

April 13, 2021

**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 Lovingson Virginia.

Present: Jesse N. Rutherford, East District Supervisor – Vice Chair  
Ernie Q. Reed, Central District Supervisor – Chair  
Thomas D. Harvey, North District Supervisor  
J. David Parr, West District Supervisor  
Robert G. “Skip” Barton, South District Supervisor  
Stephen A. Carter, County Administrator  
Grace Mawyer, Administrative Assistant/Deputy Clerk  
Candice W. McGarry, Director of Finance and Human Resources  
Robert Brown, VDOT Residency Administrator  
Dylan Bishop, Director of Planning and Zoning

Absent: None

**I. CALL TO ORDER**

Mr. Reed called the meeting to order at 2:03 pm, with all Supervisors present to establish a quorum.

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

**II. PUBLIC COMMENTS**

1. Johnette Burdette, Norwood VA

Ms. Burdette noted that she is the newly appointed executive director for the Nelson Heritage Center, adding that she has been appointed by the Millennium Group. She stated that over the last fifteen years, the Millennium Group has been active in establishing a number of programs at the Nelson Heritage Center including recreational programs for youth and adults, computer classes, tutoring, and training workshops. She added that in 2013, the Millennium Group partnered with the Nelson Historical Society to create the Nelson County Oral History Project. Ms. Burdette asked for the Board’s continued support as she acclimates herself in this position. She noted that she has long followed the work of the Millennium Group and admired their determination and persistence for access and opportunity for all citizens in Nelson County. She advised that she believes she has the skills and motivation to partner with the Millennium Group in expanding their mission of promoting education, preserving the culture and history of all citizens, and providing social and cultural experiences for all community. She asked the

April 13, 2021

Board to join in partnering over the next several weeks as she rolls out a plan that will encompass the next one hundred days in partnership with the Board of the Millennium Group to present Building for Tomorrow by Investing in Today, as they set their priorities and focus on the next steps for the Heritage Center.

2. Wisteria Johnson, Shipman VA

Ms. Johnson followed up on Ms. Burdette's comments. She noted that most of the Board knows of Callie Nunery and advised that Ms. Burdette is her niece. She stated that Ms. Burdette has done fantastic things before she came here, and she has been here around eight years and has now taken this position. Ms. Johnson then invited the Board to take a look at the Heritage Center gym, noting it is looking really good and progressing well. She stated they are optimistic that things are going well and added that for the last few Saturdays, a lot of people have been coming to the Center for vaccinations, and the health staff has been really impressed with the organization of volunteers that were there. She then requested for the Board to give support to the Heritage Center when they approach them about various things, adding that the Center is doing things for the community.

Ms. Johnson also made note of the letter to FERC on the agenda and thanked the Board for what she assumes is their positive endorsement of the letter. She noted that she hopes the Board is supporting the request to FERC to give the right of way easements back to the affected landowners.

**III. CONSENT AGENDA**

Mr. Rutherford pulled item D from the Consent Agenda: Resolution **R2021-21** National Public Safety Telecommunicators Week.

Mr. Rutherford moved to approve the Consent Agenda: **R2021-18**, **R2021-19**, and **R2021-20** and Mr. Parr seconded the motion. Mr. Reed made mention of a typo in the letter to FERC and noted he would clarify this with Staff. Mr. Harvey asked a question about the letter to FERC, and Mr. Reed noted that there is no obligation for Dominion to restore those easements to the landowners, adding that the letter requests that the Federal Energy Regulatory Commission create a situation where the people who sold those easements under the threat of eminent domain be able to regain the full use of their properties. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion and the following resolutions were adopted:

A. Resolution – **R2021-18** Minutes for Approval

**RESOLUTION R2021-18**  
**NELSON COUNTY BOARD OF SUPERVISORS**  
**APPROVAL OF MINUTES**  
**(March 9, 2021 and March 19, 2021)**

April 13, 2021

**RESOLVED**, by the Nelson County Board of Supervisors that the minutes of said Board meetings conducted on **March 9, 2021 and March 19, 2021** be and hereby are approved and authorized for entry into the official record of the Board of Supervisors meetings.

B. Resolution – **R2021-19** Budget Amendment

**RESOLUTION R2021-19  
NELSON COUNTY BOARD OF SUPERVISORS  
AMENDMENT OF FISCAL YEAR 2020-2021 BUDGET  
NELSON COUNTY, VA  
April 13, 2021**

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

<u>Amount</u>	<u>Revenue Account (-)</u>	<u>Expenditure Account (+)</u>
\$825.44	3-100-002404-0001	4-100-031020-5419

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

<u>Amount</u>	<u>Credit Account (-)</u>	<u>Debit Account (+)</u>
\$300.00	4-100-999000-9901	4-100-013010-3007
\$13,000.00	4-100-999000-9901	4-100-013010-1010
\$1,300.00	4-100-999000-9901	4-100-013010-5201
\$5,700.00	4-100-999000-9901	4-100-013010-5401
\$7,100.00	4-100-999000-9901	4-100-013010-5413
\$1,050.00	4-100-999000-9901	4-100-013010-5501
\$500.00	4-100-999000-9901	4-100-013020-5401
\$700.00	4-100-999000-9901	4-100-013020-1003
<u>\$2,895.00</u>	4-100-999000-9901	4-100-071020-7007
<b>\$32,545.00</b>		

C. Resolution – **R2021-20** Endorsement of Letter to FERC

**RESOLUTION R2021-20  
NELSON COUNTY BOARD OF SUPERVISORS  
ENDORSEMENT OF LETTER**

April 13, 2021

**TO FEDERAL ENERGY REGULATORY COMMISSION (FERC)**

**RESOLVED**, by the Nelson County Board of Supervisors that said Board hereby endorses the attached letter on behalf of the County to the Federal Energy Regulatory Commission (FERC) regarding comments on restoration plans for the Atlantic Coast Pipeline and Supply Header Project.

Mr. Carter then introduced Senior Dispatchers Derek Kidd and Elizabeth Ashby as well as Communication Officers Raven Rose and McKenzie Vine, all of whom were in attendance. He noted that it takes an outstanding person to be a communications officer, adding it has become a much more highly technical field. Mr. Carter emphasized how proud Staff is of the Dispatch Center and what they do. He then made note of the recent VCIN and NCIC audit from the State police, advising that we got the highest rating we have ever received.

Mr. Kidd came forward and spoke of the recent VCIN audit, reiterating that it is one of the best scores the County has ever gotten. He noted that they have improved their dispatch center with a new computer aided dispatching computer, and they are getting ready to do EMD. He added that they are coming along very well and he is proud of everyone he works with. He then thanked the Board for continuing to support them.

The Board thanked Mr. Kidd and the dispatchers in attendance.

