

November 14, 2024

**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  
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  
Grace E. Mawyer, Co-Director of Finance and Human Resources  
Dylan M. Bishop, Director of Planning and Zoning  
John Adkins, Director of Emergency Services

Absent: Thomas D. Harvey, North District Supervisor

**I. CALL TO ORDER**

Mr. Parr called the meeting to order at 2:02 p.m. with four (4) Supervisors present to establish a quorum and Mr. Harvey being absent.

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

**II. PUBLIC COMMENTS**

*Valdrie Walker, Norwood, VA*

Ms. Walker noted that she wanted to comment on the Comprehensive Plan, Zoning and the item on the agenda, the Wild Rose Comments regarding Comp Plan Zoning and item on agenda for today, the Wild Rose Solar Special Use Permit. She complimented the Board on what they had already done in terms of the Comprehensive Plan. She expressed concern that the Wild Rose Solar Special Use Permit was outside of what was allowed by law in Virginia, in terms of by-right use. She noted that it would need to be a special permit use, or conditional use permit. Ms. Walker commented that if the project were approved, she was concerned for what would happen to the South District and Nelson County, and all of the work put into the Comprehensive Plan, as well as the work to be done for the Zoning Ordinance. She noted that the organization had proffered some things, which was usually money, to the Board of Supervisors as an incentive to allow them to have a special use permit. She asked the Board to not be overzealous. She noted that proffers had been going on in localities for many years. She commented that organizations and companies purchase land and wait years to turn it into something that it was never supposed to be. She noted that many times when citizens come forward, asking to build a garage or addition to their home, they are told that they are out of order. She noted that citizens have nothing to proffer because they are not able to, but companies are taking advantage of the proffering part of the law. Ms. Walker commented that if the Board were to sign off on the siting agreement or receive a proffer, then that would pretty much lock the County in. She commented that the South District was the largest A-1 district in Nelson County and asked that the Board consider what could happen to it when making any decisions that afternoon.

*Stephen Bayne, Nellysford, VA*

Mr. Bayne commented that presentation slides regarding through truck restrictions were in the packet for the meeting and he was glad to see that. He asked the Board to consider the following – He noted that there

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were four (4) criteria and both one (1) and two (2) must be met, and either three (3) or four (4) must be met. He commented that the Commonwealth Transportation Board (CTB) makes the ultimate decision on truck restrictions, but it would go to VDOT first. He indicated that he had spoken with VDOT the day before. Mr. Bayne spoke regarding criteria three (3) and noted that 151 was residential in nature. He commented that using typical criteria was likely not appropriate for a unique road such as 151. He then spoke regarding criteria four (4) and noted that 151 was also local functionally classified in addition to the actual functional classification minor arterial. He reiterated that 151 was local, in addition to being a minor arterial. He reported that VDOT confirmed with him that nothing had been received from the County and VDOT was very willing to help the County. He noted that in regards to criteria one (1), he challenged the current analysis as not being sufficient and with a notable error. He commented that while the current North termini were the roundabout intersection of Route 151 with Route 250, He stated that the termini should be the Afton Rockfish Gap exit 99 on 64. Mr. Bayne commented that without the additional leg, the calculated time differential was overstated. He stated that it was his belief that the time differences calculated were likely overstated overall. He then noted that it was highly likely that criteria two (2) was met in regards to safety issues and accident history. Mr. Bayne express concern that County staff was rushing it, and it was better to be thorough. He noted that VDOT had acknowledged acute citizen safety concerns for Route 151 and the through truck volume. He reiterated that VDOT was very forthcoming with their offer to help the County.

Mr. Parr announced that there was one update to the agenda as originally published. He noted that under Presentations, Item D., the Heritage Center was unable to attend the meeting and they were hoping to reschedule for the following month.

### III. CONSENT AGENDA

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

A. Resolution – **R2024-73** Minutes for Approval

**RESOLUTION R2024-73**  
**NELSON COUNTY BOARD OF SUPERVISORS**  
**APPROVAL OF MINUTES**  
**(April 18, 2024, April 22, 2024)**

**RESOLVED**, by the Nelson County Board of Supervisors that the minutes of said Board meetings conducted on **April 18, 2024 and April 22, 2024** be and hereby are approved and authorized for entry into the official record of the Board of Supervisors meetings.

B. Resolution – **R2024-74** Budget Amendment

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**RESOLUTION R2024-74**  
**NELSON COUNTY BOARD OF SUPERVISORS**  
**AMENDMENT OF FISCAL YEAR 2024-2025 BUDGET**  
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<b>I. Appropriation of Funds (General Fund)</b>		
<u>Amount</u>	<u>Revenue Account (-)</u>	<u>Expenditure Account (+)</u>
\$ 2,990.00	3-100-001901-0032	4-100-031020-3038
\$ 16,380.00	3-100-003303-0008	4-100-031020-3035
\$ 16,800.00	3-100-003303-0008	4-100-031020-3034
\$ 38,213.00	3-100-001401-0001	4-100-031020-1010
\$ 3,500.00	3-100-001401-0001	4-100-031020-5409
\$ 17,000.00	3-100-009999-0001	4-100-071020-8003
<hr/>		
<b>\$ 94,883.00</b>		
<b>II. Appropriation of Funds (School Fund)</b>		
<u>Amount</u>	<u>Revenue Account (-)</u>	<u>Expenditure Account (+)</u>
\$ 441,728.68	3-205-002402-0306	4-205-066100-9305
\$ 205,127.23	3-205-003302-0027	4-205-061100-9304
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<b>\$ 646,855.91</b>		
<b>III. Appropriation of Funds (Debt Service Fund)</b>		
<u>Amount</u>	<u>Revenue Account (-)</u>	<u>Expenditure Account (+)</u>
\$ 1,060.99	3-108-004105-0100	4-108-095100-9128
\$ 1,060.99	3-108-004105-0100	4-108-095200-9127
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<b>\$ 2,121.98</b>		
<b>IV. Transfer of Funds (General Fund Contingency)</b>		
<u>Amount</u>	<u>Credit Account (-)</u>	<u>Debit Account (+)</u>
\$ 10,000.00	4-100-999000-9905	4-100-091030-5685
\$ 31,200.00	4-100-999000-9905	4-100-091050-7125
\$ 1,060.99	4-100-999000-9905	4-100-093100-9204
\$ 1,060.99	4-100-999000-9905	4-100-093100-9204
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<b>\$ 43,321.98</b>		

**IV. PRESENTATIONS**

A. VDOT Report

Ms. McGarry noted that Robert Brown was unable to attend the meeting due to a district wide Residency meeting. Mr. Parr noted that if any of the Supervisors had VDOT issues for Mr. Brown, they could call or email him.

B. 2025 TJPDC Legislative Program – David Blount (R2024-75)

David Blount of the Thomas Jefferson Planning District Commission (TJPDC) was present to discuss the

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draft 2025 Regional Legislative Program for the Board's approval. He reported that top three (3) legislative priorities for 2025 were Public Education Funding, Budgets and Funding, and Land Use and Growth Management. He noted that these priorities were a continuation of the 2024 priorities. He explained that in terms of Public Education Funding, enhanced state support for K-12 education remained a top priority for the localities in the region. He noted JLARC's report last year on the K-12 funding formula in which a number of recommendations were made. He indicated that they may see the General Assembly try to address those recommendations. He noted that there had been some tweaking of the language in the priority to recognize the ongoing need, the JLARC report and some of the things that had been done.

Mr. Blount reviewed the second priority, which was Budgets and Funding. He commented that it was a perennial priority as it was like a catchall position that states the desire for enhanced state funding for state programs that are carried out at the local level. He noted that part of the priority included asking the state to not impose unfunded mandates or to shift costs to localities. He noted that the priority also included asking the state to preserve existing revenue generating authority for localities.

Mr. Blount reviewed the third priority, Land Use and Growth Management. He noted that the TJPDC member localities encouraged the State to resist preempting or circumventing existing land use authorities, but rather support local authority to plan and regulate land use. He noted some additions to the priority. He reviewed the following addition to the priority: "We support local authority to address siting and other impacts associated with utility-scale installation of clean energy resources. We support state funding and technical assistance that address the planning, production, transmission, and deployment of new energy resources."

Mr. Blount noted that an additional new statement spoke to retaining local authority to regulate accessory dwelling units.

Mr. Blount reviewed the Legislative Position section. He reported that there had been two (2) additional changes since the draft program was sent. He indicated that some language would be inserted concerning the Children's Services Act (CSA) and the cost of the CSA should be fully funded in the State's base budget. He noted in the Transportation section, there would be a new statement expressing support from the State for an administrative work load cost in the area of Transportation.

Mr. Blount reported that one of the carry over positions that the County had recommended last year was included, which was the support for changes to the Line of Duty Act (LODA) to afford officers employed by private police departments the benefits available under LODA.

Mr. Rutherford noted LODA was coming back. He thanked Mr. Blount and staff for continuing to push that. He indicated that the LODA bill was being carried by Obenshein, and Willet would co-sponsor it with Campbell on other side. Mr. Rutherford asked Mr. Blount to coordinate an email between himself Chief Russell at Wintergreen, and Creigh Deeds' staff. He noted that they wanted to get a meeting scheduled. He asked when the deadline for bills was. Mr. Blount indicated that the deadline for requesting drafts for bills that were going to be pre-filed was November 25<sup>th</sup>. He noted that all bills drafted would be filed on first day of session.

Mr. Parr noted that he had attended an Education Session on Monday at the VACo Conference that was hosted by Senator Favola and Delegate Rasoul. He indicated that at the end of the session, he was able to speak with them both about LODA benefits. He noted that it seemed like a positive conversation.

Mr. Rutherford moved to approve **Resolution R2024-75** and Mr. Reed seconded the motion. There being no further discussion, Supervisors approved the motion unanimously (4-0) by roll call vote and the following resolution was adopted:

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**RESOLUTION R2024-75  
NELSON COUNTY BOARD OF SUPERVISORS  
APPROVAL OF THOMAS JEFFERSON PLANNING DISTRICT  
2025 LEGISLATIVE PROGRAM**

**WHEREAS**, the draft Thomas Jefferson Planning District Legislative Program for 2025 lists three top legislative priorities; and

**WHEREAS**, the program includes a priority addressing public education funding; a constant position on budget/funding issues that supports state aid to localities and opposes mandates and cost shifting to localities; and support for local authorities to plan and regulate land use and growth management; and

**WHEREAS**, the Legislative Program also contains additional positions that focus on the most critical recommendations and positions in other areas of current interest and concern to localities in the region;

**NOW THEREFORE BE IT RESOLVED**, by the Nelson County Board of Supervisors, that the 2025 Thomas Jefferson Planning District Legislative Program be and hereby is approved by said governing body, with the legislative program to serve as the basis of legislative priorities and positions of the member localities of the Thomas Jefferson Planning District for the 2025 session of the Virginia General Assembly, as presented on November 14, 2024, as well as incorporation of recommendations put forth by the Board, as applicable.

C. Storm Ready Certification - National Weather Service

John Adkins introduced Chris Strong, the Warning Coordination Meteorologist of the National Weather Service – Sterling. He reported that over the past two (2) months, his office had been working on Storm Ready Certification, which moves the County toward being able to warn citizens of impending bad weather.

Mr. Strong reported that he was present to recognized the County’s Department of Emergency Services as becoming Storm Ready with the National Weather Service. He noted that when you were prepared for a weather event, things turned out much better. He noted that there was a team at the National Weather Service watching out for the County 24/7 to help provide as much warning as possible for dangerous weather, to help the County take action and protect the citizens, and for the citizens to also be able to take action and protect themselves. He explained that being Story Ready was all about getting information back and forth quickly between Emergency Services, the County, and to the citizens, so that information from the National Weather Service during an emergency can be transmitted as early as possible and as quickly as possible to help people prepare.

