

**Virginia:**

AT A REGULAR MEETING of the Nelson County Board of Supervisors at 2:00 p.m. in the General District Courtroom located on the third floor of the Nelson County Courthouse, in Lovingston, Virginia.

Present: Jesse N. Rutherford, East District Supervisor –Chair  
Robert G. “Skip” Barton, South District Supervisor – Vice Chair  
Thomas D. Harvey, North District Supervisor  
Ernie Q. Reed, Central District Supervisor  
J. David Parr, West District Supervisor  
Candice W. McGarry, County Administrator  
Amanda B. Spivey, Administrative Assistant/Deputy Clerk  
Linda K. Staton, Director of Finance and Human Resources

**I. CALL TO ORDER**

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

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

**II. REORGANIZATION OF THE BOARD AND ANNUAL ORGANIZATIONAL MEETING**

**A. Election of Chair and Vice Chair**

Mr. Rutherford turned the meeting over to Ms. McGarry who noted that State law and County Code required the Board to conduct an annual organizational meeting at which the Chair and Vice Chair are elected.

Ms. McGarry opened the floor for Chair nominations for 2023. Mr. Barton commented that he was the person who was next in line but he noted that Mr. Rutherford had done a great job and the Board needed to continue the work they were doing. He also noted that his health was not what he would like for it to be. Mr. Barton nominated Mr. Rutherford to serve a second year as Chair. Mr. Parr seconded the nomination. There were no other nominations for Chair and the floor was closed. Mr. Barton moved to elect Mr. Rutherford as Chair and Mr. Parr seconded the motion. There was no further discussion and Supervisors voted (4-1) by roll call vote to approve the motion with Mr. Harvey voting no, to elect Mr. Rutherford as Chair.

Ms. McGarry turned the meeting back over to Mr. Rutherford. Mr. Rutherford then opened the floor for Vice Chair nominations for 2023. Mr. Barton nominated Mr. Parr as Vice Chair. There were no other nominations and the floor was closed. Supervisors voted unanimously (5-0) to approve the nomination and elect Mr. Parr as Vice Chair.

**B. Resolution – R2023-01 Annual Organizational Meeting of the Board**

Ms. McGarry presented the draft resolution which provided details on the annual meeting and appointments for 2023. Mr. Rutherford indicated that he did not wish to serve on the Planning Commission and he noted that Mr. Reed was willing to serve. Mr. Rutherford recommended approval of the resolution with an amendment that Mr. Reed serve on the Planning Commission.

Mr. Barton moved to approve **Resolution R2023-01** as amended and Mr. Reed 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 R2023-01  
NELSON COUNTY BOARD OF SUPERVISORS  
ANNUAL MEETING  
JANUARY 10, 2023**

**WHEREAS**, pursuant to the applicable provisions of §15.2-1416 of the Code of VA and Chapter 2, Article 2 of the Code of the County of Nelson, VA, the Nelson County Board of Supervisors conducts an annual organizational meeting at the Board’s first meeting in January of each year; and,

**WHEREAS**, matters to be determined by the Board of Supervisors in addition to the appointment of a Chairman and Vice-Chairman include the establishment of a schedule of regular and, as applicable, special meetings, the establishment of rules of order, the establishment of (a) meeting agenda(s), and the establishment of Board appointments, including a Clerk and Deputy Clerk to the Board of Supervisors, a

Zoning Administrator and a Hazardous Material Coordinator.

**NOW THEREFORE BE IT RESOLVED**, by the Nelson County Board of Supervisors as follows:

Regular meetings of the Board of Supervisors shall be conducted during Calendar Year 2023 in the General District Courtroom located in the Nelson County Courthouse in Lovingston, VA on the second Tuesday of each month, beginning at 2:00 p.m., and reconvening thereafter at 7:00 p.m. Should the regular meetings fall on any legal holiday, the meeting shall be held on the next following regular business day, without action of any kind by the Board; unless otherwise cancelled. Should the Chairman or Vice Chairman (if the Chairman is unable to act) find and declare that weather or other conditions are such that it is hazardous for members to attend regular meetings; the meeting(s) will be continued on the following Tuesday. Such finding shall be communicated to the members, staff, and the press as promptly as possible. All hearings and other matters previously advertised shall be conducted at the continued meeting(s) and no further advertisement is required.

Special meetings of the Board of Supervisors may be convened from time to time, as determined by the Board of Supervisors in accordance with the applicable provisions of the Code of VA and the Code of the County of Nelson, VA.

In accordance with the Code of the County of Nelson, VA, Robert’s Rules of Order, shall be observed as the rules for conducting the business of the Board of Supervisors and the agenda for all meetings of the Board of Supervisors shall be established by the Clerk of the Board in consultation with the Chairman.

Board of Supervisors appointments for Calendar Year 2023 shall be as follows:

Thomas Jefferson Planning District Commission:	Jesse N. Rutherford
Thomas Jefferson Planning District Commission:	Ernie Q. Reed
Director of Emergency Services:	Thomas D. Harvey
Emergency Services Coordinator:	John Adkins
Piedmont Workforce Network Council:	Robert G. Barton
Clerk to the Nelson County Board of Supervisors:	Candice W. McGarry
Deputy Clerk to the Nelson County Board of Supervisors:	Amanda B. Spivey
Zoning Administrator:	Dylan M. Bishop
Hazardous Materials Coordinator:	John Adkins
Thomas Jefferson EMS Council:	John Adkins
Nelson County EMS Council:	J. David Parr
Thomas Jefferson Community Criminal Justice Board:	Daniel L. Rutherford
Nelson County Social Services Board:	J. David Parr
Nelson County Planning Commission:	Ernie Q. Reed