Mr. Rutherford moved to approve Resolution **R2021-21** National Public Safety Telecommunicators Week and then read aloud the resolution. Mr. Harvey seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion and the following resolution was adopted:

**RESOLUTION R2021-21  
NELSON COUNTY BOARD OF SUPERVISORS  
NATIONAL PUBLIC SAFETY TELECOMMUNICATORS WEEK  
April 11-17, 2021**

**WHEREAS**, emergencies can occur at any time that require law enforcement, fire or emergency medical services; and

**WHEREAS**, when an emergency occurs the prompt response of law enforcement, firefighters and paramedics is critical to the protection of life and preservation of property; and,

**WHEREAS**, the safety of our first responders is dependent upon the quality and accuracy of information obtained from citizens who telephone into the Nelson County Emergency Communications Center; and

April 13, 2021

**WHEREAS**, Public Safety Telecommunicators are the first and most critical contact our citizens have with emergency services; and

**WHEREAS**, Public Safety Telecommunicators are the single vital link for our deputies and firefighters by monitoring their activities by radio, providing them information and insuring their safety; and

**WHEREAS**, each dispatcher has exhibited compassion, understanding and professionalism during the performance of their job in the past year;

**NOW THEREFORE BE IT RESOLVED**, that the Nelson County Board of Supervisors declares the week of April 11-17, 2021 as National Public Safety Telecommunicators Week in Nelson County, in honor of the men and women whose diligence and professionalism keep our county and citizens safe.

Mr. Harvey noted that the County has a first class dispatch center with first class people and expressed appreciation for their hard work.

#### **IV. PRESENTATIONS**

##### A. VDOT Report

Mr. Robert Brown of VDOT gave the following report:

Mr. Brown reported that they are currently working on Hilltop Road in Shipman doing a pipe replacement, adding that they hope to have this completed in the next couple of weeks, weather permitting. He also noted that litter pickup is going on in Nelson County, and they used their contractor for this on all primary and certain secondary roads. He advised that they were unable to get inmate gangs here to help pick up litter, and using this contractor was an investment of \$10,690. In addition to this, state forces have been picking up litter as well.

Mr. Brown also reported that they have one rural rustic project under construction, High Peak Road, and they should be gaining momentum with that during the next couple of weeks.

Supervisors then discussed the following VDOT issues:

Mr. Harvey:

April 13, 2021

Mr. Harvey asked who is responsible for cutting trees on Route 250. Mr. Brown advised that the Charlottesville Residency/Yancey Mills Area Headquarters is responsible. Mr. Harvey noted that some cutting and tree removal needs to be done.

Mr. Parr:

Mr. Parr asked for an update on Reeds Gap. Mr. Brown advised that VDOT has not yet gotten their environmental clearance for the wedging they want to do up on top of the mountain. Mr. Parr then asked where our signs are located, and Mr. Brown noted that we have two signs on 151 and an additional sign going up 664. He added that there are two or three signs on the Augusta County side.

Mr. Parr referred to the Cottrells driveway on Lowesville Road and asked if there is an update regarding the replacement of that pipe. Mr. Brown noted that this could be addressed in the secondary road budget in the Six Year Plan, adding that there is a new drainage item in there.

Mr. Parr noted that he was contacted by the chief of the Piney River Fire Department who requested that VDOT look at Firehouse Road. He stated that the road has such a crown that trucks cannot use that road. He asked if there is any way to get some work done on the shoulders to level it out. Mr. Brown advised that they should be able to take one of their little pavers to do work on the road edges. He noted that if using maintenance funds, he would need to wait until after the end of this fiscal year, so sometime after July 1<sup>st</sup>.

Mr. Rutherford:

Mr. Rutherford noted appreciation for VDOT sweeping up the rocks in Lovington.

Mr. Reed:

Mr. Reed asked about the protocol for requesting a traffic count. He noted that on 151, there are projects coming before the Planning Commission and Board of Supervisors soon that have the potential of increasing the traffic along the 151 corridor. He asked if there is a possibility of getting a more recent traffic count on some of the higher traffic weekends and also the stretch of 151 before Beech Grove Road. Mr. Brown noted that VDOT counts the primary roads every year, and they usually run about a year behind, adding that the published 2019 counts just came out. Mr. Harvey urged that the counts need to be done on weekends, adding that they should be done on both sides of River Road. Mr. Brown noted that this can be done.

Mr. Barton:

April 13, 2021

Mr. Barton referred to the railroad crossing at Tye River where trucks are getting stuck. He noted that he went over there and found that there is a sign advising trucks not to come that way, but the sign is not easily seen where it is located. He asked if the sign could be relocated or enlarged.

**B. SMART Scale Project – Routes 29 and 6**

Mr. Brown noted that the Route 29 and 6 SMART Scale Project is being considered to be withdrawn from being constructed. He advised that because of the dynamic flasher signs that were put in place, there has been over a 50% reduction in crashes at that intersection. He went on to say that their study indicated that those dynamic flashers are doing more for reducing crashes than the proposed R cut improvements would do. He added that this project would not have an impact on the crash data, and the whole point of doing a safety project is to reduce crashes. He reiterated that VDOT would like to withdraw this project from being constructed, and they need the Board's and County's concurrence. He noted that the funding given for this project would be returned to Lynchburg district grant monies, which is construction money that is exclusive to the Lynchburg district. He advised that the money could be applied to the 29/653 project at Oak Ridge. He added that in the future, they will still need to continue to monitor the 29 and 6 intersection at River Road in case the traffic and crash data changes. Mr. Brown also noted that this has been discussed with our CTB board member, and he is on board with it.

Mr. Rutherford noted that it sounds like most of the SMART Scale projects endorsed by the Board in years past are not going to happen. Mr. Carter noted that the one on Tanbark Lane off 151 is still pending. He added that one project that has been completed is an intersection improvement at 151 and 664. Mr. Brown advised that he would follow up and obtain more information about the projects.

By consensus, the Board agreed to the withdrawal of the R cut project at routes 29 and 6 and requested that the funding stay allocated for a project in Nelson County. Mr. Carter advised that he would draft a letter to the Transportation Board and Lynchburg district.

