

**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:

- Ernie Q. Reed, Central District Supervisor – Vice Chair
- 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
- Jerry E. West, Director of Parks and Recreation
- Dylan M. Bishop, Director of Planning and Zoning

Absent:

- J. David Parr, West District Supervisor – Chair
- Thomas D. Harvey, North District Supervisor

**I. CALL TO ORDER**

Mr. Reed called the meeting to order at 2:00 p.m. with three (3) Supervisors present to establish a quorum, Mr. Parr and Mr. Harvey were absent.

- A. Moment of Silence
- B. Pledge of Allegiance – Dr. Ligon led in the Pledge of Allegiance.

*Introduction of New County Employees*

Ms. Staton introduced two (2) new Department Heads who had recently been hired and were now in their positions – Jeffrey Brantley, Director of Public Works, and Grace Mawyer, Director of Finance and Human Resources.

Ms. Staton reported that Mr. Brantley came to work for Nelson County after having worked for the Nelson County Service Authority for the past 27 years. She noted that Mr. Brantley’s experience at the Service Authority encompassed all aspects of supplying water and sewer services to residential and commercial Service Authority and Piney River System customers. She noted that Mr. Brantley had extensive experience in supervising staff and managing field operations, including working with engineering firms and regulatory agencies, such as the Virginia Department of Health and the Department of Environmental Quality.

Ms. Staton noted that she and Ms. Mawyer would be co-directing the department until her retirement in January. Ms. Staton reported that Ms. Mawyer had a Bachelor of Science degree in Accounting and Information Systems from Virginia Tech. She noted that Ms. Mawyer was employed by Nelson County as a Finance Technician II for five (5) years and she then served as Administrative Assistant/Deputy Clerk for 2.5 years for Nelson County. Ms. Staton reported that Ms. Mawyer then worked for a year as an Associate for Brown Edwards Certified Public Accountants before being hired by Albemarle County as an Accountant AP Specialist. She noted that Ms. Mawyer’s most recent position at Albemarle was a Senior Accountant. She reported that Ms. Mawyer was currently in the process of completing requirements and testing for her CPA certification.

Mr. Reed thanked Mr. Brantley for his years of excellent service at the Service Authority and noted that it was great to have him on board with the County. Mr. Reed welcomed Ms. Mawyer back to the County.

**II. PUBLIC COMMENTS**

*Beth Phelps - Director of Nelson County Victim Witness*

Ms. Phelps reported that next month was National Domestic Violence Awareness Month and programs like hers, across the state, would be hosting annual events to recognize victims and survivors of domestic violence. She announced that Nelson County Victim Witness would be holding their event on October 3rd at 4:00 p.m. in the General District Courtroom. She invited all to attend, noting that they would have various speakers talking about domestic violence and the effect that it has in our community. Ms. Phelps also reported that Shelter for Help in Emergency (SHE) was going to hold their annual candlelight vigil on October 7th at 7 p.m. on the Downtown Mall in Charlottesville. She thanked the County for supporting the program, noting that it had been in the County for 28 years, and had helped numerous victims of crime.

She reported that they had helped 200 victims in the past year and out of that number, 123 of those people were victims of domestic violence, stalking, or sexual assault.

*Stephen Bayne - Nellysford, VA*

Mr. Bayne spoke regarding investment decisions with respect to the Department of Social Services. He stated that residents now knew that return on investment was not a consideration for solution options. He noted that they had requested the comprehensive business case for DSS and were now performing the requisite due diligence. He stated that from the review of requested information, they knew and were concerned that it was not a comprehensive business case, it did not present all potential solutions, it did not provide any evaluated ROI. He also noted that the information did not show any solution options with repurposing any existing facilities, and instead, it focused exclusively on new land and a new building at a cost of \$10 million. Mr. Bayne commented that they were just now learning about critical decisions made during the July and August Board meetings which were unbeknownst to citizens. He requested postponement of further decisions regarding DSS, to allow concerned residents time to confirm the DSS solution with the greatest ROI for Nelson County and its citizens, and time to complete their due diligence.

*Robert Gubisch - Faber, VA*

Mr. Gubisch stated that he had the pleasure of speaking with Congressman Good on August 19th, while at a public forum. Mr. Gubisch noted that he told Congressman Good, that over past 50 years or so, he had been watching the elected officials in D.C., and especially in light of COVID, he saw the Constitution being trashed. Mr. Gubisch then related that he told Congressman Good that in his opinion 80 percent of the elected officials in Washington D.C. were traitors, and were actually enemies of We the People. He noted that Congressman Good responded that maybe his figure was a little low. Mr. Gubisch reported that Congressman Good went on to say that “You don't surrender the Constitution in times of crisis, we have the Constitution because of times of crisis.” Mr. Gubisch noted that Congressman Good was his congressman, whom he held in high regard. Mr. Gubisch then commented that he shared that story with the Board so that they would stop thinking that they would get any real leadership out of D.C. He stated that when it came to things like COVID, it was up to them locally to stand up and do what was right, relative to law and order. He noted that the Constitution was what America was based. He commented that he discussed this over and over so that next time they might do better. He noted that Fauci was on the media talking about another virus. He commented that there were thousands of pages and thousands of doctors who had all blown the virus story out of the water. He hoped that they may never be afraid of a virus again. Mr. Gubisch thanked the Board for what they do for the County.

There were no others wishing to speak and Mr. Reed closed public comments.

**III. CONSENT AGENDA**

Mr. Rutherford moved to approve the Consent Agenda as presented and Dr. Ligon seconded the motion. There being no further discussion, Supervisors approved the motion unanimously (3-0) by roll call vote and the following resolutions were adopted:

- A. Resolution – R2024-63 Minutes for Approval

**RESOLUTION R2024-63  
NELSON COUNTY BOARD OF SUPERVISORS  
APPROVAL OF MINUTES  
(April 9, 2024)**

**RESOLVED**, by the Nelson County Board of Supervisors that the minutes of said Board meetings conducted on **April 9, 2024** be and hereby are approved and authorized for entry into the official record of the Board of Supervisors meetings.

- B. Resolution – R2024-64 Budget Amendment

**RESOLUTION R2024-64  
NELSON COUNTY BOARD OF SUPERVISORS  
AMENDMENT OF FISCAL YEAR 2024-2025 BUDGET  
September 10, 2024**

<b>I. Appropriation of Funds (General Fund)</b>			
	<u>Amount</u>	<u>Revenue Account (-)</u>	<u>Expenditure Account (+)</u>
\$	9,024.85	3-100-003303-0036	4-100-999000-9905
\$	5,967.80	3-100-002404-0009	4-100-999000-9905
\$	31,250.00	3-100-002404-0047	4-100-999000-9905
\$	2,033.79	3-100-002404-0049	4-100-999000-9905
\$	33,994.00	3-100-009999-0001	4-100-091050-7078
\$	30,631.00	3-100-009999-0001	4-100-022010-5419
\$	43,184.89	3-100-003303-0046	4-100-999000-9905
\$	38,000.00	3-100-003303-0043	4-100-999000-9905
	<u>\$ 194,086.33</u>		
<b>II. Transfer of Funds (General Fund Contingency)</b>			
	<u>Amount</u>	<u>Credit Account (-)</u>	<u>Debit Account (+)</u>
\$	3,395.00	4-100-999000-9905	4-100-021040-3025
\$	4,400.00	4-100-999000-9905	4-100-031020-1003
\$	143,556.00	4-100-999000-9905	4-100-091050-7023
\$	75,600.00	4-100-999000-9905	4-100-091050-7100
\$	90,047.00	4-100-999000-9905	4-100-091050-7174
	<u>\$ 316,998.00</u>		

C. Resolution – R2024-65 Tax Refund

**RESOLUTION R2024-65  
NELSON COUNTY BOARD OF SUPERVISORS  
APPROVAL OF PROPERTY TAX REFUNDS**

**RESOLVED**, by the Nelson County Board of Supervisors that the following refunds, as certified by the Nelson County Commissioner of Revenue and County Attorney pursuant to §58.1-3219.5 of the Code of Virginia, be and hereby are approved for payment.