**III. PUBLIC COMMENTS**

*Grayson Morgan - Davidsville, MD*

Mr. Morgan reported that he owned property in Nelson County – Lot B on Winery Lane in the Mill Hill Homeowners Association in Roseland. He noted that he was speaking on his and wife's behalf, not on behalf of the Homeowners Association. He noted that County Code and Permit processes did not take into account the relationship of a property to a HOA. He noted there had been conflict between the County and HOA on approval of activities that were prohibited or regulated by the HOA. He pointed out the specific areas of issue were campgrounds, noise pollution, lighting, special event permits, and zoning. He noted that County code made exemptions for businesses in those areas but did not take into account if the business was in an HOA. Mr. Morgan recommended changes to the Temporary Event Permit application to include a section that asks whether the property is within a HOA, and whether the surrounding land owners also approve of the proposed activity. He pointed out an issue, explained that when searching for temporary event permit, it brought up a permit application that was missing the requirements page. He noted that the requirements page was separate word document. He noted that a permit application was missing the requirements was still approved at local and state level. He asked the Board to look into the issue and work to improve protections for homeowners who also happen to be part of an HOA.

*Dian McNaught - Roseland VA*

Ms. McNaught commented that she was the County’s representative on the JAUNT Board. She expressed the need for expanded transit in Nelson County. She noted that she received phone calls from people in the County that needed transportation. She explained that there was a Region Ten client who had gotten a job and needed transportation to get to the job. She pointed out that the County was down to a two-day service, so people could not have a full-time job that needed a full-time job. She reported that she had been working with a low income family that lived at the low income apartments, noting that the Board had probably seen

the man panhandling at Food Lion to support his wife and child. She explained that the man had job at the Ski Barn on 151 where he was well liked, but he couldn't get to work. She noted she had transported him several times. She noted that need for expanded services. Ms. McNaught also noted that a Food Lion worker living in Shipman was working evenings with no ride to and from work, in an area that was not walkable. She asked the Board to support JAUNT's budget recommendation to expand services in the future.

*Linda Harrington - Nellysford, VA*

Ms. Harrington noted that she was present to support expanded transportation services for Nelson County. She explained that she was involved in an organization of neighbors helping neighbors, called "Here to Stay in Wintergreen", a non-profit established in 2021. She noted that the group had been very busy helping members get to medical appointments and other places. She reported that there were 150 members in the organization and they had 50 volunteers driving 400 to 500 miles per week in order to take people to appointments and facilities. Ms. Harrington reported that some of the residents in Wintergreen were in need of in home care and they were looking for people to come out. She noted the preference for licensed people who were typically are coming out of Charlottesville and working for an agency that did not pay enough for the expense to drive out to Nelson. She pointed out that having transportation to and from Charlottesville could help.

*Kaye Pietrowicz - Nellysford, VA*

Ms. Pietrowicz commented that she was also a Here to Stay member. She mentioned places in Lovingson that carry on business like the Courthouse, Blue Ridge Medical, the Library, Heritage Center and Nelson Center and noted that elderly people may not be able to drive but would like to stay active in the community. She asked that the Board to consider adding services that could help bring people and the elderly over to Lovingson. She noted that there was a lot to gain with added transportation for everyone.

*Brad Burdette, Norwood, VA*

Mr. Burdette reported that he was serving on the JAUNT Board as a citizen member for Nelson County. He commented that transportation services were in short supply, especially in the rural communities. He noted that transportation services like JAUNT opened the doors to access to for citizens to work, the grocery store, doctors' appointments, and recreational activities. He pointed out that those activities contribute to the overall health of individuals and the community. Mr. Burdette noted that while living in a rural area is enjoyable, low population density could create pockets of citizens that are underserved. He explained that an expansion of services would allow working families, senior citizens, and young adults to have more flexibility in scheduling appointments and also provide reliable transportation to and from work sites. He noted that it would also provide an additional building block of reliable transportation infrastructure in the County. Mr. Burdette noted that JAUNT provided working families with additional means to address transportation costs. He pointed out that JAUNT allowed for citizens to be self-sufficient and created independence for disabled citizens. He also noted that transportation was one of the barriers that kept people from being employed. He stated that Wintergreen was one of the top employers in the County and according to their website, there were about 20 job openings that most people with a high school education could qualify for. He closed noted that the County had the citizens and the jobs, but they needed the County to make an investment in transportation.

*Robert Gubisch, Faber, VA*

Mr. Gubisch stated that he was present to renew interest in the COVID story because has continued on and affected the whole county. He presented and donated a book to the Board titled "We've Been Played". He read a few quotes from the book, noting it was written by Dr. Scott Jensen. He commented that the book shared a great deal of evidence that supported the statement that everyone had been played. Mr. Gubisch wrapped up his comments noting that it was great to have Mr. Harvey back in the chair.

*Ryan Lightner, Nelson Community Wellness Alliance*

Mr. Lightner explained that the Nelson Community Wellness Alliance was a non-profit community organization that promoted wellness by eliminating barriers to access and increasing the availability to health resources in Nelson County. He noted that the Alliance had recently received \$3 million in federal funding to create a health care worker training program in Nelson. He explained the community health workers helped to connect people to services and resources to improve health outcomes in Nelson. He pointed out that the program would not only improve the health care in Nelson County, it would also create jobs. He noted that the three key areas of focus for their program would be 1) providing training to become a healthcare worker; 2) providing apprenticeships to the trainees so they can continue to grow their career; and 3) enabling services and reducing the barriers to access to care. He noted that transportation could be a barrier to health care. He indicated that the Nelson Community Wellness Alliance was supportive of JAUNT expanding its services throughout Nelson to work for the betterment of the healthcare workers and

the citizens of Nelson County. He noted that the Alliance would continue to work with JAUNT and the Board of Supervisors to expand the program services.