**C. Secondary Six Year Plan Work Session (R2021-25)**

Mr. Brown reviewed the draft Rural Rustic Priority List:

Nelson County  
Rural Rustic Priority List - FY22/27

Draft 3/15/2021

PRIORITY	ROUTE	NAME	FROM	TO	LENGTH	TC - VPD	NOTES
1	814	CAMPBELL'S MT RD	2.99 Mi West Rte 56	Rte 684	1.36 Mi	140	\$272,000
2	643	Ball Mt. Road	Rte 639	Dead End	0.60 Mi	40	\$120,000
3	848	Whipperwill Lane	Rte 605	Dead End	0.05 Mi	60	\$10,000
4	765	Honey Suckle Lane	Rte 151	Dead End	0.20 Mi	50	\$52,000
5	654	CEDAR CREEK RD	3 Mi West Rte 655	Rte 661	1.24 Mi	110	\$248,000
6	666	Jacks Hill			0.80 Mi	80	\$162,000
7	646	Hunting Lodge Road	Rte 604	Rte 645	2.00 Mi	50	\$400,000
8	623	Davis Creek Rd		Dead End	1.00 Mi	60	\$200,000
9	674	Jennys Creek Rd	Rte 56	Rte 151	1.2 Mi	60	\$250,000
10	606	Buffalo Station	Rte 626	1.4 Mi East	1.4 Mi	60	\$260,000
11	629	Gulleysville Lane	Rte 634	Dead End	1.27 Mi	60	\$200,000
12	667	Fork Mt	1.29 Mi North Rt 56	2.29 Mi N	1.00 Mi	130	\$225,000
13	674	Cow Hollow	Rte 780	Rte 56	1.10 Mi	60	\$250,000
14	613	Berry Hill Rd	Rte 788	1.10 Mi S	1.00 Mi	60	\$200,000
15							
16							
17							
18							
							\$2,849,000

Mr. Brown advised that this is just a list of unpaved roads that could be considered for rural rustic hard surfacing projects.

Mr. Harvey noted the low traffic count on Ball Mountain Road, and Mr. Brown stated that they will need to do a new count on that, adding that this was a request from Mr. Rutherford.

Mr. Brown noted that he doesn't believe Davis Creek Road would cost \$200,000, adding that it will probably cost half of that.

Mr. Reed stated that he does not have any problem with the priorities the way they are.

It was noted that Campbell's Mountain, Jack's Hill, and Cedar Creek roads are in the worst condition, and Mr. Brown suggested that those be priorities #1, #2, and #3. The Board agreed.

The priorities were set as follows:

1. Campbell's Mountain Road

April 13, 2021

2. Jack's Hill Road
3. Cedar Creek Road
4. Ball Mountain Road
5. Whipperwill Lane
6. Honey Suckle Lane
7. Cow Hollow Road
8. Davis Creek Road

The remainder of the roads on the list were not put in any priority order. Mr. Carter noted that in past years, VDOT staff have provided a color coded map of the Six Year Plan showing the priorities and asked if Mr. Brown could do this. Mr. Brown advised he would be glad to provide this.

Mr. Parr moved to approve Resolution **R2021-25** Authorization for Public Hearing FY22-FY27 Secondary Six Year Road Plan and Construction Priority List and Mr. Rutherford seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion and the following resolution was adopted:

**RESOLUTION R2021-25  
NELSON COUNTY BOARD OF SUPERVISORS  
AUTHORIZATION FOR PUBLIC HEARING  
FY22-FY27 SECONDARY SIX-YEAR ROAD PLAN  
AND CONSTRUCTION PRIORITY LIST**

**WHEREAS**, The Virginia Department of Transportation and the Board of Supervisors of Nelson County, in accordance with Sections 33.2-331 and 33.2-332 of the Code of Virginia, are required to conduct a public hearing to receive public comment on the proposed Secondary Six-Year Plan for Fiscal Years 2022 through 2027 in Nelson County and on the Secondary System Construction Budget for Fiscal Year 2022,

**NOW THEREFORE BE IT RESOLVED**, that a public hearing will be held for this purpose in the General District Courtroom of the Nelson County Courthouse, 84 Courthouse Square, Lovingson, Virginia at 7:00 pm on Tuesday, May 4, 2021.

**V. NEW & UNFINISHED BUSINESS**

- A. Establishment of 2021 Tax Rates (**R2021-22**)

April 13, 2021

Mr. Rutherford reported that the committee met with the Treasurer yesterday to discuss the Machinery and Tools tax as well as the pet tax. Regarding the machinery and tools tax, he noted that he learned that a large portion of this is actually being collected in the personal property section. Mr. Parr noted that our report just shows about \$70,000 of revenue, however, the actual amount is a lot more than we had thought. Mr. Rutherford advised that the committee learned a lot, and he does not think anything further needs to be addressed regarding the machinery and tools tax. He added that he has asked Ms. McGarry if there is a way to show a better breakdown in the budget materials.

Ms. McGarry then noted that the proposed tax rates for 2021 remain the same as the current rates for 2020, so there is no public hearing required.

Mr. Rutherford moved to approve Resolution **R2021-22** Establishment of 2021 Tax Rates with no change and Mr. Parr seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion and the following resolution was adopted:

**RESOLUTION R2021-22**  
**NELSON COUNTY BOARD OF SUPERVISORS**  
**ESTABLISHMENT OF 2021 TAX RATES**

**RESOLVED**, by the Nelson County Board of Supervisors, pursuant to and in accordance with Section 58.1-3001 of the Code of Virginia, 1950, that the tax rate of levy applicable to all property subject to local taxation, inclusive of public service corporation property, shall remain as currently effective until otherwise re-established by said Board of Supervisors and is levied per \$100 of assessed value as follows:

Real Property Tax	\$0.72
Tangible Personal Property	\$3.45
Machinery & Tools Tax	\$1.25
Mobile Home Tax	\$0.72

**B. Establishment of 2021 Personal Property Tax Relief (R2021-23)**

Ms. McGarry noted that Staff is proposing the percentage be reduced from 39% to 38%. She advised this will distribute approximately \$1.6 million or 98% of the \$1,708,030 in tax relief that the County receives from the State. Mr. Reed asked if this change requires a public hearing, and Ms. McGarry stated no.

April 13, 2021

Mr. Rutherford moved to approve Resolution **R2021-23** Establishment of 2021 Personal Property Tax Relief and Mr. Barton seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion and the following resolution was adopted:

**RESOLUTION R2021-23  
NELSON COUNTY BOARD OF SUPERVISORS  
2021 PERSONAL PROPERTY TAX RELIEF**

**WHEREAS**, the Personal Property Tax Relief Act of 1998, Va. Code § 58.1-3524 has been substantially modified by the enactment of Chapter 1 of the Acts of Assembly, 2004 Special Session I (Senate Bill 5005), and the provisions of Item 503 of Chapter 951 of the 2005 Acts of Assembly; and

**WHEREAS**, the Nelson County Board of Supervisors has adopted an Ordinance for Implementation of the Personal Property Tax Relief Act, Chapter 11, Article X, of the County Code of Nelson County, which specifies that the rate for allocation of relief among taxpayers be established annually by resolution as part of the adopted budget for the County.