<u>Amount</u>	<u>Tax Category</u>	<u>Payee</u>
\$3,319.97	Real Property	Albert H. Ivens 6 Pleasant Hill Circle Faber, VA 22938

**IV. PROCLAMATION P2024-04 – PATRIOT DAY**

Dr. Ligon introduced and read Proclamation P2024-04 aloud. Dr. Ligon then moved to approve **Proclamation P2024-04** and Mr. Rutherford seconded the motion. There being no further discussion, Supervisors approved the motion by vote of acclamation and the following proclamation was adopted:

**PROCLAMATION P2024-04  
NELSON COUNTY BOARD OF SUPERVISORS  
SEPTEMBER 11, 2001 A DAY TO REMEMBER**

**WHEREAS**, the unprovoked attacks of September 11th, 2001, upon America by foreign terrorists thrust the United States, and other countries, into a war it never envisioned, militarily or diplomatically; and

**WHEREAS**, the challenges facing all the people of the world as they relate to the war on terrorism will not end until those responsible are brought to justice; and

**WHEREAS**, America is fully committed to ensuring our freedoms remain unfettered and sovereign for all generations, now and forever; and

**WHEREAS**, world opinion needs to remain focused upon the eradication of these inhuman acts perpetrated around the globe; and

**WHEREAS**, one way to accomplish this is to NEVER FORGET that those innocent victims did not die in vain; and

**WHEREAS**, America can fight back by reminding the world that the deaths of these people will always be remembered and that they will be forever loved; and

**WHEREAS**, a noble and appropriate way to accomplish this is through the annual celebration of their living; and

**WHEREAS**, this commemoration should be conducted each September throughout the land to include:

- The promotion of global peace and goodwill;
- The demonstration of America’s resolve and perseverance to win the war on terrorism;
- The advancement of responsible citizenship;
- The encouragement of patriotism and love of country; and
- The poignant remembrance of those innocent victims who died September 11th, as heroes, one and all;

**NOW THEREFORE BE IT RESOLVED**, that the Nelson County Board of Supervisors issue this proclamation to memorialize those men, women, and children who lost their lives;

**BE IT FURTHER RESOLVED**, that this proclamation be publicized for all to see and know that the citizens of Nelson County remember with eternal respect those whose lives were suddenly, without cause and pointlessly taken from them on September 11th, 2001.

May they forever rest in peace and abide in our memories.

Mr. Rutherford announced that there would be a Patriot’s Day 9/11 Commemoration on Sunday, September 15<sup>th</sup> at 3 p.m. at the American Legion Post in Shipman.

**V. PRESENTATIONS**

**A. VDOT Report**

Robert Brown of VDOT was present to report the following:

Mr. Brown reported that VDOT attended a first responder and friends event at Tye River Elementary School earlier that day. He noted that VDOT had some equipment onsite for the event and provided handouts to the students. He commented that it was a very enjoyable event.

He reported that VDOT was replacing a pipe on 151 at the southern approach to Brents Mountain. He noted that they had worked on it the day before and it should be completed by the end of the day today. Mr. Brown indicated that they had another planned pipe replacement on 29 Business/Front Street beside the Chicken Coop and the County office building there. He noted that they were currently working to get their environmental permits and all of the utilities cleared so they could perform that work. He explained that the work would involve open cutting Route 29 Business. Mr. Brown noted that they had a project obtained drainage easement that went between the two (2) properties and they would be installing 100 foot of pipe to go across the lot. He explained that if they saw VDOT working that far off of the road, it because it was a project obtained easement, and they were required to repair those too.

Mr. Brown reported that the 151 speed study meeting was scheduled for Monday. He indicated that in light of the recent crashes on Route 29, they were meeting on Monday from 2 p.m. to 3 p.m. with the Nelson County Sheriff’s Office, Virginia State Police and the County to discuss the recent crashes that resulted in fatalities and to what measures and actions could be taken that may prevent them in the future.

Mr. Brown reported that VDOT had completed its four (4) lane primary mowing, and they would probably do a total cut on the four (4) lanes after November 1st. He noted that they had pollinator restrictions as well as some environmental restrictions, so the total cut could take place after November 1<sup>st</sup>.

Mr. Brown indicated that VDOT was working on snow removal planning. He noted that they were signing up their hired equipment and getting their equipment ready for the season. He reported that they still had their two (2) ASD contractors in Nelson, but they also had other vendors that they would sign up as well.

The Board discussed the following VDOT issues:

Mr. Rutherford:

Mr. Rutherford asked how the hiring process was handled for snow removal. Mr. Brown explained that the ASD contracts were individual invitations for bid and they were competitive. He noted that as far as the equipment that they hired at an hourly rate, VDOT set the hourly rate and if someone wanted to sign up and be one of VDOTS's hourly contractors, VDOT would sign up as many as people as they needed. He indicated that they did not have a waiting list in Nelson County for snow removal. He noted that they usually try to fill all of their spots on their snow plan and they tried to have a resource at every designated spot on the plan. He commented that until they fill all of those spots, they would sign people up.

Mr. Rutherford noted he had asked about the process because there were isolated incidents in terms of snow incidents. He commented that there had been one snow event during the last winter where Route 6 was icy and it did not get taken care of until later in the day. Mr. Brown noted that could have happened. He commented that they only really had one snow event in the past year, while they had multiple on the mountain. Mr. Brown noted they would cover primary roads first with whatever resources they had, and then they would take care of secondary roads.

Mr. Rutherford thanked Mr. Brown for correspondence with his constituents related to Rural Rustic. He noted that his constituents were very appreciative of Mr. Brown's responses.

Dr. Ligon:

Dr. Ligon reported that she had received continuing concerns about dropping the speed limit in Gladstone. She noted that a path had been laid out and it just needed to be done.

Mr. Reed:

Mr. Reed asked about the analysis of Route 250 scenic overlook and the need for paving. Mr. Brown indicated that VDOT was going to patch the potholes in the pavement there. He noted that he was not sure if it would be completed this fall, but they were looking to get the entire overlook parking area on the VDOT right of way paved. He commented that the entrances to the overlook area needed to be more organized to prevent people from blocking sight distances. He indicated that the entrance safety could be addressed with the County's safety money. Mr. Reed noted that he was looking forward to the 151 speed study meeting.

**B. Departmental Report – Parks & Recreation**

Jerry West, Director of Parks and Recreation, provided his departmental report to the Board. He reported that Parks and Recreation hosted gymnastics, Zumba and Tae Kwon Do every week. He noted that yoga classes were meeting every Sunday and they had just added a Thursday morning class as well. He reported that fall youth sports were up and running, with soccer starting the week before Labor Day and flag football games were scheduled to start the next day.

Mr. West reviewed the overall growth in youth sports over the past several years:

- Spring Soccer: Spring 2021: 93 - Spring 2024: 239
- Fall Soccer: Fall 2021: 128 - Fall 2024: 225
- Basketball: Winter 2021/22: 129 - Winter 2023/24: 125
- Cheerleading: Winter 2021/22: 30 - Winter 2023/24: 39
- Flag Football: Spring 2022: 34 - Fall 2024: 44 (Spring 2024 we had 59!)
- During the 2023/24 school year, we had 435 individual children participating in our youth sports.
- For comparison - Nelson County Public Schools had between 950-1000 students in K-8. That is nearly 1 in every 2 children participate in our athletic leagues.

Mr. West noted that nationally, youth sports numbers were dropping, so they liked to see a good, steady or increasing number in Nelson, keeping above the national statistics on youth athletics.

Mr. West reported that they had brought back the summer adult softball leagues with nine (9) teams participating. He noted that the fall adult softball league had a total of 10 teams participating. He estimated that nearly 180 adults participated in the softball league over the course of summer and fall. Mr. West

commend Recreation Specialist Jacob Floyd on the excellent job he had done with bringing back the adult softball league.

Mr. West reported that one of their biggest weekly programs was the Sunday pickleball group being held at the Rockfish Valley Community Center (RVCC). He noted that during the winter months, pickleball moved to the High School. Mr. West reported that in August, Parks and Recreation went to RVCC to help paint pickleball lines on the basketball court. He also noted that he had been talking with RVCC about the development and construction of two (2) permanent pickleball courts. Mr. West indicated that RVCC was hoping to have those courts completed in 2025. He noted that while RVCC was a private facility, they had provided Parks and Recreation with the opportunity to hold their programs and continue the growth of the pickleball community. He noted that pickleball was currently the fastest growing sport in America. Mr. West explained that the two (2) new courts would be solely used for pickleball, while the basketball court would be resurfaced and lined for both basketball and three (3) overflow pickleball courts. Mr. West expressed his support for the pickleball court project at RVCC. He also noted that Fleetwood had added a pickleball court when they resurfaced their blacktop earlier this year.

Mr. West then reported that Parks and Recreation was starting a partnership with a new non-profit based out of Waynesboro called Blue Ridge Packs and Tracks. He explained that Paige French of Waynesboro had approached him and Dwayne Jones, Waynesboro Parks and Recreation Director, about working with them to allow track chairs on trails in the community. He noted that the Tunnel trail was the main focus currently, with hopes to expand to other trails in the future. He noted that Ms. French had seen track chairs on a trip to Colorado and the track chairs allowed people with limited mobility to use the chairs to get out on the trails. He noted that the track chairs allowed people to get out on more rugged trails that a regular wheelchair could not access.

