loan.

Mr. Wilson reviewed the anticipated timelines for both projects.



Mr. Wilson noted that the DSS building and High School renovation were both at the point where schematic design was nearly complete. He noted that the design process for the DSS building would be finished by early fall with bids going out in October and hopefully, they would have bids in hand by mid-November, and at that point, they would know the cost of the project. Mr. Wilson indicated that the School Renovation project was on a similar track, but it would take a little longer as it was a bigger project. He noted that they would expect to have bids in hand by next January.

Mr. Wilson explained that Davenport was recommending the interim financing approach because the County was starting to incur costs related to design. He noted that the interim financing would only be outstanding as long as the permanent financing was not in place. He indicated that they should wait until the actual costs of the projects were determined before entering into permanent financing. Mr. Wilson explained that since the short term note would only be for one to two years, it made the most sense to move forward with a bank for that. He noted that like the Larkin property financing, they would go out with a Request for Proposals (RFP) to banks. He indicated that Davenport had a comprehensive distribution list of banks to send the RFP to, which would include local, regional and national banks. He explained that the financing would be structured as a Lease Revenue Bond, issued by the Economic Development Authority (EDA). He noted that the EDA would be acting as a conduit issuer, they would not be making payments on anything, it would come back to the County to make payments. He indicated that the expectation was that a school facility would be used to secure the short term financing. Mr. Wilson noted that the School Board had been informed of this plan last week at their meeting. He also noted that Davenport was planning to speak to the EDA on February 26th to ensure that they understand process and know what is going on. He indicated that Davenport would send the RFP out to banks with the proposals due around March 22nd. He noted that Davenport would work with staff and Bond Council to review the proposals and develop a recommendation for which bank to move forward with. He reported that Davenport would return to the Board on April 9th so they could make their decision on the bank to finance with. He noted that they would also speak with the EDA and School Board that same week to get their approval as well. Mr. Wilson noted that the School Board would need to approve the use of their school facility as collateral. He anticipated closing on the financing during the last week of April, and the County would then have the funding needed to move forward with the projects.

Dr. Ligon asked how much would be needed for the interim financing. Mr. Wilson noted that the design costs were expected in the \$3 million to \$4 million range. He explained that would be a piece of what the long term financing was going to be. He indicated that reinvestment rates were very favorable and the County would likely be able to reinvest whatever they borrow at pretty much the rate they borrowed it at. He noted that they would just get enough funds for the County to be able to cash flow through when the

permanent financing was expected to occur. He indicated that the notes would be paid off when the permanent financing occurred.

Dr. Ligon asked whether the money the County had in reserve was making more percentage wise than the County was going to borrow. Mr. Wilson noted that was his understanding. He indicated that the County would have a tax-exempt financing, so it would be at a lower interest rate than what the County could invest at. He explained that instead of the County putting its money to work on the projects, they could invest those funds. He noted they would draw down the funds all at once, he commented that banks were not fond of the line of credit approach. He explained that the funds would most likely be put into an account at Virginia SNAP (state non-arbitrage program) to earn very favorable rates. He noted that they would be reinvesting the borrowed funds and their funds would also be invested on the General Fund side.

Mr. Reed asked about the \$57 million debt service and whether the borrowed amount would be deducted in the short term. Mr. Wilson noted that the \$3 million to \$4 million financed in the short term would become part of the \$57 million and it would be rolled into the permanent financing once they knew the total costs of the projects. Mr. Reed asked what the total financing would be for both projects (DSS and the High School renovation). Mr. Wilson indicated that it was about \$35 million. He noted that there was a \$2.5 million grant that the Schools had received, so the School renovation borrowing would be a little less than \$25 million. Mr. Wilson noted that the two projects were about \$35 million. He commented that the other projects discussed in the \$57 million capacity were a little vague and had not been defined so they were not at a point to go out and borrow funds for those.

Dr. Ligon asked if there were concerns about the number of banks that would respond, given the commercial real estate situation. Mr. Wilson commented that there were no concerns. He noted that this would be a one to two year loan and the County had very strong finances. He indicated that the fact that the County did have money in the bank would be one of the things lenders would be looking at. He noted that the County also had a fund balance in excess of what would be borrowed.

Mr. Wilson noted there were different options for the permanent financing. He noted that banks did not have much interest in financing 25 to 30 year loans. He noted there were three main options for Permanent Financing:

- The Virginia Resources Authority's (VRA) Pooled Financing Program
- The Virginia Public School Authority (VPSA) Pooled Bond Program
- The Public Issuance of County Public Facility Revenue Bonds

Mr. Wilson estimated that the long term financing would be in the 3.5 to 4 percent range. He noted that they had run VRA for another client recently and they were looking at a 30 year rate estimated at just under 4 percent. Mr. Rutherford noted that the County had recently had some debt service savings when they refinanced. He noted the County could refinance the debt in the future. Mr. Wilson noted that was right. He noted that they were not worried about refinancing the short term financing. He indicated that all three options for the long term financing would allow for refinancing. He noted that they would most likely have a ten year "no call" period on the long term bonds, but once they got past that point, there would still be another 15 to 20 years of debt outstanding that they could refinance.

Mr. Wilson discussed the VRA pooled programs. He noted that the County would enter in a loan through with VRA. He explained that VRA did pooled programs where localities and authorities in Virginia could apply to be a part of the pool and VRA would sell bonds on behalf of everyone to the public market. He noted that the County would get access to the public markets. He pointed out that there were administrative costs that added a little to the interest rate to pay for the costs incurred by VRA. He reported that there were three chances to issue with VRA during the year: May (Spring), August (Summer), and November (Fall). He noted that they had to apply to those pools three (3) months in advance, so the timing could influence the direction they went in. He noted that the Fall pool would price bonds and go out to the markets to see who wanted to buy them in late October. He commented that based on the timing of the DSS project, costs would likely not be known until November. He noted that they would need to discuss timing if it was decided to go with VRA for financing. Mr. Reed noted that VRA did not fund school projects. Mr. Wilson confirmed and noted that choosing VRA or VPSA would require two separate financings. He noted that VRA required collateral for the loan.

Mr. Wilson discussed the VPSA Pooled Bond Program. He noted they had two (2) issuances per year in spring and fall, and they only funded school projects. He explained that VPA allowed the County to issue General Obligation debt, noting that the security was essentially the County's taxing power. He indicated that VPSA did not fund County projects. Mr. Wilson noted that there was a scenario where it made sense to go through VRA and VPSA.

Mr. Wilson indicated that the County could also consider a County public issuance, which involved going out and getting bond ratings, which even if they did not choose that route, he noted that it may be a good

idea to still get a bond rating. He explained that having a bond rating might provide the County more financing opportunities, if they had other projects in the future. He noted that a bond rating could help the regional jail and other regional entities get funding as well. Mr. Wilson explained that with a County Public Issuance, there was a little more work on the front end for groups like Davenport and Bond Counsel, as there was more documentation to be done. He indicated that if the County were to go with VRA or VPSA, the people at VRA or VPSA would be handling the work and the cost would be built into the administration fee. He noted with County Public Issuance, the County would not pay an admin fee and Davenport would assist. He also indicated that there would be more work for County staff to do on the front end to get everything together to be able to do the issuance. He noted that there was plenty of flexibility with the timing of the County Public Issuance.

Mr. Rutherford asked if Davenport would walk the Board through the advantages of one option or the other. Mr. Wilson confirmed that they would. He noted that using VRA and VPSA provided a more streamlined approach for staff and it was something that VRA and VPSA did all the time. He explained that VPSA offered the benefit of being able to use General Obligation and not having to encumber an asset. He confirmed that Davenport's job as the County's fiduciary was to help the Board understand the options available and the considerations for each, and then help them proceed in whatever direction they chose.

Mr. Wilson reviewed the next steps in the interim financing process. He noted that Davenport would be working with staff to determine the preferred borrowing amount for the Interim Financing to ensure there was enough coverage until the Permanent Financing was in place. He indicated that Davenport would be ready to distribute the Bank RFP if the Board approved that approach. He noted that Davenport would come back to the Board in April with a recommendation of which way to move forward.

Mr. Wilson noted some other possible next steps, which included potentially implementing financial policies. He explained that it was a best practice in municipal finance to have financial policies in place. He indicated that the County was well managed, but noted that it was good to have policies in writing for future Boards and future staff. He noted that Davenport could work with staff to get those financial policies implemented.

Mr. Wilson indicated that if the Board was interested in obtaining a credit rating for the County, Davenport could work with staff on that. He explained that in obtaining a credit rating, they would meet with the rating agencies to provide a presentation on the County, the County's finances, the County's debt, as well as the County's future plans. He noted that the agencies would then provide an indicative rating to the County, and then the County could review the rating and decide whether to take the rating public and publish it. Mr. Wilson reported that Davenport had run some preliminary numbers and they thought the County would fall within the Aa category in the middle range. He explained that the estimated rating was based on demographics, the economy, the County's finances and debt, and the County's expected plans for debt in the next few years. Mr. Rutherford asked if the rating was based on the assumption that the County would be taking on the \$57 million in debt. Mr. Wilson confirmed that the rating was based on the assumption of the County taking on the added debt.

Mr. Wilson indicated that the presumptive rating was based on S&P because they provided specific ranges for the specific rating. Mr. Wilson noted that a Aa rating was very strong and he indicated that a lot of localities in Virginia were rated Aa. Mr. Wilson confirmed that the rating was assuming the County was issuing \$57 million in debt. Mr. Rutherford asked if the County would be Aaa currently before the debt. Mr. Wilson noted that he could not say for sure, but he would expect a high Aa rating.