Mr. Strong indicated that Mr. Adkins was setting up a Storm Ready spotter class to train additional spotters locally to help report dangerous weather so that there can be even better warnings for the citizens of the County. He explained that Storm Ready was a process that takes a little time to accomplish, to make sure the County is well tied in with the National Weather Service so that information can freely flow when dangerous weather is imminent. Mr. Strong presented a certificate for Nelson County becoming the latest county to become Storm Ready Certified. He noted that they would make sure that the National Storm Ready Page was updated to include Nelson County as well. Mr. Parr thanked Mr. Strong as well as Mr. Adkins and his team for their hard work.

D. Nelson Heritage Center VDH Renovation – Johnette Burdette

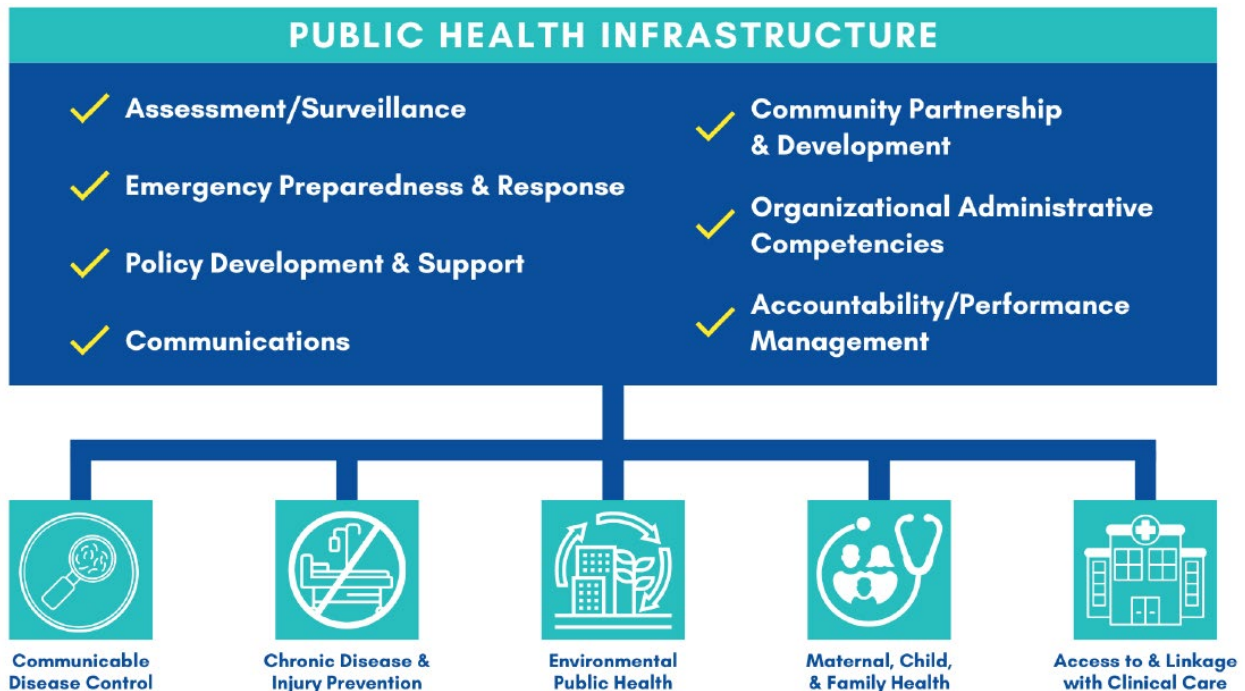
Ms. Burdette was unable to attend due to a schedule conflict.

V. **NEW & UNFINISHED BUSINESS**

A. Local Health Dept. Report and FY24 Carry Over Funds Request – Ryan McKay, VDH

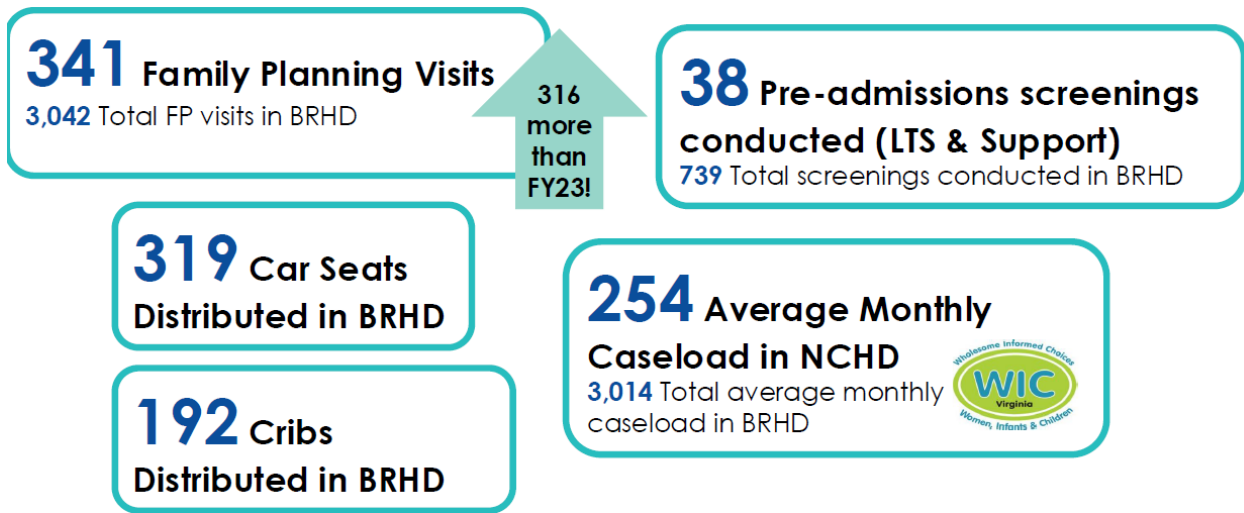
Ryan McKay, Blue Ridge Health District (BRHD) Health Director was present to provide the Local Health Department report and FY24 Carry Over Funds request. Mr. McKay noted that he had started in his current position with the Health Department in December 2023, but he had been with the Health District for over 10 years in a variety of roles ranging from Emergency Preparedness, to Business Management and Policy Analysis. He explained that Nelson County was one (1) of six (6) localities in the Blue Ridge Health District. He noted that the Health District’s home based operated out of the Charlottesville Albemarle Health Department. He reported that they served about 255,000 people throughout the district.

Mr. McKay reviewed the Health Department’s infrastructure.



Mr. McKay provided some highlights from FY24 for the Nelson County Health Department.

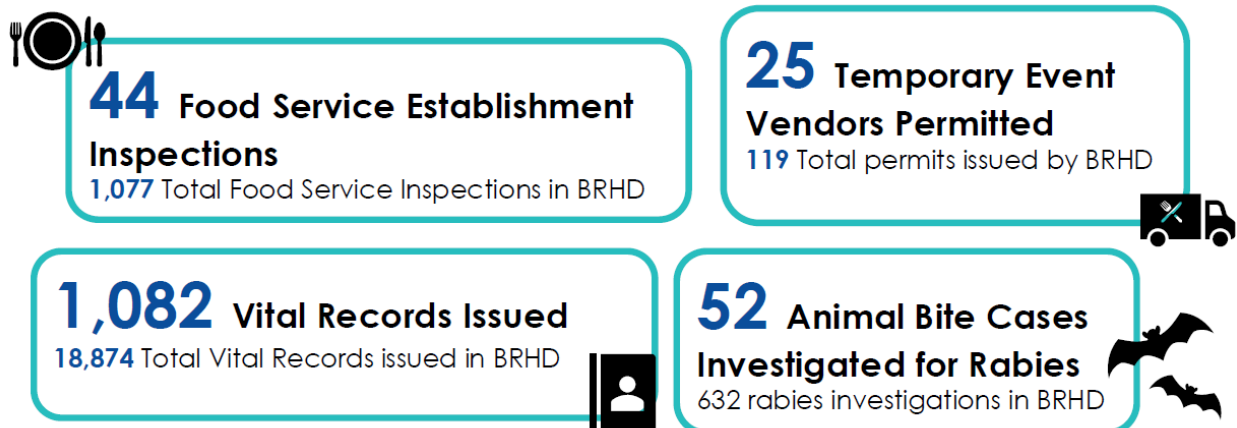
## NCHD Data\* Highlights



He reported increases in family health visits and pre-admission screenings. He noted that their caseload for WIC (Women, Infants and Children) had also increased. He reported that in August 2023, they were back in person offering WIC services at each locality after the federal government declared the public health emergency was over. He noted that prior to that, they had been providing those services remotely. He noted once that public health emergency was declared over, they were able to return to offering peer counseling services, breastfeeding services and education to new moms. Mr. McKay reported that they were in Nelson once per week to provide WIC services and it had been a great benefit to return to in person services.

Mr. McKay reported that the car seat and crib distributions were either funded through state funds or funds set aside at the local level, and they were free to individuals who needed them. He noted that they offered education around safe sleep programs and car seat installation, as well as car seat safety.

Mr. McKay reported that about 21 percent of the total permitted temporary event vendors permitted were done in Nelson County.



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Mr. McKay explained that the animal bite cases investigated was when citizens called to report that they exposed to a bat or bitten by a dog. He noted that the Health Department would perform an evaluation to determine whether or not the individual would require a rabies vaccination. He noted that the Health Department also provided vital records as well as food service establishment inspections. Mr. McKay indicated that they had one Environmental Health Specialist assigned to Nelson County and they performed all of the inspections.

Mr. McKay reported that the Nelson County Health Department would be moving to their new location at the Nelson Heritage Center on Monday, November 18<sup>th</sup>. He noted that the Health Department had been closed for the week to pack up and secure all of their records and other items in preparation for the move from the Blue Ridge Medical Center to the Heritage Center. He expressed his appreciation to the Board and Ms. McGarry for the support, as well as the Heritage Center for the help in finding a space. He noted that they had begun their search for a new space six (6) years ago. He thanked the Blue Ridge Medical Center for their hospitality. Mr. McKay reported that the Nelson County Health Department was looking to start up services at their new location on November 22<sup>nd</sup>, starting with the WIC clinic. He noted that the Environmental Health Services would be fully open on November 22<sup>nd</sup> also. He indicated that their Clinical Services (i.e. Immunizations and Family Planning) would take a little more time as they needed to obtain a certification from the Board Pharmacy. He noted that they anticipated full services on the clinical side to be ready in January.

Mr. McKay showed a list of the Nelson County Health Department Services.

- **Vital Records** — Birth, death, marriage, and divorce certificates
- **Environmental Health** — Septic system and private well permits, food service permits and inspections, rabies investigations
- **Communicable Disease Control**
- **Harm Reduction** — Naloxone, Fentanyl test strips, medication disposal bags
- **Population Health** — Community Health Worker outreach, car safety seats & crib distribution, infant safety classes, tobacco cessation, communications
- **MAPP2Health** — Community Health Assessment & Improvement Planning

Mr. McKay indicated that they were trying to expand their Harm Reduction program so that they were providing more access to Naloxone, Fentanyl test strips, and medication disposal bags. He noted that they had a Community Health Worker who provided direct support to Nelson County and she had office hours during various points throughout the week. He explained that she connects people to the appropriate services that they needed. Mr. McKay then reviewed the Clinical Services provided by the Nelson County Health Department.



## **Clinical Services:**

- WIC
- Immunizations
- Family Planning
- Sexual Health STI Testing and Treatment
- TB Testing and Treatment
- Medicaid Long Term Supports and Services (eMLS)

**Some clinic services are offered on a sliding scale.  
Private insurance accepted.**

**Call to schedule an appointment at 434-263-8315**

Mr. McKay noted that the Health Department also provided medical screenings to individuals who were potentially entering into a nursing home, or trying to obtain services to age in place. He explained that the screening helped to determine the level of money and support the individual would get through Medicaid and Medicare.

