

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: 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, Director of Finance and Human Resources
Jackie Britt, Registrar
Sheriff Mark Embrey
Dylan M. Bishop, Director of Planning and Zoning

Absent: Thomas D. Harvey, North District Supervisor

I. CALL TO ORDER

Mr. Parr called the meeting to order at 2:01 p.m. with three (3) Supervisors present to establish a quorum. Mr. Harvey and Mr. Rutherford were absent.

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

Mr. Parr took a moment to remember those impacted by the destruction from Hurricane Helene. He noted that Nelson County's community had a very close tie to those affected with the County's own history.

II. PUBLIC COMMENTS

Stephen Bayne - Nellysford, VA

Mr. Bayne stated he was speaking in regards to formals complaints submitted regarding the application, site plan, and review process for Renaissance Ridge. He further noted that his comments were regarding the following questions and requests submitted without response: 1) What is the regulatory legal status of the application site plan for Renaissance Ridge MSP240169? 2) What are the regulatory pre-requisites and deadlines for the review to be scheduled again for a future Planning Commission meeting? 3) What is the regulatory timeline if the site plan, with the application, is revised? Mr. Bayne then asked for the status of FEMA case 24030322P in as much detail as possible. He commented that FEMA would require an advertising process and period in the event of revision to the flood hazard map. He asked to be provided the details of the advertising process. He stated that concerned residents were requesting responses and information.

Robert Gubisch - Faber, VA

Mr. Gubisch stated that he had the pleasure of conversing in public forum with Congressman Good. He noted that the Congressman went into great detail regarding what had been going on with the money in the federal government with the current administration. He commented that after the Congressman had explain several things on where a lot of money went without most people knowing it, his closing statement was that it could be said that the Biden administration was evil. Mr. Gubisch noted he thought that was a powerful statement to come from a Congressman. He stated that there was a battle going on within the government to destroy everything that the country stood for and everything that people grew up to believe in. He noted that he was bringing these things up so that in light of the upcoming election, no matter what happens, whoever was elected to the White House, it was going to get much worse. He asked that they be more mindful of what they do with their energies and resources because they would need everything they had, to stick together as a community. Mr. Gubisch thanked the Board members for their service.

Eleanor Amidon - Afton, VA

Ms. Amidon asked why Mr. Rutherford and Dr. Ligon wanted to replace the Planning Commission's representative from the Board of Supervisors. She noted that they gave no logical or plausible explanation during the September 10th Board of Supervisors meeting. She commented that they only requested that Mr. Reed switch out of his appointed role, and provided vague innuendos about what might happen if he did not. She noted that the Board of Supervisors had appointment procedures, and from what she gathered from the Nelson County website, was that appointments to the Planning Commission were made for four (4) years with no term limits. Ms. Amidon stated that updating the Nelson County Comprehensive Plan,

and possible changes to the zoning ordinances were complicated, interrelated issues. She noted that when they had a thoughtful and competent person serving on the Planning Commission, they did not want to arbitrarily switch them out for someone less experienced. She questioned Mr. Rutherford’s judgement in making an unsubstantiated motion, based on his and Dr. Ligon’s misleading and ambiguous rationalizations on a subject that was not on the meeting’s agenda for that day, to a Board with a bare minimum of a quorum present. Ms. Amidon commented that the Board of Supervisors should have more important things to do than to waste time playing games like that. She urged Mr. Rutherford’s constituents in the East District to also question his judgement before re-electing him in 2025 as their representative.

Chuck Amante - Shipman, VA

Mr. Amante stated that he owed one (1) of the Board members an apology. He commented that he endeavored as best he could to follow Lord Jesus whose command was to speak truth and love. He said that he did speak the truth but his motivations were not what they should have been. He stated that he should have given the Board member the chance to have a private conversation first and hoped that things would have turned out differently. Mr. Amante commented that he used the truth more as a weapon and he was wrong to do that. He stated that he was truly sorry that he did not give the Board member that chance to have a private conversation, noting that things could have turned out differently but they would not know. Mr. Amante apologized again and thanked the Board for their time.

There were no others wishing to speak and the Public Comments period was closed.

Mr. Parr addressed the minimum quorum present. He reported that Mr. Rutherford had some family issues that he was taking care of, and Mr. Harvey was ill and unable to attend.

II. CONSENT AGENDA

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

A. Resolution – R2024-66 Minutes for Approval

**RESOLUTION R2024-66
NELSON COUNTY BOARD OF SUPERVISORS
APPROVAL OF MINUTES
(April 11, 2024)**

RESOLVED, by the Nelson County Board of Supervisors that the minutes of said Board meetings conducted on **April 11, 2024** be and hereby are approved and authorized for entry into the official record of the Board of Supervisors meetings.

B. Resolution – R2024-67 Budget Amendment

**RESOLUTION R2024-67
NELSON COUNTY BOARD OF SUPERVISORS
AMENDMENT OF FISCAL YEAR 2024-2025 BUDGET
October 8, 2024**

I. Appropriation of Funds (General Fund)			
	<u>Amount</u>	<u>Revenue Account (-)</u>	<u>Expenditure Account (+)</u>
	\$ 598.00	3-100-002404-0034	4-100-031020-1014
	\$ 6,094.30	3-100-001899-0008	4-100-091030-5202
	\$ 1,625.00	3-100-001901-0032	4-100-031020-3038
	\$ 2,121.73	3-100-003303-0008	4-100-999000-9905
	\$ 2,705.11	3-100-003303-0008	4-100-999000-9905
	<hr/>		
	\$ 13,144.14		

IV. PROCLAMATION– OCTOBER IS DOMESTIC VIOLENCE AWARENESS MONTH (P2024-05)

Mr. Parr read aloud **Proclamation P2024-05** and Mr. Reed moved to approve the **Proclamation P2024-05** as presented. Dr. Ligon seconded the motion. There being no further discussion, Supervisors approved the motion unanimously (3-0) by roll call vote and the following proclamation was adopted:

**PROCLAMATION P2024-05
NELSON COUNTY BOARD OF SUPERVISORS
OCTOBER IS DOMESTIC VIOLENCE AWARENESS MONTH**

WHEREAS, the problems of domestic violence are not confined to any group or groups of people but cross all economic, racial and societal barriers, and are supported by societal indifference; and

WHEREAS, the crime of domestic violence violates an individual’s privacy, dignity, security, and humanity, due to systematic use of physical, emotional, sexual, psychological and economic control and/or abuse, with the impact of this crime being wide-ranging; and

WHEREAS, no one person, organization, agency or community can eliminate domestic violence on their own—we must work together to educate our entire population about what can be done to prevent such violence, support victims/survivors and their families, and increase support for agencies providing services to those community members; and

WHEREAS, the Shelter for Help in Emergency and the Nelson County Victim/Witness Program have led the way in the County of Nelson in addressing domestic violence by providing 24-hour hot line services to victims/survivors and their families, offering support and information, and empowering survivors to chart their own course for healing; and

WHEREAS, the Shelter for Help in Emergency commemorates its 45th year of providing unparalleled services to women, children and men who have been victimized by domestic violence; and

WHEREAS, the Nelson County Victim/Witness Program currently provides victim advocates and a support group for those seeking relief from domestic violence in Nelson County;

NOW THEREFORE, BE IT RESOLVED, in recognition of the important work being done by the Shelter for Help in Emergency and the Nelson County Victim/Witness Program, the Nelson County Board of Supervisors do hereby proclaim the month of October 2024 as DOMESTIC VIOLENCE AWARENESS MONTH, and urge all citizens to actively participate in the elimination of personal and institutional violence against women, children and men.

V. PRESENTATIONS
A. VDOT Report

Jeff Sayre of VDOT was present on Robert Brown’s behalf to report the following:

Mr. Sayre provided a flood damage update. He indicated that every road was open in the County. He noted that they did have some more repair work to complete, as well as some clean up throughout the entire County. He reported that Faber and Schuyler were hit hardest in Nelson. He indicated that crews had been working hard to replenish gravel roads and clean up debris. He also noted that they would addressing washouts during this week and the following week.

Supervisors then discussed the following VDOT issues:

Dr. Ligon:

Dr. Ligon noted that she had driven through North Fork and it was in rough shape. Mr. Sayre reported that North Fork was scheduled for about 1,500 tons of rock. He noted that Zinks Mill would also need some work. He commented the Montebello and Schuyler both took some damage along gravel roads.

Mr. Reed:

Mr. Reed expressed his appreciation to VDOT for their work to keep the roads open. Mr. Reed noted it was a tough time for a lot of people and he was glad VDOT was taking care of things for the County. Mr. Sayre commented that he was thankful they did not see the damage like Southwest Virginia.