The Board had no other questions.

Ms. McGarry reviewed next steps, noting if the Board was amenable to the plan of finance presented, they could authorize by a motion and second to proceed with the issuance of an RFP for interim financing in the form of a Bond Anticipation Note (BAN). She noted they could consider the reimbursement resolutions in a separate action.

Mr. Rutherford made a motion to proceed with the issuance of an RFP for interim financing as presented. Mr. Reed seconded the motion. There being no further discussion, Supervisors approved the motion unanimously (5-0) by roll call vote.

1. Reimbursement Resolution for County Project (R2024-09)

Mr. Rutherford made a motion to approve **Resolution R2024-09** and Mr. Reed seconded the motion. There being no further discussion, Supervisors approved the motion unanimously (5-0) by roll call vote and the following resolution was adopted:

**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.

2. Reimbursement Resolution for School Renovation Project (**R2024-10**)

Mr. Rutherford made a motion to approve **Resolution R2024-10** and Mr. Reed seconded the motion. There being no further discussion, Supervisors approved the motion unanimously (5-0) by roll call vote and the following resolution was adopted:

**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.

B. CHA Proposal for Evaluation of Lovingson Water and Wastewater System

Ms. McGarry introduced the CHA Proposal for Evaluation of Lovingson Water and Wastewater System. She reported that the via Resolution R2023-54, the Board had authorized the County, in partnership with the Service Authority, to proceed with contracting an engineering firm to evaluate the Lovingson water and wastewater systems. She reported that CHA was the contracted engineering firm through the Service Authority’s term contract, and they would be presenting their proposal for the work. She noted that the cost of the Phase I proposal was a not to exceed amount of \$25,000 and it was expected to be completed within 60 days of receipt of the required data from the County and Service Authority. Ms. McGarry noted that if the Board was amenable to the proposal, a recommended action would be a motion, second and vote 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. She indicated that a subsequent action if approved, would be a transfer of these funds from Non-Recurring Contingency to an appropriate expenditure line of the budget, which would be included in the March FY24 Budget Amendment Resolution.

Ms. McGarry introduced Steven Steele of CHA. Mr. Steele noted he was an eight-year Chairman of the School Board in his county. He expressed his appreciation to the Board for their service to their community and the work they were partnering to do for the Schools.

Mr. Steele explained that the proposed work would be the beginning of a road map for the Service Authority and the County. He noted that it was timely that Davenport was talking about the future financing for the County. He indicated that the proposed study would collect all of the data he needed to put blocks together to see how much each plant count serve currently and when that would reach the 80 percent level, which was when the regulatory agencies would require an expansion of the facility. He noted that he would work with the Planning Department to look at the land use for what may be planned for the property, and what kind of water and sewer demand each of those different types of facilities would require. He then explained that they would see if the existing facilities could handle what may be put on the property, and at what point they would exceed the capacity of those water and sewer systems as they built the property out.

Mr. Steele reported that he would be working with staff to see what timelines they would be considering any investment to infrastructure upgrades, what the options might be, and what the property would be able to handle and how much acreage would be needed for storm water management. Mr. Steele explained that he proposed to do the work hourly, with a not to exceed amount, because he wanted to gain the confidence of the Board and staff, then provide an update on the findings from the initial work, so they could then track what they thought may be the next steps moving forward. He noted that he was not sure if both plants would need significant increases yet, but the first piece would let them know if that was something they would need to endeavor. He indicated that if they did not put stress on those plants that would require them to do anything, then that would be the last time the Board would see him regarding the current subject.

Dr. Ligon asked if the proposal was only demand generated for the Larkin property, not on the whole system through Lovingson. Mr. Steele thought they had discussed another location with staff that may be developed that would cause an impact to both plant locations. He noted that they did not want to overlook anything that may impact the two plants in the Colleen area. Ms. McGarry indicated that it was meant to be a system wide study, taking into account the future development demands of the Larkin property and the new Social Services building in Lovingson specifically. She noted that they did not know what other development may happen within that system area, but it was meant to look at the entire system over a 30 year period. Dr. Ligon asked if the study would give recommendations if a quantified number of houses were to go in, or something like that. Mr. Steele indicated that it would be a living document. Dr. Ligon asked how often they would circle back and get accurate numbers. Mr. Steele explained that if the baseline development planning that they came up with and presented to the Board did not include things that the Board thought may be on the 30 year horizon, then CHA would catch that at that point. He noted that the document would be developed in a way that if a property were to come available and the land use plan changed, they would be able to insert those numbers and determine what impact that may have on the plants and how soon they would have to upgrade. Mr. Steele indicated that he wanted to be mindful of the County's Comprehensive Plan and what the County had zoned for different types of development so they were not short sighted. He noted they were really focusing on the Larkin property because it had been lined up to be the next available property for development in that area. Mr. Reed asked whether the study would include Phase 2 of the Callohill property. Ms. McGarry noted that it could.

Ms. McGarry explained that in the Master Planning process of the Larkin property, the Board was interested in determining the feasibility of a water impoundment/ reservoir there along Dillard's Creek, as well as a treatment plant. She noted that they thought the first steps in determining that feasibility would be to examine the current capacities and how that measured up to what was in the plans for the Lovingson systems. Dr. Ligon commented that she had heard of projects being stopped because it was going to max out the Service Authority's capacity. Mr. Rutherford asked if Dr. Ligon was referencing the potential development in Lovingson. Dr. Ligon confirmed that she was. Mr. Rutherford noted that he thought the information that had been received from the Service Authority was that if the development took place, it would max out the capacity. Dr. Ligon asked what the point of the study was. Mr. Rutherford indicated that the point was to find out where the capacity really was and what the future could look like. Dr. Ligon said it sounded like the study was focusing on Larkin and Social Services. Ms. McGarry noted that those were the known development areas currently that could impact the water capacity. Dr. Ligon said it sounded like they were maxed out. Ms. McGarry explained that the potential Lovingson development was a particularly large development for the area and for that system, and the reason it was stopped was because the seller did not want to proceed with a contract for that project. Dr. Ligon noted that the information was put out there that the development would max it out. Ms. McGarry commented that it seemed pretty likely that it would have, but they did not have the analysis that they would have now, to say what things would get them to the 80 percent capacity. She commented that the study would provide much more solid data for the Board to base decisions on.

Dr. Ligon asked if the study would also determine if and when they would max out the capacity, and what to do next. Ms. McGarry and Mr. Steele confirmed that it would. Dr. Ligon asked if the water impoundment would be part of the study. Ms. McGarry noted that a water impoundment would be one of the options explored as means to expand the system capacity. Mr. Steele indicated that he did not plan on using the entire \$25,000 at this point. He noted that he really needed to work with the Planners to determine the land uses planned to calculate the demands on the plants and how it would affect the capacities. He explained that they would review three years of data at the water and wastewater plants to determine the actual amount of water that could be pulled out of that raw water source, what the plants could actually handle currently, and what the County had planned that would utilize those plants. He noted if all of that was under the 80 percent capacity, then they were done. He commented that he was sure that would not be the case, so they would determine when and what types of development would push them to that capacity and how quickly that would happen. He indicated that following that, they could work to determine what it would take to have a detailed cost estimate of what would be done at the plants, and what capital or revenue generation would be needed for either a phase one expansion of the plants to get the next ten years' worth of development planned, or whether a total replacement of the plant would be needed.

Mr. Reed asked for clarification on whether the proposed study would include an engineering study for the possible capacity of the development of a Dillard Creek impoundment, or whether it would signal a preliminary step for the Board to decide whether they wanted to do an engineering study on that. Ms. McGarry noted that the engineering study would be the phase two study after they got the phase one study back. Dr. Ligon commented that she was hoping for a Dillard Creek impoundment. Ms. McGarry noted that they wanted to be mindful of exploring all of the options, with that being one of the options.

Mr. Reed commented that the cost for what was proposed, was realistic. Mr. Steele commented that the proposal was worked to provide a milestone so that they could determine where to go next. Dr. Ligon noted that she understood, she commented that she just was frustrated with the studies when it seemed for years, people had been saying that a water impoundment was needed, but let's do another study. Mr. Steele noted that with the study, and a subsequent study, they could determine whether an impoundment was actually needed, or just a small upgrade to a plant.

Mr. Rutherford made a motion to approve CHA's Phase I proposal as presented with funding of not to exceed \$25,000. Mr. Harvey seconded the motion. Mr. Reed asked for the timeframe for completion. Ms. McGarry indicated that it would take 60 days from when CHA received all of the required data from County staff and Service Authority staff. She noted that staff would work to get all of the information to CHA in a timely manner. There being no further discussion, Supervisors approved the motion unanimously (5-0) by roll call vote.

Ms. McGarry noted they would include the transfer of funds in the March FY24 budget amendment. She noted that the County and the Service Authority would both be signatories on the proposal. She indicated that the Service Authority would be considering the proposal at their Board meeting later that week.

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

Ms. McGarry reported the following:

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.

Ms. McGarry noted that Faber Volunteer Fire Department's portion was \$82,887. She indicated that typically, fire departments would choose to fund their 20 percent through the Interest Free Loan Fund. She reported that Faber currently did not have any outstanding loans.

Jeff Fletcher, Assistant Chief of the Faber Volunteer Fire Department was present. He commented that if approved the chassis would be ordered for delivery in October. He asked if the Board could approve an early draw of \$119,000, noting that it would actually save \$9,200 off the total cost of the truck. He reported that they were replacing a 1988 tanker, which was costing them more and more in maintenance. He noted that it was time to upgrade for the safety and protection of their service area.