Mr. McKay reported that the Blue Ridge Health District started their MAPP2Health 2025 Community Health Assessment over the summer. He noted that it was done in conjunction with UVA Health System and Sentara Martha Jefferson to identify the needs in the community in regards to health. He reported that for the first time, they completed door to door surveys. He reported that they were able to complete 100 surveys in Nelson County. He provided some preliminary data from the surveys and indicated that a formal report would come out in Fall 2025. He noted they were doing surveys and targeted focus groups in all of the localities in the Blue Ridge Health District.

### **Community Household Survey in Nelson County – Completed Summer 2024**

- 100 surveys completed through 3-month process visiting 328 homes
- 13 interviewers made 38 trips from June-August 2024
- 9% said their health was excellent; 27% very good; 36% good; 23% fair; 5% poor
- 19% made a 911 ambulance call in the last year (19% of those had made 3 or more calls)
- About half had to go at least 30 minutes to see a doctor
- 47% travel 45 minutes or more to see a dentist

Mr. McKay announced that in December the Blue Ridge Health District would hold a toy drive and also provide access to free COVID tests kits. He noted that they also had COVID test kits currently.

Mr. Reed noted that he and Ms. McGarry had an opportunity to walk through the new facility and it was really impressive. He thanked Mr. McKay for his persistence during the process.

Mr. McKay noted the Health Department's request for the use of FY24 carry over funds. He explained that those funds were funds that had accrued for a few reasons, with the main reason being due to vacancy savings. He noted that they had vacancies in some key positions that had since been filled. He explained that the Health Department had originally planned to move into the new location in FY24, so some of the expenses they had anticipated to incur, did not happen, and they would occur in the current fiscal year. He

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requested to carry over the \$58,667.57 to cover the moving costs for relocation to the new Health Department at the Nelson Heritage Center, installing the new IT network infrastructure, and to support the expansion of sexually transmitted infection (STI) testing for Nelson County.

Mr. Rutherford noted that the annual lease was about \$99,000 per year. Mr. McKay confirmed the lease amount for Mr. Rutherford and noted that the utilities were not included in the lease as the Health Department had its own electric and water service.

Mr. Reed moved to approve the Health Department's request to use the FY24 carry over funds in the amount of \$58,667.57. Dr. Ligon seconded the motion. There being no further discussion, Supervisors approved the motion unanimously (4-0) by roll call vote.

Mr. Parr asked about scheduling a tour of the new facility. Ms. McGarry noted that Ms. Burdette could likely coordinate that.

#### B. Montebello Volunteer Fire Department's Interest Free Loan Request (**R2024-76**)

Ms. McGarry introduced Montebello Volunteer Fire Department's request for an interest free loan in the amount of \$55,000 from the County's Emergency Services Interest Free Loan to replace out of date airpacs in their department. She noted that there had been an effort to get all agencies using the same equipment, and this would allow for Montebello to have the same equipment as other departments in the County. She indicated that the requested loan term was for eight (8) years for the \$55,000 loan amount. Chief Kisner was present for Montebello. He thanked the Board for the opportunity to use an interest free loan. He indicated that things had become more expensive, especially in fire service. He noted that the new airpacs would bring them up to National Fire Protection Association standards (NFPA) and they would be compatible with the other agencies in the County. Dr. Ligon asked what the life expectancy of the apparatuses was. Chief Kisner noted it was dependent on usage. He explained that urban departments would get about five (5) to ten (10) years out of their airpacs. He estimated that Montebello would get many years of use out them. He noted that the standards continued to change due to safety issues and they would get to the point that they would need to upgrade to protect their firefighters.

Mr. Rutherford moved to approve Resolution R2025-76 and Dr. Ligon seconded the motion. There being no further discussion, Supervisors approved the motion unanimously (4-0) by roll call vote and the following resolution was adopted:

**RESOLUTION R2024-76**  
**NELSON COUNTY BOARD OF SUPERVISORS**  
**APPROVAL OF INTEREST FREE LOAN REQUEST FOR**  
**MONTEBELLO VOLUNTEER FIRE DEPARTMENT**

**BE IT RESOLVED**, that the Nelson County Board of Supervisors hereby approves an interest free loan request for Montebello Volunteer Fire Department in the amount of \$55,000 to help purchase five (5) Self Contained Breathing Apparatus' (SCBA) and 15 cylinders for firefighting operations.

#### C. Local Authority to Reduce 25 MPH Speed Limits in Business or Resident Districts

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Ms. McGarry provided a presentation on the local authority to reduce 25 MPH speed limits in Business or Resident Districts. She noted at their last meeting, the Board had requested to look at how they could implement the new local authority to reduce 25 MPH speed limits in Business or Residential Districts. She referenced governing State Code §46.2-1300 A (4). She then reviewed the provisions provided by the State Code:

- ❖ **Governing body of any county, city, or town may (1) by ordinance or may (2) by ordinance authorize its chief administrative officer to:**
  - ❖ Reduce the speed limit to either 15 MPH or 20 MPH on any highway within its boundaries that is located within a business district or residence district where the posted speed limit is 25 MPH, and
  - ❖ Restore a speed limit that has been reduced pursuant to this subdivision to the speed limit that had been previously posted at that location, and
  - ❖ Provided that such reduced or restored speed limit is indicated by lawfully placed signs, and
  - ❖ Written notice of the speed limit change must be provided to the Commissioner of Highways at least 30 days prior to changing the speed limit.

Ms. McGarry then reviewed the definitions of Business and Resident Districts per State Code §46.2-100:

- ❖ **Business District:** the territory contiguous to a highway where 75 percent or more of the property contiguous to a highway, on either side of the highway, for a distance of 300 feet or more along the highway, is occupied by land and buildings actually in use for business purposes.
- ❖ **Resident District:** the territory contiguous to a highway, not comprising a business district, where 75 percent or more of the property abutting such highway, on either side of the highway, for a distance of 300 feet or more along the highway consists of land improved for dwelling purposes, or is occupied by dwellings, or consists of land or buildings in use for business purposes, or consists of territory zoned residential or territory in residential subdivisions created under Chapter 22 (§ [15.2-2200](#) et seq.) of Title 15.2.

Ms. McGarry then presented options one (1) and two (2) which both required public notice and a public hearing.

- ❖ **Option (1):** The Board of Supervisors would consider an Ordinance specific to each eligible highway proposed for speed reduction under this State Code section.
- ❖ **Option (2):** The Board of Supervisors would consider an Ordinance that authorizes the County Administrator to carry out the provisions of this State Code section.
- ❖ Staff recommends including the following provisions within an Option (2) Ordinance:
  - The County Administrator shall receive the consent of the Board of Supervisors by resolution following a public hearing, prior to any reduction or restoration of speed limits on a specific highway.

Ms. McGarry noted that the recommended provision was optional language that she would like to see in the Option two (2) ordinance.

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Ms. McGarry then reported on Gladstone Route 656 (Gladstone Road) which had previously been under discussion as a possibility and a desire by some of the citizens there for a speed limit reduction.

Gladstone Route 656 (Gladstone Road)

**VDOT Input:**

- ❖ Current 25 MPH speed limit has been in place since 1964
- ❖ Per 2023 counts, the road carries approximately 84 vehicles per day (VPD)
- ❖ An S-curve is located between the addresses of 1035 and 1057 Gladstone Road that naturally influences the speed of vehicles providing traffic calming
- ❖ 2019 Speed Limit Study safety recommendations that were implemented included: sign and trimming work, pavement review, repair, cleaning, and pavement marking improvements
- ❖ Not currently eligible for traffic calming due to there being < 600 VPD and the 85<sup>th</sup> percentile speed is not greater than 10 mph over the posted 25 MPH speed limit
- ❖ 20 homes are immediately adjacent to the road, with on-street parking, and are within a 0.3 mile stretch on Route 656 fulfilling the Resident District requirement for speed reduction from 25 mph under State Code §46.2-1300 A(4)

Ms. McGarry showed Figure 1, which was a depiction of Route 656 installed sign improvements that came from the October 2019 VDOT study. She noted that they did relocate some signs and installed some new signs along that stretch of road.

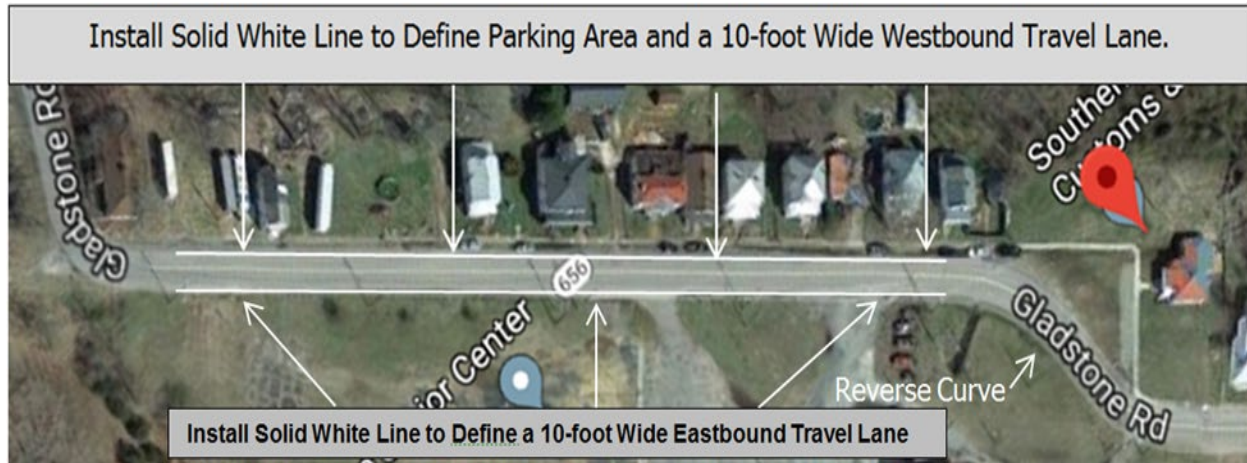
**Figure 1: Gladstone Route 656 Installed Sign Improvements – VDOT Traffic Engineering Recommendations 10/30/2019**



Ms. McGarry showed Figure 2 which depicted the pavement markings that were done after the 2019 VDOT study. She noted that they installed a solid white line to define the parking areas and a 10-foot wide

westbound travel lane.

**Figure 2: Gladstone Route 656 Installed Pavement Improvements – VDOT Traffic Engineering Recommendations 10/30/2019**



Ms. McGarry reviewed the next steps and staff recommendations.

**Next Steps:**

- ❖ Consider implementing local authority to reduce 25 MPH speed limits in Business and Resident Districts and direct staff accordingly.
  - If Option (1) is preferred and the Board wishes to proceed with Route 656, Gladstone Road, staff will draft the Ordinance and Authorization for public hearing resolution for the Board's future consideration.
  - If Option (2) is preferred, staff will draft the Ordinance and Authorization for public hearing resolution for the Board's future consideration.
  - Take no action

**Staff Recommendations:**

- ❖ If action is desired, Staff recommends Option (2): An Ordinance that authorizes the County Administrator to carry out the provisions of this State Code section - *with the consent of the Board by resolution following a public hearing (optional language)*
  - Local authority would be in the County Code for present or future use. *Note: There are approximately 30 highways with 25 MPH posted speed limits in the County. (Per <https://www.virginiaroads.org/datasets/VDOT::vdot-posted-speed-limits/about>)*
  - Request enforcement of the current speed limit prior to pursuing a reduction in speed limit for Route 656, Gladstone Road.

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Mr. Parr noted the 30 highways in the County with a 25 MPH speed limit and indicated that they may not meet the criteria. Ms. McGarry confirmed that was correct as some of the roads may not be located within a business or residential district.