Mr. West noted that Parks and Recreation was excited about partnering with Ms. French for this program. He indicated that Ms. French had been unable to attend today's meeting, but he hoped that she would be available to attend the October Board meeting to present more information on the program. Mr. West explained that the track chair was controlled by the occupant, as well as a volunteer who would walk beside the chair and have the overall control of the chair. He noted that the width of the chair was not much larger than a typical wheelchair, so there were no concerns regarding the track chairs taking up too much space on the trails. He reported that the first chair had been purchased by the non-profit and would be delivered later in the month. He noted that the Fall Accessibility Day at the Tunnel would take place on October 1<sup>st</sup>, and they hoped to have the track chair at the event to show to the public. He explained that they were looking to offer timeslots for people to sign up to use the track chairs during lower visitation times at the trail, particularly Sunday afternoons and Tuesday mornings. He noted that Blue Ridge Packs and Tracks would provide the volunteers to assist with the track chairs during those time slots at the trail and handle the transportation of the chairs to the trail. He reported that as of right now, this was the first program of its kind in Virginia.

Mr. West reported that Parks and Recreation had been working on starting up a new program with JABA to have a Wednesday Senior Bingo activity once per month at the Nelson Center. He noted that the program would take place on the third Wednesday of each month at 1:00 p.m.

Mr. West reported on the special events coming up in the fall. He reported that the Blue Ridge Tunnel Accessibility Day had been held during the spring and fall for the past few years. He explained that guided golf cart rides through the Blue Ridge Tunnel, with the carts driven by Tunnel Foundation members to provide a historical tour through the tunnel. He noted that the event provides people with limited mobility an opportunity to see the inside of the tunnel, riding from the Eastern parking lot, through to the western portal and back. He reported that registration was sold out within 26 minutes of opening.

Mr. West reported that the next fall event scheduled was the Tunnel After Dark Event, which was a partnered event with Blue Mountain Brewery that had been done for the last several years. He noted that the event would take place on October 25<sup>th</sup> with tickets going on sale on October 2<sup>nd</sup> at 10 a.m. He indicated that all proceed from the event would go to a local charity. He reported that they were able to make a \$1,000 donation to the Nelson Food Pantry last year. He noted that they were anticipating about the same amount in fundraising for this year. He indicated that the Tunnel After Dark was another event that would sell out quickly. He noted that they would have about 300 people at the Tunnel that evening. He reported that the event would take place from 6 p.m. to 9 p.m. with shuttles from Rockfish Valley Fire Department in addition to onsite parking.

Mr. West reported on visitor numbers for the parks and trails. He reported that the Blue Ridge Tunnel Trail had 8,000 visitors in August. He noted that the Blue Ridge Railway Trail had an average of 1,200 to 1,400 people per month. He reported that the Blue Ridge Tunnel Trail was closed on August 13<sup>th</sup> to completed repairs from Tropical Storm Debbie, along with some regular maintenance that had already been scheduled to be completed that day. Mr. West thanked the Billy Hart with the County's Maintenance Department for his assistance in making those repairs. He reported that Montreal Park had two (2) rentals in August, which

was the average rental amount for the facility. Mr. West reported that they would be installing mile post covers on the trail at every quarter-mile.

Mr. Rutherford thanked Mr. West. Mr. Rutherford commented that the carpenter bees had gotten into some of the posts. Mr. West confirmed that some of the posts would be replaced prior to the installation of the sleeves. Mr. Rutherford noted that the very last bench at the end of the trail had bees and he had been stung but had taken care of the issue. He asked Mr. West to be cognizant of that issue going forward. Mr. West noted they would look to see if there were any more nests.

Mr. West reported that he and Jacob Floyd would be attending the Annual Virginia Recreation and Parks Society State Conference in Norfolk the following week. He noted that they would not be receiving any awards this year, but hopefully the track chair program will bring an award back to Nelson next year.

Mr. Reed thanked Mr. West for the breadth, range and diversity of the program offerings at Parks and Recreation.

### C. TJPDC 2024 Legislative Update – David Blount

Mr. David Blount of the Thomas Jefferson Planning District Commission was present to provide a brief legislative update and to discuss the upcoming General Assembly Legislative Program for the region. Mr. Blount reported that the State budget was finally been approved in May. He noted that at the close of the fiscal year at the end of June, state revenues ran higher than had been estimated, again, by about \$1.2 billion. He commented that early indications were that another revenue revision would be built in as they moved forward with budget amendments during the upcoming session. He noted that he was anticipating that the Governor and the General Assembly would have some additional resources to work with as they start their appropriations process. Mr. Blount reported that state agencies were starting their budget process. He explained that the agencies would make their requests and then move them up to the Executive Branch. He noted that Governor Youngkin would propose his changes to the current biennial state budget on December 18<sup>th</sup> and then the General Assembly session would begin and the legislators would have the opportunity to shape the budget.

Mr. Blount reported that from a legislative standpoint, there was a lot of work going on in the interim. He noted that there were study committees and other studies going on that would really feed into the discussions at the next General Assembly session. He noted the report from JLARC last summer on the K-12 education funding and the funding formula. He indicated that a joint study committee was taking a look at the recommendations from the report.

Mr. Blount reported that JLARC was busy and they were taking a look at data centers, as well as the state's efforts over the past few years in deploying broadband. He noted that he thought both topics would be reported on in December by JLARC.

Mr. Blount noted there were different legislators, a study commission and stakeholder groups that would be taking a look at energy generation facilities. He commented that there had been discussion in many localities this year on solar siting. He noted there were a number of bills in the past General Assembly session dealing with solar, and many of those would have affected local governments, so he anticipated that they would be taking another look at that in the next session. Mr. Blount reported that the Virginia Housing Commission was taking a look at affordable housing issues that were brought before the General Assembly this past year that did not advance.

Mr. Blount noted that the top three (3) 2024 regional Legislative Priorities were: public education; budgets and funding; and land use and growth management. He commented that he did not anticipate much change in the priorities. He asked for feedback from the Board on priorities for 2025 and any other positions they would like to see included in the program. He noted he would draft the 2025 Legislative Priorities and return in November to talk about it. Mr. Blount indicated that they would continue to include the position of support for LODA benefits for private police departments. He noted that he and Mr. Rutherford had been working with VACo and Delegate Campbell's office on LODA as well.

Mr. Rutherford thanked Mr. Blount. He noted that every interaction that he had regarding LODA had been positive, but he was waiting to see what would happen. Mr. Blount thanked Mr. Rutherford and the rest of the Board for their work on LODA over the past year and for their support.

Mr. Reed thanked Mr. Blount and noted that the priorities were all things that County was interested in.

## VI. NEW & UNFINISHED BUSINESS

### A. Proposed Work Order Amendment for Zoning and Subdivision Ordinance Updates

Ms. Bishop reported that during the June meeting, the Board approved a work order for Zoning and Subdivision Ordinance updates to continue working with the Berkley Group. She noted that during the kickoff session on August 28<sup>th</sup> with the Board and Planning Commission, there was interest in adding a second public engagement session. She reported that there was also interest in continuing to utilize the project website used for the Comprehensive Plan throughout the Ordinance update process. She noted that the website would remain active for public comments and it would host all of the information and documents related to the process of the project. Ms. Bishop explained that part of the current scope included optional services that could be added at any time. She indicated that Berkley Group needed authorization to proceed with those two (2) items. She indicated that the request was for an additional public engagement session for \$3,400 and the website hosting for \$2,500, for a total of \$5,900. She asked for Board authorization to add the additional items to the scope of work. Dr. Ligon noted it had been well discussed at the meeting. Mr. Rutherford agreed that it needed to be done.

Mr. Rutherford made a motion to approve the Zoning and Subdivision work order amendments with the Berkley Group as presented. Dr. Ligon seconded the motion. There being no further discussion, Supervisors approved the motion by vote of acclamation.

Ms. Bishop clarified that one (1) public engagement session would be done at Rockfish Valley Community Center (RVCC) and one (1) would take place at either the Nelson Center or the Heritage Center. The Board was in consensus to hold the engagement sessions at RVCC and the Nelson Center. Ms. Bishop noted that they would be looking at beginning of October for those sessions to take place.