Mr. Rutherford made a motion to approve **Resolution R2024-11** and Dr. Ligon seconded the motion.

Mr. Parr asked about the \$9,200 savings and when the \$119,000 would be needed. Mr. Fletcher noted it would be needed sometime in the fall, around September/October. Ms. McGarry indicated that would be during the FY25 budget, so that would be fine. Dr. Ligon asked what would happen to the old truck. Mr. Fletcher noted that they may try to sell it.

There being no further discussion, Supervisors approved the motion unanimously (5-0) by roll call vote and the following resolution was approved:

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.

D. Lovingston Revitalization (Branding)

Ms. McGarry reported the following:

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.

Ms. McGarry noted that if the Board was amenable to the branding concepts, the recommended action was that they choose one of the presented options for implementation.

Ms. Maureen Kelley explained that the branding was part of the large scale revitalization of Lovingston. She noted that they had been working on this process since the early 2000's, starting with the Historic District and then moving through economic restructuring plans and streetscape improvement plans. She reported that they worked with a company called spill team. Ms. Kelley explained that the program of work occurred in November 2023 and included Lovingston stakeholders comprised of businesses and residents. She noted at the end of the second day, the convener asked the group what their highlight was. Ms. Kelley shared Sarah Holman's comment which she said she drove through Lovingston with new eyes. She explained that using the recommendations, they moved onto the actual brand and brand compass. She noted that the brand compass was the overarching message or voice, that defines who they are, so that they stay true and authentic to their brand.

Ms. Kelley indicated that they shared the information with a graphic designer who has done work for Bold Rock products and other national brands. She noted that spill team came back with three (3) identifiable monikers for Lovingston, which resonated throughout the work done to date: art, history and nature.

Ms. Kelley showed System 1:



She explained that branding was an overarching goal that guides and drives all communications. She noted that they did not want to move away or color too far outside the lines.

Ms. Kelley then showed System 2:



She noted that System 2 had more incorporation of historic units. She explained that while they could not mix the two systems, they could incorporate Virginia or 1807. She noted that overall, the two systems were

completely different. She explained that following the completion of branding work, they went out and spoke with different groups as well as small focus groups and spill team, which led to the tweaking of both systems. Ms. Kelley reported that she also spoke with the Nelson 29 Craft Beverage Trail producers, the Nelson County Historical Society, Wintergreen marketing team, the Small Business Development Center's marketing group, and small focus groups throughout the community. She noted that they got input from other Nelson communities as well. Ms. Kelley reported that she met with the Lovingston Village Association and the Lovingston Beautification group. She noted that they were there to talk with the Board about moving forward. Dr. Ligon asked Ms. Kelley if she felt if it had been properly circulated and commented on. Ms. Kelley commented that she felt pretty good about it. She estimated over 100 people, not more than 150, had seen the options. Dr. Ligon asked what the feeling from the people had been. Ms. Kelley noted that both systems had their advantages, which was why she was speaking to the Board. She indicated that she was there to ask the Board to choose. Mr. Parr asked which system was the favorite of the Lovingston Village Association. Ms. Kelley indicated that the Lovingston Village Association liked system 1.

Mr. Rutherford, Mr. Parr and Dr. Ligon indicated that they liked system 1. Mr. Rutherford thanked the stakeholders for their participation.

Ms. Kelley noted that next steps would be to work towards ordering banners. Mr. Rutherford suggested that they could place banners on the telephone poles in Lovingston. Ms. Kelley indicated that she had spoken with AEP, and the pole attachment agreement could be changed for banners.

Mr. Rutherford made a motion to approve C8 (System 1) as the brand for Lovingston. Dr. Ligon seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion and the brand below was adopted:



The Board took a brief recess.

Introduction of new reporter

Mr. Parr introduced and welcomed the new reporter for the Nelson County Times, Emily Barber.

E. Fourth of July Event Proposal and Funding Request

Ms. McGarry introduced the Fourth of July event promoter, Kenneth Venter. She noted that Maureen Kelley and Jerry West were also present, along with Jade Bunner of the Lovingston Volunteer Fire Department.

Ms. McGarry reported the following:

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. A music concert and free fire-works display coordinated by the Lovingston Volunteer Fire Department (pending funding approval) would be held on Thursday, the 4th, a Monster Truck show on Friday, the 5th, and a professional Rodeo on Saturday the 6th. 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.

Mr. Venter introduced Stars & Spurs at Oak Ridge as a family oriented event, noting that the most important thing was getting families together in a fun environment, thus promoting local businesses in Nelson County. He noted that it was a three-day event, that would start on Thursday, July 4th with a music concert. He explained that as part of the music concert, starting around 10am, there would be a soundstage with local music artists to be onstage for jam sessions. He noted the soundstage would also happen on Friday and Saturday.

Mr. Venter reported that Friday's big event would be a monster truck show in the evening. He noted that during the day Friday there would be a construction machine competition where the machines would play Jenga. He noted that the local FFA Chapter would have livestock showings on Friday and Saturday, along with 4-H. He reported that he met with Dr. Hester from the School Board and she was happy to assist in involving some of the clubs from the schools. Mr. Venter noted they may have art students displaying their work while also working on their art at the event. He also commented that the color guard from the elementary school may work with the high school marching band to perform during the either the rodeo, or the monster truck show. He indicated that there would be a lot of things happening that focused on family. He reported that there would be food trucks, along with local craft beverages in the beer garden. He noted that there would also be local market stalls. He stated that they wanted to keep the admission prices as low as possible and he noted they were looking at a \$20 per person admission fee.

Mr. Venter indicated that the fireworks display, if approved, would happen at Oak Ridge. He explained that people coming to the event would come in at Gate 1 and Gate 5 where they would pay their admission and enter the event. He noted that they planned to admit people only attending the fireworks at Gate 6 where the Oak Tree is. He reported that food vendors present at that entrance also. He assured that those watching the fireworks and those attending the event would have equal vantage points to view the fireworks that evening.

Mr. Venter also reported that the local Volunteer fire departments would have a firemen's competition during the event. He noted that there would be a children's firefighting program as well.

Mr. Reed asked where the general admissions proceeds would go. Mr. Venter reported that the proceeds would go to the event organizer. Mr. Reed commented that while the event would promote many things in Nelson County, it would be put on privately in hopes that the private company would make money. Mr. Venter noted that yes, in hopes it would, but with an inaugural event, it was doubtful.

Mr. Reed stated that he had a problem with the change of the event for fireworks. Mr. Reed noted the past there had been no charge for the fireworks, and he understood that Mr. Venter was proposing an opportunity for people to see the fireworks without having to pay for it, but it did fall into a promotion of the event at the same time. Mr. Reed expressed concerns about moving the fireworks from something that was truly community focused, to one that was more focused on an event. He noted that he had a conflict in his head on whether that should be approved or not. He commented that the County had been supportive of the fireworks in the past, which he had been supportive of. He noted that it seemed like a \$21,000 investment in an event and fireworks did not have the same community impact.

Mr. Venter noted the would involve the community and create opportunities for small businesses and for the youth. He reported that the rodeo purse would bring riders from across the country to Nelson. He noted that they were focused on family, and indicated that more sponsorships would allow for the ticket prices to be cheaper which meant they would accommodate more families at the event. He explained that the pricing for the food vendors and market vendors was way below the normal market price. Mr. Venter noted they were not looking to make a million dollars and roll in the money. He indicated that they were trying to make it an annual event and get the County out there.

Dr. Ligon commented that she realized it did muddy the waters some. She noted that she did not know there were fireworks last year until the day of. She suggested that with the increased promotion and signage from the event company, it was possible that more of the community would be involved. She was excited that it would be in the South District. She commented that she had spoken with lots of older citizens who remembering fireworks and Nelson County Day being at Oak Ridge. She noted that she understood where Mr. Reed was coming from.

Mr. Venter stated that he was the promoter and he would have a rodeo person contracted. Mr. Parr noted there were lots of logistics involved in these types of events. He asked what Mr. Venter's background was in putting on events. Mr. Venter noted that he had experience planning events in South Africa. Mr. Parr

asked who would have logistics like parking cars, particularly with the free fireworks parking areas and the paid attendee parking. Mr. Venter indicated that he was contracting with a security firm that the rodeo used. He noted that the security firm would manage the parking and security. Mr. Parr asked if Mr. Venter had spoken with the local FFA leaders. Mr. Venter noted that he had and they were on board. Mr. Parr asked if any thought had been given in making a donation to a local charity or organization. Mr. Venter indicated that there was a donkey sanctuary that would be part of the event. He explained that they would have an adopt a donkey promotion and donkey cart rides. He noted that there would be specific sponsors each focusing on a specific part of the program. He indicated that he would be soliciting corporate sponsors. Mr. Parr asked if that corporate sponsorship money would have the opportunity to be funneled back into the community, not just into the event organizer's pocket. Mr. Venter indicated that was correct.

Mr. Parr commented that he liked the idea of having something going on, leading up to a fireworks display. He thought it was nice to not have to leave and go somewhere else to see the fireworks. He commented that he liked how the event tied in not as just a community day, but a community weekend.

Mr. Rutherford suggested asking the fire department come up to discuss their funding request for the fireworks. Ms. McGarry explained that they would be separate asks, \$10,000 for the event sponsorship and \$11,000 to the fire department for fireworks.

Dr. Ligon asked Mr. Venter if he felt there would be a profit made in year one. Mr. Venter noted he did not, he noted there were infrastructure needs that were not there. He indicated that there would be a huge expense to get the water and electricity going. He explained they were discussing options to invest in permanent infrastructure on site.