**NOW THEREFORE BE IT RESOLVED** that the Nelson County Board of Supervisors does hereby authorize tax year 2021 personal property tax relief rates for qualifying vehicles as follows:

- Qualified vehicles with an assessed value of \$1,000 or less will be eligible for 100% tax relief;
- Qualified vehicles with an assessed value of \$1,001 to \$20,000 will be eligible for 38% tax relief;
- Qualified vehicles with an assessed value of \$20,001 or more shall be eligible to receive 38% tax relief only on the first \$20,000 of assessed value; and
- All other vehicles which do not meet the definition of “qualifying” (business use vehicle, farm use vehicle, motor homes, etc.) will not be eligible for any form of tax relief under this program.

**BE IT FINALLY RESOLVED** that the personal property tax relief rates for qualifying vehicles hereby established shall be effective January 1, 2021 through December 31, 2021.

C. FY22 Proposed Budget Update

Ms. McGarry presented the following budgetary adjustments for the proposed FY22 budget:

Since the Board’s last budget work session, staff identified two items that are proposed to be included on the expenditure side of the budget that reduce the recurring contingency as follows:

April 13, 2021

- **\$4,400** for Sheriff's Department Forestry Grant Expenditures; this grant revenue was included on the revenue side but omitted from the Sheriff's Department expenditure budget.
- **\$11,136** for annual subscription costs of cloud-based Microsoft Exchange backup and archiving related to the migration of Microsoft Office to Microsoft Office 365 in order to enhance the County's email security.

Additionally, the Commissioner of Revenue's office has provided the Real Property and Personal Property valuations through February 2021; which has resulted in the following increases to the estimates included in the introduced budget. These changes will increase the recurring contingency as follows:

- **\$25,641** increase in estimated FY22 Real Estate Taxes – This is primarily due to a reduction in the amount of Land Use tax relief following the re-application period. **New Total: \$18,023,192**
- **\$303,023** increase in estimated FY22 Personal Property Taxes – This is primarily due to the increase in NADA values of used vehicles utilized in establishing the annual tax levy. **New Total (includes Mobile Homes): \$6,204,101**

These changes, in addition to previous changes, result in an adjusted Recurring Contingency of **\$613,713**.

Ms. McGarry advised that the new total General Fund budget is \$42,090,576.

Mr. Reed noted the land use tax relief and asked if this is based on a decrease in the amount of acreage under land use for the county. Ms. McGarry stated that it appears so, adding that not everybody that was in land use for the past six years reapplied. Also, some parcels were not included based on the land use panel's investigations. Mr. Reed asked if property owners are informed that they would be losing land use if they haven't taken action, and Mr. Carter stated yes, adding that the ordinance has provisions for this. Ms. McGarry noted that the land use discount amounts to \$3,553,320, and also, the elderly and veterans relief amounts to about \$97,000.

#### D. Authorization for Public Hearing on Proposed Recreation Ordinance (**R2021-24**)

Mr. Carter noted that this is consideration for amending the County Code to authorize establishment of recreational fees. He advised that the County has been receiving requests, currently specifically for the use of the Blue Ridge Tunnel, for various purposes. He noted that the County currently has no means to address those requests, so Staff has discussed this subject with Mr. Payne, who has drafted this ordinance for the Board's consideration. Mr. Carter noted that this ordinance would amend the County Code's Chapter 2 Article 7. He then referred to the solid waste ordinance, which authorizes the Board to establish fees by resolution, and suggested that this may be a change that the Board may want to make.

April 13, 2021

He advised the ordinance could be amended to say that the Board could adopt such fees by resolution, because otherwise, the Board would have to have a public hearing every time they wanted to change any fees. He reiterated that this ordinance would enable Parks and Recreation to establish fees for recreational uses in the county by private or business entities. He noted that the fees would not be for the public's use of the facilities.

It was noted that Staff would add the amendment to the ordinance and bring this subject back to the next meeting for consideration. The following resolution was deferred:

**DEFERRED**  
**RESOLUTION R2021-24**  
**NELSON COUNTY BOARD OF SUPERVISORS**  
**AUTHORIZATION FOR PUBLIC HEARING**  
**AMENDMENT OF THE CODE OF NELSON COUNTY, VIRGINIA**  
**CHAPTER 2, ADMINISTRATION, ARTICLE VII**

**BE IT RESOLVED**, that pursuant to §15.2-1427 of the Code of Virginia 1950 as amended, the County Administrator is hereby authorized to advertise a public hearing to be held on May 4, 2021 at 7:00 PM in the General District Courtroom in the Courthouse in Lovingston, Virginia. The purpose of the public hearing is to receive public input on an Ordinance proposed for passage to amend Chapter 2, Article 7 to incorporate provisions addressing operation and regulation of the County's parks, recreation facilities, and playgrounds.

**VI. REPORTS, APPOINTMENTS, DIRECTIVES AND CORRESPONDENCE**

A. Reports

1. County Administrator's Report

Mr. Carter presented the following report:

**A. Covid-19 (Coronavirus):** Per Blue Ridge Health District's current data sets, Nelson County has had 876 cases of the Covid-19 Virus, which is 6% of the County's current population of 14,904 (per 2020 projections from the Weldon Cooper Center). Of the 876 cases in the County, there have been 39 hospitalizations (4.5% of total cases) and 12 fatalities (1.36% of total cases).

With respect to County employees (the following is as accurate as possible), 49 County direct employees have either been fully vaccinated or have received the first vaccination and are in process with the second vaccination. Of the 49 employees, the majority have been full vaccinated. Twenty-two (22) County direct employees have, to date, declined to be vaccinated. Of the total of 71 direct employees (FT & PT), 69% have been vaccinated and

April 13, 2021

31% have declined to be vaccinated. With respect to Constitutional offices, of 44 total employees, 31 (70.45%) have been vaccinated and 13 (29.55%) have declined.

Regarding County operations, telework for County staff was concluded on April 13<sup>th</sup>. This decision was made based on all County staff's access to be fully vaccinated. An ensuing step will be the re-opening to the public of County offices (guidance on this is pending to County departments).

**B. American Rescue Plan:** Guidance on the uses of the funding the County will receive is pending from the federal Department of the Treasury. The FY21-22 Budget includes the total funding (just below \$2.9 million) that is allocated to the County. A report on uses of this federal funding will be submitted to the Board once guidance from the Department of Treasury is available.

**C. Consulting Engineering Services (Business Park) – 2021 RFP#01:** The contract with Timmons was issued on March 26<sup>th</sup> and has been signed by both the County and Timmons. Services for evaluation of properties for development of a potential business park (and/or other uses) in the Rt. 29 Corridor are pending receipt of Timmons initial services proposal.

**D. FY21-22 Budget:** The public hearing for the Fiscal Year 21-22 County budget is scheduled for May 4<sup>th</sup> at 7 p.m. Approval of the FY21-22 Budget is scheduled for the May 11<sup>th</sup> regular session.