#### B. Proposed Work Order Amendment for DSS Building Design Services

Ms. McGarry provided the following information:

At the Board's August 13th regular meeting, following its closed session pursuant to Virginia State Code Section 2.2-3711(A)(3) and (A)(7), the Board of Supervisors took the following action:

- Authorized the County Administrator to enter into a purchase agreement to acquire the land and improvements at 37 Tanbark Plaza for \$775,000.
  - The property is intended to be the new site for the Department of Social Services and provides for a more cost efficient option versus the initial Callohill Drive site, with an estimated savings of approximately \$1M, primarily due to more favorable site development conditions. Additionally, this location for DSS keeps them within Lovingston proper and adjacent to the local Community Services Board; which provides a higher level of convenience to citizens utilizing these services. It also serves to improve the middle gateway into Lovingston from Route 29 and provides the opportunity for additional public parking that will improve walkability in Lovingston.
  - Settlement of the property purchase is predicated upon satisfaction of conditions precedent as specified in the executed purchase agreement and title examination. This investigative period is expected to take 8-12 weeks.
  - Staff recommended that this purchase be partially funded with some combination of Bond Anticipation Note proceeds in excess of the estimated cost of A&E services of approximately \$559,591 and existing unallocated Capital Fund Reserves of \$419,730.
- Authorized the County Administrator to execute contract amendment #6 with PMA Architecture to modify design services for the new project site at Tanbark Plaza excluding (for the time being) the proposed optional architectural design assessment of the Main Street corridor in the vicinity of the site for \$38,500 and MEP design scope revised to include design for new fire sprinkler main for \$5,000. This amendment reduced the total contract fee from \$1,170,780 to \$1,101,480.

#### **Status:**

PMA and the County's Building Code Official have both provided memos recommending reconsideration of providing funding of \$5,000 for inclusion of the MEP design scope revision which includes design for the new fire sprinkler main. The fire sprinkler main at the site already exists and is recommended to be used in the new building, not only for safety and fire response reasons, but also for the ability to design a more functional interior that will not require fire rated corridors and automatic door closures. The \$5,000 cost increase is to cover the additional drawings and specifications for the bid documents that the Mechanical Engineer will have to prepare. **Staff concurs with this recommendation and requests that the Board authorize adding back \$5,000 to PMA's Contract Amendment #6, which reduces the total revised amended contract fee under Amendment #4 by \$64,300 to \$1,106,480.**



**Time Sensitive Action Requested:** Re-consider and *authorize execution of revised Amendment #6 that includes the MEP Design scope for a new fire sprinkler main for a cost of \$5,000, modifying the total scope of design services for the new DSS building project site at Tanbark Plaza to include this work.*

Mr. Rutherford noted that he was fine putting the \$5,000 back in. Dr. Ligon noted that the only reason they took it out was because it had been said that they did not need it. Mr. Reed noted that Mr. Marrs had done a good job in his memo laying out the reasons why it should be done.

Mr. Rutherford moved to amend the work order to add in the \$5,000 for the MEP design scope for the fire sprinkler main at the DSS building. Dr. Ligon seconded the motion. There being no further discussion, Supervisors approved the motion unanimously (3-0) by roll call vote.

## VII. REPORTS, APPOINTMENTS, DIRECTIVES AND CORRESPONDENCE

### A. Reports

#### 1. County Administrator's Report

Ms. McGarry provided the following report:

**A. Route 151 Speed Study Results Meeting:** A proposed date for this meeting is September 16<sup>th</sup> from 3-4pm; to be confirmed by VDOT.

**B. 2026 Reassessment RFP (See Attachments):** The County received three (3) proposals and interviews were conducted with two (2) of the respondents by the panel of Candy McGarry, Kim Goff, Susan Rorrer, and Amanda Spivey. The panel unanimously ranked Wampler-Eanes Appraisal Group, LTD. as the top ranked firm using a scoring matrix that prioritized firm qualifications and experience in similar projects using ProVal; the County's assessment software. Wampler-Eanes Appraisal Group has extensive mass appraisal experience across Virginia and is highly qualified. They conducted the County's 2014, 2018, and 2022 general reassessments and have extensive Pro-Val experience. Following negotiations, the County contracted with W-E for a not to exceed amount of \$409,500 with work beginning October 1, 2024. The 2022 contract was for a NTE of \$305,000 with W-E noting that their price increase from the last contract is related to:

- 1) Salaries and Wages of their personnel have significantly increased over the past 4 years as they attempt to keep and maintain their current staff.
- 2) Inflationary costs of Rent, Lodging, Vehicles, Fuel, and other items have impacted their costs for performing reassessments.
- 3) They prepared our bid for the 2022 Nelson County reassessment on 8/26/20 (4 years ago) prior to the substantial rise in inflation that began in 2021.

The non-binding cost submittals of the other two (2) proposers was \$422,331 and \$788,000.

**C. FY25 Board Retreat:** The Board's retreat has been set for September 19, 2024 from 10am – 5pm at The Lodge at Three Notch'd Brewing Company.

**D. DSS Building:** Design meetings are resuming, with the next one to be held on September 12, 2024.

**E. Region 2000 Solid Waste Authority:** With 2029 being the expected year for the Regional landfill to reach capacity, the Solid Waste Authority is preparing to submit a 60-acre expansion proposal to Campbell County for consideration, that would provide for solid waste disposal through 2053. This has been studied by the Authority and Campbell County and has proven to be the most feasible option going forward, however it faces opposition from Campbell County residents residing near the landfill. Should the expansion not move forward, Nelson will look at options to transfer solid waste to another landfill site within the region.

**F. Virginia Career Works (VCW) Nelson Service Data:** VCW reports that since July 2024, 4 Nelson residents visited a One-Stop Center, 1 Nelson resident gained employment through VCW programs/centers, and 1 Nelson resident enrolled in Workforce Innovation & Opportunity Act (WIOA).

**G. 2024-2025 MAPP2Health Community Health Assessment (CHA):** The Blue Ridge Health District, Sentara, and UVA Health has launched its CHA which is conducted every 3 years and aims to identify and address health needs that can advance health equity. The public is being asked to participate in Focus Groups starting in October, interested residents will need to complete a focus group interest form at the Blue Ridge Health District website [Blue Ridge Health District - Blue Ridge \(virginia.gov\)](https://www.virginia.gov/blue-ridge-health-district). Participants will receive a \$25 Food Lion gift certificate. Secondly, a

Community Health Survey has been launched on the Blue Ridge Health District website and will be active through December 2024.

**H. Meals and Lodging Tax Collection Tracking:** Ms. McGarry reported that she was working with the Commissioner of Revenue and Tourism to try to get the data requested at last month's meeting regarding the number of short term rentals associated with the tax collection.

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

## 2. Board Reports

### Dr. Ligon:

Dr. Ligon reported that the Jail Board meeting would take place later in the week. She also noted that Piedmont Workforce had not met yet either.

### Mr. Rutherford:

Mr. Rutherford reported that he attended the TJPDC meeting. He noted that there had been discussion regarding data centers and Louisa had capitalized on that. He commented that meant a lot when it came to power usage. He stated that what was done there would affect electric rates in Nelson. He noted it would be interesting to see what that means in the future. He commented that technology advances needed to resolve energy consumption. Mr. Rutherford reported that they had also discussed affordable housing and the impact that inflation had on the housing market. He noted that the jobs coming to Waynesboro would all be well paid people who would be able to absorb any housing price. He indicated that water and sewer continued to be a major topic across the region and infrastructure needs for the future.

### Mr. Reed:

Mr. Reed reported that they would see the results of the Planning Commission meeting at the 7:00 session that evening. He noted that both items on the agenda for public hearings had been recommended by the Planning Commission.

## B. Appointments

### Nelson County Social Services Board – Central District

Ms. Spivey reported that they had received an application from Stacy Rush to represent the Central District on the Nelson County Social Services Board. She indicated that Ms. Rush appeared to be well qualified and had recently retired. She noted that she thought Ms. Rush would bring a lot of experience if the Board wished to appoint her.

Mr. Rutherford moved to appoint Stacy Rush as Central District representative on the Nelson County Social Services Board. Dr. Ligon seconded the motion. There being no further discussion, Supervisors approved the motion by unanimously (3-0) by roll call vote.

### Planning Commission

Mr. Rutherford asked to discuss the Supervisor position on Planning Commission. He noted the transition from the Comprehensive Plan to Zoning and indicated that there had been a discussion among Planning Commission members, as well as the Board, and they were wondering if Mr. Reed would be interested in switching out to allow the next person to ride the train. He noted that Mr. Reed had been on the Planning Commission for about two and a half years. He suggested with the new transition to Zoning, that it would probably be good to because that person would need to stay on for the duration of the Zoning updates. Mr. Reed indicated that Mr. Parr had brought up the subject with him a few days ago. He noted that he had given it some thought, and he had been appointed for the entire year and he did not shirk his responsibility to follow through. Mr. Reed suggested that if a Board member wanted to attend the Planning Commission meetings, there was not an opportunity for dialogue, but they could certainly have all of the benefits of interacting with the people on the Planning Commission if they needed to in the interim. Mr. Reed indicated that there should not be any significant ordinances votes that would not come before the Board of Supervisors any way. He noted that he would like to continue serving in his position.