Mr. Reed noted that he was all in favor of Oak Ridge events, and the promotion of the County and bringing people together. He commented that he did not think piggybacking 4th of July fireworks onto a private event was a good plan. He said that he wanted to see them separate because he thought there were many people in the County would not choose to participate in the type of event being presented. He commented that a fireworks event for the 4th of July was truly for everybody, but a big event at Oak Ridge was not for everybody. He stated that muddying the waters between a national celebration for the independence of our country and using that as a promotion for the event was a poor plan.

Dr. Ligon asked if money were to be slated for infrastructure for future events, would the \$10,000 be a recurring ask each year. Mr. Venter commented if possible. Dr. Ligon asked Mr. Reed if he would feel better about if the money went towards facility rental, or if he was not in favor of any funding at all. Mr. Reed stated that he did not like the message of the County supporting a private event. Dr. Ligon disagreed with Mr. Reed, noting she was happy about the possibility of kids having fun with firefighters. She noted that this could be a place for families to congregate and enjoy themselves. She commented that that was the point of the Larkin property and the request was a much smaller ask. She noted that they would possibly be able to see how the community engages and enjoys it.

Mr. Venter commented that Nelson County would be promoted in the marketing and advertisement of the event.

Mr. Parr commented that they had all heard from the residents of the County that there were not things for the children to do. He noted that he saw this as an opportunity to kick start something. Mr. Parr stated that he did not think the County needed to assist in funding the event indefinitely, noting that he would like to see the event get up and running and become self-sufficient. He commented that he supported helping to kick start the event. Mr. Parr stated that he did not see it as the County paying a private company for their fireworks display and excluding anyone, rather he thought it provided an opportunity to include more people who would be there doing something with their families. He noted that if someone did not want to pay \$20 to go to the event, there was an additional opportunity to see the fireworks just like everyone else. He commented that he thought it was a great venue for it, and he was excited about the possibility. Mr. Parr agreed with Mr. Rutherford that he wanted to hear from the fire department first.

Ms. Jade Bunner of the Lovingson Volunteer Fire Department presented the fire department's request. She reported that for last year's fireworks show, they used Mike Durbin with Virginia Skypainters. She noted that they intended to use Mr. Durbin's services again for the upcoming show. She commented that the fire department felt that Mr. Durbin put on a phenomenal show for those who were there. She agreed that they did not promote the fireworks event enough last year. She noted that the request in May last year did not allow enough time for more advertising. She indicated that they were asking for a maximum allowance of \$11,000, which was to account for inflation. She noted they did not yet have a final cost. She reported that last year's show was about \$9,500. Ms. Bunner noted that they were anticipating some inflation in cost, but they also wanted to add in a few more 6 inch mortars for the show so that it was not the same as last year. She commented that the show would still be 15 to 20 minutes long. She indicated that the fire department was in support of whatever the Board decided, and she noted that the fire department enjoyed putting the show on last year and she thought they were capable of doing so this year. She assured that they

would keep things safe, noting that they would have a truck next to the launch and also have trucks available to go into the woods if something were to happen.

Mr. Rutherford commented that in his mind, the fireworks and the event were separate. He noted that some logistics still needed to be worked out related to the fireworks, included the location where they would launch the fireworks. He asked if that had been worked out. Ms. Bunner indicated that the fireworks location had not yet been determined. Mr. Rutherford suggested that the Board could provide the funding for the fireworks so that the fire department could procure the contractor for the fireworks, with the location to be determined. He noted that he was glad they were considering it in February because last year there were a lot of logistics that were unforeseen. Mr. Rutherford noted that he viewed it as two different things, with the fireworks TBD as the launch site has not been confirmed. He explained that when they had originally first tried it, Oak Ridge was the first choice in their minds. He noted that it was not a geographical thing, Oak Ridge was the intended place at that time. He commented that was still a logistic that needed to be overcome. Mr. Rutherford suggested that they make one motion to approve funding for the fireworks with the location to be determined, and a separate motion related to \$10,000 for the event. Dr. Ligon was fine with splitting the items up in the motions. Mr. Rutherford noted that they would have a few months to finalize the fireworks location. Ms. Bunner indicated that the launch site depended on having permission from Infinity Downs to launch. She explained that the fireworks needed to be a certain distance from any person or vehicle. She noted that if they were planning to use the Gate 6 for the free parking for fireworks attendees, the launch site would shift to behind the racetrack into Infinity Downs.

Mr. Rutherford made a motion to approve funding up to \$11,000 to the Lovingson Volunteer Fire Department for Fourth of July fireworks. Dr. Ligon seconded the motion. There being no further discussion, Supervisors voted (4-1) by roll call vote to approve the motion, with Mr. Reed voting no.

Mr. Rutherford asked Mr. Venter, if the Board were to approve the request, when the funds would be needed. Mr. Venter noted that the funds would be needed three months prior to event, and they would be used as part of the site rental to Oak Ridge. Mr. Rutherford suggested a reimbursement option. Dr. Ligon asked if the County could pay Oak Ridge as part of the rental payment. Mr. Parr noted the potential concern was that if Mr. Venter was there today and gone the next, what would happen to the \$10,000. Mr. Parr commented that if the event did not happen, and the money was paid directly to Oak Ridge, they knew the money would come back to the County. Dr. Ligon suggested seeing the signed contract with Oak Ridge and then send the money to Oak Ridge. Mr. Rutherford asked if there were any procurement issues to think about. Ms. McGarry noted it would be a sole source type of arrangement for procurement. She indicated that it would be cleaner to do a donation to Oak Ridge, rather than require a reimbursement process.

Dr. Ligon made a motion to pay Oak Ridge the \$10,000, once a signed contract was confirmed between the event organizer and Oak Ridge for the Stars & Spurs event. Mr. Rutherford seconded the motion.

Ms. McGarry asked if the Board would be comfortable with staff verifying the signed contract. Dr. Ligon asked for two staff members to verify. The Board was in agreement to having staff verify the contract. There was no further discussion and Supervisors voted (4-1) by roll call vote to approve the motion with Mr. Reed voting no.

Mr. Parr thanked Mr. Venter and Ms. Kelley for their work and noted he was looking forward to the event.

F. Sheriff's Department Vehicle Funding Request (R2024-12)

Sheriff Mark Embrey reported that he was present to request additional vehicles for the Sheriff's fleet. He noted that the request was being made independently from any future requests that would be associated with the FY24/25 fiscal budget.

Sheriff Embrey explained that when he took office on January 1, 2024, the Nelson County Sheriff's Office and the County of Nelson presently owned two (2) canine assets. He reported that the department had four (4) total canines, with two (2) of those owned by the County. He explained that the first canine asset was Canine Bane. He reported that Canine Bane's handler vacated the position in December and when that took place, Bane was transferred to the Nelson County Animal Shelter, where he was still currently located. He then noted the second canine asset was Canine Xombie. He explained that Canine Xombie returned to the Sheriff's Office on January 1, 2024 upon the appointment of Deputy Johnson, handler for Canine Xombie. Sheriff Embrey reported that Canine Xombie and Deputy Johnson were assigned to one patrol vehicle that was allotted and dressed out in full canine attire. He noted that the only vehicle equipped with canine equipment was a Chevrolet Tahoe that had about 139,000 miles on it. Sheriff Embrey explained that Canine Bane resided at the Animal Shelter because they were in the process of selecting a second canine handler. He noted that they had two candidates in mind that were working with Bane on a regular basis. He indicated that they hoped to have Bane's handler selected by March 1st.

Sheriff Embrey indicated that the Chevy Tahoe was high mileage and had been experiencing lots of maintenance issues, overheating and transmission issues. He noted it was beyond its lifespan. He indicated

that his intention was to purchase two (2) canine vehicles from Amherst County’s Sheriff Ayers. Sheriff Embrey explained that Sheriff Ayers had two fully equipped canine patrol vehicles available for purchase, both being 2023 Dodge Durangos. He noted that one Durango had 9,000 miles and the other had 23,000 miles. He reported that he and other staff members had evaluated both vehicles and they were very nice vehicles that would handle the needs of the agency immediately. He noted it was his intention to purchase both vehicles.

Sheriff Embrey explained that there were enough funds in the Sheriff’s Office Asset Forfeiture line to purchase one of the vehicles. He reported that the vehicle prices were negotiated and determined based on the Kelly Blue Book value of each as well as the equipment included. He indicated that the costs for each vehicle were \$55,000 (Durango with 23,000 miles) and \$60,000 (Durango with 9,000 miles). Sheriff Embrey noted that his office would use Asset Forfeiture funds to cover the entire cost of the \$55,000 vehicle. He explained that the second vehicle at \$60,000 would be paid for using a combination of funds, which he noted Ms. McGarry would be able to further elaborate on. Sheriff Embrey indicated that the Chevy Tahoe would remain in the fleet. He noted they were hurting for vehicles and stressed the need for more, particularly since the department was nearly fully staffed, and would be fully staffed on March 1st. He indicated that the Chevy Tahoe would be utilized as a spare vehicle.