Dr. Ligon noted that VDOT had mentioned to her several times that enforcement or traffic calming were the two options that would actually slow traffic down. She noted that it was also mentioned that if they did lower the speed limit, and people continued going the same speed as they were now, they would go over 83 percent threshold, and that would allow for traffic calming measures. Dr. Ligon commented that in the best interest of getting traffic calming, which was what she cared about most, she guessed they would need to lower the speed limit. She asked the rest of the Board which option they liked. Mr. Rutherford noted that either option would require a public hearing. He asked if they could have a public hearing on both options and then pick one, or if they had to pick one for the public hearing. Ms. McGarry explained that Option 2 would have to go to public hearing to adopt the ordinance and have it codified, but they would not necessarily have to go to public hearing for each road that was considered. Mr. Parr noted that he was at the option of taking no action as he was not crazy about the County getting into VDOT business. He commented that based on VDOT's information, he was not a fan. Dr. Ligon noted that VDOT's information was from five (5) years ago.

Ms. McGarry noted the percentile required for traffic calming. She commented that with there being less than 600 vehicles per day (VPD), it may prohibit traffic calming. Mr. Parr noted the 84 VPD along that road. Dr. Ligon noted that the VPD was from 2019. Mr. Rutherford had no concerns about taking it to a public hearing. He suggested if they were to get a motion for Option 2, they could get some community input and also have some Gladstone residents come out to speak. Dr. Ligon indicated that there had been several vocal residents in Gladstone about the speed limit. Mr. Reed noted that he saw value in the ordinance regardless of what the objectives in Gladstone were. He indicated that he would not be averse to a public hearing, and it would also be good to hear from Gladstone and other parts of the County where they may be able to utilize the ordinance. Ms. McGarry suggested that if the Board wanted to proceed with Gladstone, they could do Option 1 and have an ordinance and public hearing on Gladstone specifically, and then following that, they could do Option 2 and have the ordinance on the books. She noted with Option 2, they would have to have the ordinance on the books, and then have a public hearing for Gladstone.

The Board was in consensus for Option 2 with the optional language as presented. Ms. McGarry noted that staff would draft the ordinance and present it at the December meeting for the Board to authorize a public hearing to be held in January.

#### D. Route 151 Through Truck Restriction

Ms. McGarry noted that the Board had asked for staff to take a look at the Route 151 through truck restriction. She clarified that the proposed truck restriction was not related to truck length or weight. Ms. McGarry provided a review of State Code Authority §46.2-809:

The Commonwealth Transportation Board, *or its designee*, in response to a formal request by a local governing body, after such body has held public hearings, may, after due notice and a proper hearing, prohibit or restrict the use by through traffic of any part of a *primary or secondary* highway if a **reasonable alternate route is provided**. *The Board, or its designee, shall act upon any such formal request within nine months of its receipt, unless good cause is shown.* **Such restriction may apply to any truck or truck and trailer or semitrailer combination, except a pickup or panel truck**, as may be necessary to promote the health, safety, and welfare of the citizens of the Commonwealth. Nothing in this section shall affect the validity of any city charter provision or city ordinance heretofore adopted.

**The Commonwealth Transportation Board delegates the authority to restrict through truck**

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**traffic on secondary highways to the Commissioner of the Virginia Department of Transportation. Such restrictions can apply to any truck, truck and trailer or semi-trailer combination, or any combination of those classifications.** Consideration of all such restrictions by the Commissioner is subject to guidelines as adopted by the Board. **The Commonwealth Transportation Board retains the authority to restrict through truck traffic on primary highways.**

Ms. McGarry then reviewed the VDOT guidelines in requesting a through truck restriction:

The local governing body must hold a public hearing and make a formal request of the Department. The following must be adhered to:

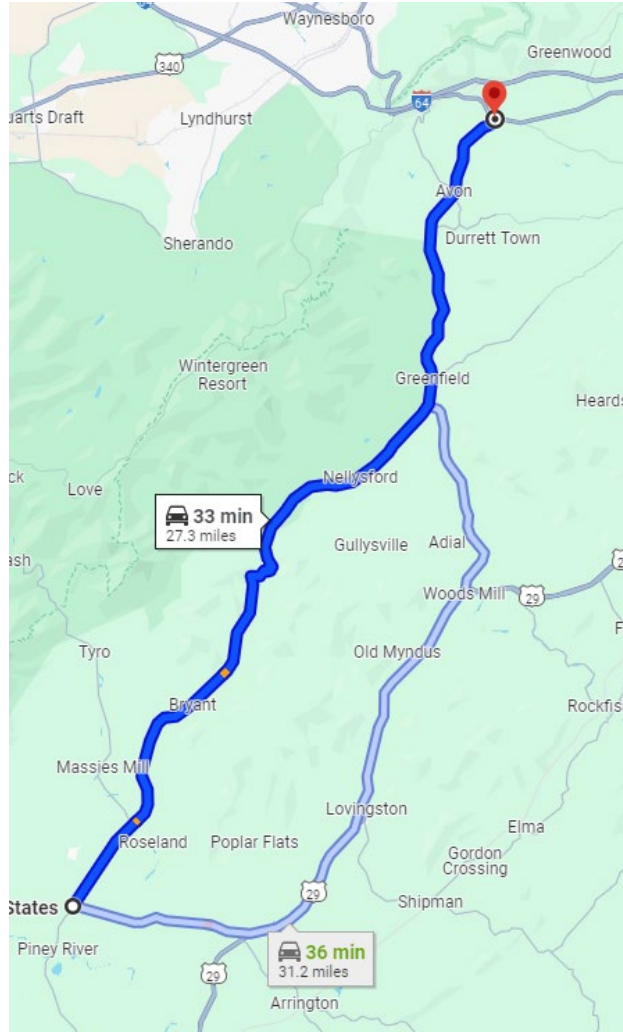
- A. The public notices for the hearing must include **a description of the proposed through truck restriction and the alternate route with the same termini**. A copy of the notices must be provided.
- B. A public hearing must be held by the local governing body and a transcript of the hearing must be provided with the resolution.
- C. The resolution must describe the proposed through truck restriction and a description of the alternate, including termini.
- D. The governing body must include in the resolution that it will use its good offices for enforcement of the proposed restriction by the appropriate local law enforcement agency.

Failure to comply with (A), (B), (C) and (D) will result in the request being returned. The Commonwealth Transportation Board and the Commissioner shall act upon any such formal request within nine months of its receipt, unless good cause is shown.

Ms. McGarry indicated that staff had analyzed two (2) different through truck restriction routes. She noted that they would be willing to look at other routes as Mr. Bayne had suggested. She indicated that they could look at starting the route at the Interstate 64 interchange versus at the Route 250 intersection with Route 151 in Afton.

Ms. McGarry then reviewed proposed through truck restriction #1, which had a beginning termini at the Route 250 intersection with Route 151 in Afton, South to the intersection of Route 151 and Route 56 West at Piney River, the ending termini. She reported that this route was 27.3 miles and would take 33 minutes according to Google Maps. She indicated that coordination with Albemarle County and VDOT Culpeper District would be required to restrict the portion of Route 151 in Albemarle County. She noted the process would be the same for any part of a restriction in another jurisdiction.

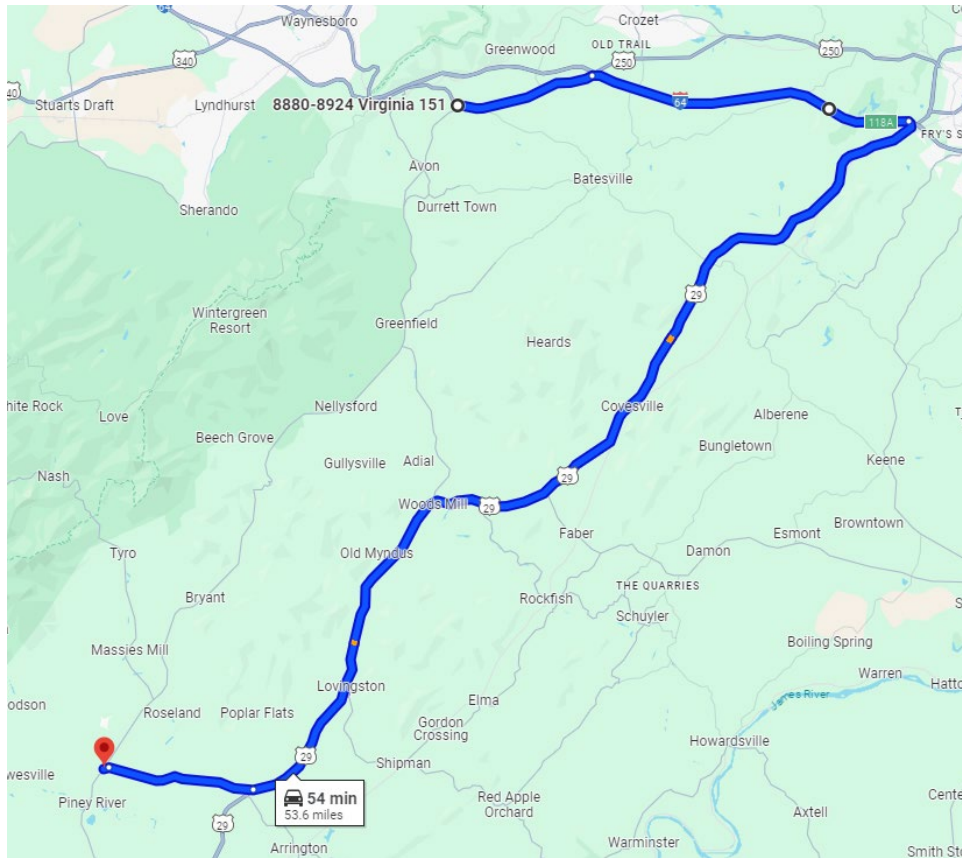
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Ms. McGarry then reviewed proposed alternate route #1 which began at the Route 250 intersection with Route 151 in Afton, the beginning termini, East to Interstate 64 to Exit 118A to US Route 29 South to the intersection of Route 151 and Route 56 West at Piney River, the ending termini. She reported that alternate route #1 was 53.6 miles and would take 54 minutes according to Google Maps.



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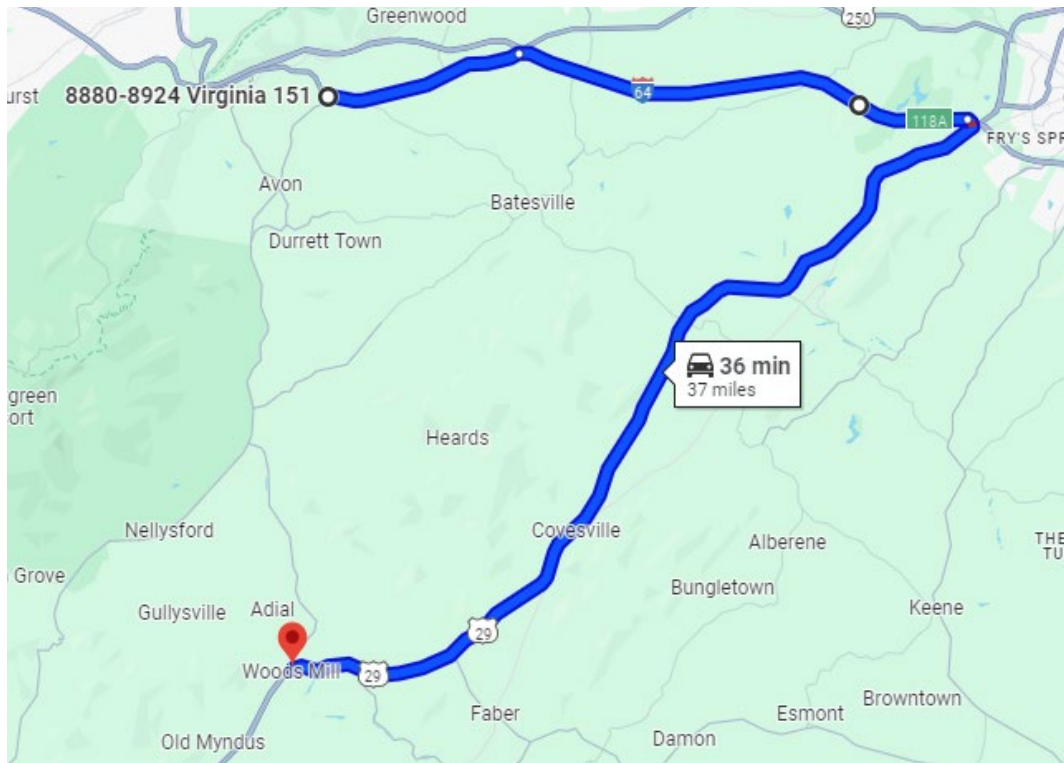
Ms. McGarry reviewed proposed through truck restriction #2, which had a beginning termini at the Route 250 intersection with Route 151 in Afton, to the intersection of Route 151 and Route 6, River Road, East to US Route 29 South at Woods Mill, the ending termini. She reported that the route was 14.5 miles and would take 18 minutes according to Google Maps. She indicated that coordination with Albemarle County and VDOT Culpeper District would be required to restrict the portion of Route 151 in Albemarle County. She also noted that VDOT may consider this as a restriction on two (2) routes, Route 151 and Route 6. She reported that a determination from VDOT had been requested and Robert Brown had confirmed that it would be considered a restriction on two (2) separate routes. She noted that she was unsure of how that would affect the scenario.