Mr. Rutherford recalled that they had left Mr. Reed on to finish the Comprehensive Plan. He commented that for the constituents, it would be a good time to pass the baton. He noted that some of the Planning Commission members had echoed that, as well as a couple of Board members. He noted that Dr. Ligon

had indicated that she was interested in serving through to the end of the updates. Dr. Ligon confirmed that she was still interested. Mr. Reed noted that he was not interested in abdicating his role and he appreciated the thoughtfulness. He commented that he enjoyed his role and he thought he provided an important piece in it. He indicated that prior to his appointment, he had offered up the role to anyone else that may be interested in taking it, and he was able to stay on.

Dr. Ligon stated that the concern was, that they wanted it to be a productive, respectful process through the zoning updates. She noted that there had been rumblings on the Planning Commission that if they did not make a change, there would be huge change on the Planning Commission. She commented that they thought this option was less disruptive than having several Planning Commission members leave. Mr. Reed noted that he first heard this from Mr. Parr two (2) days earlier. He commented that no one from Planning Commission had approached him about it. He noted that if he were to step down, he would like to hear from the Planning Commission about it first, and he indicated that he really had no reason why. He reiterated that no one had come forward, with the exception of what was just related by Mr. Rutherford and Dr. Ligon. Mr. Rutherford noted that it had been brought to him, and that was why he asked for Mr. Parr to speak with Mr. Reed. Mr. Rutherford stated that he did not want to make a motion to replace Mr. Reed, but he was getting there, for the sake of not having a major disruption. Mr. Reed commented that he did not see any possible major disruption, or fear of one. Mr. Rutherford commented that if they lost two (2) Planning Commission members the next day, that would be pretty major. Mr. Reed noted that he wanted to see the Planning Commission members address him directly if they disagreed with something he was doing or his approach. He noted that for Mr. Rutherford to provide those individuals cover, without addressing it directly, did not seem right. Mr. Rutherford noted that they had addressed it directly with him, Dr. Ligon and Mr. Parr.

Mr. Rutherford moved to appoint Dr. Ligon as the Board member on Planning Commission starting for the September Planning Commission meeting, through the end of the year. Dr. Ligon seconded the motion. Mr. Reed noted that he was appalled to be asked to step down from a board that he had served well for two and a half years, and had never received any criticism from his Planning Commission colleagues, his constituents, or his Board colleagues until the meeting. He stated that he saw no reason or cause for it. He noted that he had no discussion with anyone about it until what was said in the meeting that day. Mr. Reed commented that it seemed like no grounds for dismissal and he did not think it spoke well to the County or to the two (2) members on the Planning Commission which he did not know who they might be, or to his colleagues on the Board of Supervisors who had appointed him. There was no further discussion, and Supervisors voted (2-1) by roll call vote to approve the motion, with Mr. Reed voting no.

#### C. Correspondence

The Board had no correspondence to discuss.

#### D. Directives

Mr. Reed reported that he had a discussion with George Miller at the Nelson County Service Authority. He related that Jennifer Fitzgerald had heard from some people in County where they have had trucks from the County that have been serving people and they assumed incorrectly that they were Service Authority trucks. He asked if all County vehicles that were used for County purposes were signed as County vehicles. Ms. McGarry noted that most County vehicles were. She indicated that a few newer maintenance vehicles did not have County decals on them yet. She commented that the Service Authority logo and the County seal were similar but they did differ. Mr. Reed asked if those logos were in process for the vehicles. Ms. McGarry noted that they were. Mr. Reed noted that would help clarify to people who was working and providing services. Mr. Reed noted that he would relate the information to Mr. Miller. Ms. McGarry asked Mr. Reed what services were being provided that citizens would question whether it was a Service Authority vehicle or County vehicle. Mr. Reed was not sure but indicated that Ms. Fitzgerald may be able to clarify. Ms. McGarry noted she would reach out to Ms. Fitzgerald for more information.

### VIII. CLOSED SESSION PURSUANT TO §2.2-3711 (A)(1) (AS NEEDED)

Mr. Rutherford moved that the Nelson County Board of Supervisors convene in closed session to discuss the following as permitted by Virginia Code Sections 2.2-3711- (A)(1) - "Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body;" – Personnel. Dr. Ligon seconded the motion and there being no further discussion, Supervisors voted unanimously (3-0) by roll call vote to approve the motion.

Supervisors conducted the closed session and upon its conclusion, Mr. Rutherford moved to reconvene in public session. Dr. Ligon seconded the motion and there being no further discussion, Supervisors voted unanimously (3-0) by roll call vote to approve the motion.

Upon reconvening in public session, Mr. Rutherford moved that the Nelson County Board of Supervisors certify that, in the closed session just concluded, nothing was discussed except the matter or matters specifically identified in the motion to convene in closed session and lawfully permitted to be discussed under the provisions of the Virginia Freedom of Information Act cited in that motion. Dr. Ligon seconded the motion and there being no further discussion, Supervisors voted unanimously (3-0) by roll call vote to approve the motion.

**IX. ADJOURN AND CONTINUE - EVENING SESSION AT 7PM**

At 3:47 p.m., Mr. Rutherford moved to adjourn and reconvene at 7:00 p.m. Dr. Ligon seconded the motion. There being no further discussion, Supervisors approved the motion unanimously (3-0) by roll call vote and the meeting adjourned.

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

**I. CALL TO ORDER**

Mr. Reed called the meeting to order at 7:01 p.m. with three (3) Supervisors present to establish a quorum and Mr. Parr and Mr. Harvey were absent.

**II. PUBLIC COMMENTS**

There were no persons wishing to speak during public comments and the public comments period was closed.

**III. PUBLIC HEARINGS**

**A. Special Use Permit #24-0157 – Permanent Sawmill**

Consideration of a Special Use Permit application requesting County approval to allow a Permanent Sawmill on a property zoned A-1 Agricultural. The subject property is located at Tax Map Parcel #42-A-55, addressed 452 Modoc Lane in Roseland. The subject property is 176.195 acres and is owned by St. Dunstan’s Academy.

Ms. Bishop provided the following report:

**BACKGROUND:** This is a request for a Special Use Permit (SUP) on property zoned A-1 Agriculture, to allow a sawmill for processing of timber on-site to be utilized in the construction of their school.

*Public Hearings Scheduled:* PC – August 28 / Board – September 10

*Location / Election District:* 452 Modoc Lane, Roseland / West Election District

*Tax Map Number / Total acreage:* 42-A-55 / 176.2 acres +/- total

*Owner/Applicant Contact Information:* St. Dunstan’s Academy (Thomas Fickley, Headmaster), 452 Modoc Lane, Roseland, VA 22967, 434-466-2060, tfickley@stdunstansacademy.org

*Comments:* A by-right minor site plan has been submitted for the first phase of construction of a non-profit boarding school and is currently in review. The applicant is requesting to operate a portable sawmill on the property, to harvest timber that will be utilized on-site for the construction of the school and associated buildings. According to the application, there is approximately 110 acres of forest on the property that is available to selectively harvest.

**DISCUSSION:**

*Land Use / Floodplain:* The subject parcel is zoned A-1 Agriculture and is adjoined by A-1 zoned properties. The area is primarily agricultural in nature, with low density residential uses. There is some floodplain located on the property, however no development is proposed in this area.

*Comprehensive Plan:* This property is located in a *Rural Area* on the County’s Future Land Use Map, which should ensure the protection of the County’s rural landscape and economy by

maintaining open space, scenic views, and agricultural uses with compatible low density residential uses. Primary land use types include farm, agriculture and forestry, and institutional uses.

**REVIEW CRITERIA FOR SUP:** 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.

*Recommendation:* At their meeting on July 24, the Planning Commission held a public hearing and recommended approval (6-0) of SUP #240157 for a sawmill at 452 Modoc Lane with the following conditions:

1. The lumber harvested shall be utilized only for projects located on the subject property and shall not be utilized for commercial use.
2. Hours of operation shall be limited from 8:00 a.m. to 5:00 p.m. and shall not be operated on Sunday.
3. The sawmill motor shall not exceed 25 horsepower.
4. The sawmill shall not be located or utilized within 100' of any adjoining property line.

Per correspondence from Thomas Fickley dated 8/30/24, the applicant is requesting a revision to recommended condition #2:

2. Hours of operation shall be limited from 8:00 a.m. to **8:00 p.m.** and shall not be operated on Sunday.

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

The applicant, Thomas Fickley was present to discuss the application for special use permit. Mr. Fickley explained that they were trying to build a private boys' boarding school in Roseland. He noted that the school combined classical education, instruction in the trades and agriculture. He explained that the sawmill would be a great asset to their project, because it would allow them to harvest timber from their site and then construct the buildings from the harvested lumber. He indicated that it was a very low impact way for them to build their buildings, and it would allow for them to be good neighbors, because instead of bringing trucks onto the property to get the timbers and take them to the mill to be sawed and then hauled back, they could do everything on site.