Sheriff Embrey requested \$45,000 for a third patrol unit. He explained that the vehicle would be utilized as an administrative vehicle. He noted that the VSA (Virginia Sheriff’s Association) Contract they had previously utilized Sheehy Ford with showed a base price just under \$40,000. He explained that the additional money would be used for a standard emergency blue lights system. He noted that the vehicle would not be outfitted for pursuit. Sheriff Embrey noted that he selected this particular vehicle to save the County money. He further noted that it would be a standard sport utility vehicle with the basic necessities and used solely as administrative. He stressed that the vehicle choice was to save money. He reported that he would be asking for more in FY25 budget to help alleviate the burden that they had with vehicles. Sheriff Embrey explained that he was looking for authorization for purchasing two out of the three vehicles, noting that he was going to purchase one out of Asset Forfeiture Funds. He noted that the addition of the three vehicles would alleviate the current burden until the FY25 budget could be addressed. Sheriff Embrey discussed the four canine assets in his department further. He explained that two of the canines were owned by a deputy appointed by him on January 1st, one of the canines being trained for arson/bombs and the other trained for narcotics. He noted that Canines Xombie and Bane were search and narcotics trained, and both owned by the County. He reported that Xombie had performed well in the last month and a half with narcotics seizures. He noted that he planned to put all assets to use and commented that the Asset Forfeiture funds would continue to build based on the amount of arrests moving forward.

Dr. Ligon asked how much it would cost to purchase a new canine unit would cost and how long it would take for delivery of the unit. Sheriff Embrey did not have current pricing for vehicles. Ms. McGarry estimated that it would probably take a year to get a new vehicle and then have it equipped. She commented that the supply chain issues seemed to be getting a little better for new vehicles. She noted in the last fiscal year, the County waited two years to receive two Maintenance trucks, which was similar to Sheriff’s vehicles as well. Ms. McGarry indicated that dealerships were starting to get more stock on the lot, so vehicles were a little easier to get. She noted that these particular vehicles were specialized vehicles with specialized equipment so they would probably take longer than a regular vehicle to get. Sheriff Embrey reiterated that the need was immediate. He noted that Canine Bane was being cared for by Animal Control and the two handler candidates were getting him out for exercise, but he really wanted to get him assigned to a handler as soon as possible.

Ms. McGarry reviewed the following information:

The vehicles are proposed to be funded as follows and **require additional local funding from the sale of salvage vehicles of \$30,864 and budgeted Non-Recurring Contingency of \$30,990:**

Vehicle Costs:	\$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

Proposed Vehicle Funding:	\$55,000 Budgeted FY24 Sheriff’s Dept. Asset Forfeiture Funds
	\$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.

Mr. Parr commented that he almost wished he did not know that Officer Bane had been in lock up since December. He noted that it hurt his heart. Ms. McGarry commented that they all had heartburn over it, but there was really no other option at the time. Mr. Parr commented that he was confident that Officer Wright and his staff were taking care of him, but it was heartbreaking to have a dog trained to do that type of work and have it just sit there. Ms. McGarry noted that Sheriff Embrey's officers had been out there working with Bane frequently.

Mr. Reed asked how the proposed vehicle funding affected the balance that would be remaining in the asset forfeiture fund and salvaged vehicle funds. Ms. McGarry estimated that there would be about \$45,000 to \$47,000 in the Sheriff's Asset Forfeiture line after using the \$55,000. She noted that once the vehicle purchases were made, there would be a \$0 balance in the budgeted Sheriff's Vehicle Funding. She reported that all of the Salvaged Vehicle funding (\$30,864) would be used. She indicated that she could provide an update on the Non-Recurring contingency once the Board had made all of its decisions for the day. Mr. Reed commented that there was enough funding in Asset Forfeiture Funding to cover the entire funding instead of transferring from Contingency balance. Ms. McGarry confirmed that there was enough funding in Asset Forfeiture. Dr. Ligon asked what else the Asset Forfeiture funding would be used on. Sheriff Embrey noted it was more of a rainy day fund for unknown expenses that may come up.

Dr. Ligon asked what the ideal mileage limit was for police vehicles before retirement. Sheriff noted 100,000 miles. She pointed out that they had about 12 vehicles beyond that maximum mileage. Sheriff Embrey explained that their staffing included 27 sworn patrol deputies to be fully staffed. He reported that they were currently at 24 deputies. He noted that they were going to appoint two more officers as investigators, one general investigator and one narcotics investigator, which would bring them to 26 deputies. Sheriff Embrey indicated that they did not know what vehicles they would put those people in. He commented that was a good problem to have and a terrible problem to have, noting they had great people but they had equipment issues that would take time and money to get caught up.

Dr. Ligon asked if any vehicles were on order. Sheriff Embrey explained that they currently had three (3) vehicles in possession that had been purchased in the FY23 budget but were not yet outfitted. He noted that the equipment had been purchased and they were working to try and get an installation date scheduled. He explained that the new vehicle he was requesting as an administrative vehicle would become his vehicle, and the pursuit rated vehicle would go to a patrol deputy. Dr. Ligon asked what it would take to make the administrative vehicle pursuit rated. Sheriff Embrey noted it was the type of chassis and more money. Dr. Ligon asked why they would purchase an administrative vehicle when they had other needs. Sheriff Embrey explained that that it was to save money and he did not need a pursuit rated vehicle. Mr. Reed suggested that it would make more sense for Sheriff Embrey to use funds from Asset Forfeiture to cover the purchase. Ms. McGarry confirmed that \$47,812 would be left in the budget for Asset Forfeiture. Dr. Ligon noted she saw a need for 9 more vehicles very soon. Sheriff Embrey indicated that he did not request that many in the budget request.

Dr. Ligon asked how long it would take to generate Asset Forfeiture funds. Sheriff Embrey explained that it went through the legal process and sometimes it could take years to get through the process.

Mr. Rutherford made a motion to approve the Sheriff's vehicle funding request as presented. Dr. Ligon seconded the motion.

Mr. Reed offered an amendment that instead of taking the \$30,990 from the Non-Recurring County contingency, they use the Sheriff's Asset forfeiture funds. Mr. Rutherford noted that the County did not have the authority to touch the Asset Forfeiture money. Ms. McGarry indicated that the Sheriff would need to be agreeable to use his Asset Forfeiture funds for the purpose. The original motion remained in place.

Dr. Ligon commented that she felt with the increased policing the County had, and a new Sheriff, hopefully they would have more funds coming in. She suggested that they support the Sheriff and his needs.

There being no further discussion, Supervisors vote (4-1) to approve the motion with Mr. Reed voting no.

Mr. Parr noted that the Board needed to adopted Resolution R2024-12, Amendment of Fiscal Year 2023-2024, to provide immediate funding for the funding request just approved.

Mr. Rutherford made a motion to adopt **Resolution R2024-12** as presented and Mr. Harvey seconded the motion. There being no further discussion, Supervisors approved the motion (4-1) by roll call vote and the following resolution was adopted:

**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>
<u>\$30,864.00</u>	3-100-001502-0005	4-100-091050-7078
\$30,864.00		

II. Transfer of Funds (Non-Recurring Contingency)

<u>Amount</u>	<u>Credit Account (-)</u>	<u>Debit Account (+)</u>
<u>\$30,990.00</u>	4-100-999000-9905	4-100-091050-7078
\$30,990.00		

VI. REPORTS, APPOINTMENTS, DIRECTIVES AND CORRESPONDENCE

A. Reports

1. County Administrator’s Report

Ms. McGarry provided an update on the balance of the Non-Recurring Contingency after the funding approvals from the meeting. She reported that they started with \$228,280 after the day’s budget amendment and after the five (5) funding approvals, they had \$151,290 in Non-Recurring Contingency. She noted that they still had \$500,000 in Recurring Contingency.

Ms. McGarry provided the following report:

- A. Comprehensive Plan:** The project website is www.Nelson2042.com. The Planning Commission held its public hearing on January 31st and now they will review comments and make a recommendation on the Plan to the Board of Supervisors at their regular meeting on February 28th. The Board of Supervisors will then review the Planning Commission’s recommendation at their regular meeting on March 12th, prior to their public hearing on March 20th. 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 16th 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 15th 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 9th 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 8th. 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 22nd:** Budget Work Session
- **March 14th:** Approval of the 2024-2025 School Budget
- **March 18th:** Approved and Requested 2024-2025 Budget Presented to Board of Supervisors

Key Upcoming General Assembly Dates:

- **February 13th:** "Crossover", deadline for the House and Senate to each complete work on legislation originating in that Chamber (except for budget bills)
- **February 18th:** "Budget Sunday", deadline for the "money committees" to report their respective budgets by midnight.
- **February 22nd:** Deadline for House and Senate to each complete consideration of their budget bills.
- **February 28th:** Deadline for House and Senate to each complete consideration of the other chamber's budget bill and revenue bills.
- **March 4th:** Deadline for committee consideration of legislation, by midnight.
- **March 9th:** Scheduled General Assembly adjournment.
- **April 17th:** Reconvened General Assembly session for consideration of Governor's amendments and vetoes.

Ms. McGarry indicated that County staff was working towards a budget introduction of the General Fund budget at the Board's regular meeting in March.

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 12th 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 7th. The Regional Jail Board will consider this input and come to a decision on the preferred option to proceed with at their March 14th 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 10th 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, Lovingston, VA)**. In the event of inclement weather, the meeting will be held on March 4th 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 20th.
- 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 27th, 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.

2. Board Reports

Mr. Rutherford:

Mr. Rutherford reported that he attended the TJPDC meeting, and noted there was not much on the agenda. He indicated that Sandy Shackelford would be departing soon. Mr. Reed noted she would be working for VDOT. Mr. Rutherford discussed Line of Duty Benefits (LODA) work, noting it had taken a lot of his time. He thanked Senator Deeds and Senator Obenshain for acting as patrons for the bill. He reported that it passed in the Senate and would go back to the original House subcommittee on Public Safety where the bill failed. He explained that on the House side, they had omitted further fiscal impacts. He noted that private police departments had volunteered to figure out those costs amongst themselves. Mr. Rutherford asked people to advocate and email their representatives. He reported that he attended the Chairman's retreat but noted he had to leave early on Saturday when they had a speaker who did a great job. He noted it was good to have Ms. Ligon join them.