Mr. Parr:

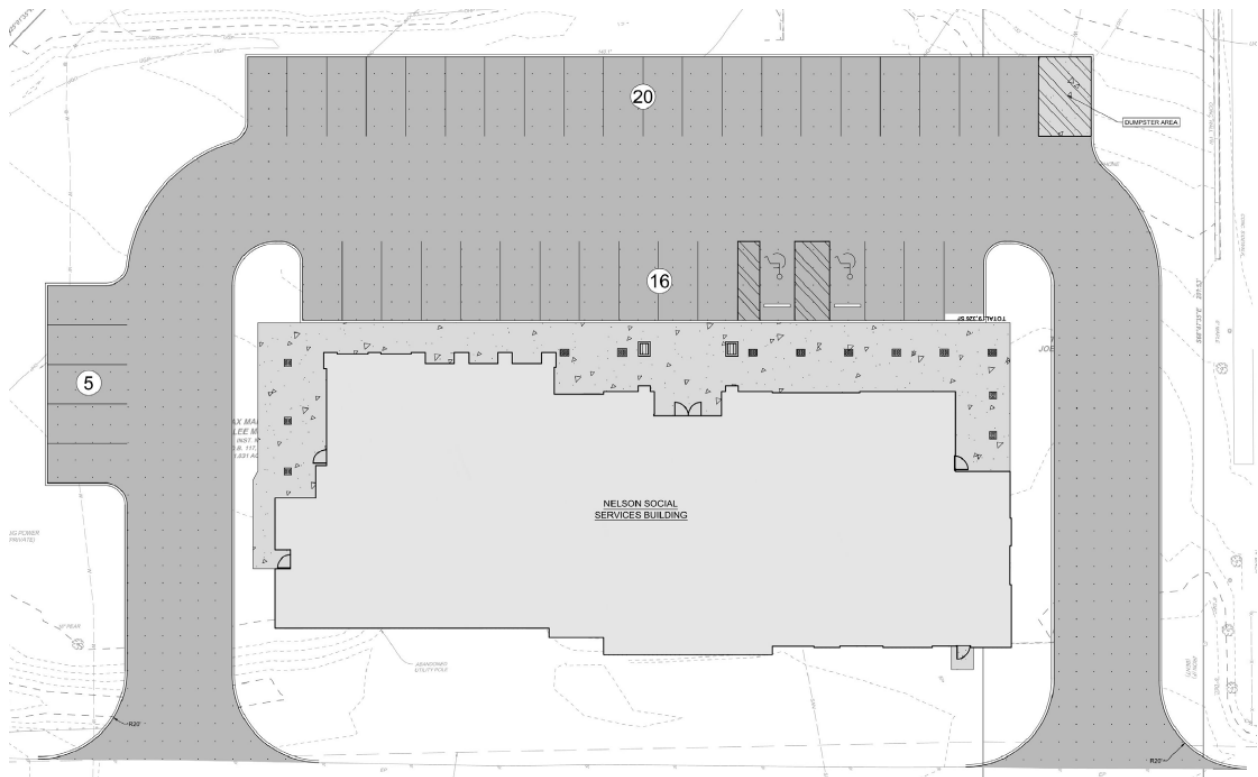
Mr. Parr noted that after the sun came out and things calmed down a little, he saw lots of VDOT trucks going down the road, and it was obvious that they were working hard to get things taken care of. Mr. Sayre reported that there were 18 volunteers from other counties come in to help haul stone and pitch in. Mr. Parr thanked Mr. Sayre and the VDOT crews for the long hours they put in.

B. Social Services Office Building, Schematic Design Update – PMA Architecture
(R2024-68)

PMA Architecture was present to provide a schematic design update on the Department of Social Services (DSS) office building. Ms. McGarry reported that the DSS Design Committee consisted of herself, Mr. Parr, Ms. Spivey, along with DSS staff Brad Burdette and Allison McGarry, and DSS Board members Edith Napier and Brad Johnson. She noted that five (5) committee meetings had been held since December 2023 to present. She commented that the group had done a fantastic job and she thanked them for their contributions thus far.

Jeff Stodghill and Cara Adams of PMA Architecture provided an overview of the site plan and project building plan. Mr. Stodghill commented that PMA believed that the building would have a prominent presence on 29 and it would be a good gateway piece of architecture for the community.

Mr. Stodghill showed the site plan developed by Timmons Group, looking down from above to show the building location and parking spaces.



He showed that the site was flanked by 29, Tanbark and Main Street. He explained that the building and parking lot would occupy the entire site, with the proposed building much closer to Tanbark, instead of where the current restaurant building is located. He indicated that the site would be built up several feet and it would make the Social Services building much more prominent. Mr. Stodghill reported that they were able to work in a 24-foot-wide entrance and exit on both sides of the building. He noted that they were initially unsure whether they could accommodate the entry/exit on both sides, but since Tanbark was a private road instead of part of the VDOT system, the engineers felt that it could be accomplished. He showed the parking was sufficient for staff and visitors.

Mr. Stodghill noted that since they would be covering site with less hard paving than what currently existed, they were hoping not to have to do any intensive storm water management, which he indicated was a good thing. He explained that if they reduced the runoff, they would then soften the impact on the environment and not have to have as much intensive site work. Dr. Ligon asked when they would know whether storm water mitigation would be needed. Mr. Stodghill indicated that the next step would be the full site plan design. He noted that they were right on the edge, so if the building or the pavement got any bigger, it would push them over the threshold they would need it.

Cara Adams reviewed building floorplan diagram. She indicated that the offices were around the perimeter while the supportive services were in the core of the building on either side of the lobby area.



Ms. Adams showed the training/conference space at the bottom right of the diagram as the green space with the number 6. She explained that the training space was placed on an exterior wall to provide the option for potential use for afterhours.

Ms. Adams showed the exterior rendering at the front entrance which faced towards 29. She noted the covered walkway areas on either side of the building.



Ms. Adams also showed an exterior rendering from 29 and Main Street, noting that it would be more prominent from 29.



Ms. Adams then showed the exterior rendering from Tanbark Plaza, which showed the back of the building and one (1) of the entry/exits.



Mr. Stodghill reviewed the timeline. He noted that they were moving swiftly and wanted to keep the progress going. He indicated that they wanted to have a biddable package by March.

Project Timeline:

10/8/24 – Approval of Schematic Building Design

12/10/24 – Design Development Presentation

3/11/25 – Final Presentation to Board for authorization to proceed with bidding

- Six (6) weeks for bidding
- 18 months for construction

Mr. Stodghill noted that the plan was to come back before the Board in December with a design development presentation. He indicated that they would be reviewing an updated cost estimate and would be able to answer a lot more detailed questions. He explained that in December, they would ask for approval of that level of design work so that they could then prepare the working drawings and the bid package for March 11th. Mr. Stodghill noted that March 11th was the date that PMA would present to the Board to get authorization to proceed with the bidding. He estimated about six (6) weeks for bidding and 18 months for construction.

Mr. Stodghill referenced the budget that had been prepared back in the summer when they were looking at the two (2) alternatives between the Callohill site and the Tanbark site. He reported that nothing had changed and they still believed that they were on budget which was good. Mr. Stodghill noted that PMA was there to ask for the Board's approval of the schematic design and to receive any input that they may have in developing the design.

Mr. Parr thanked PMA for their work that had been done with the Committee. He commented that his first Board meeting, four and half years ago, they started talking about the DSS building project. He noted that it had been something that they had been working towards for quite some time and it was something that had been needed for a long time. He thanked PMA for their direction and assistance.

Mr. Parr explained that the design of the building came out of a lot of committee work, a lot of input from the committee, along with reviewing local architecture. He noted that they might see a little bit of the library and some other local architecture in the structure. He commented that the committee had a lot of input in the project. He indicated that they were looking at the structure but they were not yet looking at colors.

Dr. Ligon noted with jail project, there was a value engineering process to evaluate wants and needs, to ensure they were being efficient with the money spent. She asked if value engineering was built into the project. Mr. Stodghill explained that they had an inherent approach to the design and they were trying to make sure that they work within the budget that they had laid out. He noted that there was a term called value engineering and there were other ways of expressing it. He commented that the State used value engineering. He indicated that it was a process that if chosen to be done, another team of people in project management and cost estimation, as well as engineers and architects, would review the proposed design

and they would make an evaluation to propose alternatives that could be explored to save money. Mr. Stodghill noted that evaluation cost money and PMA would only be involved in it, in terms of presenting the design and making the documents available. He indicated that PMA could refer the County Administrator to resources to do that. He noted that the State used value engineering all the time. He indicated that value engineering was a decision that the County could make. He noted that will be suggestions that would come out of that evaluation that the County may or may not take the advice of. Mr. Stodghill stated that PMA was not trying to gold plate or overdo the solution. He noted that PMA had a long history of Social Services projects, and they understood that the mission of the building was to help and assist the community. He stated that PMA wanted the building to be a welcoming facility, to meet community needs as well as staff needs, and bring a durable building to serve the County well. He noted if done well, the building could serve 30 years into the futures. Mr. Stodghill indicated that if the County wanted to go the value engineering route, they had time to do it, but they needed to plan it in a way that it would not slow the process down.

Mr. Parr explained that before any exterior design work was done, a space needs assessment was done with DSS to determine square footage requirements and the number of offices needed for future growth, and then the floor plan was designed from there. He indicated that some things had been scratched from the plan already. He noted that they made sure that the training room was designed so the space could be used by the community, and they had the ability to secure the rest of the building. Mr. Parr reported that the training room was not expanded to make a larger meeting room due to budget constraints.

Ms. Adams commented that the training/conference room size was designed and based solely on the needs of Social Services and the training they held for their employees. She then showed the training room and restroom access along, with added locked doors to prevent the public from entering DSS spaces.

Ms. McGarry noted that if it was the Board's desire to hire a third party project management team to conduct value engineering for the project, staff would like to know as soon as possible so that they could work on hiring someone. Mr. Parr commented that the value engineering decision did not have any bearing on what they were trying to accomplish today.

Mr. Reed moved to approve **Resolution R2024-68** and Dr. Ligon seconded the motion. There being no further discussion, Supervisors approved the motion unanimously (3-0) by roll call vote and the following resolution was adopted:

RESOLUTION R2024-68
NELSON COUNTY BOARD OF SUPERVISORS
APPROVAL OF SCHEMATIC DESIGN FOR NELSON COUNTY
SOCIAL SERVICES OFFICE BUILDING

BE IT RESOLVED, by the Nelson County Board of Supervisors that the schematic design for the Nelson County Social Services office building, presented at the October 8, 2024 regular Board of Supervisors meeting, is hereby approved and PMA Architecture is authorized to proceed with next steps in design development.