There were no others wishing to speak under Public Comments.

**IV. CONSENT AGENDA**

Mr. Parr moved to approve the Consent Agenda as presented and 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 – **R2023-02** Minutes for Approval

**RESOLUTION R2023-02  
NELSON COUNTY BOARD OF SUPERVISORS  
APPROVAL OF MINUTES  
(October 11, 2022)**

**RESOLVED**, by the Nelson County Board of Supervisors that the minutes of said Board meetings conducted on **October 11, 2022** be and hereby are approved and authorized for entry into the official record of the Board of Supervisors meetings.

B. Resolution – **R2023-03** Budget Amendment

**RESOLUTION R2023-03  
NELSON COUNTY BOARD OF SUPERVISORS  
AMENDMENT OF FISCAL YEAR 2022-2023 BUDGET  
January 10, 2023**

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

<u>Amount</u>	<u>Revenue Account (-)</u>	<u>Expenditure Account (+)</u>
\$59,279.00	3-100-002404-0015	4-100-032020-5648
\$25,000.00	3-100-002404-0065	4-100-081050-3011
\$ 1,654.00	3-100-002404-0007	4-100-082050-6008
<u>\$ 8,312.00</u>	3-100-002404-0007	4-100-999000-9905
<b>\$94,245.00</b>		

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

<u>Amount</u>	<u>Credit Account (-)</u>	<u>Debit Account (+)</u>
\$27,000.00	4-100-999000-9905	4-100-022010-1003
\$ 8,548.00	4-100-999000-9905	4-100-034010-6001
\$50,000.00	4-100-999000-9905	4-100-091030-5625
<u>\$19,400.00</u>	4-100-999000-9905	4-100-091050-7025
<b>\$104,948.00</b>		

**III. Transfer of Funds**

<u>Amount</u>	<u>Credit Account (-)</u>	<u>Debit Account (+)</u>
<u>\$85,260.75</u>	4-100-091050-7096	4-100-095100-3002
<b>\$85,260.75</b>		

**IV. Transfer of Funds (Debt Service Fund)**

<u>Amount</u>	<u>Credit Account (-)</u>	<u>Debit Account (+)</u>
<u>\$38,081.33</u>	4-108-095100-9150	4-108-095100-9127
<b>\$38,081.33</b>		

**V. PRESENTATIONS**

A. VDOT Report

Mr. Rutherford commended VDOT for the Goffrey Miles Bridge Dedication noting it was well attended and he asked Mr. Brown to thank Mr. Dodson for being present. Mr. Brown reported that Mr. Dodson was honored to be there, noting it was a very well planned ceremony.

Mr. Brown reported the following:

He reminded the Board that they would be looking at the Secondary Six Year Plan in the next few months, as well as revising the Rural Rustic Priority List. He noted that he would be sending the previous year's plan and the priority list to Ms. McGarry for the Board to review and make any additions or changes. He

indicated that they would look at scheduling a public hearing in April for the Six Year Plan and Rural Rustic List.

Mr. Brown reported that they were moving forward with the current year's construction program on unpaved roads. He noted they were anticipating hard surfacing the following roads in the current year: the remainder of Jack's Hill Road; the final section of Cedar Creek Road; Ball Mountain; Whippoorwill; Honeysuckle Lane; Cow Hollow; and the last unpaved section of Davis Creek. He noted that they had a pretty aggressive list but they were planning to get them completed.

Supervisors then discussed the following VDOT issues:

Mr. Barton:

Mr. Barton thanked Mr. Brown for Cedar Creek Road.

Mr. Harvey:

Mr. Harvey had no VDOT issues to discuss.

Mr. Reed:

Mr. Reed had no VDOT issues to discuss. He commented that it was good to see that Davis Creek would be finished. Mr. Rutherford asked about Perry Lane and Mr. Brown confirmed that it had been completed four years ago.

Mr. Parr:

Mr. Parr had no VDOT issues to discuss.

Mr. Rutherford:

Mr. Rutherford asked about Campbell's Mountain Road. Mr. Brown noted that was finished in the last year.

#### B. Albemarle-Charlottesville Regional Jail Renovation Project Financing – Davenport

Ms. McGarry reminded the Board that the Albemarle Charlottesville Regional Jail Renovation project had been ongoing. She introduced Mr. Ben Wilson of Davenport and Mr. Martin Kumer, jail superintendent at Albemarle Charlottesville Regional Jail, who were both present to discuss the project financing.

Mr. Wilson noted that the purpose of the presentation was to explain the financing process for the jail renovation project. He commented that the Board would not be asked to take any action during the meeting. He noted that he would just be providing an update on what would be taking place over the next year and a half. He explained that there were two parts to the financing process: interim financing and then the permanent financing. Mr. Wilson reported that in Virginia, regional jails were eligible for 25% funding from the State to cover major renovation projects. He noted that it would be a reimbursement type of funding. He explained the process for the reimbursement, noting that the Authority's request had already been approved by the Board of Local and Regional Jails and was awaiting approval from the General Assembly for inclusion in the Governor's Budget.