Mr. Harvey:

Mr. Harvey had nothing to report.

Mr. Reed:

Mr. Reed reported that he had met with Christine Jacobs at TJPDC, noting that she used to run a land bank. He indicated they had discussed if, how and why a land bank might be something that the County would be interested in. He noted that they had only had preliminary discussions so far. He indicated that he was happy to get together and discuss it with anyone interested.

Dr. Ligon asked where they could learn about land banks. Mr. Reed commented that he could send some links online that they could look at. Mr. Reed and Mr. Rutherford suggested that Keith Smith was a good resource. Mr. Rutherford also suggested that Christine Jacobs would be a good person to talk with. Mr. Reed noted that Ms. Jacobs had provided a few suggested people to speak with. Ms. McGarry noted that staff could certainly schedule for any of those people to provide a presentation to the Board. Mr. Reed suggested that they see what the intentions are in the community before they schedule anything.

Dr. Ligon:

Dr. Ligon had nothing to report.

Mr. Parr:

Mr. Parr noted that EMS council did not meet. He echoed Mr. Rutherford's comments on the Board session attended. He noted that the Saturday speaker was fantastic.

B. Appointments

Ms. Spivey noted that they were advertising for the MACAA Board of Directors as Mr. Sandquist did not wish to serve another term. She noted it had been advertised online and in the newspaper. She asked that the Board send any interested persons to staff.

Ms. Spivey reported that they currently had a vacancy on the Economic Development Authority (EDA). She noted that staff had been notified that Natt Hall had passed away in the fall, and they were not notified until the last few weeks.

C. Correspondence

Mr. Rutherford reported that he had a lot of interactions not with solar entities, but with those referencing the change in legislation that was happening in the House. He noted that he was not aware of the status of the bill. He indicated that the County needed to continue to monitor it. He noted concerns with the possibility of having local discretion removed and the impacts from that.

D. Directives

The Board had no directives.

VII. ADJOURN AND CONTINUE – EVENING SESSION AT 7PM

At 5:12 p.m., Mr. Rutherford made a motion to adjourn and reconvene at 7:00 P.M. and Dr. Ligon 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 back to order at 7 p.m. with four (4) Supervisors present to establish a quorum and Mr. Harvey absent.

II. PUBLIC COMMENTS

David White - Roseland, VA

Mr. White noted that Mr. Bell wished to give him his time, so he would speak for 5 minutes and Mr. Bell would not be speaking if that was okay. Mr. Parr indicated that they would make that work. Mr. White stated that he was born in New Jersey and at age 12, his family started going to Massachusetts for summer vacation. He noted that about halfway there, they would stop the car and have to clean the windshield of bugs. He stated that last July, they drove by car to Central Minnesota for a family funeral. He noted that they drove 2,500 miles there and back, and not one bug hit the windshield. He commented that over the last 60 years or so, there had been a disappearance of flying insects and crawling insects. He noted that scientists who were aware, were putting it out that there was a problem but they were not telling why. Mr. White commented that after World War III, the United States government started weather modification, climate engineering, solar radiation management, and stratospheric aerosol injection. He then commented that they were spraying the atmosphere with aluminum and other nano particles that are so tiny, they do not come under government regulations. He noted that in May 1978, the United States Senate Committee on Commerce, Science and Transportation did a nearly 800 page report where at the beginning of Chapter 5, they said the federal government has been involved for over 30 years in a number of aspects of weather modification. He noted he had provided the Board with folders that included the information and they could take time to review it at home. He commented that the report went on to say that Defense Department aircraft worked weather patterns in the Mid-Atlantic area. He stated that they admitted that the United States was doing this and noted that the report discussed damages in in the mid-Atlantic region. He commented that the subject had been covered up for almost a half century. He stated that a growing number of people were concerned that our climate is being devastated by this activity. He noted that he did an

aluminum sample in a lab, and there was a lot of aluminum the sky in this County. He stated that the lab would not allow him to tell everyone how much.

Mr. Bell – Mr. Parr noted that Mr. Bell had deferred his time to Mr. White. Mr. Bell confirmed.

Elwood Waterfield - Nelson County resident

Mr. Waterfield stated that he was homeless because the County stole his land from him, to silence him about the corruption in the County. He noted he was back to bring up the fourth item that he had forgotten earlier. He asked the Board to do the following: pass a resolution to make Nelson County a bill of rights sanctuary; appoint an oversight board for the Sheriff and for the Board; bring back Keep Nelson Beautiful, in addition to public comments at the beginning of the meetings, add a public comments section at the end of the meeting. He commented that he filed an anti-SLAPP motion 8 months ago and every one of the Board should be in jail. He stated that by law, the anti-SLAPP motion was supposed to be heard in court within one month of filing.

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.

Ms. Bishop presented the following:

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

Public Hearings Scheduled: P/C – 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.

Applicants J.H. Fitzgerald and Roberta Fitzgerald were present but did not have anything to add.

Mr. Parr opened public hearing.

Jeri Lloyd – Afton, VA

Ms. Lloyd commented that she knew the Planning Commission had recommended approval, but she still thought it was a bad idea. She noted that there were already two units in that area. She asked why they continued putting those tiny campgrounds on tiny pieces of land. She commented that at one point, she thought the individual said it would help with housing. She noted that it did nothing for housing in Nelson County. She indicated that she could not personally put a mobile home on 0.828 acres because it was not allowed, but they were wanting to put two campsites that were mobile in a floodplain. Ms. Lloyd noted that would make four sites in a very small area. She commented that she hoped the Board did not approve it because it was just one after the other, and it was getting very frustrating to see what was happening to Nelson County through Special Use Permits.

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

Dr. Ligon commented that she had been pleased over the last year or so, watching the use of the two tiny home sites that were located there, and how clean it has stayed. She noted that there were plenty of things that had happened along Route 56 to Montebello that made her cringe, and this was not one of them. She thanked the applicants for keeping that area clean and for representing Nelson County the way that they had.

Mr. Reed commented that it was a little more problematic than it would normally be, because not long ago, the same party came before the Board for two sites that were approved. He commented that if the applicants had come before the Board then with an application for two sites on one parcel, and then two sites on another, he would not have thought very positively about it, because that concentration seemed to be a little much, given the range of SUP's while they were waiting for a new Comprehensive Plan. He noted that he was surprised that there had not been significant discussion on it from the public, given the questions in his mind. He commented that he had hoped to make up his mind based on the Public Comments, but there was only one and it was not positive. He indicated that he wanted to see what the rest of the Board thought.

Mr. Rutherford noted that he did visit the site. He commented that he appreciated that the applicant had asked to do two previously and had a good proof of product. He noted that he thought it was a good benefit to that part of the community and created some income for some individuals. He commented that he did not see it as being a major hamper. He noted that he was willing to make a motion when the time came to do so.

Mr. Parr commented that he did not have much to add, he noted as West District representative, there had been no concerns shared with him about the project. He reported that he had only received positive feedback from the two existing sites, noting that they were well maintained. He indicated that he was prepared to entertain a motion.

Mr. Rutherford made a motion to approve **Special Use Permit #1044** with the Planning Commission's recommended conditions – 1) There shall be no more than two (2) sites, and the two (2) units shall be provided by the property owner; and 2) the sites shall be serviced by adequate water and septic facilities to be occupied. Dr. Ligon seconded the motion. There being no further discussion, Supervisors approved the motion (3-1) by roll call vote with Mr. Reed voting no.

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.

Ms. Bishop introduced the following:

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.

Ms. Bishop indicated that there had been a handful of new comments since the Planning Commission meeting and they were included in the Board packets. She noted that the handouts provided to the Board were going to be speakers during the Public Hearing from the church.

Applicant Kelly Kahle was present. Ms. Kahle indicated that she had owned the property since 2004 and had the opportunity to raise her family in Nelson County. She noted that some things had happened in the past few years which caused her to be out of the area for personal health reasons. She indicated that she was now in the position where she could come home and be with her children and grandchildren. Ms. Kahle noted that she was disabled, and this was something that she would be able to employ four (4) individuals through the project and allow opportunity for economic development. She reported that she would be residing there. She noted that her building application was currently being reviewed, and the well and septic permits had already been approved. She noted that she was planning to reside in her former business, Kelly's Garden Center and Florist. Ms. Kahle reported that her business operated from 2006 to 2011. She noted that the business grew onsite, but people also came with their Girl Scouts to meet and receive merit badges. She commented prior to cell phones, people stopped to take pictures of each other with the mountains as the backdrop, and the flowers. She stated that her property was also recognized both nationally, and state, which she noted that she had submitted for review.

Ms. Kahle explained that she was partnering with two (2) non-profits. She noted that Crossing the Bar Ministries was founded by Phyllis and Rob Primrose. She explained that Mr. Primrose was a Desert Storm vet, and their Christian ministries worked with Veterans and other individuals suffering from PTSD (Post-Traumatic Stress Disorder). She explained that the second non-profit was founded by veterans from Waynesboro, Kathy and Russ Myers. She noted they were military veterans working with families and ministries that needed training and respite due to the burnout rate in leadership. She commented that without those ministries, she would not have made it through the time when she really needed leadership. She stated that she wanted to share the beauty that was hers because it was historical. She noted that there was not a building that made it beautiful, it was what she looked out and saw every day. She commented that people had a right to share what was theirs. She noted that it was not about the traffic. She said she was glad that there was going to be a turnaround at Route 6 as it would only make things better.