Dr. Ligon noted that they wanted to teach trades, but part of trades was making money. She asked if they were having children to make things that they should in the future want to sell, if that would limit them from being able to sell the wood product. Mr. Fickley noted that was a vital part of trades education, but craftsmanship was what they were primarily trying to teach at the moment. He indicated that he would love to teach the other side of trades as well.

Father Mark Perkins, Assistant Headmaster at St. Dunstan's, was also present to answer questions. Father Perkins stated that his reading of that condition was that they were not allowed to sell the lumber or timbers produced, and that was really not part of their model. He commented that they would never be producing timber in order to sell it. He explained that as a timber framing school, they would be building timber frame structures on campus, but at some point in the future when they were finished building and wanted to continue teaching timber framing, they could cut a timber with the boys to teach them how to do it, and then they would sell it. He noted he assumed that was not relevant in the scenario because they were not selling the lumber, they were selling a finished product. Father Perkins explained that with the saw mill, they could harvest their own material, cut the frame and then sell it. He noted that if they could not use the saw mill, that would mean a truck would have to deliver timbers from offsite. Mr. Fickley noted that timber framing was one of the crafts that they planned to teach in their trades program at the school. He indicated

that it was most relevant right now because they needed buildings to run a school from. He reiterated that timber framing would help them to teach the kids and to have the structures they needed.

Dr. Ligon noted the request to change the time for using the saw mill. She noted that it was cooler in the evening and asked if there was any other reason they wanted to extend the time. Mr. Fickley explained that they were looking to extend the hours for later into the evening because they were educating students during the day. He noted that they would primarily be sawing in the afternoon, but it would be nice to have the option for evening hours.

Mr. Rutherford noted to the applicants that he really loved what they were doing and what it could mean to the community, and what it could mean for the students and their futures. He commented that he felt the 8:00 a.m. to 8:00 p.m. was a reasonable ask. Dr. Ligon and Mr. Reed were in agreement with the amendment to Condition #2, to allow operation from 8:00 a.m. to 8:00 p.m. The Board then discussed Condition #3 which limited the sawmill motor 25 horsepower. Mr. Reed noted that there had been several people at the Planning Commission meeting in opposition, and the conditions were crafted in response to those comments, which were mostly from adjoining landowners. He noted that no one was present that evening to speak against it, and he had not heard from anyone. He indicated that he assumed the conditions appeased those who had been concerned with the original application. Mr. Reed commented that he felt the other conditions #1, #3 and #4 should stay as they were presented. Mr. Rutherford agreed that Condition #4, “the sawmill shall not be located or utilized within 100 feet of any adjoining property line,” was a reasonable ask. Mr. Rutherford suggested that they equate the horsepower to the same level as a standard tractor. Mr. Reed commented that he did not think it was a good policy to give applicants of a special use permit more than what they were asking for. He noted that he felt the applicants had been thoughtful about what they asked for. He indicated that the limitations were proposed by the applicant, and not anyone else. Dr. Ligon noted that she assumed the 25 horsepower limit was chosen because it was quiet. Mr. Reed indicated that he thought it was chosen because that is what the saw mill was, and they already owned it. He noted that the applicants could return to change it in the future if needed. Mr. Rutherford suggested that bringing the limit to 120 horsepower like that of a standard tractor, was not that big of a change. Dr. Ligon was in agreement to keep the horsepower limit at 25.

Mr. Rutherford asked about Condition #1 and whether they would still be able to cut a tree and turn it into a bowl, and then sell it at a farmer’s market. Ms. Bishop confirmed that they would, because it would be an agricultural product sold at a farmer’s market or offsite. She noted that as with any A-1 property, they were still permitted to have events, or a vendor event. Mr. Rutherford asked if the condition meant that they would just not be able to cut a board, plane and board and then sell the board. Ms. Bishop noted that was her understanding.

Ms. Bishop confirmed that they had received special use permit amendment applications in the past, so if the applicants decided to get a bigger piece of equipment in the future, they could always come back.

Mr. Rutherford moved to approve **Special Use Permit 24-0157 – Permanent Sawmill** with the following conditions:

1. The lumber harvested shall be utilized only for projects located on the subject property and shall not be utilized for commercial use.
2. Hours of operation shall be limited from 8:00 a.m. to 8:00 p.m. and shall not be operated on Sunday.
3. The sawmill motor shall not exceed 25 horsepower.
4. The sawmill shall not be located or utilized within 100' of any adjoining property line.

Dr. Ligon seconded the motion. There being no further discussion, Supervisors voted unanimously (3-0) by roll call vote to approve the motion.

**B. Ordinance O2024-01 - Creation of Agricultural & Forestal District – North Fork – 2290.254 acres**

Consideration of a request for the creation of an Agricultural and Forestal District in the Montebello/North Fork area.

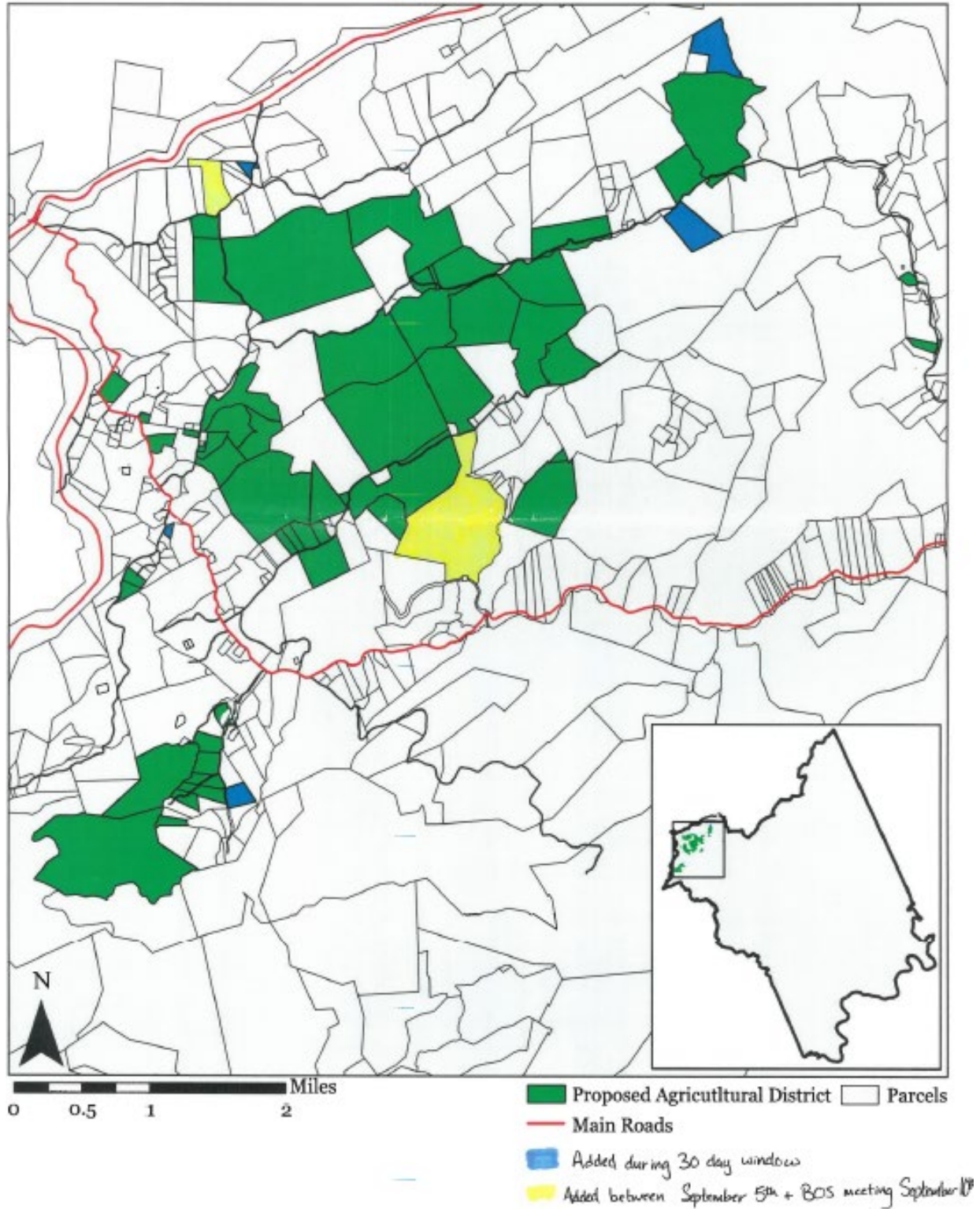
Ms. Bishop presented the following:

The Planning & Zoning Department has received an application from Mr. Wade Lanning to

create a new 2418.244 acre Agricultural and Forestal District to be known as the *Fork Mountain Agricultural and Forestal District*. The proposed District is located along Fork Mountain Ln, North Fork Rd, Fish Hatchery Ln, and the surrounding area.