**E. RFP#2021-NCO2 (Term Contract for Architectural/Engineering Services):** The RFP was issued on February 17. Seven responses (statements of qualifications) were received by the deadline of 1 p.m. on March 12. Four of the respondent firms were interviewed (two each on April 6 and 7). Subsequent to the interviews the County's interview panel ranked the four firms in order from 1 to 4 with 1 being the top ranking. The panel's decision was unanimous to recommend Lynchburg based Architectural Partners to the Board for authorization to contract with the company for services to the County (one year with four renewals). The Board's authorization to contract with AP is requested.

**F. Piney River Wastewater System:** Fredericksburg based Patterson Construction Company began work on April 12 for refurbishment of the primary pumping station located on Rt. 56 west. The pump station is a packaged installation manufactured by Wisconsin based Usemc. Project completion is anticipated prior to May 11<sup>th</sup> with a total project expense of \$39,788.

**G. BR Tunnel Project:** Document close out of the Phase 3 Project is still in process. Fencing along the western side of the entrance road (Depot Lane) to the eastern trail is complete. Work to expand the eastern parking began April 12. Smith Paving, Inc. is the project's contractor. The contract expense is \$65,110 with an additional change order for removal of 3 trees issued at a cost of \$6,400 such that the total project cost is currently \$71,510. Project completion is scheduled for not later than May 28<sup>th</sup>. The project will add a minimum of 25 additional parking spaces with the potential for several more once the site is cleared and the three trees are removed. To date, visitors to the Tunnel excess 50,000.

**H. Installation of Drop Box:** Work is in process to install the outside drop box for deposits to the Treasurer's office of County taxes and/or other payments. The equipment type for the installation has been identified. The equipment order is pending but will be processed soon. The proposed location for the box is in the circular drive area in front of the flag pole area.

April 13, 2021

Mr. Carter noted that the cost for the drop box is just over \$2,000, and he suggests it be placed in the circular area in front of the Courthouse by the flag poles.

**I. 2022 General Reassessment:** The 2022 General Reassessment is in process. Wampler-Eanes has not, to date, submitted an initial report on the status of the company's work on the reassessment (the company must complete the project by 12-31). In a general discussion with Mr. Gary Eanes, Gary indicated work was proceeding well.

Mr. Carter then referred to the COVID-19 situation and noted that previously, with no more available federal CARES Act funding, the Board agreed to allow the County to carry the cost of benefits for employees impacted by the virus, so that they don't have to use their own benefits. He referred to incidences of County Staff who have refused to be vaccinated and asked if the County should still carry those costs or require them to use their benefits. He noted that his recommendation is to require them to use their benefits, adding that it is not aimed at punishing anyone, however, it seems inappropriate for the County to do something where the employee had the option to help deter this virus, and they declined to do it. Mr. Harvey and Mr. Reed agreed.

## 2. Board Reports

Mr. Parr:

Mr. Parr had no report.

Mr. Rutherford:

Mr. Rutherford that he and Mr. Parr had a meeting with the Commissioner of the Revenue, Treasurer, Ms. McGarry, and Mr. Carter to discuss the machinery and tools tax and the pet tax. He noted that one topic that came up was the possibility of a lifetime pet tax, so people would not have to pay annually, and they would make sure all vaccinations are done for the animal and the County would have a record. He urged that would be an effective mechanism to encourage people to participate in licensing and paying taxes on their pets and added that the Treasurer also agreed with this.

Mr. Parr noted that this would encourage more residents to actually register their dogs and get the dog tag, plus it would be less of a financial burden on residents as well. He added this would lessen the burden on the Treasurer's Office over time also. He noted it would still be a requirement to have the yearly rabies vaccination. He advised he has spoken with both the Treasurer and Animal Control, and both support and don't see anything negative with moving from an annual dog tag to a lifetime one. Mr. Rutherford noted that many counties across the state do a similar system. Mr. Parr then clarified that the annual dog tag does not apply to kennels, and they would still have the same setup as they have now.

Mr. Carter suggested maintaining flexibility in the ordinance by having the annual tag as well as the lifetime tag as well as maybe doubling the annual tag from \$5 to \$10. He noted that right now, annual

April 13, 2021

revenues for annual tags are about \$9,000 for a \$5 tag, and it costs about \$10,000 for the Treasurer to actually do the tags. He added that maintaining an annual tag option gives more flexibility for people who may have an older dog or people who move out of the county or come in to the county. Mr. Parr noted that this would double the work for the Treasurer's Office, adding that if this were the proposal, he would vote against it.

Mr. Rutherford asked Staff to instruct Mr. Payne to draft something for this subject for a potential future public hearing. The Board agreed and noted this subject could be revisited in May.

Mr. Rutherford then noted that the TJPDC met, and they have a transition with the absence of Chip Boyles, adding that they hope to fill his position within the next sixty to ninety days.

Mr. Rutherford also noted that he and Mr. Barton met with the architectural board and had an unanimous decision about the chosen firm.

Mr. Harvey:

Mr. Harvey had no report.

Mr. Barton:

Mr. Barton noted that there has been a resignation on the Social Services Board for the south district position. He advised he has a person in mind and needs to talk with them. It was noted that Staff would advertise the vacancy as well.

Mr. Barton also noted that he and Mr. Reed met with Ms. Irving and Ms. Clair of the School Board recently and spoke of the commitment to education that Board has. He added that they talked about the particular opportunity that Nelson County has to have a superior school that meets the needs of all of its children. He spoke of the school consolidation study and noted that the community needs to think about and discuss this subject. He stressed that what we want to do is what is best for our children.

Mr. Carter advised that there was no intent on what was proposed to the Board and recommended by Staff to harm the quality of education, adding that hopefully, one of the outcomes of this study would be to improve the quality of education. He stated that it is not just to save money, but to do what's the best thing for the county, including for the students.

Mr. Reed:

Mr. Reed noted that Mr. Barton has pretty accurately reported on the meeting that they had, and the information he has given is reflective of the discussion they had.

Mr. Carter noted that whoever the consultant would use as a subconsultant for education would certainly confer with Dr. Eagle and the School Board on things we can do to improve the system. He emphasized that County Staff have no intention of going backwards with the quality of education in Nelson County.

B. Appointments

Ms. Mawyer reviewed the following table:

<b>(1) New Vacancies/Expiring Seats &amp; New Applicants :</b>					
<u>Board/Commission</u>	<u>Term Expiring</u>	<u>Term &amp; Limit Y/N</u>	<u>Incumbent</u>	<u>Re-appointment</u>	<u>Applicant (Order of Pref.)</u>
Region Ten Community Services Board	6/30/2022	3 Years/ 3 term limit	Diane Jacobs (T1)	N-stepped down	Patricia Heggie (can start in May/June)
PVCC Board	6/30/2021	4 Years/ 2 term limit	Tom Proulx (T1)	Y	
<b>(2) Existing Vacancies:</b>					
<u>Board/Commission</u>	<u>Terms Expired</u>				

Ms. Mawyer noted that there is still an open seat on the Region Ten Community Services Board, and an application from Patricia Heggie has been received for the position, but Ms. Heggie cannot start until May or June. She noted that no other applications have been received. The Board took no action and decided to wait and see if anybody else applies before next month’s meeting.