Ms. Kahle noted it was great that they had a wood ministry, but when the pile was larger than the garden, that said something. She commented that if they were concerned someone would steal water, burn something down or vandalize it, that showed that they automatically felt like everyone was a criminal. She asked the Board to not allow fear mongering and the fear of change to allow them to dictate their decision. She noted that she had been there for 20 years and they had hunted their land and eaten the food. She commented that they had taught their girls to shoot and protect themselves, and that was no louder than a firecracker. She noted that they had bonfires and burned their owned wood, and no one had bothered them. Ms. Kahle commented that it had not changed the character of their neighborhood. She commented that, even if fires were allowed, or if they were to build homes on either of the lots, she was not asking for anything out of the usual. She reported that the driveway that so many of the petitioners were saying belonged to the church, did not. She noted that the fence being requested on the Southside of the property had nothing to do with a teepee or yome because they were all the way up on the hill, 65 feet from the property line. Ms. Kahle addressed noise concerns, noting that it was the country, and people on Lodebar hunted and fished. She asked why she should be denied the right to her only income available by an organization that was asking special favors from a state organization.

Dr. Ligon asked the name of the second non-profit. Ms. Kahle noted that the non-profits were Crossing the Bar and Heaven's Gate.

Mr. Parr opened the public hearing.

Phyllis Savides - Afton, VA

Ms. Savides stated that she resided in Afton and was also an Elder of Rockfish Presbyterian Church. She noted that from the perspective of the Comprehensive Plan, the application should be denied because it would be premature to approve a Special Use Permit before the new Comprehensive Plan was approved and implemented in the Zoning Ordinance. She explained that the Comprehensive Plan was the guiding policy for the future of the County. She noted that a special use permit was permission to use land in a new way and was a permanent approval for an additional use. She stated that review of the application now for new short term rentals would be based on an outdated Plan and Zoning Ordinance, while the new draft Plan specifically recommended addressing the many concerns about short term rentals on a county-wide basis. She noted that the new proposed Plan said that “short term rentals can impact neighborhood character and quality of life – with issues such as parking, traffic and noise. The County should consider defining short term rentals and specifying performance standards in the Zoning Ordinance to help mitigate negative impacts.” Ms. Savides commented that the application for short term rentals should not be approved on the cusp of new regulations to address the negative impacts many had experienced. She suggested that there should be performance standards or regulations, as recommended, to help prevent or minimize problems. She reported that their church was recognized as historic by the State of Virginia and the US Government. She noted that this was a key consideration of the fourth special use permit criterion in the current Comprehensive Plan as well as the draft Comprehensive Plan. She noted that the new plan also included several statements regarding the key importance of historic resources to Nelson County. She noted that protecting natural and historic resources is a top priority for the community. She stated that there was language calling for working with partners to “Identify, Protect and Celebrate historic properties”. She noted that the church had already been identified and it should not be protected. Ms. Savides noted that the next statement called for “sustainably protecting natural and historic resources for future generations”. She indicated that the church housed many documents, books and photographs reflecting the history of the County. She noted that the proposed use did not protect the historic resource, the church and its contents, it threatened it. She asked the Board to deny the special use permit, because an approval now, would be based on an outdated plan, and that was inappropriate, especially since the new plan recommended regulating short term rentals differently. She stated that the application did not meeting any of the four required criteria for approval of a special use permit.

Mary Hopkins - Roseland, VA

Ms. Hopkins stated that she was a property owner and resident of Nelson County, as well as a member and Elder of Rockfish Presbyterian Church, which abutted the property being discussed. She noted that a historic marker placed in front of the church, stated it roots date back to 1746, which was 278 years ago. She commented that within the South Rockfish Historic District, their Church was a specifically recognized as a contributing factor to the District, and it was listed in the National Register of Historic Places. Ms. Hopkins stated that their congregation has worshipped in the same sanctuary for 171 years. She noted that the church housed significant documents and it contributed to Nelson County with its missions. She stated that they feared approval of the permit would put the historic church and its many community activities at increased risk particularly from fire. Ms. Hopkins noted that there was no fire suppression or sprinkler system in the historic church because it was too expensive. She stated that damage or loss of the building would cause irreparable harm and would be a devastating blow to the congregation, and to Nelson County, as hundreds benefit from their missions. She noted that the applicant stated that campfires would not be permitted, but often times visitors to Nelson County on vacation could be lax in following rules. She noted that it was unreasonable to expect that all campers would honor the restriction at an unsupervised campground, as campfires are a typical feature of camping for warmth, cooking or ambiance. Ms. Hopkins stated that any fire could get out of control if left unattended, and without running water, there would not be enough water available to extinguish it. She noted that any fire could spread quickly across the field to the church. She asked whether fireworks, smoking, propane lanterns or cooktops would be prohibited and who would enforce the rules. Ms. Hopkins indicated that they had experienced fires and fireworks on adjacent properties with short term renters, and had even found it necessary to call 911. She noted that one of the mandatory criteria the Board must consider is that the “use shall not result in the destruction, loss or damage or any feature determined to be of significant ecological, scenic or historical importance.” She stated that the draft of the new Comprehensive Plan specifically recommended identifying, protecting and celebrating historic and culturally significant properties. She noted that the proposed use did not protect, and could adversely impact their historic church. Ms. Hopkins stated that the applicant had not satisfied the criterion, nor the goals and objectives of the new Comprehensive Plan. She asked that the Board deny the application.

Jeri Lloyd - Afton, VA

Ms. Lloyd stated as a former member of the American Camping Association (ACA), the application did not constitute what it was asking for. She noted that what was being requested in the special use permit, constituted primitive camping. She stated that primitive camping was not what should be placed on the two pieces of property. She noted there was not enough land to be able to do that. She indicated that there were no sanitary facilities, which went along with primitive camping. She noted that the applicant had said there would be facilities provided. Ms. Lloyd asked how often people would come to clean the facilities.

She explained that even in primitive camping, there were rules and regulations for getting rid of waste, i.e. how far away from homes, rivers and streams. She reported that after the Planning Commission meeting, she went and did her own research. She noted that the applicant claimed the property was on the historic register. Ms. Lloyd indicated that she was unable to find any information. She noted that she was able to locate the information for the church, but nothing for the property. Ms. Lloyd pointed out that there was no guarantee that fires would not be there, noting that those who do primitive camping do have fires. She noted that there was no access to water, but the application mentioned a water pipe. Ms. Lloyd asked how big the water pipe was, and how water would be transported if there were a fire. Ms. Lloyd commented that there was no guarantee of persons coming to the property. She stated that if the applicant wished to use the property as a ministry, primitive camping was not the way, and she would need to apply under a different SUP to be able to use the property for a ministry. She asked the Board to deny the special use permit.

Harris Luscomb - Nellysford, VA

Mr. Luscomb stated that he was a property owner and resident of Nelson County, as well as a Trustee of Rockfish Presbyterian Church. He stated that the risk of lack of enforcement was another issue that created a substantial risk to the church and neighborhood. He noted that the applicant has promised many things and there have been many conditions proposed if the special use permit was to be issued. He asked how those conditions would be enforced. He commented that the applicant has said one thing, and then said another with respect to many concerns. He noted that she has said that she would advertise the campground on Airbnb as not appropriate for children due to the risk of unattended children climbing around the church's Wood Ministry woodpile or playing on the church's playground. He commented that the applicant could not prevent renters from showing up with children. He noted that during other times, the applicant has asserted that children should be allowed to play on the playground, claiming the church was a public building. Mr. Luscomb commented that the Planning staff had recommended requiring fencing along the property line, but the applicant did not want to pay for it, even though the need was due to her request for a special use. He noted that while the applicant has said she would forbid campfires and other fire risks, they all knew that campers in the woods expected to build campfires, use camp stoves and camping lanterns. He noted that the church had responded from the beginning with the need for 24/7 onsite management and active enforcement. He indicated that the applicant had made conflicting statements on that, changing her proposed plan several times, and stating at the last hearing that she would be living onsite and therefore would manage enforcement herself, despite having initially stated that she was hiring someone because she was unable to do it herself. He noted that the applicant was now claiming to the Board that she would be hiring someone would be available on 30 minutes' notice. He commented that 30 minutes could be too late for an injured child or for an out of control campfire. He asked if the church and other neighbors were expected to establish 24/7 360-degree surveillance of activity on the applicant's property in order to provide notice to such person who may or may not respond or be available in time. Mr. Luscomb noted that since the applicant had declined to recognize their concerns, they were not reassured that any of her rules would be enforced. He commented that the County did not have the manpower required to enforce all of the conditions if the permit were to be approved. He noted that approval of a special use permit was a permanent change that ran with the land.

David Hopkins - Roseland, VA

Mr. Hopkins noted that he attended the Planning Commission meeting to listen to the applicant's information and then listened to the Church's response. He commented that he thought the church has some valid, reasonable, maybe sometimes, conservative views of the risks. He noted that he respected as a property owner, the ability to do as desired with the land, in compliance with the regulations. He commented that what he heard from the applicant during the Planning Commission meeting, echoes what Mr. Luscomb said. He noted that the responses to concerns seemed to be very fluid from the applicant. He commented that when a specific concern was brought up, the applicant had a response but it was not written down and it was not made any part of the special use permit. He expressed concern that if the special use permit were to be granted, it seemed like there was latitude to allow the applicant to do whatever they wanted to do. He stated that if the special use permit were to be granted, it needed to have some compliance and restrictions embedded because it did run with the land.