Mr. Wilson then explained the two-part plan of financing. He noted that Part 1, the interim financing, was smaller borrowing that would happen in the next few months. He commented that this would pay for the preliminary design and engineering costs so that they could get a good cost estimate for the project before starting the permanent financing process. He then explained that Part 2, was the permanent financing and grant anticipation note. He noted that the grant anticipation note (GAN) would fund the project costs eligible for the 25% reimbursement. He explained that the GAN would be paid off prior to maturity with funds provided by the 25% reimbursement from the state, at the completion of the project. Mr. Wilson noted that the permanent financing would be financed over a 25-year level debt service.

Mr. Wilson reported that the cost estimate for the project was \$49 million and Davenport had assumed that \$48 million of that would be eligible for the 25% reimbursement from the Commonwealth which equated to approximately \$12 million of the project costs. He pointed out that Nelson County was currently responsible for 13% of the costs at the jail, which could change depending on inmate counts at the jail.

Mr. Wilson explained that the interim financing assumed a 4% interest rate to borrow about \$5 million with an 18-month term. He pointed out that those numbers could change as they got closer to closing. He

explained that they planned to close on the interim 18-month financing in June 2023 but noted that the goal was to pay off the interim financing sooner with permanent long-term financing in Summer 2024.

Mr. Wilson provided a timetable on the interim financing plan. He noted that Davenport was currently providing financial briefings to each Member Jurisdiction. He then commented that around early April 2023, Davenport would distribute an RFP (Request for Proposals) for interim financing to local, regional and national lending institutions with the responses due to Davenport in Late April 2023. He noted that Davenport would return in May 2023 to present the results of the RFP process. He reported that each member jurisdiction would need to approve the interim financing, along with the Jail Authority Board. He then estimated that they would close on the interim financing in June 2023, along with selecting and contracting with an Architect/Engineer.

Mr. Wilson explained that the permanent financing would take place next year, once the design work is finished and the project had been put out to bid. He pointed out that there were options for funding the project through Virginia Resources Authority, publicly issued bonds, or through a bank. He noted that they were looking at a grant anticipation note (GAN) of \$13.5 million, and the remaining \$35.5 million would be financed for 27 years, with two years of that being interest only payments. He pointed out that after bidding the project, they would know the exact amount needed to finance.

Mr. Wilson provided an overview of the Permanent financing/GAN timetable. He reiterated that they would close on the Interim Financing around June 2023 with the design portion of the work taking place for the next 12 to 18 months after that. He explained that the Grant Anticipation Note and Permanent Financing would be funded sometime in Summer 2024. He noted that based on the timeline, substantial completion of the project was estimated for Fall 2025, and after that, the Commonwealth would pay their 25%. He explained that the repayment of the GAN would take place after the receipt of the funds from the Commonwealth Grant. He also noted that the permanent financing would continue until its maturity or it was refunded.

Mr. Wilson reviewed Projected Debt Service and Budgetary/Cash flow Impact, noting that they were looking at permanent financing of about \$2.7 million per year. He showed that for FY24, they were estimating \$212,000 interest only associated with the interim financing. He reminded the Board that the cost would be shared among member localities based on their inmate counts. He pointed out that for FY24, 13% for Nelson would be \$27,500. He noted that the cost would increase as the GAN and permanent financing came into play, starting in FY25. He explained that in FY25, the cost would increase to about \$340,000 and then after that, it would increase to about \$350,000 per year for Nelson, if the inmate counts remained exactly the same. Mr. Wilson welcomed any questions from the Board.

Mr. Rutherford asked about the building completion date. Mr. Wilson and Mr. Kumer confirmed that it would be completed in 2025.

Mr. Reed asked if they could provide any insight as to whether the General Assembly was going to approve the funding and who was working on it. Mr. Kumer indicated that they were not sure but he would be meeting with local representative Sally Hudson the following week to see if she would represent the jail on this funding request. He noted that all of the requests over the past few years had been approved and he was fairly confident that this would also be approved, but they would not know until they heard back.

Mr. Reed asked about the yearly cost allocation and whether that would change based on inmate count. Mr. Kumer confirmed that it would change based on inmate counts, and noted that it was based on a five-year average.

Mr. Kumer noted appreciation of Board's support thus far. He noted that those who had toured the facility would agree that it needed an update as it was about 50 years old. He indicated that the renovations would meet the needs of the inmates, staff and the public. Mr. Barton agreed that there was a need for improvements to the facility. He commented the jail employees and their dedication to their jobs. He also noted the desire to lower recidivism. Mr. Rutherford commented on the emphasis on mental health, noting ACRJ's check in and check out process with their inmates. He stated that ACRJ should be commended for their good work.

The Board had no other questions. Mr. Rutherford asked if there were any action items coming up. Mr. Wilson noted they would return in May with proposals on the interim financing. Ms. McGarry noted they could plan on incorporating the interest only payment for the FY24 budget. Mr. Kumer noted that FY25 would bring the bigger cost. Mr. Rutherford asked that everyone be cognizant of the future expenses.

### C. JAUNT Transit Development Plan

Ms. McGarry introduced Mr. Ted Rieck, Executive Director of JAUNT. She reported that Mr. Rieck would be discussing the Transit Development Plan, along with possibilities for service expansion with FY24

funding. Mr. Rieck recognized Nelson County's JAUNT Board representatives, Dian McNaught and Brad Burdette. He commented that they were both very active members on the JAUNT Board, noting that Mr. Burdette was also on JAUNT's Finance Board. Mr. Rieck reported that ridership in Nelson County has been growing and the expected to see that increase continue in the future. Mr. Rieck highlighted the three JAUNT services offered in Nelson.