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Ms. McGarry reviewed proposed alternate route #2, which had a beginning termini at the Route 250 intersection with Route 151 in Afton, East to Exit 107 to Interstate 64 East to Exit 118A to US Route 29 South to the intersection of Route 151 and Route 6, River Road at Wood Mill, the ending termini. She reported that alternate route #2 was 37 miles and would take 36 minutes according to Google Maps.

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Dr. Ligon asked if there was a through truck restriction in Batesville. Ms. McGarry confirmed that Albemarle County had just done that. She noted that had been her first alternate route prior to it becoming restricted.

Ms. McGarry provided an analysis of proposed through truck restrictions #1 and #2:

- Both proposed restrictions involve roads classified by VDOT as Primary Highways; which means the Commonwealth Transportation Board (CTB) retains the authority to approve through truck restrictions on these routes.
- Proposed Restriction #1 only involves the primary highway of concern (Route 151).
- Proposed Restriction #2 involves restricting Route 151 and Route 6, River Road; which would be considered 2 separate Primary Highway restrictions by VDOT.
- For both proposed restrictions, coordination with Albemarle County and Culpeper District VDOT would be required to restrict the portion of Route 151 in Albemarle County. (Intersection with Route 250)

Ms. McGarry reviewed the Commonwealth Transportation Board (CTB) proposed restriction evaluation criteria:

The Commonwealth Transportation Board (CTB) will consider the following criteria 1 through 4 in reviewing a requested through truck restriction. The **proposed restriction must meet both** the first and second criteria in order to be approved.

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In addition to meeting the first two criteria, the **proposed restriction must meet either** the third or the fourth criteria in order to be approved.

Both Criteria 1 and 2 Must Be Met:

1. Reasonable alternate routing is provided. The alternate route will be evaluated for traffic and safety related impacts. To be considered "reasonable", the alternate route(s) must be engineered to a standard sufficient for truck travel, and must be judged at least as appropriate for truck traffic as the requested truck restriction route. If an alternate route must be upgraded, the improvement shall be completed before the truck restriction can be implemented. The termini of the proposed restriction must be identical to the alternate routing to allow a time and distance comparison to be conducted between the two routings. Also, the alternate routing must not create an undue hardship for trucks in reaching their destination.
2. The character and/or frequency of the truck traffic on the route proposed for restriction is not compatible with the affected area. Evaluation will include safety issues, accident history, engineering of the roadway, vehicle composition, and other traffic engineering related issues.

Ms. McGarry reviewed Criteria 1 for Alternate Routes #1 and #2.

Criteria 1 – Reasonable Alternate Route is Provided:

**Analysis of Proposed Alternate Routes 1 & 2:**

- The CTB would evaluate the reasonableness of the alternate route Proposed.
- Both proposed alternate routes are engineered to a standard sufficient for truck travel, and are probably better engineered for truck traffic than either of the proposed restricted routes.

Proposed Alternate Route #1 has a greater distance of **26.3 Miles and would take 21.0 Minutes longer** to reach the same destination as using the Proposed Restricted Route #1 (Calculated using Google Maps.)

Restricted Route #1	Alternate Route #1	Difference
27.3 Miles	53.6 Miles	26.3 Miles
33 Minutes	54 Minutes	21.0 Minutes

Proposed Alternate Route #2 has a greater distance of **22.5 Miles and would take 18.0 Minutes longer** to reach the same destination as using the Proposed Restricted Route #2 (Calculated using Google Maps.)

Restricted Route #2	Alternate Route #2	Difference
14.5 Miles	37 Miles	22.5 Miles
18 Minutes	36 Minutes	18.0 Minutes

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- ❖ **Both proposed alternate routes are likely to be considered to “create an undue hardship for trucks in reaching their destination” because of the degree of greater distance and longer time it would take to reach the same destination as the proposed restricted routes.**

Ms. McGarry reviewed Criteria 2 for Alternate Routes #1 and #2.

Criteria 2- The Character and/or Frequency of the Truck Traffic on the Route Proposed for Restriction is not Compatible With the Affected Area:

#### **Analysis of Proposed Restricted Routes 1 & 2**

The CTB would evaluate whether or not the character and/or frequency of the truck traffic is compatible with the affected area for the proposed Route for restriction. Their evaluation would include safety issues, accident history, engineering of the roadway, vehicle composition, and other traffic engineering related issues.

- ❖ **This criteria has the possibility to be met for both proposed restricted routes.**

Ms. McGarry indicated that in addition to meeting Criteria 1 and 2, either Criteria 3 or 4 must be met for the proposed restriction. She then reviewed Criteria 3 and 4:

3. The proposed restricted roadway is residential in nature. Typically, the roadway will be judged to be residential if there are at least 12 dwellings combined on both sides within 150' of the existing or proposed roadway center line per 1,000 feet of roadway.
4. The proposed restricted roadway must be functionally classified as either a Local or Collector.

Ms. McGarry reviewed Criteria 3 for Alternate Routes #1 and #2.

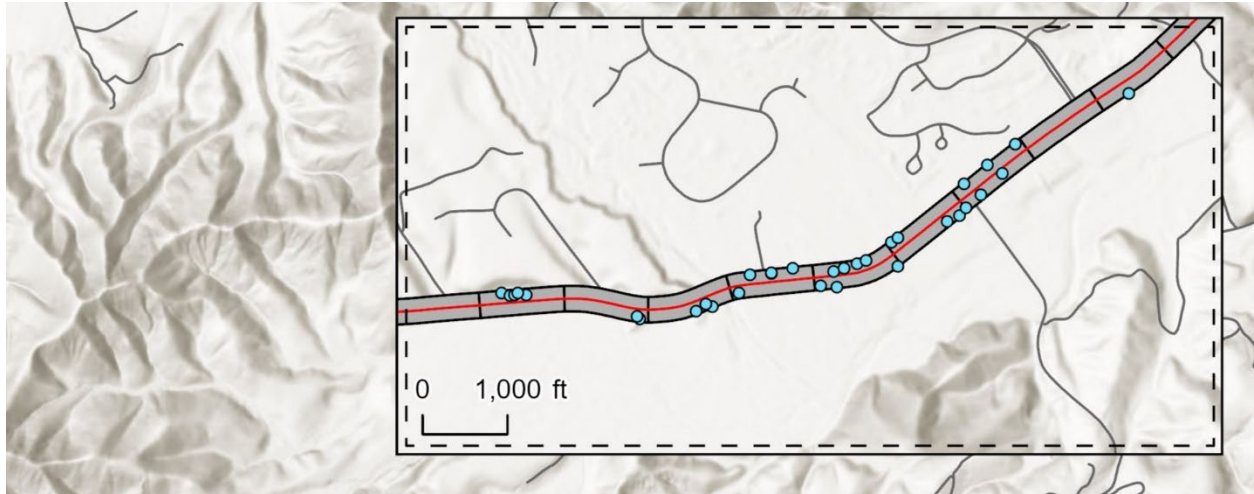
Criteria 3 – The Restricted Roadway is Residential in Nature

#### **Analysis of Proposed Restricted Routes 1 & 2:**

- The CTB would evaluate whether or not Routes 151 & Route 6, River Road are residential in nature and would typically judge it to be residential if there are at least 12 **dwellings** combined on both sides within 150' of the existing or proposed roadway center line per 1,000 feet of roadway.
- ❖ **Staff evaluation of this criteria using GIS shows that both proposed restricted routes DO NOT meet this criteria.**

For Proposed Restricted Route #1, Ms. McGarry reported that GIS mapping shows NO 1,000 foot segments that contain 12 or more address points. She indicated that address points were combined on both sides within 150 feet of the centerline. She noted that the address points included dwellings and any other structure with an address. She then showed a Route 151 inset of Nellysford, a high density area of qualifying address points on Route 151 that did not meet Criteria 3.

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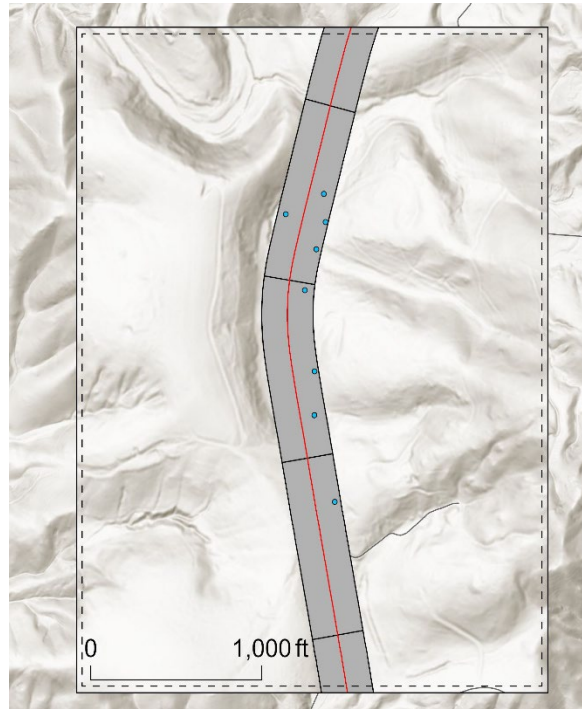


Ms. McGarry reported that for Proposed Restricted Route #2, GIS mapping shows NO 1,000 foot segments that contain 12 or more address points. She indicated that address points were combined on both sides within 150 feet of the centerline. She noted that the address points included dwellings and any other structure with an address. She showed a map of the northern section of Route 151, which was the densest zone of qualifying address points on Route 151 in the Martin's Store area. She noted that it also did not meet Criteria 3.



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Ms. McGarry then showed a map of a zoomed in portion of the Route 6, River Road, at the densest area of qualifying address points. She reported that it also did not meeting Criteria 3.



Ms. McGarry reviewed Criteria 4 for Alternate Routes #1 and #2.

Criteria 4 – The Restricted Roadway Must be Functionally Classified by VDOT as Either a Local or Collector

**Analysis of Proposed Restricted Routes 1 & 2:**

- Route 151 is functionally classified as Minor Arterial
- Route 6, River Road is functionally classified as Minor Arterial
- ❖ **This criteria CANNOT be met due to the VDOT functional classification of the proposed restricted routes.**

Source:

<https://www.arcgis.com/apps/mapviewer/index.html?layers=19a0da5cfafb4c7ebf1473c222d5ec6f>

Ms. McGarry then reviewed the Conclusions from her presentation for Proposed Through Truck Restrictions #1 and #2:

- **BOTH criteria 1 & 2 must be met.** The probability of meeting BOTH criteria 1 & 2 is fairly low due to the potential for not meeting criteria 1. The alternate routes are not likely to be considered “reasonable” due to the possible “undue hardship” that they may pose for trucks in reaching their destination. There is a good probability of meeting criteria 2 for both proposed restricted routes once further evaluated by VDOT traffic engineering.