Paul Davis - Nellysford, VA

Mr. Davis noted that he attended the Planning Commission meeting. He expressed concerns on compliance and who enforced compliance. He noted that he spoke with Planning to ask who enforced it. He noted that he was told that they did not have the staff, and people would have to call it in. He asked if there was a way for someone to look up Special Use Permits to see the stipulations. He asked if they were to call the Sheriff regarding compliance, noting that he did not think that was who they should be calling about a Special Use Permit. He noted that the Comprehensive Plan update was coming up. He referenced the applicant's comment regarding fear of change. He noted that for him, it was not a fear of change. He reiterated his concern that if approved, who would enforce it, how would it be enforced and how would someone know the stipulations. He noted when he heard campground at the Planning Commission, he

immediately thought of fire. He commented that this would be a campground with no fire. He asked who would be called to enforce that. Mr. Davis stated that they needed to think about special use permits as they stayed with the property, not the owner. He noted the Comprehensive Plan and asked the Board to put it on backburner if they were even entertaining it.

Susan Luscomb - Nellysford, VA

Ms. Luscomb noted she was a resident and property owner in Nelson County. She noted she would not take much time as they had already presented many issues before the Board. She asked that those people present in opposition to the application to stand.

Many in attendance stood in opposition.

Ms. Kahle reminded the Board of the Planning Commission's vote of 4-1 to recommend denial, noting that two (2) of those votes were not easy no's. She stated that it was not short term rental and had nothing to do with that. She commented that whether they were talking two (2) cars on the weekend, on a shared driveway, not going anywhere. She noted that if it were not used for two (2) years, the special use permit would expire. Ms. Kahle indicated that she had carried liability insurance for \$1 million for years, because right next door was an Airbnb, by-right.

Ms. Kahle commented that Steve Kephardt, who owned all of the property around the church and her property, had no problem with the proposed project. She noted that her neighbors developed a task force and approached all of her neighbors to garner more support to put it down. She indicated that Amy Malone supported the project and had no problem with it. She also noted that Jerry Uejio who owned the property next door had no problem with it. She commented that the yurt/yome would still go up and would for ministry, it would just be gone about in different ways but God's work would still be done.

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

Mr. Rutherford asked to confirm where applicant resided on the property. Ms. Bishop explained that applicant currently resided in New York and she had just applied for a change of use to convert from a business to a dwelling. Mr. Rutherford asked if the vacant lots were all A-1 zoning. Ms. Bishop confirmed that was correct. Dr. Ligon commented that she was at the Planning Commission, noting it would be gold standard to have the meeting minutes. She noted the reference to the fluid nature of answers, and indicated that it still remained quite fluid. Dr. Ligon commented that a lot of things said at the Planning Commission were either not said at the Board meeting that evening, or were completely different. Dr. Ligon indicated that she was not comfortable voting for the special use permit until all of the permits were completed and applicant was residing onsite. She noted that the applicant mentioned that she had them all at the Planning Commission, but now they were still in the works. Dr. Ligon commented that the basis for a lot of the candor at the Planning Commission meeting was based on the applicant being there on site and dealing with issues as they came up, and that was not the situation they had at hand currently.

Mr. Reed noted that it had been documented that the Planning Commission did vote 4-1 to recommend denial of the special use permit. He commented that a lot of the reasons given for that, had been given by some of the folks there that evening. He commented that the thing that stood out to him was the fact that the Virginia Department of Health (VDH) did not require permanent sewage disposal or a water supply. He noted that gave him a vote of low confidence in the Virginia Department of Health. He noted to have any level of camping without those two items, was asking for trouble. Mr. Reed commented that it was impossible to have a warm meal without some kind of flame. He noted that the fire concerns for any kind of camping without a water supply. He commented that two (2) primitive camping sites, glamping or not, would certainly change the character of the area. Mr. Reed noted that he was not in favor.

Mr. Reed made a motion to deny **Special Use Permit #1085** and Dr. Ligon seconded the motion. There being no further discussion, Supervisors voted unanimously (4-0) by roll call vote to approve the motion for denial.

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.

Ms. Bishop presented the following:

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

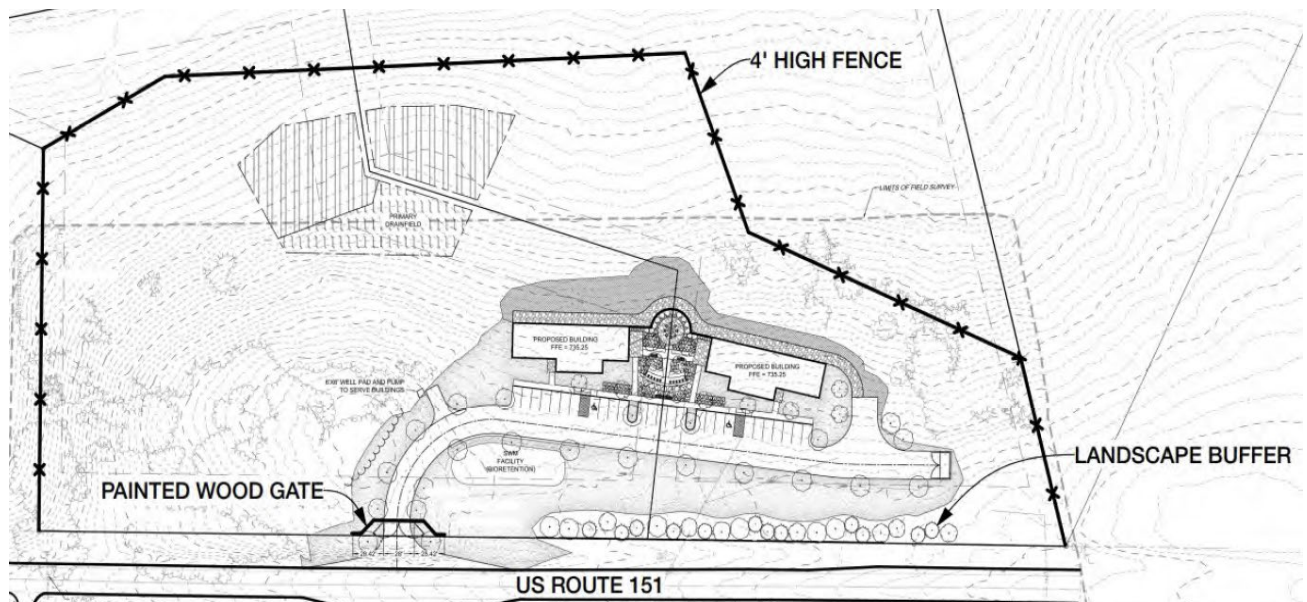
Location / Election District: 9485 Rockfish Valley Hwy / North District

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.

Ms. Bishop noted that the applicants were present. Ms. Teasley and Mr. Meade commented that they did not have anything to add, unless there were questions.

Mr. Parr opened the public hearing.

Jeri Lloyd - Afton, VA

Ms. Lloyd stated that she was concerned about what kind of fence it was going to be. She noted that her property was the only other property around the applicants' property. She commented that she did not have an issue with it changing, she just wanted to know what kind of fence it would be.

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

Mr. Reed noted he was absent from the Planning Commission meeting when this was presented. He asked why they wanted to change the permit. Ms. Teasley indicated that the change was for budgeting and aesthetic purposes. She noted they were trying to cut some costs, so they wanted to reduce the height and the number of borders. She explained that the fence was proposed to only be on three sides of the property and moved in closer, instead of fencing in the entire 11 acres. She noted that they thought it looked better. Mr. Meade noted they had not found a 6 foot fence anywhere along 151. He indicated that most fences were a farm type fence or a deer fence. He noted that they decided to go with the landscape buffer for the integrity and it would provide a nice buffer. Ms. Teasley showed the Board a picture of the proposed three board fence. Dr. Ligon asked what the primary reason was for the fence. Ms. Teasley noted that the neighbors had requested the fence in the original Special Use Permit. Mr. Rutherford noted that Rockfish Orchard had requested the fence. Board noted that it was a nice three board fence proposed in the picture.

Dr. Ligon asked what the point of the gate was if there was no fence on 151. Ms. Teasley noted it was for aesthetic purposes.

Mr. Parr asked how the timeline was coming. Mr. Meade and Ms. Teasley reported that they were working to find a lender for the financing.

Mr. Rutherford made a motion to approve **Special Use Permit #1101** for an amendment to condition #6 as recommended by the Planning Commission.

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.

Mr. Reed seconded the motion. There being no further discussion, Supervisors approved the motion unanimously (4-0) by roll call vote.

IV. OTHER BUSINESS (AS PRESENTED)

Mr. Rutherford commented that he was curious about the number of completed Special Use Permits that had been approved in last 4 to 8 years. Ms. Bishop noted they could get that information pretty easily as they had been doing annual reports for the last few years. Mr. Rutherford noted that he brought that question up because when large financings were involved, it took more than one year to complete the process for that, followed by an additional year or more in acquiring a contractor. He indicated that the Board had to vote on SUP's multiple times because of the timeframe. Ms. Bishop noted that over the last few years, Planning and Zoning had done a better job in communicating the full extent of what the process looked like and the timing, so that the applicants were not getting permits that were expiring. Ms. Bishop confirmed that staff would get the completed Special Use Permit numbers together.

Mr. Reed commended Planning and Zoning on their quarterly report and noted that it was especially informative.

V. ADJOURNMENT

At 8:14 p.m., Mr. Rutherford made a motion to adjourn the meeting. There being no further discussion, Supervisors approved the motion by vote of acclamation and the meeting adjourned.