- Nelson Circulator: operating in about two-thirds of Nelson County, running two days per week from 8 a.m. to 4 p.m.
- Nelson Link: operating two days per week, Mondays and Fridays, connecting people from Nelson into Charlottesville and Albemarle County.
- Lovingson Connect: Commuter service from Lovingson into Charlottesville, Monday through Friday.

Mr. Rieck explained that they were in the process of finishing up their Transit Development Plan and noted that JAUNT's Board would be asked to adopt the plan at their meeting the next day. He explained that the plan was a six-year look ahead at their transit system. He noted that it looked at their goals and objectives, unmet transit needs, and financial planning. He noted that the plan was like a guide for their operation. He reported that part of the plan included a community survey on rider satisfaction in the entire JAUNT system. He noted that overall, JAUNT received high marks from the ridership in terms of delivering cost-effective services.

Mr. Rieck reported that the plan highlighted a tremendous need for transit services in the community. He showed a map of JAUNT's service area as it related to people living below the poverty line. He indicated that a fair amount of the County had people with above average poverty level. He noted that these areas tended to have a high need for transit services. Mr. Rieck then presented a map showing concentrations of older adults in the service area. He noted that Nelson did have a wide range of populations but there was a significant amount of older populations in the County. He noted that older populations typically needed transit services. Mr. Rieck showed a map representing the percentage of the population needing transit services. He explained that the darker the color, the higher the need for transit in that area. He noted that Nelson was a leader in the localities in need of services.

Mr. Rieck provided the Board with recommendations for service improvements in Nelson. He recommended moving to a smart phone based application (app) that would allow people to book and track their trips on their phones, as well as online. He noted that they would also be looking at Uber-like services for JAUNT, where they would offer an app-based demand response for trips.

Mr. Rieck noted that the Transit Development Plan also made several Nelson County service expansion recommendations. He noted that the Nelson Circulator was currently a two days per week service that only served about two-thirds of the geography of the County. He proposed increasing the Nelson Circulator to a five per week service, throughout the County to include Wintergreen Resort. He noted that this would allow people working jobs within the County to have transportation to their jobs and other services in Nelson. He noted that they suggested expanding the other services in Nelson as well, but thought that the Circulator expansion would be a good start.

Mr. Rieck reported that their FY24 budget request for the base services currently provided in Nelson was proposed to be \$104,000. He noted that for the current year, the County provided \$67,000, making the FY24 request a significant increase. He noted the budget influences to be: a reduction in COVID related funding; an increase in service hours to meet expected demand; a 20% bus operator wage increase; and fuel prices. Mr. Rieck pointed out that if the Board wished to add three more days to the Circulator service and expand that service County-wide, it would require an additional \$99,000 in funding. He noted that the base service plus the additional service days would bring the FY24 cost to \$202,535, which was a \$135,359 increase from FY23's cost of \$67,176.

Mr. Rieck explained that JAUNT was a gateway to access other services. He pointed out that if the request was funded, it would help people lead independent lives and address the increasing demand for transit services. He also noted that it was a good investment as every \$1 in County investment equated to \$3 in service. Mr. Barton asked where the \$2 came from. Mr. Rieck noted it came from the leveraging of state and federal funding. Mr. Rutherford asked whether the additional request would be included in budget request for the upcoming budget cycle. Mr. Rieck noted they had put in the base service but they also provided an option to add services at an additional cost.

Mr. Barton asked about volunteers providing rides and if it could be integrated with JAUNT. Mr. Rieck noted that they would need to look at it. He noted they would have to evaluate the process, as well as volunteers driving JAUNT buses, insurance, etc.

Mr. Rutherford suggested that the Board look at the options with the budget as a whole.

Mr. Reed asked whether the Circulator service proposed would be on demand. He asked if it would be possible to include community centers. Mr. Rieck noted it was on demand and they could make it work. He noted there could be a demand for a more defined service and they would be open to looking at it. Mr. Reed confirmed that the base request would continue the current service provided. Mr. Reed asked if increase was approved by the Board, whether it would be dependent on the federal grant and the time needed to implement changes. He asked how long it would take to have services available. Mr. Rieck noted they were working to submit the grant by February 1<sup>st</sup> and would know by May or June whether they would be awarded the funds. He hoped that they would start up in six months. He noted that they had plenty of vehicles but needed to ensure they had enough drivers. He estimated that Fall 2023 would be the projected startup date. He also noted the option of funding for half of the year, if the Board wanted to start the expanded services in January.

The Board had no further questions. Mr. Rutherford thanked Mr. Rieck for his time and Ms. McNaught for representing Nelson.

## **VI. NEW & UNFINISHED BUSINESS**

### **A. Master Plan Development Proposal for Larkin Property**

Ms. McGarry reminded that Board that they had previously authorized staff to follow up with Architectural Partners regarding the submittal of a proposal for Master Plan Services for the Larkin property. She noted that the Board had received a proposal in their packets which outlined the scope of investigation as follows:

- Recreation Center design allowing phasing ranging from a simple park and playground to the full build-out of a Recreation Center as described in our 2021 Recreation Center Study
- Athletic Fields as described in our 2021 Recreation Center Study and as may be further defined or requested in conjunction with High School/ Middle School needs and planning
- Whether or not to develop Industrial/ Manufacturing Sites
- The potential for housing development of some sort on the site
- The possibility of a Career and Technical Training (CTE) facility on site near the middle school/ high school
- The potential for a reservoir which would address water capacity needs as well as recreational opportunities, similar to Lake Monocan.
- The potential for “energy opportunities” such as hydro-electric and solar power generation.
- The proposed future use of existing school property for a FFA facility with livestock

She noted that Architectural Partners would work with the Board and staff to identify and pare down the priorities within the study proposal.