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- **EITHER criteria 3 or 4 must be met.** Criteria 3 CANNOT be met. Analysis using GIS shows that the proposed restricted routes are not “residential in nature” because they do not have at least 12 dwellings combined on both sides within 150 ft. of their centerlines per 1,000 ft. of roadway.
- Criteria 4 CANNOT be met due to both of the proposed restricted routes being functionally classified as Minor Arterial and not as Local or Collector.
- With the inability to meet criteria 3 or 4 for both proposed through truck restrictions, staff does not recommend moving forward with the process to request a through truck restriction on Route 151 or Route 151 and Route 6, River Road.

Ms. McGarry indicated that staff would be happy to look at another route if the Board desired.

Ms. McGarry reviewed other measures that may reduce through truck traffic on Route 151.

**The following measures are being sought to change the road geometry of Route 151, which will make it less conducive to through truck traffic:**

- A reduction in speed limit from 55 MPH to 50 MPH has been requested by staff, on behalf of the Board, for Route 151 North of Bland Wade Lane to the County line
- A roundabout at the intersection of Route 151 and Route 6, River Road, has been funded by the CTB and is in the engineering phase of construction
- The proposed roundabout at the intersection of Tanbark Drive and Route 151 in Afton is a pending final application for CTB Smart Scale funding.

Mr. Parr asked for a timeline estimate for the roundabout at Martin’s Store. Ms. Bishop noted that a 2026 or 2027 start date was anticipated.

Mr. Parr asked why the termini were located where they were, particularly the one in Piney River. He asked why the intersection of US Route 29 and Route 151 in Amherst was not used for the ending termini in Proposed Restriction #1. He commented that he did not think it would change the results of the study, if the termini was changed since it would not meet the criteria regarding the 12 address points per 1,000 feet in Piney River or Clifford. Mr. Reed commented that the likelihood that VDOT would restrict Route 250 coming off Afton Mountain was even less than that. He thanked Ms. McGarry for all of her work. He noted his appreciation for the process and information, even if he did not appreciate the outcome. He indicated that the other measures put out were the ones that had been discussed with VDOT. He thanked VDOT and Ms. McGarry for the time put forth. Mr. noted that this was something they would have in their back pockets, because as other measures changed, there could be other things on Route 151 to slow traffic down. Mr. Reed stated that he was not in favor of challenging the conclusions that VDOT had come to, he commented that they would be spinning wheels on something that would not have a conceivable beneficial outcome for the County.

Dr. Ligon commented that in the future when we have more dots (address points), she did not agree that doubling the drive time was undue hardship. Ms. McGarry noted that would be a determination by VDOT. Dr. Ligon noted that she did not want that to hold the County back. Mr. Reed agreed. Dr. Ligon noted there would be more blue dots in the future. Ms. McGarry asked if those would be within 150 feet of centerline. She noted that there were more blue dots, but they were not within 150 feet of the centerline. Mr. Reed noted that VDOT took a cookie cutter approach to transportation and if areas do not fit into those



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boxes neatly, there was not a lot of wiggle room.

## VI. REPORTS, APPOINTMENTS, DIRECTIVES AND CORRESPONDENCE

### A. Reports

#### 1. County Administrator's Report

Ms. McGarry reported that nox boxes had been installed on all County buildings. She explained that the nox boxes allowed for keys to be available to access all County buildings after hours if there were an emergency and the fire departments needed to access them. Mr. Parr noted that the schools also had nox boxes. Ms. McGarry thanked John Adkins and Deputy Chief Riddle (Wintergreen), as well as Jeff Brantley and Billy Hart for getting the boxes installed.

Ms. McGarry then presented the following report:

#### A. VDOT:

1. Staff has made a request to VDOT on behalf of the Board to reduce the speed limit zones on Route 151 from 55 mph to 50 mph. (Bland Wade Lane, North to the County line in Afton)
2. Flashing pedestrian crossing signs have been installed at the intersection of Route 29 and Route 1001 in Lovington to enhance pedestrian safety crossing.

**B. DSS Building:** The design committee and PMA are having design meetings in November in order to position PMA to report back to the Board at the December 10<sup>th</sup> BOS meeting. Staff and the County Attorney are working with the property owner towards closing on the purchase of the property.

**C. Region 2000 Solid Waste Authority:** At the October 23<sup>rd</sup> Authority meeting, Members voted unanimously to proceed in submitting a Rezoning and Special Use Permit request, for the proposed landfill expansion, to the Campbell County Planning Commission. This request is expected to be considered by the Planning Commission on December 2, 2024 and then by the Board of Supervisors on January 7, 2025. A closed session is scheduled later in the meeting to discuss Region 2000 litigation.

**D. ACRJ Opioid Use Disorder Program (OUD):** Member jurisdiction executives met with ACRJ staff to discuss a pilot initiative to move from providing multi-dose oral medication to inmates with OUD to providing them with a monthly injectable medication, starting January 1, 2025. This method is more beneficial for both ACRJ staff and the inmate; but is substantially more costly per year. ACRJ is looking to fund this pilot program with a combination of pro-rata shares of opioid abatement authority (OAA) funds from each locality. Nelson's pro-rata share (15.9%) would be \$21,045 out of the total anticipated cost of \$132,361; as of FY25, the County's available balance of these funds is \$34,844. **ACRJ staff was unable to apply for a DCJS grant for this purpose; therefore, the Board's consensus for staff to apply for the use of our OAA individual distribution funds in the amount of \$21,045 is requested. (see attached pilot program summary)**

Mr. Parr asked if this would be allocating existing funds. Ms. McGarry confirmed and explained that the funds were sitting in a pot of funds with the Opioid Abatement Authority (OAA) at the state level, and the County just had to apply for them, for a qualifying use. Mr. Reed asked if the County had done this before. Ms. McGarry noted that the County had not applied for use of the specific funds before. Mr. Reed noted that he was in favor.

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Mr. Reed moved to approve the application for the OAA distribution of funds of \$21,045. Mr. Rutherford seconded the motion. There being no further discussion, Supervisors approved the motion unanimously (4-0) by roll call vote.

**E. County Facility Maintenance – Special thanks to Jeff and Billy:**

**1. Scheduled/Budgeted Projects:**

**a. Animal Shelter Roof:** Roof replacement began on Monday, October 7, 2024, is in process and is expected to be completed by the end of the week.

**Completed**

**b. Transfer Station Tipping Floor:** AE investigation, development of bid specifications and bid package is in process for replacement of the 2006 tipping floor, the addition of a concrete approach apron at the entrance, and repair of existing damage to the metal building wall paneling. Bidding is planned for January 2025 with award of a contract in February, and construction starting in early March to allow for optimal concrete curing. **Ongoing – bid specifications under development**

**c. Carpet Cleaning:** Quotes for routine carpet cleaning in the ECC, Courthouse, and DSS are being obtained. **Completed; including Registrar's Office and Library**

**d. Signage Maintenance:** Signage at the Courthouse Complex, Registrar's Office, and McGinnis building will be refreshed in the coming month.

**Completed**

**e. Courthouse complex step repair (Court Street entrance): Completed**

**2. Unbudgeted Facility Needs:**

**a. Commonwealth Attorney Office Door:** To address immediate ADA accessibility and security concerns, quotes are being sought to establish a new ADA accessible entry door to the Commonwealth Attorney's office that also provides for visibility of those entering. The new main doorway would be within the brick archway and would be metal and glass and the current solid entry door would be removed. The preference is to tie-in this doorway with the current badged and monitored door security system. **Pricing is being vetted by staff – current quotes are \$10,000 for the door and installation including necessary wiring and approximately \$20,000 for Johnson Controls to establish the tie-in to the current badging security and monitoring system. Coordination with the Commonwealth's Attorney and staff is ongoing to find an acceptable security solution.**

**b. Animal Shelter Ceiling Repair:** Ceiling panels at the animal shelter are in need of replacement due to exposure to moisture from the leaky roof. Staff will look at getting quotes for this repair in the near future. **No Change**

**c. Animal Shelter Drain and Kennel repair:** The drain that carries away animal

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waste from the kennels in the shelter is clogged/collapsed and in need of repair; in order to access the drain and do the work, the kennels need to be removed. My understanding is that these kennels are original to the shelter which is at least 24 years old and they are recommended to be replaced. This provides the opportunity to reconfigure the kennel arrangement to better suit the needs of the department; which Kevin is working on. The kennel floor will need to be re-epoxied as part of this process. Kevin and Jeff are working on this and are in the process of obtaining quotes for this work. **No update from staff.**

**F. Larkin Water Capacity Follow Up Proposal (CHA): NO UPDATE. Mr. Steele and I have been playing phone tag on some questions he has, so an update is not available at this time.** Staff has recently inquired with Stevie Steele of CHA regarding the Board's consensus to get a follow up proposal and pricing for some next steps in evaluating water supply at the former Larkin property. Mr. Steele is working on that proposal for the Board's consideration which includes flow calculations from Dillard Creek, and a resistivity analysis plan inclusive of drawdown testing for potential wells; and water quality testing.

**G. Renaissance Ridge Development:** approval of the RR plan was deferred until FEMA completed their review process for a Letter of Map Amendment/Revision (LOMA/LOMR), which proposed to correct and relocate the flood map boundaries. FEMA has been in the process of updating Nelson County flood maps on their own, which are slated to be adopted in February 2025 and effective August 2025 (the current maps were made effective in 2010). FEMA recently notified the applicant that the LOMA/LOMR process is no longer necessary or required, because the boundary of the flood zone is changing to the point that the proposed development will no longer be in a regulatory flood zone. The RR plan is scheduled to go to the Planning Commission at their November 20, 2024 meeting, where the review criteria is the plan's general consistency with the Wintergreen Master Plan. Ms. Bishop, as the County's Certified Floodplain Manager, is responsible to ensure that no development occurs in this area until the maps removing this area are formally effective in August 2025.

**H. Emergency Medical Services:**

1. Gladstone Volunteer Fire and Rescue Service has relicensed as a Basic Life Support (BLS) agency as of October 30, 2024. An MOU to this effect was executed by Dr. Just, the Operational Medical Director, John Adkins, Director of Emergency Services, and David Lyon, GVFRS Captain. Responses requiring ALS care will be handled by other Nelson EMS ALS agencies, mutual aid EMS partners, and neighboring ground and Air Evac agencies.
2. New EMS pharmaceutical regulations related to the elimination of the current drug box exchange program with hospitals, which were slated to go into effect November 27, 2024, have been delayed and an extension granted through April 15, 2025.

**Congratulations and a huge thanks Mike Riddle and Deborah Flint of Wintergreen Fire and Rescue Service, who ensured that we met the original deadline.**

**I. FY25 Q1 Revenue:** The collection of local revenue for the first quarter of the fiscal year is very slightly higher than compared to the first quarter of FY24 (+ .31%). Notable positive contributing revenue collections: RE Taxes, Local Sales Tax, TOT Taxes, Building Permits, and Fines and Forfeitures. Notable negative offsetting revenue collections: Meals Tax,

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Transfer Station Tipping Fees, VPSA Refinancing Rebate (FY24 was the last year), and EMS Revenue Recovery. EMS Revenue Recovery revenue is temporarily significantly down due to a statewide issue with the importing of electronic patient care records, for billing purposes, from the State contracted entity that facilitates this transfer of data (ESO). This revenue is expected to greatly improve once this is fixed and the back billing and normal billing of transport services resumes. **(See attached FY25 budget reports)**

**J. Meals and Lodging Tax Collection & Lodging Entity Tracking: See Attached Charts**

**K. Staff Reports:** Department and office reports for October/November have been provided.

Mr. Rutherford asked about the tracking of registered short term rentals and whether the discussion had commenced further since they had transitioned to a new Commissioner of Revenue. Ms. McGarry noted that it had not. Mr. Rutherford indicated that he was interested in seeking a system to help file, pay and keep track of the locations. Ms. McGarry noted she could speak with Kim Goff to revisit the subject.