Ms. Bishop provided a map of the proposed Agricultural and Forestal District. She noted that the green parcels on the map were part of the core.

## Fork Mountain AFD



Ms. Bishop then provided the following information:

“The Agricultural and Forest Conservation District Program is a voluntary program in which farmers, foresters and landowners form an Agricultural and/or Forest Conservation District for the purposes of conserving areas that are rural and agricultural. The property owner continues to hold fee simple title to the land, but the easement restrictions run with the land, for a set

term of years. The agreements usually include exceptions that permit the landowner to withdraw from the program under certain circumstances.

Agricultural-Forestal Districts (AFDs) were established by the State of Virginia as a means for counties to offer incentives to landowners to maintain their property in agriculture and forestry. These benefits include

- (1) eligibility for Land Use taxation,
- (2) protection from eminent domain and municipal annexation, and
- (3) protection from frivolous nuisance complaints.

These protections are in effect for the duration of the contract period. As a result, the County is able to more accurately plan land use in the region, since the owner agrees not to convert the property to a more intensive use for the duration of the contract. The rural nature of the landscape is maintained and the tax rates remain low since residential development is slowed and county resources are not overburdened.”

### **Review Criteria for AFDs:**

Please reference Section 9-201 “Evaluation Criteria” for a list of factors to be considered by the Advisory Committee, Planning Commission, and the Board of Supervisors when reviewing the application for AFD #24-0134, as follows:

- a) The agricultural and forestal significance of land within the district or addition and in areas adjacent thereto;*
- b) The presence of any significant agricultural lands or significant forestal lands within the district and in areas adjacent thereto that are not now in active agricultural or forestal production;*
- c) The nature and extent of land uses other than active farming or forestry within the district and in areas adjacent thereto;*
- d) Local developmental patterns and needs;*
- e) The comprehensive plan and, if applicable, zoning regulations;*
- f) The environmental benefits of retaining the lands in the district for agricultural and forestal uses; and*
- g) Any other matter which may be relevant.*

*In judging the agricultural and forestal significance of land, any relevant agricultural or forestal maps may be considered, as well as soil, climate, topography, other natural factors, markets for agricultural and forestal products, the extent and nature of farm structures, the present status of agriculture and forestry, anticipated trends in agricultural economic conditions and such other factors as may be relevant.*

### **Comprehensive Plan:**

The properties are located in both “High Conservation Value Areas & Natural Corridors” and “Rural Areas” on the County’s Future Land Use Map.

*Conservation Areas* are those areas with significant environmental sensitivity and/or areas that are currently protected from development through permanent conservation or recreation use. They are established to minimize detrimental impacts to the environment, maximize groundwater recharge capacity, and protect key natural resources. Examples include steep slopes, flood inundation zones, sensitive environmental corridors, and federal and state lands.

*Rural Areas* should ensure the protection of the County’s rural landscape and economy by maintaining open space, scenic views, and agricultural uses with compatible low density residential uses. Rural Areas typify the historic and natural landscape of Nelson County that includes prime agricultural areas, forested mountains, and rural homesteads. The area also currently includes some low-density single-family subdivisions. Alterations and retrofits to these developments to enhance resiliency and conform to



current health, environmental, zoning and subdivision standards is appropriate and encouraged; however, expanded, or new subdivisions is not the primary intent of this planning area.

Adjoining property owners were notified of the proposed AFD via letter on August 6th, 2024. This letter included the option for property owners to join the AFD within 30 days of the date of the letter (September 5th). There have been five additional landowners (shown in blue on map) that have applied during this time period.

Ms. Bishop reported that two (2) additional property owners applied to join between the September 5<sup>th</sup> deadline and the day of the Board meeting. She indicated that those parcels were in yellow on the map. She noted that one was Camp Blue Ridge, and the other was a 17 acre parcel.

There is the potential for more properties to join that have applied between the September 5th deadline and the September 10th Board of Supervisors meeting with the consent of the Board of Supervisors:

**AFD Ordinance Sec. 9-201(3)a:**

(iv) a statement that any owner of additional qualifying land may join the application within thirty (30) days from the date of the notice or, with the consent of the board of supervisors, at any time before the public hearing the board of supervisors must hold on the application;

There are three parcels (17-A-35, 17-A-35B, and 17-A-35C) that are more than a mile and a half from the core. The Board is able to allow the inclusion of parcels further than a mile away if they find that the parcels contain agriculturally and forestally significant land.

**AFD Ordinance Sec. 9-200:**

Each agricultural and forestal district shall have a core of no less than two hundred (200) acres in one (1) parcel or in contiguous parcels. A parcel not part of the core may be included in a district (i) if the nearest boundary of the parcel is within one (1) mile of the boundary of the core, (ii) if it is contiguous to a parcel in the district, the nearest boundary of which is within one (1) mile of the core, or (iii) if the board of supervisors finds, in consultation with the advisory committee or planning commission, that the parcel not part of the core or within one (1) mile of the boundary of the core contains agriculturally and forestally significant land. The land included in such a district may be located in more than one (1) locality provided that the requirements of Code of Virginia, § 15.2-4305 for such districts are satisfied. All included tracts shall be shown as separate parcels in the county real estate records.

**The advisory committee met on July 24th, 2024 to review and discuss the application and unanimously recommended approval of the application to the Planning Commission with the stipulation that parcels 17-A-35, 17-A-35B, and 17-A-35C not be included.**

**The Planning Commission recommended approval of the Fork Mountain AFD (6-0) as well, with the stipulation that parcels 17-A-35, 17-A-35B, and 17-A-35C not be included, being located further than a mile from the core and lacking agricultural/forestal significance.**

Ms. Bishop noted in the resolution, they had a new total acreage for the district. She indicated that originally, it was 2,418 acres. She noted that they were now looking at 2,562.804 acres for the total, and the core acreage was 1,773.714 acres. Ms. Bishop indicated that this was also after one (1) of the parcels was recommended to be removed that evening. She noted that the 117-acre parcel that had been removed, was planned to have a one lot subdivision, and that could not be done if they were part of the AFD. She noted that the recommendation was to exclude this parcel from the current establishment of the district. She indicated that every year, if landowners applied prior to June 1<sup>st</sup>, the process would be done again, and they could add or remove land during the next round.

**Recommended Action(s):**

1. Consider adoption of Ordinance O2024-01 to create AFD #24-0134, Fork Mountain Agricultural and Forestal District. The ordinance can be adopted immediately as presented or amended, or deferred.
2. Consider whether parcels 17-A-35A, 17-A-35B and 17-A-35C be included (AFD Committee and PC both recommended that these parcels not be included in the AFD).
3. Consider any additional parcels that have requested to join the proposed AFD.

Dr. Ligon asked if these districts were in a sense, a very short term conservation easement. Ms. Bishop explained that the districts were supposed to be reviewed every five (5) years. She reported that Nelson County currently had five (5) Agricultural and Forestal Districts (AFDs), including Glass Hollow, which was approved last year. She noted that all five (5) AFDs were still active. Dr. Ligon noted that there was the possibility of adding more later. Ms. Bishop confirmed that was correct. Dr. Ligon asked if AFDs decreased property tax similar to a conservation easement. Ms. Bishop explained that any properties, regardless of the acreage in the AFD, were eligible to apply for land use taxation and receive it. She noted that if there were parcels less than five (5) acres in size, they could still apply.

Mr. Reed noted that he was on the AFD committee and the Planning Commission and he was very much in favor of the AFD. He commented on the importance of the core area for conservation values, because an intact core had stronger conservation values than tangential or adjacent properties that were beyond that. He indicated that there was one (1) larger property that was part of the George Washington National Forest. He noted that the George Washington National Forest had its own forest plan to determine the planning that they had for all of their lands. He commented that if the National Forest were to do anything to change the character, they would have to amend their forest plan. He noted that currently the George Washington National Forest was in a management prescription, which did allow timber removal, but did not allow for amenities or campgrounds. He noted that made the AFD stronger than it appeared on paper. He commented that it also gave the adjacent landowners a little bit of weigh in on future changes to the forest management plan. Ms. Bishop noted that it was a good answer to the feedback they received during the Comprehensive Plan process in the Montebello area.

Mr. Reed opened public hearing.