Ms. McGarry reviewed the specific services included within the proposal as follows:

- One (1) Meeting on site with interested parties to “walk” the property, generally assessing topography, access, and suitable locations for buildings and recreation fields.
- Up to Four (4) Meetings in Nelson County with interested parties to review developing concepts and direction.
- Production of a digital, rendered Master Plan drawing, to scale, indicating all proposed improvements, in phases as needed, along with property lines and existing conditions including access roads, adjacent buildings and facilities, existing waterways, and existing topography (as readily available from the County’s GIS.)
- Investigation and documentation of existing utilities and infrastructure, if needed. (*This information may have been provided to the County via previous work by the Timmons Group.*)
- Compilation of a companion written document providing an executive summary along with more details of the master plan, particularly related to the Recreation Center program and design, field uses, overall schedule, and current cost estimates.



- Up to Two (2) meetings presenting the final documents to the Board of Supervisors or other interested parties.

Ms. McGarry indicated that Architectural Partners could begin their work upon the receipt of signed approval. She noted that final deliverables could be completed by May 2023, depending on the ability to have the needed conversations and reviews within that time period.

Ms. McGarry noted that the proposal had a not to exceed amount of \$36,000 for their services. She pointed out that they had not included a resolution, but the Board could authorize staff to proceed with the proposal as presented or with modifications if desired. Mr. Rutherford suggested approving as proposed.

Mr. Barton asked about the planning process, noting that he felt they should prioritize as soon as possible. Ms. McGarry explained that part of the master planning process was to meet with the Board and determine what their priorities were and their placement on the property. Mr. Barton stressed need to move forward. Mr. Reed asked if, upon approval, there would be a meeting with consultants very soon after to start discussing priorities. Ms. McGarry confirmed that they would be meeting. Mr. Reed commented that he was happy to see that May 2023 was when Architectural Partners expected to be able to provide deliverables. Mr. Rutherford and Mr. Reed noted they would also be working on the budget. Ms. McGarry noted that the time schedule could be adjusted as needed. Mr. Reed thought that simplifying their needs would be helpful.

Mr. Parr moved to approve Architectural Partners proposal as presented and Mr. Reed seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

#### B. Judges Parking Request

Mr. Rutherford commented that the Board had a request from a judge to address a parking situation. Ms. McGarry reported that the Board had received two letters, one from Judge Stille, the Juvenile and Domestic Relations Court Judge, and one from Judge Eggleston of the General District Court, both requesting the installation of a more permanent area for them to be able to park at the back of Courthouse. She noted that both requests cited security and accessibility as reasons for the request. She noted that the request had been verbally made in the last year and the Board had been apprised during a work session, but no action was taken at that time. Ms. McGarry explained that Mr. Carter had sent a request to the Ms. Florence Hernandez, the adjacent property owner, asking her to consider providing an easement to the parking area. Ms. McGarry reported that no response had been received on that request. She noted that if the Board wanted to consider the subject further, staff would reach back out to Ms. Hernandez.

Mr. Rutherford noted that it would be important to have a meeting with both judges, himself, staff and possibly another Board member, to determine options before installing anything on someone else's property. He reported that he was checking to see if Judge Doucette would order the changes, noting that if the Circuit Court judge ordered it, it shall be done. Mr. Rutherford also suggested that before the Board take any action, there should be a meeting with the judges. Ms. McGarry noted that the parking spot would be one space that would be shared by both judges since they are in court on different days. Mr. Rutherford noted that the Courthouse was handicap accessible and ADA compliant, but this location was a specific request for the judges. Ms. McGarry indicated that staff could look at interacting again with the land owner. Mr. Rutherford suggested looking to see what could be facilitated before acting on improvements. It was determined that a meeting would take place with the judges and staff would report back to the Board in February.

## VII. REPORTS, APPOINTMENTS, DIRECTIVES AND CORRESPONDENCE

### A. Reports

#### 1. County Administrator's Report

Ms. McGarry reported the following:

- A. Comprehensive Plan:** The project website is [www.Nelson2042.com](http://www.Nelson2042.com). The 2<sup>nd</sup> of four scheduled joint work sessions of the Board of Supervisors and Planning Commission is scheduled for January 18, 2023; where draft content regarding Natural & Historic Resources and Community Facilities and Infrastructure will be reviewed. An intermediate focus group work session with stakeholders on these items was held in the interim.
- B. Former Larkin Property Development:** A proposal from Architectural Partners for master planning was provided for the Board's consideration under the January Agenda item VI A. An initial brainstorming session of the Sports Committee was held and a Nelson County Recreational

Needs Assessment Survey was initiated with the survey deadline being 1/15. The survey was emailed out in a direct email blast to those registered with Parks and Recreation, Planning & Zoning, Tourism, to Nelson County employees, and the link for the survey was sent to the School Division for their dissemination. Other dissemination efforts include: posting on the County's website, Parks & Rec social media, posting flyers at P&R basketball locations, the Blue Ridge Rail Trail, Blue Ridge Tunnel Trail, the Courthouse and P&R office. As of January 6<sup>th</sup>, 202 responses had been received with 186 surveys fully completed. The next work session to begin the master planning phase is to be determined.

She noted that she had spoken with Jerry West earlier that day and the number of responses was approaching 500.