2. Board Reports

Mr. Reed:

Mr. Reed reported that he attended the Recovery Court's first graduation, along with Mr. Rutherford and Ms. McGarry. He thanked all the agencies and individuals who had put time and energy in to make it happen. He reported that he attended the VACo conference where there was lots of discussion on solar energy and data centers. He suggested having a definition for data centers and to be on alert for any problems and opportunities that data centers might offer for the County. He reported that Lovingson Exxon got a \$600,000 grant from VDOT to have the first public EV charging station. He noted that the federal government was still providing incentives for individuals purchasing electric vehicles. He noted that Exxon had to match part of the \$600,000 grant. Dr. Ligon commented that each place to charge cost about \$400,000. Mr. Reed noted that Madison Heights was also getting a charging station.

Mr. Rutherford:

Mr. Rutherford reported that he and Dr. Ligon had a 2x2 meeting with the School Board. He noted that they discussed capital improvements, jobs, and the revenue options that exist. He commented that they also had a conversation on the metrics used by the State to evaluate the County, and how to overcome those odds. He noted that they also discussed the state of the workforce and the Schools' struggles, pupil situations, the changing classroom environment, and behavior problems.

He reported that he attended the TJPDC meeting. He noted that data centers were also discussed at the TJPDC level. He commented that he and Dr. Ligon had a conversation regarding nuclear module units. He noted that it was just recently announced that a nuclear module unit was being considered near BWXT in Campbell County. He indicated that two (2) units were being considered in the Louisa/Orange area. He noted that in the future, energy was going to become a larger conversation.

Dr. Ligon noted that during the 2x2 meeting with the School Board, they learned that there was a big shift in the type of student, especially at Rockfish. She commented that the Schools were going to be required to have more staff due to a federal mandate relating to ESL (English as a Second Language) students as there was a shift in the population.

Mr. Rutherford reported on VACo, noting that the solar, nuclear, and data center discussions were

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happening everywhere. He noted that he attended a workforce availability session and part of the discussion focused on Southwest Virginia where coal mining disappeared and not much replaced it. He commented that they had pushed for undergrad and graduate programs for too long when they needed blue collar workers for the service industry and construction. He noted that the work from home came up as a major contributing factor of what the workforce looked like today. He noted that at one point, Nelson County was the #1 most remote per capita in Virginia to work from home. He commented that he had a friend who graduated from graduate school during COVID and got a big job in London working remotely.

Mr. Rutherford reported that he had attended the budget session for the state during VACo. He noted that the State had a surplus of about \$1.4 billion, and specific immediate demands that were likely to arise from Medicaid and Medicare in the amount of \$800 million would absorb a lot of those funds. He indicated that further discussion on the JLARC study took place. He noted that was directly related to the funding formula used by the State to determine the per pupil contribution. He commented that the metrics would continue to impact communities like Nelson County.

Dr. Ligon:

Dr. Ligon reported that VDOT and Sheriff Embrey had a public meeting on 29 Safety, attendance. Mr. Rutherford commented that it was well attended, noting that all of Front Street was present. Dr. Ligon noted that she thought attendance at the meeting was light, but it was interesting to hear the public's input on issues along 29. She commented that over 25 percent of the accidents along 29 were from people running off the road and overcorrecting. She noted that some of the things VDOT had done to help make 29 safer, but distracted driving and speeding were the issues. She commented that a lot of good input was received, but it was not as well attended as she would have liked.

Mr. Parr:

Mr. Parr also reported that the VACo Conference was good and there were a lot of good connections with people around the state. He commented he had spoken with Delegate Rasoul and Senator Favola about LODA benefits. He explained that Delegate Rasoul and Senator Favola hosted a breakout session on K-12 education and mental health. He noted that his biggest takeaway from the session was not on what they said during the session. He commented that they had focused on mental health for students and guidance counselors. He noted that everyone was in agreement that there should not be more than 100 students per guidance counselor. Mr. Parr commented that Nelson had 400 students at one elementary school and they currently had a substitute counselor. He noted that even once the counselor position was filled again, they would still only have one (1) counselor for 400 students. He explained that during the conversation on mental health, there was no mention of the mental health of the school staff members until the discussion/questions time. He noted that he and two other participants took the opportunity to remind the group that the students and guidance counselors were not the only ones who needed mental health services. He reported that they also got to talk about the push on student attendance and the negative fallout from that. He commented that some administrators were so focused on student attendance that they were forced to let student behaviors go by the wayside because they wanted those students in the building to count for the average daily attendance count.

Mr. Parr then reported on Cover the Caboose and the Caboose at the Piney River Trail. He noted that the estimates were at about \$18,000 just to build the structure. He indicated that those estimates were six (6) to eight (8) months old and he estimated that the cost was between \$18,000 to \$20,000. He reported that the donations had totaled to \$6,310 which left a balance of around \$12,000 for the County if they wanted to protect the Caboose at the trail. He noted the estimate included moving the caboose out of the power line right-of-way and building the structure. He asked that the Board consider whether there was money in the budget to allocate funds for the project. He noted with the current estimate, they would need around

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\$12,000. He suggested that they could approve for no more than \$15,000 to allow for any inflation on the estimates for construction. Ms. McGarry reported that the Non-Recurring Contingency had about \$440,000 after today's budget amendment. Dr. Ligon asked about the current fundraising situation. Mr. Parr discussed the original fundraising schedule, noting that it had been planned for the fundraising to take place over the summer, with the structure built and a grand opening to take place in October. He reported that the fundraising effort ended in August/September. He noted that they currently had about \$6,300 in funds raised and waiting for use. He noted with the current estimate of \$17,870, there was a remaining balance of \$11,560 remaining. He reiterated that there could be a difference in the cost since the estimate was old. Mr. Rutherford asked if Parks and Recreation would get another quote. Mr. Parr confirmed that Parks and Recreation would get updated quotes for the project. Mr. Reed suggested they move forward. He commented that it was not a lot of money to keep and prolong the life of the caboose.

Mr. Rutherford moved to allocate up to \$15,000 for the covering of the caboose at the Piney River Rail Trail. Mr. Reed seconded the motion. There being no further discussion, Supervisors approved the motion unanimously by vote of acclamation.

#### B. Appointments

Ms. Spivey reported that they were currently seeking applicants for the Thomas Jefferson Area Community Criminal Justice Board. She noted that she had a non-resident who was interested in representing Nelson. She indicated that she was checking to see if that was a possibility. Ms. Spivey also reported that she was waiting to hear back from Mary Cunningham as to whether she was interested in serving another term on the JABA Council on Aging. She confirmed that both positions were being advertised and she hoped to have more information at the December meeting.

#### C. Correspondence

The Board had no correspondence.

#### D. Directives

Mr. Rutherford reported that he had heard from constituents with larger households, like households with six (6) or more children, who produced a little more trash and had been turned away from Faber. He asked if there was a trash bag maximum. Ms. McGarry noted she would check to see if there is a definite standard. She commented that large loads were discouraged at times and they could be turned away if the compactors were already full and needing to be picked up. Mr. Rutherford asked if Faber was becoming a regular issue. He noted he had not heard anything about Shipman. Dr. Ligon commented that she had heard about some issues. Ms. McGarry noted that she had not heard a lot about the issues, but she would look into the situation.

### **VII. CLOSED SESSION PURSUANT TO §2.2-3711 (A)(7) Region 2000 Landfill Litigation & §2.2-3711 (A)(8), §15.2-2316.8 Savion Solar Siting Agreement**

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)(7) - "Consultation with legal counsel and briefings by staff members pertaining to actual litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body" – Litigation pertaining to the Region 2000 Services Authority;" and(A)(8) - "Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such

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counsel. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter" - Savion Solar Siting Agreement; and Virginia Code Section 15.2-2316.8. Powers of host localities. Dr. Ligon seconded the motion. There being no further discussion, Supervisors voted unanimously (4-0) 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. Mr. Reed seconded the motion and there being no further discussion, Supervisors voted unanimously (4-0) 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 (4-0) by roll call vote to approve the motion.

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

### Region 2000 Landfill Litigation

Mr. Rutherford moved to approve **Resolution R2024-77** as written. Dr. Ligon seconded the motion. There being no further discussion, Supervisors approved the motion unanimously (4-0) by roll call vote and the following resolution was adopted:

**RESOLUTION R2024-77**  
**NELSON COUNTY BOARD OF SUPERVISORS**  
**RESOLUTION DIRECTING STAFF TO PREPARE AND EXECUTE**  
**AGREEMENTS TO RESOLVE THE REGION 2000 LANDFILL LITIGATION**

**WHEREAS**, Campbell County and the City of Lynchburg instituted that certain lawsuit styled as County of Campbell & City of Lynchburg v. Region 2000 Services Authority, et al., Campbell Circuit Court Case No. CL20002216-00; and

**WHEREAS**, Nelson County and Appomattox County instituted that certain lawsuit styled as County of Nelson & County of Appomattox v. Region 2000 Services Authority, et al., Nelson Circuit Court Case No. CL22000180-00, which was transferred to be heard in the Campbell County Circuit Court; and

**WHEREAS**, the parties to said lawsuit have conferred through legal counsel and Region 2000 Services Authority Board representatives concerning the resolution of the issues raised in both lawsuits; and

**WHEREAS**, a framework which resolves all issues in both lawsuits and the future of waste disposal for Campbell County, the City of Lynchburg, Nelson County, and Appomattox County has been devised, and which proposal all parties to the said lawsuits deem appropriate and in the best interests of their respective localities and/or organizations; and

**WHEREAS**, a settlement agreement (hereinafter the "Settlement Agreement") containing the material components of this Resolution, is to be drafted, by agreement of all parties, by the County Attorney for Campbell County and, upon review and approval by their respective county or city attorneys, and formally adopted by the Board of Supervisors of Campbell County, Nelson County, Appomattox County, and the

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Region 2000 Services Authority, and the City Council of the City of Lynchburg; and

**WHEREAS**, the members of the currently constituted Board of the Region 2000 Services Authority voted unanimously at their October 23, 2024 regular meeting to make application to the Community Development office of Campbell County for a rezoning and special use permit for an expansion of the landfill on such land use-related terms as are stated in the document entitled “Region 2000 Regional Landfill –Livestock Road Facility Lateral Expansion” dated July 29, 2024 (hereinafter the “Rezoning Proposal”); and

**WHEREAS**, the enforcement of the Settlement Agreement is to be conditioned upon the result of the Rezoning Proposal and permitting by the Virginia Department of Environmental Quality.