Mr. Parr thanked PMA for all of their work to get to this point.

VI. NEW & UNFINISHED BUSINESS

A. TJPDC Regional Housing Study & Local Funding Request (R2024-69)

Laurie Jean Talun of the Thomas Jefferson Planning District Commission (TJPDC) was present to report on the TJPDC Regional Housing Study and Local Funding request. She reported that the TJPDC conducted a Regional Housing Needs Assessment with a group called Partners for Economic Solutions. She noted that Partners for Economic Solutions was a good partner and they were able to provide some great baseline data about the region and housing.

Ms. Talun reviewed some of the key takeaways from the 2019 TJPDC Regional Housing Study:

- Median household income was \$53,536, with 41.5% of the County making below \$50,000
- 485 renter households and 1,195 owner households paying more than 30 percent of their income on housing
- 35% of Nelson County residents commuted more than 10 miles to work
- 27% of rental units in Nelson County were held for occasional use; 180 AirBnB units in Wintergreen alone
- 11% decline in median sales price in 2018
- 97% of Nelson County was zoned for single family housing, and 3% was zoned for multi-family housing

Ms. Talun reported that they were now coming back five (5) years later to do a follow up study. She noted that they had a pandemic and tons of changes that had occurred since the last study. She indicated that since the Comprehensive Plan had been completed in April, they had conversations about using the new data to help think about how to implement the things that were put into the Comprehensive Plan related to housing.

Ms. Talun explained that the 2025 Regional Housing Study would break out each locality in a lot more depth than in the 2019 study. She noted that they were trying to think about where the residents live, the problems they were facing with wages and housing costs, and what it would take for people to be able to afford to live and work either within the County or just looking region wide. Ms. Talun noted that they were thinking about jobs like teachers, mechanics and CNAs, as well as considering just the general feel of the region and maintaining that feel. Ms. Talun reported that in 2019, they spent about \$150,000 on the study, with a small portion of that coming from the localities and a large portion being funding by Virginia Housing. She noted that for this study, they would again be primarily funded by Virginia Housing. She indicated that they were also seeking funding from the Virginia Department of Housing and Community Development (DHCD) and some localities had already committed funding to the study. She explained that the amount of funding they were requesting from localities was based on their annual budgets. She reported that the new study would cost over \$200,000 and the amount they were seeking from Nelson County was about \$10,000. She noted that they would be spending \$10,000 on an over \$200,000 study that would include a lot of hand-on work. She noted that the group they were hoping to partner with was the Virginia Center for Housing Research (VCHR), which was based at Virginia Tech. Ms. Talun commented that the VCHR was adamant that they wanted help localities like ours. She explained that they had worked with lots of different parts of Virginia, covering a lot of rural areas and understanding the different housing needs of each different rural County. She noted that the TJPDC felt that they had an in-depth understanding of places like ours and the unique goals and needs of each of the counties in the region.

Ms. Talun reviewed the timeline. She explained that they would have data within the first few months, but VCHR would spend about two (2) years working closely with TJPDC. She noted that VCHR would hold listening sessions and focus groups, and train staff at TJPDC as well as all of the localities. She indicated that even some of the non-profits were hoping to have their staff attend the training sessions to learn how they can continually update the data each year. Ms. Talun explained the need for local funding, noting that those localities making a contribution would be participating in the strategies portion to work with Housing Forward Virginia to look specifically at their needs and finding solutions that would work best for the locality. She indicated that they would be collecting the data and looking at the markets for every part of the TJPDC region, but the in-depth strategy development would be with those localities that contribute funding.

Ms. Talun explained that the first six (6) months would involve staff training, collecting quantitative data, conducting listening sessions with staff and key stakeholders. She indicated that the Nelson County listening sessions would be specific to Nelson, not just gathering everyone regionally. She then explained that during the next six (6) months, they would work on the literature review and put together the initial report, so by the end of the first year, they would have a draft complete report. She noted that the second year was when the strategies portion would take place with Housing Forward Virginia. Ms. Talun indicated that Housing Forward Virginia would be present during the listening sessions, trainings and the focus group sessions. She noted that they would be looking at the data. She then explained that Housing Forward Virginia would put together 24 strategy suggestions to be presented to each locality. She noted that there would be a process to determine which of those strategies seemed feasible and how they would go about implementing them. She indicated that at the end of the study, they would have a revised complete report as well as a consumer version of the report that would be easy for anyone to read and take in what has been done.

Dr. Ligon noted that it was a shame that the zoning updates would be completed then. Ms. Talun indicated that a lot of the data and outcomes would be available within the first year. She noted that there was room for using the outcomes before the final report was provided.

Dr. Ligon asked what the timeline would be in order to be helpful with zoning. Mr. Parr noted that the zoning process was a few years. Ms. McGarry noted that they were looking at least an 18-month process overall. Mr. Parr noted that they would have some usable data within the first 12 months. Ms. McGarry indicated that they could probably work with Berkley Group to try to tailor and work on the sections related to housing once the data was available.

Mr. Reed thanked Ms. Talun for her presentation. He asked if there was a preliminary budget. Ms. Talun noted that she could provide that to Ms. McGarry. Ms. McGarry noted that the preliminary budget could be provided to the Board as well as the timeline. Dr. Ligon also asked for the 2019 report. She then asked how much Nelson contributed last time. Ms. McGarry noted that she could look that information up and provide it to the Board as well.

Mr. Parr asked where the funds would come from. Ms. McGarry noted that they would likely come from the Non-Recurring Contingency. Mr. Parr noted that it was a small investment into a big project, and they needed the information. He spoke in favor of the proposed study.

Dr. Ligon moved to approve Resolution R2024-69 and Mr. Reed seconded the motion. There being no further discussion, Supervisors approved the motion unanimously (3-0) by roll call vote, and the following resolution was adopted:

RESOLUTION R2024-69
NELSON COUNTY BOARD OF SUPERVISORS
A RESOLUTION COMMITTING NELSON COUNTY'S PARTICIPATION AND FINANCIAL
CONTRIBUTION TO THE THOMAS JEFFERSON PLANNING DISTRICT COMMISSION'S
REGIONAL HOUSING NEEDS ASSESSMENT AND STRATEGY STUDY

WHEREAS, the availability of diverse housing options is vital to the economic growth and well-being of Nelson County's residents; and

WHEREAS, the Thomas Jefferson Planning District Commission (TJPDC) is conducting a Regional Housing Needs Assessment and Strategy Study to address current and future housing needs within the district, including Nelson County, and develop actionable strategies; and

WHEREAS, the total budget for this study is over \$230,000, requiring financial support and participation from localities within the TJPDC to ensure comprehensive data collection and strategy development that reflects the unique housing challenges of each locality; and

WHEREAS, Nelson County recognizes the importance of participating in this regional effort to address housing availability to foster sustainable community growth as well as the crucial resource this Study will provide for Nelson County to identify its specific housing needs and tailored strategies to support economic development within the County; and

WHEREAS, Nelson County is committed to contributing \$10,000 to the TJPDC's Regional Housing Needs Assessment and Strategy Study to support this effort and ensure that specific housing strategies are developed to meet the unique needs of Nelson County;

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

Nelson County will contribute \$10,000 toward the total \$230,000 budget for the TJPDC's Regional Housing Needs Assessment and Strategy Study.

Nelson County commits to active participation in the study, including the development of specific strategies tailored to the housing needs of Nelson County.

Nelson County recognizes that participation in this study will provide valuable insights and recommendations that can help shape future housing policies, programs, and development in the County.

The County Administrator is hereby authorized to execute any necessary agreements or documents required to formalize Nelson County's participation in the TJPDC Regional Housing Needs Assessment and Strategy Study.

This resolution shall take effect immediately upon its adoption.

B. Registrar's Office Proposed Lease Agreement Revision (R2024-70)

Prior to the afternoon session, Mr. Rutherford sent an email statement which read "I have a conflict of interest in regards to the lease vote today with Rutherford Enterprises LLC as I have ownership in that company. I cannot vote on this and am conflicting myself out". Mr. Rutherford was not present for the discussion or vote on the subject of the Registrar's Office Proposed Lease Agreement Revision.

Ms. McGarry and Ms. Britt were both present to discuss the Registrar's Office Lease Agreement.

Ms. Britt indicated that in her office, the world of voter registration and elections continues to expand. She noted that they had stuff everywhere in their office and they needed more space. She reported that early voting was currently taking place and they had over 1,000 voters as of Monday come through for early voting. She also indicated that by-mail numbers were also coming in and it was very busy in their office. She noted that they also had new equipment that would require storage space. Ms. Britt indicated that they

were in need of working space to accomplish the by-mail program as well as for completing their daily work.

Ms. McGarry provided information on the space currently rented at 571 Front Street for the Registrar’s Office. She reported that the County was currently renting the upper half of the building, which was approximately 1,925 square feet at a cost of \$1,966 per month. She noted that they were paying half of the monthly electric, water and sewer utility costs, which for the month of September were \$142.20. She reported that using the rent and utilities as basis for the approximate total annual cost, the annual costs were approximately \$25,298.40. She also noted that the annual cost per square foot was \$13.14.

Ms. McGarry reported that rental of the full building would provide approximately 3,125 square feet of space, which would add an additional 1,200 square feet, and would increase the rent by \$550 per month for a total of \$2,516. She noted that the County would be responsible for full cost of the utilities. She indicated that 100 percent of the September utilities was \$284.40. Ms. McGarry reported that the total annual cost would be approximately \$33,604.80, which was an increase of \$8,306.40. She noted that the annual cost per square foot would be \$10.75, which was a decrease of \$2.39.