Ms. Mawyer noted that Tom Proulx has indicated that he would like to be reappointed to the PVCC Board, and a letter has been received from the President of PVCC endorsing the reappointment. Mr. Harvey moved to approve the reappointment of Tom Proulx to the PVCC Board and Mr. Rutherford

April 13, 2021

seconded the motion. Mr. Harvey noted that Mr. Proulx has been very active on that board, and Mr. Rutherford made note of Dr. Friedman's positive comments in his letter. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

C. Correspondence

The Board had no correspondence.

D. Directives

The Board had no directives.

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

Mr. Parr noted that in the Fall, the County specifically allocated \$1.2 million of Covid money to Firefly for internet access in four areas of the county for AEP customers. He stated that at the time, our deadline was December 31<sup>st</sup>, however, that deadline has been extended. He noted concern that it seems Firefly has hit the brakes on those projects and has gone to other areas instead. He stated that the deadline extension should not apply to Firefly and urged that the County remind them that those four projects are still a priority. Mr. Rutherford noted that in the earlier Broadband Authority meeting, the Authority asked Staff to get an update from Firefly on all of the projects. Mr. Carter noted that Staff would follow up on this and pass the information on to the Board once it is received.

Mr. Carter then referred to the RFP on architectural services, noting that the recommendation was Architectural Partners. He asked the Board to authorize Staff to enter into a contract with that company to serve the County. He noted the contract would be a base agreement, and then the Board would endorse or approve every project that is presented by staff.

Mr. Rutherford moved to approve Architectural Partners RFP #2021-NC02 Term Contract for Architectural Engineering Services and Mr. Parr seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

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

At 4:36 PM, Mr. Rutherford moved to adjourn and reconvene at 7:00 PM and Mr. Parr seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion and the meeting adjourned.

April 13, 2021

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

**I. CALL TO ORDER**

Mr. Reed called the meeting to order at 7:02 PM, with all Supervisors present to establish a quorum and Mr. Carter being absent.

**II. PUBLIC COMMENTS**

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

**III. PUBLIC HEARINGS**

**A. Special Use Permit #253 – 4-1-50a Social Temporary Event, in excess of twelve such events in a calendar year and provided that the event complies with the County Noise Ordinance**

Consideration of a Special Use Permit application requesting County approval to allow “Social Temporary Event, in excess of twelve such events in a calendar year and provided that the event complies with the County Noise Ordinance” use on property zoned A-1. The subject property is located at Tax Map Parcel #12-A-79A at 27 Chapel Hollow Rd. The subject property is owned by Snow Knows Inc.

The following information was presented in the Board packets:

**BACKGROUND:** This is a request for a special use permit on property zoned A-1, Agriculture to utilize an accessory structure for Social Temporary Events in excess of 12 such events per calendar year. The applicant previously requested a special use permit for a banquet hall; this application was withdrawn after receiving feedback from the Planning Commission.

*Public Hearings Scheduled:* P/C – March 24, 2021; Board – April 13, 2021

*Location / Election District:* 27 Chapel Hollow Road / North Election District Tax

*Map Number(s) / Total Acreage:* 12-A-79A / 5.22 acres +/-

*Applicant Contact Information:* Snow Knows Inc., 1875 Avon Street Extended, Charlottesville, VA 22902; corbin@snowknows.com

April 13, 2021

*Comments:* This property contains three dwelling structures – a main house, a guest cottage, and a guest barn. The property previously operated as a bed and breakfast with food service for a number of years, and was also the prior home of the Flying Fox Tasting Room. The current owner purchased this property in 2019. Because the property is proposed to be rented out in its entirety, the structures are now classified as Vacation Houses, which are also a by-right use in the A-1 District. The difference between a BNB and Vacation House, is that a BNB is rented out by the room, and a Vacation House is rented out by the entire structure. The applicant is constructing a by-right multi-use accessory structure that will serve the property. Section 4-1-34 permits 12 Social Temporary Events per calendar year by-right – this allows a maximum of 300 people to attend a one-day event (such as a wedding, reception, or reunion) that complies with the Noise Ordinance. Because these events are a by-right use in the A-1 District, they are permitted to utilize a permitted structure for this purpose. Social Temporary Events are private events, and the structure will not be permitted to be open to the public or utilized for public events. Additionally, the ordinance prevents new structures to be utilized for Category 1 or 2 Temporary Events without approval of an additional special use permit. The structure will also be utilized for storage of farm equipment. Section 4-1-50a requires a special use permit to host more than 12 such events per calendar year. The issue raised by this application is whether the applicant will be granted a special use permit to conduct more than the 12 by-right events. The applicant is proposing an additional 12 events, for a total of 24 Social Temporary Events per calendar year, with conditions.

**DISCUSSION:**

*Land Use / Floodplain:* This area is agricultural and residential in nature. There are no floodplains located on the property.

*Building:* The structure is actively being permitted through the Building Inspections office. The Building Official has indicated that the structure does not meet thresholds to be permitted as a commercial facility, and is classified by the statewide building code as a private accessory structure. The building layout and concept photos are attached with this report – the images provided by the applicant do not depict the exact aesthetic of the building to be constructed, but are very similar.

*Access and Parking:* The property is accessed from Chapel Hollow Road. The site is currently served by a VDOT permitted commercial entrance. The ordinance requires 1 parking space per 100 square feet of assembly area without fixed seats. The applicant has calculated 50 parking spaces which satisfies and exceeds parking requirements. Places of Assembly are addressed separately in the parking ordinance from Commercial uses.

*Landscaping and Lighting:* The applicant indicated that the property will be landscaped in a manner that screens the property from Chapel Hollow Road as well as adjacent properties. The applicant also intends to add vineyards and orchard trees, in alignment with its agricultural zoning. There will be no additional parking or pole lights, however the applicant is proposing some low-voltage path and landscape lighting.

April 13, 2021

*Utilities:* Property is served by private well and septic systems. Because there is no food service as part of this request, the Health Department has indicated that the current system is adequate and will not require additional permitting.

*Conditions:* The Planning Commission may recommend, and the Board of Supervisors may impose, reasonable conditions upon the approval of the special use permit. Staff recommended conditions address impacts related to landscaped screening, lighting, event frequency, and amplified sound and event cut-off times.