**C. Regional Library Agreement Review:** Every five (5) years the members of the Regional Library are tasked with reviewing the regional agreement. A second meeting of the member localities and Library Director David Plunkett was held on December 16<sup>th</sup>. The paramount consideration is keeping or not the out of area (OA) fee and its impact on member library costs; which primarily impacts Charlottesville and Albemarle. Another review meeting is to be scheduled.

**D. ESC Response Ryan School Apartments 12/25-12/26:** As reported by Emergency Services Coordinator Adkins in his report, multiple County Departments and Emergency Services agencies responded to conditions at Ryan School Apartments on the evening of December 25<sup>th</sup>, which necessitated their relocation to a shelter at Lovingson Volunteer Fire Department for about a 24-hour period. The Apartment's owner, Piedmont Housing Alliance, relocated the residents and made the necessary repairs for re-habitation and residents were returned to their units after a couple of days. I would like to publicly thank everyone involved, including Chair Rutherford, who left their families on Christmas and the day after to provide assistance.

Mr. Reed clarified that the Ryan Apartments building was actually owned by JABA and Piedmont Housing Alliance (PHA) managed the property. Ms. McGarry thanked Mr. Reed for the clarification. Mr. Reed noted that JABA was not initially aware of the issue until much later. He wanted to make sure that the chain of communication was clear going forward.

**E. MAGI Compensation Study:** The market survey of other agencies for benchmark positions has been completed. MAG is now aging the market data forward to accommodate the changes from the 2022 point of initial participation of peers and competitors to reflect a forward facing salary structure that recognizes the changes by integrating the Employment Cost Index for Public Administration, the Consumer Price Index and the adjustment to Social Security (recognizing the Social Security market update anticipated for 2023). MAG has indicated that overall, the County is definitely "lagging" the market and proposed adjustments should be anticipated to both the salary ranges for positions and to provide some internal equity adjustments to individual salaries. A draft report for internal staff review is anticipated by the end of January that will identify proposed grade levels for all positions included in the scope of the study, and possible implementation costs. Following internal review, the final report will be presented by MAG for the Board's consideration.

**F. Gladstone Depot TAP Grant:** Mr. Jay Brown has advised that VDOT staff can administer the project on behalf of the County; which will be made part of the draft TAP Agreement in process at Central Office. He will be in touch early in the new year to schedule a meeting with stakeholders to discuss the project.

She noted that staff was still waiting on the draft agreement to come from VDOT's Central Office for review. She explained that once it had been received, the Board would then consider whether to authorize entering into the agreement or not.

**G. Forest Sustainability Fund Grant:** The County was awarded \$41,389 in Virginia Department of Forestry, Forestry Sustainability Grant funds. The grant fund program assists localities that provide a lower forest land tax rate to landowners by restoring a portion of forgone revenues back to localities. This year, 68 localities submitted applications with a forgone revenue amount of nearly \$72.5 million dollars. Per the Code, monies from the Fund must be used solely for public education generally or for projects related to outdoor recreation or forest conservation.

**H. Opioid Abatement Grants:** County staff met with Nelson Community Wellness Alliance to discuss the County's support of a Rural Communities Opioid Response Grant application. Additionally, plans to meet with them and Region Ten are in the works to discuss the potential for an application to the State Opioid Abatement Authority and to identify any synergies between these two grant opportunities.

**I. Goffrey Miles Bridge Dedication:** The bridge dedication for the late Goffrey Miles was held on December 30<sup>th</sup> at the Faber Rescue Squad building. A brief program was conducted by Chair

Rutherford who spoke, as well as CTB member Mr. Bert Dodson, Jr., and other attendees; followed by unveiling of the dedication sign.

- J. New Office Building: No change from December's report.** Staff and PMA is proceeding with the Board's Directive from the November Meeting.
- K. Department of Justice FY22 Adult Drug Court:** A draft MOU with Offender Aid Restoration (OAR) for management of the Drug Court is pending OAR's review and subsequent approval by the Board. Once in place, the first order of business is to fill the Drug Court Coordinator position; which is OAR's responsibility under the MOU.
- L. Short-Term Rentals:** Commissioner of Revenue Campbell provided Commissioners' Association standardized forms and recommended standardized local TOT Ordinance language pertaining to third party payment remitters. Staff is currently reviewing those documents. The Commissioner and County staff are in the process of participating in demos with vendors that provide STR tracking services in order to provide a recommendation regarding the procurement of such services. An informative letter regarding STRs to all property owners following tax season as was proposed at the initial work group meeting is pending.

Mr. Barton asked where things were on short term rentals. Ms. McGarry noted that staff was reviewing documents that had been provided by the Commissioner of Revenue. She noted they were also looking at vendor platforms to help track lodging.
- M. Albemarle-Charlottesville Regional Jail Renovation Project:** An interim financing is proposed to be used to fund the initial phase of the renovation such as architectural and renovation fees. The estimated amount to be financed is approximately \$4.56 Million and Davenport and Company will brief the Board on the proposed Bond Anticipation Note under today's Agenda Item V B. They will subsequently ask the ACRJ Members to approve the Note in Spring 2023. After a construction estimate is obtained, Davenport will come back to member localities to approve the final bond financing.
- N. FY22 Audit:** County staff are wrapping up review of the Management Discussion and Analysis portion of the FY22 audit which will be incorporated into the final document. The final Audit report should be finalized in the next month with Robinson, Farmer, Cox Associates being scheduled to report to the BOS in February/March.
- O. Davenport Update on County's Debt Capacity:** Mr. Roland Kooch is scheduled to report to the Board on the County's updated debt capacity at the February 14<sup>th</sup> BOS meeting.
- P. Renaissance Ridge Housing Development: No change from December's report:** Steve Driver of Terra Engineering provided an update to the Planning Department on the status of the Renaissance Ridge Development. The storm water management plan is currently in review with DEQ. They are having an environmental study done which will be sent to the Army Corps for review within the next few weeks. They are getting close to VDOT approval. They are applying for a letter of map amendment to FEMA to update the flood zone and are required to submit a Joint Permit Application with the Virginia Marine Resources Commission. There still has not been an official submission to the County.
- Q. Staff Reports:** Department and office reports are included within the November 7th agenda document.