Ms. McGarry showed an Annual Cost and Space Comparison.

	Current	Proposed	Difference
Annual Rent	\$23,592.00	\$30,192.00	+\$6,600.00
Annual Utilities	\$1,706.40	\$3,412.80	+ \$1,706.40
Total	<u>\$25,298.40</u>	<u>\$33,604.80</u>	<u>+\$8,306.40</u>
Space	1,925 s.f.	3,125 s.f.	+ 1,200 s.f.
Cost/s.f.	\$13.14	\$10.75	-\$2.39

Ms. McGarry noted that the Board had been provided with a resolution for consideration which would authorize her to execute a new lease agreement based on the parameters presented. She indicated that if the Board were more comfortable with having the lease drawn up first and then considered, they could go that route instead and change the language in last paragraph of the resolution.

Dr. Ligon asked if they had shopped around and looked at other spaces. Ms. McGarry reported that they had looked other properties in Lovington about six (6) months ago, but none of the properties were suitable for the Registrar’s space needs at the time. She explained that if something else came along and they wanted to move, they always had the right to look at other options. She noted that in any lease they had, either party could provide 60 to 90 days notice to terminate the lease. She indicated that would also be a part of the new lease agreement for the space.

Mr. Parr asked how dry the lower level space was. Ms. Britt noted that it was dry and would be used for storage and workspace. Ms. McGarry indicated that there was a decent amount of space downstairs that could potentially be used for other County needs, depending on any security needs. She noted that they would have to discuss that. Mr. Parr noted it was a good price per square foot for a commercial space.

Ms. McGarry noted that if the Board was interested, staff just needed to let Rutherford Enterprises LLC’s attorney know, so that a lease agreement could be drawn up and they could go from there. Mr. Reed stated that authorizing Ms. McGarry to execute the agreement certainly made things easier. Mr. Parr agreed.

Mr. Reed moved to approve **Resolution R2024-70** and Dr. Ligon seconded the motion. There being no further discussion, Supervisors approved the motion unanimously (3-0) by roll call vote and the following resolution was adopted:

RESOLUTION R2024-70
NELSON COUNTY BOARD OF SUPERVISORS
AUTHORIZATION OF NEW LEASE AGREEMENT FOR THE OFFICE SPACE
OF THE REGISTRAR AND LOCAL ELECTORAL BOARD
571 FRONT STREET, LOVINGSTON VA

WHEREAS, Nelson County currently leases the first floor office space of approximately 1,925 s.f. at 571 Front Street in Lovington; for use by the Registrar and Local Electoral Board at a cost of \$1,966/month and payment of 50% of the building's actual monthly water, sewer, and electric utility costs of approximately \$142.20 totaling approximately \$2,108.20/month; and

WHEREAS, the Registrar has requested the ability to utilize the basement area of the building, which will provide the Registrar and Local Electoral Board an additional 1,200 s.f. needed for equipment and supplies storage, training, and workspace; and

WHEREAS, a new lease agreement is necessary to include this additional 550 s.f. of space which provides for rental of the entire premises of 3,125 s.f., at a cost of \$2,516/month, and payment of 100% of the building's actual monthly water, sewer, and electric utility costs of approximately \$284.40; totaling approximately \$2,800.40/ month, as well as to memorialize the change in ownership of the building,

NOW THEREFORE BE IT RESOLVED, that the Nelson County Board of Supervisors does hereby authorize the County Administrator to execute a new lease agreement, as immediately as possible, with Rutherford Enterprises, LLC to include the rental of the entire premises of the building located at 571 Front Street in Lovington (3,125 s.f.) for \$2,516/month and payment of 100% of actual monthly water, sewer, and electric utility costs on behalf of the Registrar and Local Electoral Board.

Mr. Parr asked when the new lease would go into effect, Ms. McGarry noted that they would try to do it as soon as possible.

C. Sheriff's Department

Ms. McGarry introduced the Sheriff's Department's requests. She noted that one was for approval of funding for an updated body worn camera system, and the other was a request for approval of a full-time local deputy position to be funded utilizing fines and forfeiture funds.

1. Replacement of Body Worn Cameras (R2024-71)

Sheriff Embrey discussed the Sheriff's Department's request for the replacement of their body worn cameras. He reported that the current system was purchased seven (7) years ago, in 2018, using grant funds for 25 cameras to outfit the Nelson County Sheriff's Office. He noted that the longevity of those cameras was five (5) years. He indicated that the cameras had been outdated for two (2) years and they were starting to see technical issues and hardware issues. He noted that the software program was also outdated. He reported that multiple cameras had to be taken out of service as they were no longer functioning and replacement parts were no longer available. Sheriff Embrey explained that the current system was Watchguard Vista, which was purchased several years ago by Motorola. He noted that they did not make those cameras any more. He reported that the technical support through Motorola was ending for those cameras around January 1st because the product no longer exists and technology has advanced.

Sheriff Embrey reported that Motorola had allowed the Sheriff's Office to demo several new products, which were included in the quote from Motorola. He noted he had also looked at Axon, which was the country's largest provider of body cam video. He reported that the Sheriff's Office had also been able to demo Axon body cameras. He indicated that if the funding for the 25 new body worn cameras was approved, his office would make an educated decision based on which camera product was best for the agency. Sheriff Embrey reported that both Motorola and Axon had comparable pricing and they would both be ready for the cameras to be implemented on January 1, 2025. He noted that a down payment would be needed prior to January 1st, and there would be a five-year subscription for both vendors. He indicated that both contracts were very comparable and it came down to which product worked best for Nelson County. He noted that should the Board allow them to move forward with the new body cameras, he would be looking to make a decision on the vendor within the next week. Sheriff Embrey indicated that whoever they chose, it would take 45 to 60 days to implement the new camera system.

Mr. Parr commented that he did not understand the discount summary on the Axon invoice. He noted that it looked like both products were about the same cost. He noted the savings of \$56,000 on the Axon invoice and asked what that was about. Sheriff Embrey noted both vendors had a cloud based program as opposed to a web based program like the Sheriff's Office was currently using. He indicated that the Sheriff's Office would be upgrading to a cloud based program. He explained that the discounts had technology, software and hardware components. He reported that both quotes allowed for the Sheriff's Office to upgrade their

systems in year three (3). Sheriff Embrey indicated that they would like to upgrade at year three (3) to keep ahead of the curve with changing technology.

Dr. Ligon asked if any other systems utilized by the Sheriff's Office were provided by either of the vendors. Sheriff Embrey indicated that they were currently using an Axon product for their tasers, and their radios were with Motorola. He noted if they were to go with Motorola for their body cameras, they would be keeping with the same system that their radios were through. Mr. Parr noted that either way the Sheriff's Office chose to go; the budget portion was almost identical. Ms. McGarry noted that while it looked like a lease program, it was not. She reported that the County would own the equipment and they also would be eligible for the upgrade in three (3) years.

Dr. Ligon spoke in favor of Sheriff Embrey's request.

Mr. Reed moved to approve **Resolution R2024-71** and Dr. Ligon seconded the motion. There being no further discussion, Supervisors approved the motion unanimously (3-0) by roll call vote and the following resolution was adopted:

RESOLUTION R2024-71
NELSON COUNTY BOARD OF SUPERVISORS
AUTHORIZATION FOR SHERIFF TO EXECUTE FIVE YEAR CONTRACT
FOR BODY WORN CAMERAS/EQUIPMENT AND VIDEO STORAGE

BE IT RESOLVED, that the Nelson County Board of Supervisors hereby authorizes the Nelson County Sheriff's Office to enter into a contract with either Axon Enterprises, Inc. or Motorola Solutions for the provision of 25 Body Worn Cameras, associated equipment, and video cloud storage on January 1, 2025; securing overall pricing of NTE \$99,640 consisting of annual subscription fees spread over a five (5) year contract term of July 1, 2025 through July 1, 2029.

BE IT FURTHER RESOLVED, that the funding for this contract is subject to annual appropriation by the Board.

2. Local Speed Enforcement Position Request

Sheriff Embrey presented his local speed enforcement position request. He stressed that his utmost priority since taking office on January 1st had been to make sure the highways in the community were as safe as possible. He noted that the 151 and 29 corridors saw the most law enforcement due to the amount of traffic in those areas as well as the amount of crashes in the corridors. He stated that he was proud of the agency they had put together in the last 10 months, along with the enforcement data and the initiatives his office had taken. He indicated that his request came about primarily following the crashes along the 29 corridor in August and the four (4) fatalities the County saw within a 7-day period along the 20 corridor. He noted that schools had started back in August and he had spoken with bus drivers on 151, both north and south of Brents Mountain, who had expressed quite a bit of concern regarding cars passing stopped school buses in the afternoon. Sheriff Embrey stated that they had seen a heavy increase in the volume of traffic on 29 during all times of day. He noted that they were blessed to have a fully staffed office and their deputies were doing the best that they could do, but they could not everywhere at once. He reported that they had taken an aggressive stance in the school zones to provide the most visibility that they could. He noted they were starting to see with school bus traffic again. He referenced data provided by Taylor Ashley, the Supervisor of Transportation for Nelson County Public Schools, which indicated the areas where stopped school buses were being passed. He reported that the data showed the highest number of instances were on 29 corridor and 151. Sheriff Embrey indicated that the latest update to the data showed an increased number of instances along the 9000 block of Rockfish Valley Highway (151). He noted that the data was concerning and something needed to be done to address the issue.