*Comprehensive Plan:* With regards to the “Future Land Use Plan” in the *Nelson County Comprehensive Plan*, the “Greenfield” area is designated as Rural Residential, which “allows low density residential and compatible non-residential uses in rural areas where agriculture is not the predominant use.”

**RECOMMENDATION:** The approval of special use permits should be based on the following factors:

- The use shall not tend to change the character and established pattern of development of the area or community in which it proposed to locate.
- The use shall be in harmony with the uses permitted by right in the zoning district and shall not affect adversely the use of neighboring property.
- The proposed use shall be adequately served by essential public or private water and sewer facilities.
- The proposed use shall not result in the destruction, loss or damage or any feature determined to be of significant ecological, scenic or historical importance.

The Planning Commission held a public hearing on the request on March 24, 2021, and voted to recommend approval (5-1) to the Board of Supervisors with the following conditions:

- 1) All applicable local, state, and federal regulations shall be met.
- 2) The parking area and structure shall be screened with landscaping from Chapel Hollow Road and adjoining properties.
- 3) There shall be no additional lighting that would cause pollution to neighboring properties, roadways, or the dark night sky.
- 4) There shall be no more than 12 such events per calendar year (not including the 12 Social Temporary Events that are permitted by-right). Event frequency shall be limited to two events per week, with only one such event being held on Saturday-Sunday.
- 5) Staff shall be on-site to supervise and maintain each event.

April 13, 2021

- 6) There shall be no amplified sound after 9:00 p.m. on Sundays-Thursdays and events shall be limited to 10:00 p.m. There shall be no amplified sound after 10:00 p.m. on Friday-Saturday and events shall be limited to 11:00 p.m.

Ms. Bishop advised that it is Staff's recommendation that the Board defer this application until the next meeting but go forward with the public hearing, as it has been advertised and scheduled. She noted that Staff received some new information today pertaining to this application.

Mr. Reed opened the public hearing, and the following person was recognized:

1. Betty Slough, Afton VA

Ms. Slough asked what the new information is and when it will be published. She noted that she lives on Chapel Hollow Road, and she has concerns about this application. She noted concerns about the parking situation and questioned if anybody has done a hydrology study, adding that it would be another 300 people that would be using water resources on that road. She stated that if the Board allows this, they will be looking out for a businessman who came in from another county rather than the residents who live there. She stressed that this is an agricultural area, adding that this use is not agricultural, but rather a party event bringing in 300 people to a small area.

There were no persons wishing to be recognized, and the public hearing was closed.

Mr. Reed noted that the Board is not yet privy to the new information, and it will be published in the next agenda packet if it comes up for consideration at the next meeting. Ms. Bishop added that she just received the information at 4:30 this afternoon, and she has not fully processed it yet herself. Mr. Reed asked if the Planning Commission will have an opportunity to review this information, and Ms. Bishop stated she is not sure yet. Mr. Reed noted that they will confer with Mr. Payne.

The Board tabled this subject.

### **B. Proposed Zoning Ordinance Updates – Batch 1**

Consideration of Zoning Ordinance Amendments to:

1. Remove "Artist Community," "Artist Community Residencies," and "Resident Artist" from *Article 2: Definitions*. Remove Section 4-1-46a "Artist Community" from Uses Permitted by Special Use Permit Only in *Article 4: Agriculture District A-1*
2. Update definition of "Restaurant" in *Article 2: Definitions* to remove language regarding dancing. The proposed definition reads, "Any building in which for

April 13, 2021

compensation, food or beverages are dispensed for consumption on the premises, including among other establishments cafes, tea rooms, confectionery shops, or refreshment stands.”

3. Add Section 18-2-8 “Restaurant” as a by-right Permitted Accessory Use in *Article 18: Limited Industrial M-1*.

Ms. Bishop provided the following report:

In a continued effort to update and revise the Zoning Ordinance for clarification, functionality, and overall benefit to the County, staff will periodically bring forward proposed amendments for consideration. The public hearing process is required for any proposed change to the ordinance. The three proposed Ordinance Updates include:

- Remove ‘Artist Community’ as a use from the Zoning Ordinance, and remove associated definitions.
- Updated definition of ‘Restaurant’ to remove language regarding required floor area for dancing.
- Adding ‘Restaurant’ as a by-right accessory use in the M-1 Limited Industrial District.

At their meeting on March 24, 2021, the Planning Commission voted unanimously to recommend approval of the proposed updates. The draft ordinances are attached with this memo and explained below:

Pages 1-2

- *Article 2: Definitions*
- Removed definitions for “Artist Community,” “Artist Community Residencies,” and “Resident Artist”
- Updated definition of “Restaurant”

Page 3

- Excerpt from *Article 4: Agriculture District A-1*
- Removed “Artist Community” and associated language from special use section

Pages 4-7

- *Article 18: Limited Industrial M-1*
- Pg.5 - added “Section 18-2-8 Restaurant” as a by-right accessory use

Mr. Reed then opened the public hearing and the following person was recognized:

1. Taylor Smack, Afton VA

Mr. Smack noted that the third part of the proposed zoning change request was made on his behalf. He stated that with Covid, the beer market has been hard on craft breweries in the marketplace, and they are brewing less than half the amount of beer at the Blue Mountain Barrel House as they did before, so they are trying to become more self-sufficient. He noted that they have always had a food truck, however, that limits how many people they can effectively serve, so they are trying to amp their kitchen up to make it more of an on-site revenue generator.

There being no other persons wishing to be recognized, the public hearing was closed.

Mr. Harvey moved to approve the three recommendations made by the Planning Commission and Mr. Parr seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

The amendments were restructured into the following Ordinance **O2021-02** for codification purposes:

**ORDINANCE O2021-02**  
**NELSON COUNTY BOARD OF SUPERVISORS**  
**AMENDMENT OF THE CODE OF NELSON COUNTY**  
**APPENDIX A, ZONING, ARTICLE 2 DEFINITIONS,**  
**ARTICLE 4 AGRICULTURAL DISTRICT A-1, ARTICLE 18 LIMITED INDUSTRIAL M-1**

**BE IT HEREBY ORDAINED**, by the Nelson County Board of Supervisors that the Code of Nelson County, Virginia Appendix A, Zoning, is hereby amended as follows:

**Article 2: Definitions**

*Agricultural equipment:* Vehicles, machinery and tools used for farming purposes.

*Airstrip, private:* A runway for the landing and take-off of small aircraft on a noncommercial basis, which shall be approved by the Federal Aviation Administrator and the Virginia Division of Aeronautics.

*Alteration:* Any change in the total floor area, use, adaptability or external appearance of an existing structure.

*Antique motor vehicle:* Antique means every motor vehicle, as defined in this section, which was actually

April 13, 2021

manufactured or designated by the manufacturer as a model manufactured in a calendar year not less than 25 years prior to January 1 of each calendar year and is owned solely as a collector's item. The antique motor vehicle must display the appropriate license plates pursuant to §46.2-730 of the Code of Virginia, as amended.