**NOW, THEREFORE** the Nelson County Board of Supervisors does hereby direct the County Attorney to draft and the County Administrator to execute such agreements, releases, and other legal documents to effectuate the purposes herein described, to wit:

**RESOLVED**, that, by agreement, the Campbell County Attorney shall draft a settlement agreement (hereinafter the “Settlement Agreement”) containing terms herein described, which agreement shall be signed by the Campbell County Board of Supervisors’ designee once said agreement is in acceptable form, which said Settlement Agreement shall be circulated for the approval and signature of the City Council designee of the City of Lynchburg and the Counties of Nelson and Appomattox designee, following affirmative action to endorse a Resolution in like form to this Resolution by the governing bodies of said jurisdictions; and

**RESOLVED**, that the Campbell County Board of Supervisors shall conduct all required processes, notices, and hearings required to consider the Rezoning Proposal, and shall take action on such proposal in normal course; and

**RESOLVED**, if the Campbell County Board of Supervisors, after conducting all required processes, notices, and hearings required to consider the Rezoning Proposal, votes affirmatively to grant the Rezoning Proposal and the Virginia Department of Environmental Quality issues the necessary permits to permit the expansion of the landfill, then the Settlement Agreement shall take full force and effect and become irrevocable by any party, and all parties shall immediately take such actions as are stated in the following clauses of this Resolution; and

**RESOLVED**, that the County Attorney for Campbell County and the City Attorney for the City of Lynchburg shall draft an Amended Member Use Agreement (hereinafter the “Amended MUA”) for the Region 2000 Services Authority governing the conduct of a future version of said Authority which shall be solely managed and governed by representatives appointed by the County of Campbell and the City of Lynchburg, which Amended MUA shall be presented at a future meeting of the Boards of the Counties of Appomattox, Campbell, and Nelson, and the City of Lynchburg for approval prior to its execution by their respective designees; and

**RESOLVED**, that the Settlement Agreement shall provide that the Counties of Appomattox, Campbell, and Nelson, and the City of Lynchburg shall by written consent order dismiss both pending lawsuits, Campbell County Case No. CL20002216-00 and Nelson County CL22000180-00, within thirty (30) days of the full execution of the Amended MUA; and

**RESOLVED**, that the Settlement Agreement and the Amended MUA shall both provide for the removal of the Counties of Appomattox and Nelson from the membership of and in the Region 2000 Services



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Authority, shall remove all right, title, and interest those counties have or have ever had in the Region 2000 Services Authority, and shall provide that, to the extent allowed by applicable law, that all liabilities on all bonds, as well as closure and post-closure liabilities, connected to the Regional 2000 Services Authority, will be the responsibility of the said Authority, and if applicable, Campbell County and the City of Lynchburg, and not Nelson County and Appomattox County. Further, the Amended MUA shall provide that Campbell County and the City of Lynchburg shall assume full responsibility for the management, operation, funding, and support of the Region 2000 Services Authority; and

**RESOLVED**, that the Settlement Agreement and the Amended MUA shall provide that the Region 2000 Services Authority shall distribute to the County of Appomattox, within thirty (30) days of the full execution of the Amended MUA, the sum of \$250,000.00; and

**RESOLVED**, that the Settlement Agreement and the Amended MUA shall provide that the Region 2000 Services Authority shall distribute to the County of Nelson, within thirty (30) days of the full execution of the Amended MUA, the sum of \$250,000.00; and

**RESOLVED**, that the Settlement Agreement and the Amended MUA shall provide that the Counties of Appomattox and Nelson shall be allowed, but not required, to haul all acceptable waste (as that term is defined in the current Region 2000 MUA) generated within the Counties of Appomattox and Nelson to the Region 2000 Services Authority Landfill from the date of the full execution of the Amended MUA until December 31, 2053 or the date of the closure of landfill contemplated by the Rezoning Proposal of the Region 2000 Services Authority, whichever is later; and

**RESOLVED**, that the Settlement Agreement and the Amended MUA shall provide that the Counties of Appomattox and Nelson shall be recognized as preferred haulers to the Region 2000 Services Authority landfill, who shall be charged the same tonnage rate charged to the Campbell County and the City of Lynchburg from the date of the full execution of the Amended MUA until December 31, 2053 or the date of the closure of the landfill contemplated by the Rezoning Proposal of the Region 2000 Services Authority, whichever is later; and

**RESOLVED**, that the Settlement Agreement and the Amended MUA shall provide that the County of Campbell shall receive an annual Host Fee for agreeing to be the continuing host locality for the landfill, which Host Fee shall commence in FY25/26, and which Host Fee shall be \$750,000.00 annually, which sum shall be adjusted annually for inflation in accordance with a recognized and published inflation factor; and

**RESOLVED**, that the Settlement Agreement and the Amended MUA shall provide that the County of Campbell shall annually appoint at its organizational meeting three (3) members of the staff of Campbell County government as Campbell County's representatives on the Board of the Region 2000 Services Authority, which members shall serve three-year terms, and that the City of Lynchburg shall annually appoint at its organizational meeting three (3) members of the staff of the City of Lynchburg government as the City of Lynchburg's representatives on the Board of the Region 2000 Services Authority, which members shall serve three-year terms; and

**RESOLVED**, that the Settlement Agreement shall provide that at the first meeting of the Board of the Region 2000 Services Authority following the enactment of the Amended MUA, that the Board shall affirmatively vote to make payment of all Excess Revenue held under the terms of the current Member Use Agreement held on deposit at the Region 2000 Services Authority, together with all interest accumulated

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on said sums, to the County of Campbell and the City of Lynchburg within thirty (30) days of the execution of the Amended MUA; and

As of August 31, 2024, such amounts are understood to be and due as follows:

To Campbell County: \$3,265,342.70, principal and interest  
To City of Lynchburg: \$1,448,229.93, principal and interest; and

**RESOLVED**, that the Settlement Agreement shall provide that at the first meeting of the Board of the Region 2000 Services Authority following the enactment of the Amended MUA, that the Board shall affirmatively vote to make full payment of Seventy-Five percent (75%) of the Excess Revenue held subject to the currently-adopted Financial Policy held on deposit at the Region 2000 Services Authority, together with all interest accumulated on said sums, to the County of Campbell and the City of Lynchburg within thirty (30) days of the execution of the Amended MUA

As of August 31, 2024, such amounts are understood to be and due as follows:

To Campbell County: \$2,830,722.60, principal and interest; and

**RESOLVED**, that the Settlement Agreement shall provide that at the first meeting of the Board of the Region 2000 Services Authority following the enactment of the Amended MUA, that the Board shall affirmatively vote to establish a policy for the Region 2000 Services Authority purchase the real property of property owners located near the landfill (landfill) who have made consistent odor complaints to the Region 2000 Services Authority in relation to the existing landfill as of September 1, 2024, OR, ii) who's quality of life, through odor or other natural impacts, as determined solely by the Region 2000 Services Authority, may be egregiously impacted by the expansion of the landfill, for 110% of the assessed value of said property owner's home; and

**RESOLVED**, that as an inducement for the Counties of Appomattox and Nelson to enter into said Settlement Agreement, Campbell County affirmatively agrees to continue providing Appomattox County with water services under such terms and conditions as Appomattox and Campbell County may agree.

**RESOLVED**, that the County Administrator and the County Attorney are hereby authorized and directed to take any and all actions necessary to carry out the substance of this Resolution on behalf of the County of Nelson. Such authority shall include, but is not limited to, drafting and executing the Settlement Agreement, drafting and executing preliminary documents connected to the preparation of the Settlement Agreement and/or the Amended MUA, and any and all other documents which may related to either or both of the same; and

**RESOLVED**, that as a result of the execution of the documents listed herein and in accordance with the terms herein, the total expected financial distributions to the members of the Region 2000 Services Authority pursuant to the terms of this Resolution shall be, as of the date of August 31, 2024:

The City of Lynchburg: \$1,448,229.93

The County of Campbell: \$6,096,065.30

The County of Nelson: \$250,000.00

The County of Appomattox: \$250,000.00

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Wild Rose Solar Project

Dr. Ligon moved to approve **Resolution R2024-78**. Mr. Reed seconded the motion. Mr. Rutherford and Mr. Parr clarified that they were only authorizing the public hearing to take place. There being no further discussion, Supervisors approved the motion unanimously (4-0) by roll call vote and the following resolution was adopted:

**RESOLUTION R2024-78  
NELSON COUNTY BOARD OF SUPERVISORS  
AUTHORIZATION OF PUBLIC HEARING FOR SOLAR SITING  
AGREEMENT WITH WILD ROSE SOLAR PROJECT LLC**

**RESOLVED**, that the Nelson County Board of Supervisors authorizes a public hearing for a proposed Solar Siting Agreement between Wild Rose Solar Project LLC and Nelson County to be held on December 10, 2024 at 7:00 p.m.

**BE IT FURTHER RESOLVED**, that the public hearing will take place concurrently with Wild Rose Solar Project LLC's public hearing on Special Use Permit 24-0014 – Large Solar Energy System.

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

At 4:51 p.m., Mr. Reed moved to adjourn and reconvene at 7:00 p.m. and Dr. Ligon seconded the motion. There being no further discussion, Supervisors approved the motion unanimously (4-0) by roll call vote and the meeting adjourned.

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

**I. CALL TO ORDER**

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

**II. PUBLIC COMMENTS**

There were no persons wishing to be recognized for public comments.

**III. PUBLIC HEARINGS**

**A. Special Use Permit #24-0239 – Dwelling Units in B-1 Business**

Consideration of a Special Use Permit application requesting County approval to utilize an existing building for mixed commercial and residential use on property zoned B-1 Business. The subject property is located at Tax Map Parcel #58B-3-2 at 622 Front Street. The subject property is owned by Alexandra and Jesse Lopez Low.

Ms. Bishop introduced the following subject:

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**BACKGROUND:** This is a request for a special use permit for dwellings on property zoned B-1 Business.

*Public Hearings Scheduled:* PC – October 23; BOS – November 14

*Location / Election District:* 622 Front Street / East District

*Tax Map Number(s) / Total Acreage:* 58B-3-2 / 5.37 acre +/- total

*Applicant/Owner Contact Information:* Jesse & Alexandra Lopez Low / 4526 Turkey Sag Road, Shadwell, VA / [REDACTED] / [REDACTED]  
[REDACTED]

*Comments:* The owners are proposing to renovate an existing structure at 622 Front Street, to be utilized for mixed use: two long term residential rental units, and commercial space for lease on the lower level. The property previously held a Special Use Permit for a dwelling, which has expired after more than 2 years of vacancy.

#### **DISCUSSION:**

*Land Use / Floodplain:* This area is primarily mixed use in nature. Zoning in the vicinity is B-1 Business and R-2 Residential. There are no floodplains or streams located on this property.

Ms. Bishop noted that although there were no floodplains or streams located on the property, there was a history of flooding. She indicated that the applicant/new owners had done some work to waterproof the walls and they had consulted with the Building Inspections department on that. She noted that the work did not require a permit.

*Access / Traffic / Parking:* Per Section 12-7-3, this area is exempt from minimum off-street parking requirements.

*Utilities:* The Service Authority is aware of the proposal, and the applicant will be required to comply with NCSA requirements prior to issuance of a building permit.

*Comprehensive Plan:* This property is located in Lovingston, which is designated as a *Community Hub* by the Nelson 2042 Future Land Use Map. The core concept is to “prioritize regional scale development, redevelopment, and infill within Lovingston to protect the rural landscape, ensure more efficient and effective provision of community services, bolster economic development, and improve quality of life.” Primary land use types include all types of housing, mixed use units, commercial, professional and offices, among others.

Relevant planning guidelines in this area include preserving existing structures while allowing for a mix of uses, fostering development of a variety of housing types, and encouraging infill development and retrofitting of existing buildings.

*Recommendation:* At their meeting on October 23, the Planning Commission recommended approval of SUP #240239 for dwelling units in B-1 Business at 622 Front Street to the Board of Supervisors, with the following condition:

1. The dwelling units shall not be utilized as short term rentals.

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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.

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

Applicant Jesse Lopez Low was present.

Mr. Rutherford noted his only concern was the flooding issue. He asked Mr. Lopez Low if they had a sound plan with the Building Official. Mr. Lopez Low indicated that they did. He noted they had taken steps taken to seal the outside wall and if that did not work, they had steps that they could take to further remediate the problem.

Mr. Rutherford moved to approve **Special Use Permit #24-0239 Dwelling Units in B-1 Business** as presented with the recommended condition from Planning Commission that the dwelling units shall not be utilized as short term rentals. Dr. Ligon seconded the motion. There being no further discussion, Supervisors approved the motion unanimously (4-0) by roll call vote.

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

The Board had no other business to discuss.

#### **V. ADJOURNMENT**

At 7:04 p.m. Mr. Reed moved to adjourn the meeting and Mr. Rutherford seconded the motion. There being no further discuss, Supervisors approved the motion unanimously (4-0) by roll call vote and the meeting adjourned.