Sheriff Embrey noted that there was supporting year-to-date data, beginning in January, regarding traffic initiatives and enforcement actions, all provided countywide. He indicated that a majority of the statistics came from the 151 and 29 thoroughfares. He explained that the deputies providing those statistics were performing traffic enforcement while on a 12 hour shift when responding to other calls for service that could come in. Sheriff Embrey indicated that he was proposing the creation of a new position for a locally funded deputy position that would be dedicated only to traffic enforcement on the 29 and 151 corridors due to the amount of traffic in those areas. He noted that the position would be on duty during school hours to address the issues. He stated that he believed there would be enough traffic driven enforcement, and a need, to substantiate a full time position. He indicated that if approved, he would be looking to start the position on January 1st, halfway through FY25 budget cycle. He also noted that he would be happy to provide monthly statistics to the Board to show the initiatives that the position would be taking and to support the integrity of his request.

Dr. Ligon noted that she was initially disappointed that it only included 29 and 151. She commented that Route 56 ran through part of the South District and it was also listed in the incident log. Sheriff Embrey

explained that having a position dedicated to Route 151 and 29 for traffic enforcement would allow the shift deputies to focus on James River Road, Tye Brook Highway, and Crabtree Falls Highway. He indicated that all of the areas on the list from the bus driver report would be addressed. He explained that he needed to create the coverage area based on what one single deputy could do, due to the geography of the County. Dr. Ligon asked if there would be a ticket quota for the position. Sheriff Embrey noted that there would not be. He indicated that he would be happy to provide data to the Board on a monthly basis. He noted that he wanted to make sure the position could fund itself through enforcement. Mr. Reed commented that the presence was possibly more significant than the ticket itself.

Mr. Reed stated that he was in favor of the position request, noting they had discussed photo enforcement in the school zones previously because the Sheriff's Office had not been fully staffed at that time. He noted they were looking at what they could do at the time and he had been in favor of that also. He commented that putting financial resources into the Sheriff's Office, into staff, and into having a physical presence instead of a camera and lights on the corridors, was the best they could possibly do and it would be money well spent. Mr. Reed stated that he was also in favor of the funding mechanism because the costs could be covered by fines and forfeitures, rather than coming out of the County's budget.

Mr. Parr noted the revenues listed in the email and asked if that was just from one officer.

Revenue for local fines

Jan - \$15382.84
Feb-\$12666.05
March-\$17360.75
April-\$16851.87
May-\$16951.76
June-\$15280.81
July-\$21601.02
Aug-\$17339.22
Total-\$133,434.32

Revenue for local costs

Jan-\$6738.09
Feb-\$7636.47
March-\$8003.37
April-\$9145.96
May-\$8694.51
June-\$7692.60
July-\$9952.11
Aug-\$8030.55
Total-\$65893.66

Sheriff Embrey noted it was department wide and done by officers typically working a 12 hour shift while responding to other calls. Dr. Ligon asked if Sheriff Embrey was insinuating that the numbers would be higher for that specific officer. Sheriff Embrey noted that he was. Mr. Parr asked how many officers were included in the figures. Sheriff Embrey estimated that the numbers were contributed by 12 to 15 officers for that time period. Mr. Parr asked Sheriff Embrey if he thought the position would write enough tickets to offset the cost. Sheriff Embrey stated that he did. Dr. Ligon noted that Sheriff Embrey said it would not be a quota position, she asked if what would happen if the officer was not writing enough tickets to fund the position. Sheriff Embrey indicated that it would be addressed. He reiterated that he would be happy to provide monthly reports to the Board.

Sheriff Embrey noted that the request was a need for the community and the highways. He stated that he was confident that the position would pay for itself and then some. He noted that he could not give an exact figure. Mr. Parr agreed with Mr. Reed that it was about safety and the presence. He noted that the Board had invested a lot of money in the Nelson County Sheriff's Office in the last nine (9) to ten (10) months. Sheriff Embrey expressed his appreciation for the Board's support.

Dr. Ligon asked Ms. McGarry about the extra Sheriff's vehicles that were added in the budget over the last two (2) years and whether the extra ticketing had covered the costs for those additional vehicles. Dr. Ligon asked if there was another vehicle request coming. Ms. McGarry noted that Sheriff Embrey had not requested another vehicle at the time. Sheriff Embrey noted that he was not asking for another vehicle until FY26. He thanked the Board for the budget that the Sheriff's Office had. He reported that they had purchased six (6) vehicles. He noted that he was asking for an additional \$3,500 laptop terminal in addition to the position.

Ms. McGarry reported that in terms of court fines and forfeitures, staff had budgeted \$180,000 for the current fiscal year. She noted that year-to-date, they had taken in \$73,178. She explained that at the current rate of collection year-to-date through October, revenue was tracking higher than budgeted. She stated that they were projecting to bring in about \$219,534, which was an overage of \$39,534. She noted that if the revenues came in as projected, it would cover the half year costs for the position which were estimated at \$38,213. She indicated that was assuming that the person coming into the new position utilized a higher health insurance benefit. Ms. McGarry noted that the full year cost for the position, also utilizing the higher health insurance benefit, would be \$76,426. She indicated that the estimate was based on this year's salary and benefit factors. She commented that whether or not the position could individually pay for itself, maybe, maybe not, but the department as whole could at least cover the half year costs from January to June. She also noted that the projection was assuming that something did not happen like a reduction in staff which could impact enforcement as well as fines and forfeitures.

Ms. McGarry noted that the \$180,000 in revenues budgeted should be seen as already committed, so the revenues would have to be above that amount to be able to go towards covering the cost of the position. Dr. Ligon noted she would be happy to have a Nelson resident in the position. She commented that it was hard to police your own people but the finesse of a local person dealing with local people needed to happen and it was not there currently.

Mr. Reed moved to approve funding for a full-time local deputy position for traffic enforcement on the 29 and 151 corridors, to be funded using fines and forfeitures. Dr. Ligon seconded the motion. There being no further discussion, Supervisors approved the motion unanimously (3-0) by roll call vote.

D. Proposed Davenport Financial Advisory Agreement Addendum (R2024-72)

Ms. McGarry presented the proposed Addendum to their Financial Advisory Agreement. She reported that during the retreat, the Board received a presentation by the County's financial advisors, Davenport and Company, regarding the development of financial policies. She noted Davenport had submitted an addendum to their primary contract which was originally initiated on March 9, 2021 for the purpose of ongoing debt capacity and affordability analysis. Ms. McGarry explained that their addendum would be to assist in the development, review and presentation of financial policy guidelines, including policy objectives, fund balance and other areas of County management as requested. She reported that Davenport was proposing to provide the services for a not-to-exceed (NTE) amount of \$31,200, which included the four (4) percent administrative expense. She also noted that the addendum would multiple meetings with the Board to develop the policies and a final presentation for approval.

Mr. Reed noted a lot of information had been provided by Davenport for the Board to review in regards to financial policies. He commented that given the scope that Davenport painted for all of that, and given the fact the County had been leaning on Davenport very heavily for guidance to present, probably spoke in the addendum's favor. He asked what Ms. McGarry thought about the possibility of doing the work internally, instead of using Davenport's services. Ms. McGarry noted that she did not think that staff had the capacity or bandwidth related to the time and focus it would take to produce something comparable in product. She commented that she thought it was a good idea to have a third party perspective on the County's finances, just to have a separation of duties. Mr. Parr agreed that some separation was a good thing. Mr. Reed noted he was not proposing doing it that way but he was just wondering what her thoughts on it were. Mr. Parr noted that the proposal was something that came out of their retreat. Dr. Ligon noted that she did not love the "not to exceed." Ms. McGarry indicated that Davenport would only bill the County for the actual work that was done and the hours spent, rather than a flat fee.

Mr. Parr noted that Davenport's services had been very helpful to the Board and they had provided quite a bit of information that had helped the Board in making decisions.

Dr. Ligon asked about the scope of work and whether it was in addition to the previous services for the County. Ms. McGarry noted that it was. She explained that there was a master contract to work with Davenport, and then as the County defined services that they wanted Davenport to provide, Davenport would provide the County with a scope of work and the costs related to that particular scope of work. She noted that there was not a standing retainer fee for their services plus an additional cost per service, this was what it would cost to complete the particular determined scope. Mr. Reed noted he had looked through the draft outline and it was extensive. Ms. McGarry noted once the financial policies were established, it would be simple to update going forward. She explained that the established thresholds would likely come from additional analysis that Davenport had done on the County's financial health.

Mr. Reed moved to approve **Resolution R2024-72**. Dr. Ligon seconded the motion. There being no further discussion, Supervisors approved the motion (2-1) by roll call vote with Dr. Ligon voting no.

RESOLUTION R2024-72
NELSON COUNTY BOARD OF SUPERVISORS
APPROVAL OF ADDENDUM TO FINANCIAL ADVISORY AGREEMENT,
DAVENPORT & COMPANY LLC

WHEREAS, Nelson County entered into a Financial Advisory Agreement with Davenport & Company, LLC (Davenport) dated March 9, 2021 for the purpose of ongoing debt capacity and affordability analyses; and

WHEREAS, the Board of Supervisors and County staff wish to engage Davenport in assisting in the development, review and presentation of Financial Policy Guidelines including policy objectives, fund balance, and other areas of County management as requested;

NOW THEREFORE BE IT RESOLVED, that the Nelson County Board of Supervisors hereby authorizes the County Administrator to execute the Addendum to the Financial Policy Agreement included herewith, for the provision of financial advisory services incorporating the development of a series of financial policy guidelines; and

BE IT FURTHER RESOLVED, that these services will be performed for a not-to-exceed amount of \$31,200 including administrative expenses.

The Board took a brief recess.