*Susan McSwain - Shipman, VA*

Ms. McSwain stated that she was the secretary of the AFD Advisory Committee. She explained that the Code of Virginia authorized localities to adopt districts designed to protect working farms and forestland. She reported that there were approximately 30 counties in Virginia that had adopted ordinances to allow for the creation of AFDs. Ms. McSwain reported that Nelson passed its ordinance in 2002, and since then five (5) AFDs had been created in the County – in the South District, Findlay Mountain AFD; in the East District, Dutch Creek AFD; in the Central District, Davis Creek AFD; in the North District, two (2) AFDs, Greenfield and Glass Hollow. She reported that within the five (5) AFDs, there were 119 families who had placed their land in these districts. She indicated that there was currently a total of 8,361 acres in AFDs, not counting the proposed district. She noted that the proposed Fork Mountain AFD would be the first one in the West District, which would mean that if approved, every district in the County would have an AFD. Ms. McSwain stated that the AFD Advisory Committee was appreciative of the amount of work and information that Wade Lanning provided to them. She noted that she and Andy Wright were both present and available if the Board had any questions for the AFD Advisory Committee.

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

Mr. Rutherford moved to approve Ordinance O2024-1 as amended to remove parcel number 16-A-18 Vok LLC, 117.54 acres; and to add parcel number 27-A-16 Potomac Conference Corporation, 245.03 acres; and add 15-A-4E Frank J. Lehner Jr., 17.07 acres, with a revised total acreage of 2,562.804 acres, with the core being 1,773.714 acres. Dr. Ligon seconded the motion. There being no further discussion, Supervisors approved the motion unanimously (3-0) by roll call vote and the following ordinance was adopted:

**ORDINANCE O2024-01  
NELSON COUNTY BOARD OF SUPERVISORS  
AMENDMENT OF THE CODE OF NELSON COUNTY, VIRGINIA  
CHAPTER 9 “PLANNING AND DEVELOPMENT,” ARTICLE V,  
“AGRICULTURAL AND FORESTAL DISTRICTS”  
CREATION OF THE FORK MOUNTAIN AGRICULTURAL AND FORESTAL DISTRICT**

**WHEREAS**, Mr. Wade Lanning has filed application #24-0134 to establish the Fork Mountain Agricultural and Forestal District located along Fork Mountain Lane (Rte. 667), North Fork Road (Rte. 687), Fish Hatchery Lane (Rte. 690) and the surrounding area, for a total of **2,559.324** acres, with the core consisting of 1,773.714 acres; and

**WHEREAS**, the parcels to be included in the Fork Mountain Agricultural and Forestal District are as follows:

<u>Parcel Number</u>	<u>Owner</u>	<u>Acreage</u>
17-A-5	Faye Allen Humphries Trustee	80
17-A-9	James G. & Marissa A. Taylor	147
17-A-17	David M. & Linda T. Locks	60.04
17-A-3	Treca A. King & James B. Massie	31.71
16-A-29	Ian Michael Coddington	38.96
16-A-24	Wade B. & Phyllis Y. Lanning	65.88
16-A-23	Wade B. & Phyllis Y. Lanning	82.45
16-A-20	Tye River Property LLC (Brian & Amy Brown)	102.27
16-A-21A	Tye River Property LLC (Brian & Amy Brown)	2.56
27-A-5	Tye River Property LLC (Brian & Amy Brown)	77.22
16-A-21	Charles G. & Marilyn F. Evans	8.19
16-A-13	Roland G. Hill & Mary K. Hill	99.6
27-A-2	Colleen L. Conlin & Thomas E. Davis Trustees	35.41
27-A-2A	Colleen L. Conlin & Thomas E. Davis Trustees	76.26
27-A-7	Vok LLC (Charles Kaye)	131.6
27-A-17	Joan A. Enyingi Regan	107.6
27-A-16C	Joan A. Enyingi Regan	21.37
27-A-42	Carl F. Coffey Trustee	67.22
27-A-48	Carl F. Coffey Trustee	5
27-A-10A	Sarah E. Bastarache	29.3
27-A-13	John S. & Clelia M. LaMonica	24.34
27-A-12A	Earl & Lois Arnold	9.8
27-A-12B	Mary B. Boynton	6.18
27-A-12C	Deidre & Donald Wenrich	4.9
27-A-12	Kathleen S. Monaghan	9.41
26-5-6A	Kathleen S. Monaghan	8.71
27-A-9	Andy Eshelman	119.97
26-A-60	Alan D. & Marie H. Firth	25.54
26-A-18D	Ruth Ronda Regal	1.24
26-A-18E	Ruth Ronda Regal	8.88
26-A-18A	Darrin & Larissa Grant	3.03
26-A-62A	Tybridge II Family Limited Partn (Forsyth)	39.89
26-A-62	Tybridge II Family Limited Partn (Forsyth)	27.85
26-A-62C	Tybridge II Family Limited Partn (Forsyth)	30.564
15-A-8	Richard & Sherri Smith	52.97
15-A-4I	Jeffrey & Donna Beeby	14.18
15-A-5	Anna T. Lane	254.2
15-A-4A	Raymond J. Vartuli & Stephanie S. Graham	3.07
26-6-8	Daniel Edward & Amanda Leslie Tipton	1.92
26-A-30B	Dolores G. Taylor	3.92
26-6-1	Dolores G. Taylor	3.99
26-A-42	Richard M. & Dana P. Howald	60
26-5-8A	Richard M. & Dana P. Howald	5.62
26-5-8B	Lee H. & Paulette A. Albright	6.62
26-5-4	Lee H. & Paulette A. Albright	11.27
38-A-2	Lee H. & Paulette A. Albright	222.07
26-5-1A	John M. & Laura L. Ward	3.29
26-5-3	Kenneth & Karen Cowen	11.44

26-5-2	Jeffrey S. & Sandra S. Garber	10.29
26-5-5	Charles R. & Nancy D. May	11.03
26-5-13	Michael Charles Yankovich	11.29
26-7-2	Teresa L. Guinter	7.45
26-A-13	Jayne M. Hoffman	1.57
26-A-5B	Erik & Monica Morris	11.09
27-A-16	Potomac Conference Corp.	245.03
15-A-4E	Frank J. Lehner, Jr.	17.07

**WHEREAS**, all of the property owners voluntarily agreed to subject their properties to the requirements stated in Section 9-202 of the Code of Nelson County and in addition, the following conditions will also apply:

- a. No parcel within the District shall be developed to a use more intensive than that existing on the date of creation of the district, other than uses resulting in more intensive agricultural or forestal production;
- b. Parcels of land within the District may only be subdivided by purchase or gift to immediate family members. However, subdivided parcels shall remain in the District for at least until the time of the next scheduled District renewal; and
- c. Parcels of land within the District may be sold in their entirety to a non-family member during the term of the District. However, the parcel under new ownership shall remain in the District at least until the time of the next scheduled District renewal; and
- d. Membership in this AFD does not preclude building a home on land on which no structure exists, or construction of guest house, garage, workshop, barn or similar auxiliary structure as allowed by County Regulations.
- e. The period before first review is five (5) years; and

**WHEREAS**, all procedural matters have been completed pursuant to §15.2-4300 et seq. of the Code of Virginia, 1950 as amended and pursuant Article V, Agricultural and Forestal Districts of the Code of Nelson County; and

**WHEREAS**, after reviewing the Planning Department’s report, the Agricultural and Forestal Districts Advisory Committee’s recommendation, and considering the comments from the public received at its public hearing held on **September 10th, 2024**, it is the Board’s finding that there are significant agricultural and forestal lands within the proposed expanded Districts and the newly proposed District and that they meet the requirements for such designation;

**NOW THEREFORE BE IT ORDAINED**, by the Nelson County Board of Supervisors that the Code of Nelson County, Chapter 9 “Planning and Development,” Article V, “Agricultural and Forestal Districts” be amended to create the Fork Mountain Agricultural and Forestal District as proposed with the conditions (restrictions) as stated in the applications; which each property owner voluntarily agreed to place on his and/or her property; and

**BE IT FURTHER ORDAINED**, by the Nelson County Board of Supervisors that this Ordinance becomes effective upon adoption.

\*It is noted that the new total acreage amount of 2,562.804 acres was found to be incorrectly totaled in the first Whereas of the adopted Ordinance O2024-01. Staff was able to determine that one of the removed parcels in the amount of 3.48 acres was not deducted from the total. The correct total acreage is 2,559.324 acres, which is reflected in adopted Ordinance O2024-01.

Ms. Bishop noted that application deadline every year was June 1st every year to add or remove parcels from an AFD.

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

The Board had no other business.

**V. ADJOURN AND CONTINUE TO SEPTEMBER 19, 2024 AT 10 A.M. FOR A BOARD RETREAT**

At 7:41 p.m., Mr. Rutherford moved to adjourn and continue to September 19, 2024 at 10:00 a.m. for a Board retreat. Dr. Ligon seconded the motion. There being no further discussion, Supervisors approved the motion unanimously (3-0) by roll call vote and the meeting adjourned.