*Apartment house:* See *Dwelling, multiple-family apartment*.

~~*Artist Community:* A facility that provides resident artists with artist community residencies in a rural setting. An artist community includes art studio(s), exhibition and presentation space(s), and temporary lodging accommodations for resident artists; and includes the accompanying office(s), kitchen and food service(s), communal space(s), and maintenance area(s) to service the resident artists and staff. **O2015-02**~~

~~*Artist Community Residencies:* time and space scheduled for resident artists to create work not at the artists' home base; residencies are scheduled for a period not to exceed ninety five (95) consecutive days. **O2015-02**~~

*Automobile graveyard:* See *Junkyard*.

*Automobile graveyard, class A:* Any rear yard or part of a rear yard upon which a maximum of two (2) inoperative vehicles of any kind are located and which is screened by natural plantings or by other reasonable means acceptable to the Administrator so that vehicles are not visible from the roadway or adjacent residential, commercial, or agricultural properties. A "Class A Automobile Graveyard" is considered to be an accessory use to single-family residential use.

*Automobile graveyard, class B:* Any place meeting setback side and rear yard requirements for buildings upon which a maximum of five (5) inoperative vehicles of any kind are located and which is screened by natural plantings or by other reasonable means acceptable to the administrator so that such vehicles are not visible from the roadway or adjacent residential, commercial, or agricultural properties.

*Automobile graveyard, class C:* Any place meeting setback side and rear yard requirements for buildings upon which more than five (5) inoperative vehicles of any kind are located, and which is screened by natural plantings or by other reasonable means acceptable to the Administrator, so that such vehicles are not visible from the roadway or adjacent residential, commercial or Pen: See *Agriculture*.

*Permanent foundation.* Permanent foundations for manufactured homes or mobile homes include any of the following types of foundations selected by the owner, dealer or contractors:

- (1) *Masonry piers and anchoring systems, specified by the manufacturer of the home in the installation instructions, as required and approved in accordance with the Federal Manufactured Housing Construction and Safety Standards.*
- (2) *Concrete foundations or permanent wood foundation systems constructed in compliance with the ANSI A225.1 Manufactured Home Installation Standard.*
- (3) *Foundations meeting the requirements of the U.S. Department of Housing and Urban Development Handbook 430.3, Permanent Foundations Guide for Manufactured Housing.*
- (4) *Foundation systems for manufactured homes over basements.*
- (5) *Any other foundation system approved as a permanent foundation by the authority having jurisdiction as outlined in Section 107.1 of the USBC. (Ord. of 5-18-90)*

April 13, 2021

*Public water and sewer systems: A central water or sewer system owned and/or operated by a municipality, county or service authority or by an individual, partnership or corporation approved by the governing body in accordance with Title 15.1 of the Code of Virginia, as amended.*

*Quarrying: The industry of extracting stone from an open excavation, including both the extraction and processing of crushed stone for aggregate and related uses and the extraction of stone in blocks for building monumental and related uses.*

*Required open space: Any space required in any front, side, or rear yard.*

~~*Resident Artists: professionals who create new work in literary, visual, musical, theatrical, dance, and other forms, as evidenced by their education in said fields, training, and expenditure of time in their studio endeavor, regardless of whether they make their living by it.*~~ **O2015-02**

*Residue. The part of an original lot remaining after a portion has been divided off pursuant to Appendix B, Subdivisions, of the Code of Nelson County, as amended. The residue shall be treated as one of the lots within the subdivision. For example, for a two acre parcel divided off a six acre parcel, the new lot is identified as one parcel and the residue as the second parcel.*

*Restaurant: Any building in which for compensation, food or beverages are dispensed for consumption on the premises, including among other establishments cafes, tea rooms, confectionery shops, or refreshment stands. ~~Dancing by patrons shall be considered as entertainment accessory to a restaurant, provided the space made available for such dancing shall not be more than one eighth of that part of the floor area available for dining. Provisions for dancing made available under this definition shall be subject to the permit requirements of Nelson County.~~*

*Retail stores and services: Buildings for display and sale of merchandise at retail or for the rendering of business and personal services (but specifically exclusive of coal, wood and lumber...)*

#### **Article 4: Agricultural District A-1**

4-1-40a Veterinary hospital

4-1-41a Wood yard **O2008-10**

4-1-42a Composting, Commercial **O2011-01**

4-1-43a Wildlife Rehabilitation Center **O2011-06**

4-1-44a Activity Center **O2013-07**

4-1-45a Distillery **O2014-06**

4-1-46a ~~Artist Community, conditional upon the following limiting factors:~~ **O2015-02**

- ~~• Minimum property size of 20 acres;~~
- ~~• Maximum floor area of 40,000 square feet (cumulative / all facilities);~~
- ~~• Maximum of 25 resident artists at any time with each resident artist being limited to a maximum duration of ninety five (95) consecutive days;~~

April 13, 2021

- ~~• Maximum of 15 public events per year (monthly Open Houses/Open Studios and infrequent fundraising events);~~
- ~~• Existing structures are adaptively reused (as applicable) and new structures are designed to be compatible with rural character of surrounding area;~~
- ~~• Restrictions on future division of the property~~

4-1-47a Roadside Stand, Class B **O2016-01**

4-1-48a Farmers Market **O2016-01**

4-1-49a Festival Grounds **O2016-04**

4-1-50a Social Temporary Event, in excess of twelve such events in a calendar year and provided that the event complies with the County Noise Ordinance **O2016-04**

4-1-51a Outdoor Entertainment Venue **O2016-04**

4-1-52a *Commercial Solar Energy Systems*

#### **Article 18: Limited Industrial M-1**

##### *Statement of intent.*

This district is intended to provide for and encourage limited industries to locate and/or expand in order to foster development of the local economy. These industries are generally light industrial which are office oriented or oriented toward the manufacturing, processing, assembly, warehousing and/or distributing of goods and materials which are dependent upon previously prepared raw materials refined or processed elsewhere. It is expected that uses in this district be to be operated from within a building.

18-1 *Uses—Permitted by right.*

The following uses shall be permitted by right in Limited Industrial Districts subject to the regulations of Article B.

18-2 *Permitted accessory uses.*

##### *New Section*

18-2-8 Restaurant

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

There was no other business considered by the Board.

April 13, 2021

**V. ADJOURNMENT**

At 7:19 PM, Mr. Rutherford moved to adjourn and continue the meeting until Tuesday, May 4, 2021 at 7:00 PM and Mr. Parr seconded the motion. There being no further discussion, Supervisors voted unanimously (4-0) by roll call vote to approve the motion and the meeting adjourned.