VII. REPORTS, APPOINTMENTS, DIRECTIVES AND CORRESPONDENCE

A. Reports

1. County Administrator's Report

Ms. McGarry provided the following report:

A. VDOT Meetings:

- 1. Route 151 Speed Study Results Meeting:** Staff and Supervisor Reed met with VDOT staff on September 16, 2024. The speed study data was reviewed and it was noted that the drivers behind the recommendation of not reducing the speed limit to 45 mph from Route 664, Beech Grove Road north to the County line were the 85th percentile speeds of around 60 mph and the 10 mph range of pace speeds that were 47mph – 58mph at the count locations. They noted that creating such a speed differential causes problems and when speed limits are undershot, enforcement and driver training issues were created; especially when a low percentage was already going slower than the pace speed. It was discussed that the future roundabouts planned for along the corridor would change the geometry of the roads, which would in turn create a naturally slower pace; which would warrant speed reductions at that time. Traffic engineering indicated they would possibly consider going to 50 mph from Bland Wade Lane going south.
- 2. Route 29 Corridor:** County staff and Sheriff's Department met with VDOT staff and VSP to discuss recent fatal crashes on the Route 29 corridor and six "hot spots" were identified: Woods Mill intersection of 29 and Route 6, Route 56 West and Route 29, Irish Road and Route 29, Eades Lane and Route 29, Buck Creek Lane and Rockfish River Rd., Arrington Rd. and Route 29. It was determined VDOT would conduct a study that would take 60-90 days and in the meantime, they would look at short term solutions such as improvements to signage, pavement markings, and intersection controlled warning systems. Long term solutions that may arise from the study would be potential future Smart Scale or Highway Safety Improvement Program funding projects. The conduct of a public listening forum by the Sheriff's Department was agreed upon with VDOT, VSP, and Board of Supervisors invited to attend and hear citizen concerns. This forum will be held on November 7th from 6-8 pm at NCHS with advertisements posted soon.

B. DSS Building: The due diligence evaluation under the purchase agreement for the building site at 37 Tanbark Plaza is in process; with settlement/closing to follow upon its favorable conclusion.

C. Region 2000 Solid Waste Authority: With 2029 being the expected year for the Regional landfill to reach capacity, the Solid Waste Authority is preparing to submit a 60-acre expansion proposal to Campbell County for consideration, that would provide for solid waste disposal

through 2053. In conjunction with this proposal, Campbell County and Lynchburg City have adopted resolutions directing their staff to prepare and execute agreements to resolve the Region 2000 litigation; with Nelson and Appomattox staff and attorneys evaluating proposal of a similar resolution for our Boards' consideration in the very near future.

- 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 either a combination of pro-rata shares of opioid abatement authority funds from each locality or preferably a Department of Criminal Justice Services (DCJS) grant opportunity. Nelson's pro-rata share would be \$21,045. ACRJ staff are investigating the possibility of them applying for this DCJS grant; and once the funding options are known, staff will follow up with more details of the proposal.

E. County Facility Maintenance:

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.
- 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.

Ms. McGarry explained that the purpose of the concrete apron was two-fold. She indicated that the current approach was gravel, and making it concrete would allow for the County to maintain operations while the tipping floor is being replaced, and after the replacement, the concrete apron would make a nicer approach to the tipping floor area.

- c. Carpet Cleaning:** Quotes for routine carpet cleaning in the ECC, Courthouse, and DSS are being obtained.
- d. Signage Maintenance:** Signage at the Courthouse Complex, Registrar's Office, and McGinnis building will be refreshed in the coming month.

2. Unbudgeted Facility Needs:

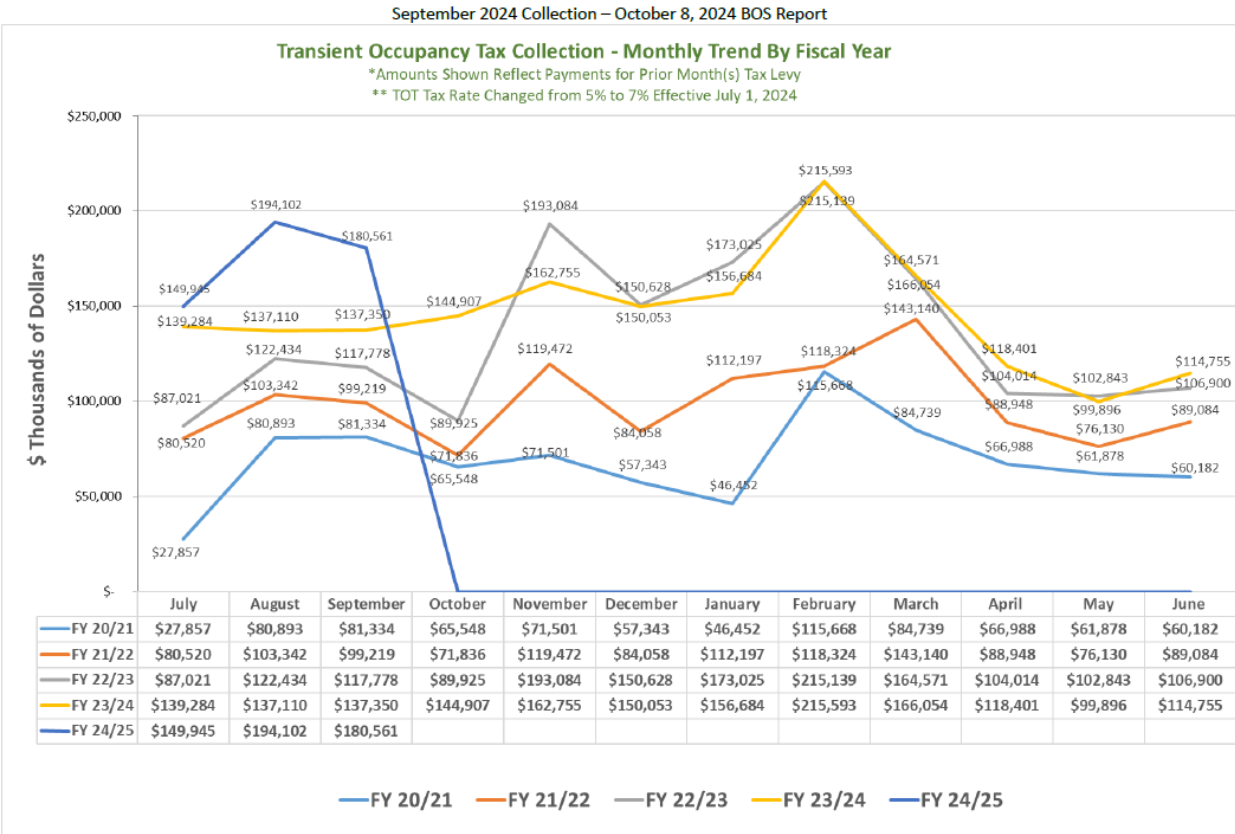
- a. Commonwealth Attorney Office Door:** To address immediate ADA accessibility and security concerns, quotes are being sought to establish a new ADA accessible entry door to the Commonwealth Attorney's office that also provides for visibility of those entering. The new main doorway would be within 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.
- 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.
- c. Animal Shelter Drain and Kennel repair:** The drain that carries away animal 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.

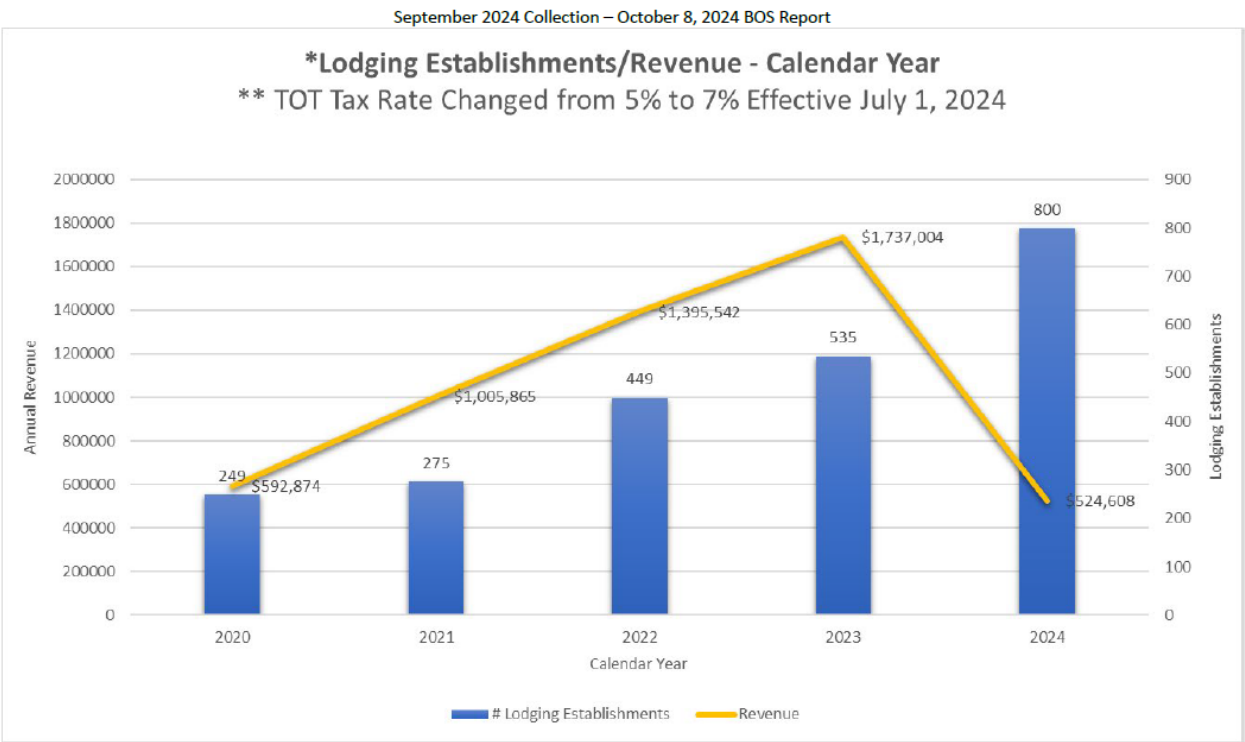
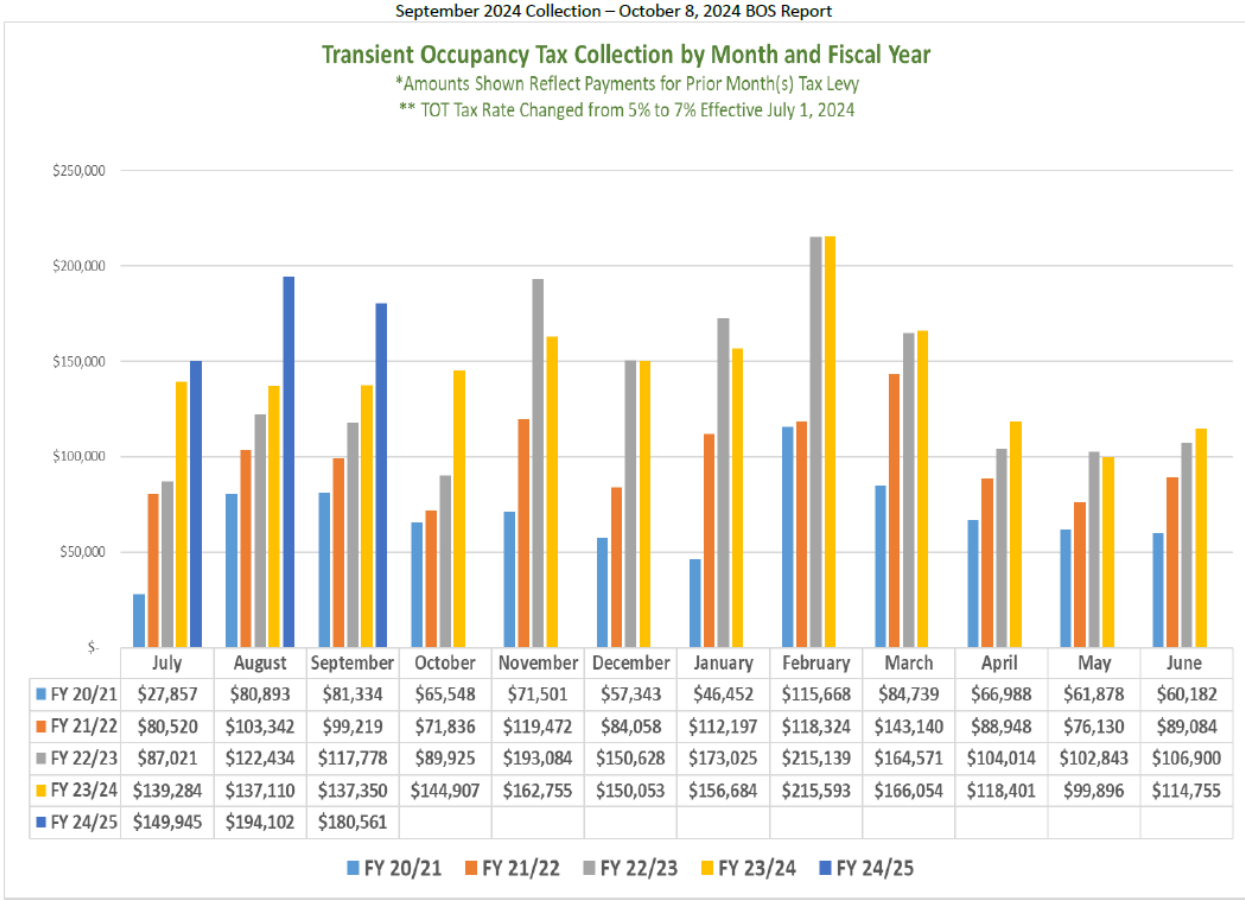
- F. Larkin Water Capacity Follow Up Proposal (CHA):** Staff has recently inquired with Stevie Steele of CHA regarding the Board's consensus to get a follow up proposal and pricing for some next

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.

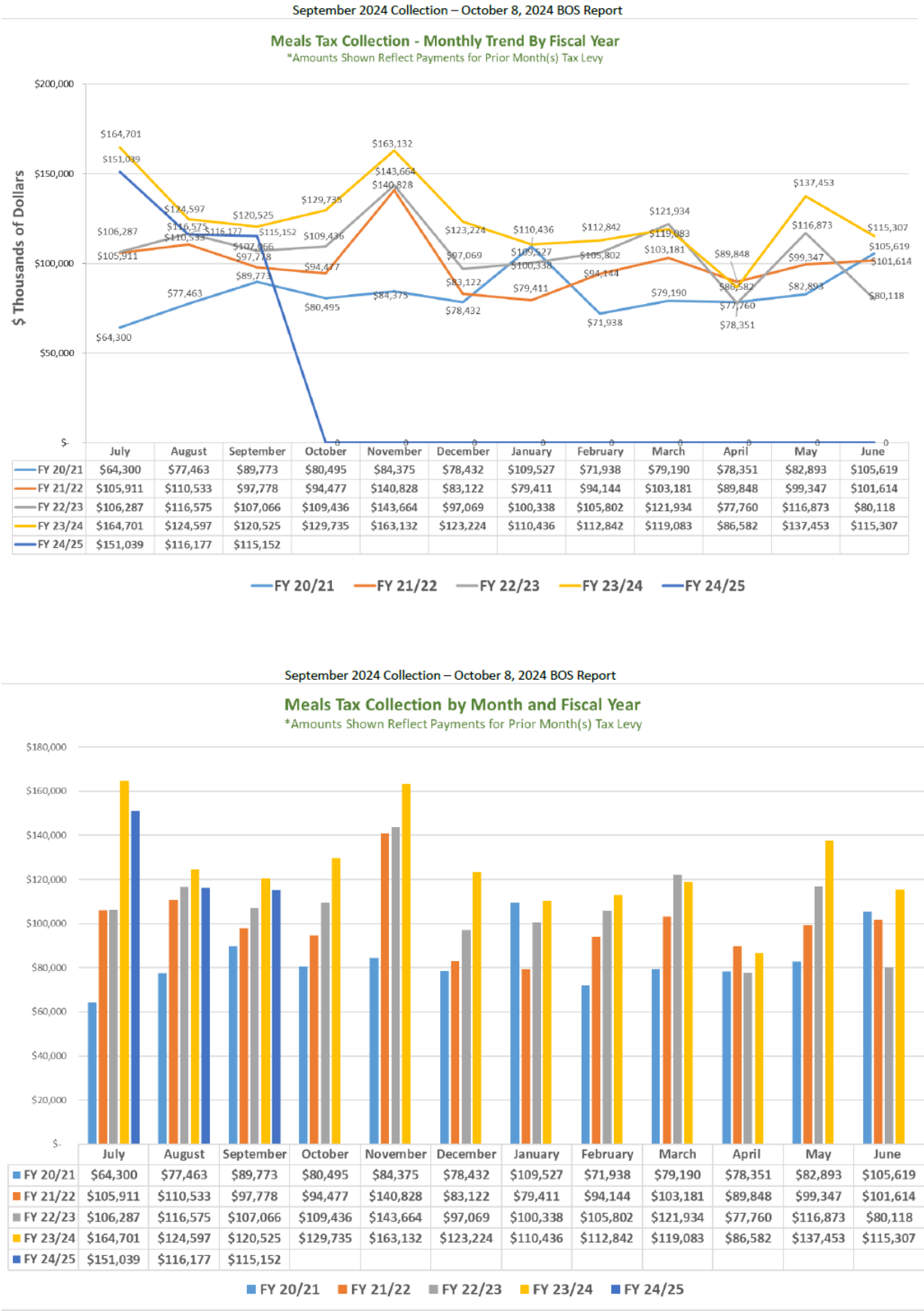
G. Regional Planning Grant for Digital Inclusion: The VA Department of Housing and Community Development (DHCD) has approved the regional application for Virginia Affordability and Adoption Planning Grant funds in the amount of \$150,000; to develop a regional Broadband Adoption and Affordability plan for Nelson, Albemarle, Fluvanna, Greene, Louisa, and Charlottesville City. No local match was required. The next step is a Facilitated Planning Session with DHCD staff.

H. Meals and Lodging Tax Collection Tracking: See Attached – ***NEW*** [Lodging Establishments/Revenue by Calendar Year Chart](#)





*Lodging Establishments is the number of businesses who are registered with the Commissioner of the Revenue for lodging in Nelson County. The number includes businesses who may have multiple properties who remit for all units with one payment. Some businesses remit their taxes quarterly, and due to their start date, may not be on a January-March-June-September schedule. Many businesses utilize services such as AirBnB who remit on their behalf and by State Code, these revenues are only to be disclosed in aggregate; no personal information can be shared (55.1-1209).



- I. Hurricane Helene Damage Reporting: Staff is gathering/sending storm damage of County property to VA Dept. of Emergency Management (VDEM) in the event reimbursement will be provided. Primary damage is at the Blue Ridge Tunnel trail.
- Ms. McGarry reported that Faber Fire also had a damaged truck while out in the storm. She noted that they were checking to see if the differential between what insurance will cover and the actual cost could be reimbursed. Mr. Parr asked if an insurance adjuster had been out to look at Faber’s truck. Ms. McGarry noted that she was not sure, but could find out and let the Board know.
- J. Staff Reports: Department and office reports for July/August have been provided.

2. Board Reports

Dr. Ligon:

Dr. Ligon had no report.

Mr. Reed:

Mr. Reed reported that the Planning Commission had approved the major site plan for the Delander, which was the adult living facility on 151. He noted that he had mentioned at the Board retreat that the School Board had reported that all four (4) schools were fully accredited with no conditions. He also reported that chronic absenteeism at all schools had significantly decreased. He indicated that both elementary schools had been raised to level one, which was the least significant problem with absenteeism. He also noted that achievement gaps in English at Nelson Middle School had tightened up. He indicated that the schools were doing extremely well. Mr. Reed reported that the English achievement gap at Tye River Elementary had also tightened up. He noted that since the School Division had custodial positions, teaching assistant positions, and an assistant principal position unfilled, they were able to provide drivers and custodians a three (3) percent increase and they were also able to deal with some of the inequities in salary levels.

Mr. Reed reported that TJPDC had a transportation initiative called PATH, which was a network of all transportation providers in the TJPDC area and how to get coverage for people with disabilities and for medical trips. He noted that the problem they had in Nelson with TJPDC and transportation initiatives was that many people in southern part of the county traveled south for those needs, and TJPDC transportation initiatives covered travels going north. He commented that he had been bringing it up so much that the TJPDC planners were going to start looking at possible partnerships with Central Virginia Planning District Commission (CVPDC) to see if they could partner with them to address needs in the southern part of the County. He noted that the fact that that TJPDC was rebranding all of the transportation stuff as PATH, which includes JAUNT, as well as other transportation servers as well, was really good. He commented that people looked at JAUNT as the end all be all, but there were other transportation service possibilities available that might also have vouchers.

Mr. Reed also reported that Habitat for Humanity held a ground breaking and ribbon cutting for a home just south of Tye River Road. He noted that it was the second of three houses that Habitat was working on. He commented that a significant amount of labor for those houses was provided by the Nelson County High School building trades program. Mr. Reed reported that Virginia Housing, TJPDC, the Building Goodness Foundation and Habitat provided the financial piece to make all of that happen. He noted that the ability for the County to be involved in that and for the students to be creating housing for people in the County was huge.

Mr. Parr:

Mr. Parr noted the DSS report on the building during the meeting. He reported that the EMS Council did not meet due to storms and concerns for weather.

B. Appointments

Mr. Parr noted that the Board would delay discussion of Appointments until the Evening session.

C. Correspondence

The Board had no correspondence to discuss.

D. Directives

Dr. Ligon noted that she was hoping to draw up something to change the speed limit in Gladstone. She indicated that the residents would want to look at reducing the speed limit to 15 miles per hour. She asked what the process would be to initiate the change.

Ms. McGarry explained that in order to change the speed limit, the County would need an ordinance allowing them to do so. She noted that they could go to 15 miles per hour, or 20 miles per hour, down from 25 miles per hour. She suggested that if the Board wish to proceed with that, the Board could authorize staff to draw up an ordinance to bring back for review and authorization for public hearing. She noted that there would be multiple steps after that with VDOT, in order to get the new speed limit in place.

Mr. Parr asked if VDOT was available for input on the proposal and whether they were involved in the process. Ms. McGarry noted some guidance had been provided by VDOT and it sounded like that area met the criteria as it was in a residential area. She commented that VDOT would not say whether or not they thought the County should do it, at least not publicly. She noted that they could involve VDOT as much as they wanted, but it was a local decision. She then explained that the County would then need to erect and maintain the reduced speed limit signage and they would have to notify VDOT about the change. She noted that they would also need to provide the beginning and ending termini of the route. Mr. Reed noted that a public hearing would need to take place as well.

Dr. Ligon asked if Ms. McGarry could publicly provide a presentation on the path forward and then they could have the opportunity to ask questions and firm up the details on the exact location where the residents wanted the speed limit reduced. She noted that her opinion was that traffic calming would be better than lowering the speed limit, but this was what the citizens in Gladstone wanted. Ms. McGarry asked if there was much speed limit enforcement in that area. Dr. Ligon commented that there was not any. She explained that the area was a common cut through to where boats put in at the James River, so people were speeding through. She asked for staff to research speed bumps and other traffic calming measures that could possibly be put in place. Ms. McGarry confirmed that Dr. Ligon wanted to know the process for adopting an ordinance that would reduce the speed limit, as well as any other traffic calming measures that VDOT could put in place. Mr. Reed noted that those were very different things because VDOT was not actually involved in the ordinance.

Mr. Reed noted the meeting that had been held on the 151 speed study. He reported that the data provided had indicated that south of Bland Wade Lane, they were one (1) mile per hour short from being something that VDOT would clearly be able to do, as opposed to something they would possibly consider. He suggested that the Board consider asking VDOT to look at dropping speed limit to 50 mph when heading south approaching Rockfish River Elementary. He noted that the 45 mph speed limit kicked in about 3/4 mile down the road. He asked if they would see what they could get from VDOT on it, to get a five (5) mile per hour decrease in that area. Ms. McGarry noted she would find out if that required a specific Board action to get that rolling.

VIII. ADJOURN AND CONTINUE - EVENING SESSION AT 7PM

At 4:16 p.m., Dr. Ligon moved to adjourn and reconvene at 7:00 p.m. and Mr. Reed seconded the motion. There being no further discussion, Supervisors approved the motion by vote of acclamation and the meeting adjourned.

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

I. CALL TO ORDER

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

The Board revisited Appointments to discuss vacancies on Planning Commission for East District, as well as the Board of Zoning Appeals Active Planning Commission member position.

(1) New Vacancies/Expiring Seats & New Applicants :					
Board/Commission	Term Expiring	Term & Limit Y/N	Incumbent	Re-appointment	Applicant(s)
Planning Commission - East District	6/30/2026	4 Year Term / No Limits	Charles Amante	N - Resigned	William Smith
Board of Zoning Appeals (Active PC member)	11/1/2024	5 Year Term / No Term Limits	Mary Kathryn Allen	N	Philippa Proulx - PC member

Mr. Rutherford moved to appoint William Smith to serve as the Planning Commission East District representative and Philippa Proulx as the Board of Zoning Appeals Planning Commission member. Dr. Ligon seconded the motion. There being no further discussion, Supervisors approved the motion unanimously (4-0) by roll call vote.

II. PUBLIC COMMENTS

There were no persons wish to speak under Public Comments.

III. PUBLIC HEARINGS

A. Special Use Permit #24-0213 – Public Garage

Consideration of a Special Use Permit application requesting County approval to allow a public garage on a property zoned A-1 Agricultural. The subject property is located at Tax Map Parcel #92-2-6, addressed 4365 Tye River Rd in Amherst. The subject property is 5.365 acres and is owned by Donna and Jay Hogston.

Ms. Bishop presented the following information:

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

Public Hearings Scheduled: PC – September 25; BOS – October 8

Location / Election District: 4365 Tye River Road / South District

Tax Map Number(s) / Total Acreage: 92-2-6 / 5.37 acre +/- total

Applicant/Owner Contact Information: Donna & Jay Hogston, 4365 Tye River Road, Amherst, VA 24521, (540) 448-8005 / (434) 907-9440, dgogston@gmail.com /cobrajh69yahoo.com

Comments: The owners are proposing to construct a 1,200 sf garage to utilize for automotive repair of 2-3 vehicles a year. The owners reside on the subject property and all vehicles will be screened from adjacent properties and roadways. A public garage is defined as “a building or portion thereof, other than a private garage, designed or used for servicing, repairing, equipping, renting, selling, or storing motor-driven vehicles.” Private garages are accessory to dwellings and utilized for storage only.

DISCUSSION:

Land Use / Floodplain: This area is primarily agricultural and low density residential in nature. Zoning in the vicinity is A-1 Agriculture, and the adjacent lots are currently undeveloped. There are no floodplains or streams located on this property.

Access / Traffic / Parking: The property is accessed by an existing entrance from Tye River Road and requires no improvements.

Utilities: There are no utilities proposed or required for the requested use.

Comprehensive Plan: This property is located in a Rural Area as designated by the Nelson 2042 Future Land Use Map. The core concept is to ensure the protection of the County’s rural landscape and economy by maintaining open space, scenic views, and agricultural uses with compatible low density residential uses.

Recommendation: At their meeting on September 25, the Planning Commission recommended approval (6-0) of SUP #240213 for a public garage with the following conditions:

1. There shall be no more than 5 project vehicles located on the property at one time.
2. All vehicles and equipment shall be screened from view by adjacent properties and roadways.

All applications for Special Use Permits shall be reviewed using the following criteria:

- a. The use shall not tend to change the character and established pattern of development of the area or community in which it proposes to locate;
- b. The use shall be in harmony with the uses permitted by right in the zoning district and shall not affect adversely the use of neighboring property;
- c. The proposed use shall be adequately served by essential public or private services such as streets, drainage facilities, fire protection and public or private water and sewer facilities; and
- d. The proposed use shall not result in the destruction, loss or damage of any feature determined to be of significant ecological, scenic or historic importance.

Ms. Bishop indicated that the applicants were present.

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

The Board discussed the proposed conditions and it was noted that the property owners were agreeable to the conditions as suggested.

Dr. Ligon moved to approve **Special Use Permit #24-0213** for a public garage with the following conditions as presented:

1. There shall be no more than 5 project vehicles located on the property at one time.
2. All vehicles and equipment shall be screened from view by adjacent properties and roadways.

Mr. Rutherford 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. Mr. Parr noted that he had done his due diligence and according to Robert's Rules of Order, if there was no other business, he could adjourn the meeting.

V. ADJOURNMENT

At 7:06 p.m., Mr. Parr adjourned the meeting.