Mr. Reed noted the revenues from the forest sustainability fund act. He asked what the process would be to determine the use of those funds. Ms. McGarry noted she had some preliminary conversations with Parks and Recreation on uses. She also welcomed any suggestions from the Board. She noted the funds would likely be received in the next month but she did not think that the County would be required to use the funds within a certain timeframe.

## 2. Board Reports

### Mr. Barton:

Mr. Barton reported that he had attended the Jail Board meeting and noted that there was a COVID outbreak at ACRJ. He also reported that he attended the Piedmont Workforce meeting and it was much of the same, there were plenty of jobs but they needed workers. He commented that they discussed the idea that higher pay may be needed to get workers.

Mr. Rutherford asked if there had been any discussion on having migrant workforce to fulfill the need for labor. Mr. Barton noted that people had chosen not to go back to work. He commented that capitalism was

a good thing but there was an issue with the distribution of income.

Mr. Harvey:

Mr. Harvey had no report.

Mr. Reed:

Mr. Reed reported that the Service Authority had the Wintergreen and Schuyler Water Treatment Plant projects going on. He also reported that the Service Authority would be applying for grant funding in March to be able to have a GIS mapping system for their service areas. He hoped that they would be able to collaborate with the County's GIS.

Mr. Parr:

Mr. Parr reported that the EMS Council did not meet. He noted that Social Services was waiting on the next steps in the process for their new office building.

Mr. Rutherford:

Mr. Rutherford reminded the Board that the Regional Housing Partnership meeting on Affordable Housing was coming up on March 24<sup>th</sup>. He invited the Board to attend. He reported that the Planning Commission postponed any decision on the dog training facility for another month while they wait for more information.

B. Appointments

Ms. Spivey reported that there were no appointments coming up until March. She noted that she had provided a list of upcoming appointments for the year. She noted that they would be advertising the James River Alcohol Safety Board appointment and Mr. Hall was interested in serving again.

EXISTING VACANCIES AS OF DECEMBER 31, 2022	
<u>Board or Commission</u>	<u>Incumbent</u>
NONE	

Appointments to Be Made in 2023		
<u>Board or Commission</u>	<u>Terms Expiring 2022</u>	<u>Incumbent</u>
James River Alcohol Safety 2 Year Term	3/8/2023	James E. Hall
Ag & Forestal Dist. Advisory 4 Year Term - 3 Term Limit	5/13/2023 5/13/2023 5/13/2023 5/13/2023  5/13/2023 5/13/2023 5/13/2023  5/13/2023 5/13/2023	<b>Producers</b> Joyce Burton (T2) Andy Wright (T4) Billy Newman (T3) Susan McSwain (T4) <b>Other Landowners</b> Ernie Reed (UT) Charlotte L. Rea (T1) Mary S. Cunningham (T1) <b>Staff Member</b> Commissioner of Rev. Robert G. "Skip" Barton
N.C. Economic Dev. Authority 4 year term	6/30/2023 6/30/2023	Robert Doyle (unexp term) John Bruguiera

<i>N.C. Library Advisory Committee 4 year term appointed by District</i>	6/30/2023	Jane Strauss - Central District
<i>NC Social Services Board 4 year term - 2 term limit</i>	6/30/2023	Claudia Van Koba (unexp term)
<i>JABA Board of Directors 2 year term</i>	7/15/2023	Dana E. Quillen
<i>Board of Zoning Appeals Appointed by Circuit Ct. Judge 5 year term</i>	11/9/2023	Carole Saunders
<i>JABA Council on Aging 2 year Terms</i>	12/31/2023	Carl Stellwag (unexp term)
<i>T.J. Water Resources Protection Foundation 4 year term</i>	12/31/2023	Andy Wright (T4)

C. Correspondence

The Board had no correspondence.

D. Directives

The Board had no directives. Mr. Barton noted that he was happy to see the Board taking steps toward providing recreation.

The Board took a brief recess before going into closed session.

**VIII. CLOSED SESSION PURSUANT TO §2.2-3711 (A)(3) & (A)(7)**

Mr. Reed moved that the Nelson County Board of Supervisors convene in closed session to discuss the following as permitted by Virginia Code Sections 2.2-3711

(A)(3): Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body; and,

(A)(7): Consultation with legal counsel and briefings by staff members pertaining to actual litigation, where such consultation or briefing in an open meeting would adversely affect the negotiating or litigating posture of the public body – Litigation pertaining to the Region 2000 Services Authority.

Mr. Parr seconded the motion and there being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

Supervisors conducted the closed session and upon its conclusion, Mr. Reed moved to reconvene in public session. Mr. Parr seconded the motion and there being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

Upon reconvening in public session, Mr. Reed moved that pursuant to the requirements of Chapter 37, Virginia Freedom of Information Act and Section 2.2-3712 of the Code of Virginia, that the Nelson County Board of Supervisors certify that to the best of each member’s knowledge (i) only public business matters lawfully exempted from open meeting requirements under this chapter and (ii) only such public business matters as identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting by the public body. Mr. Parr seconded the motion and there being no further discussion, Supervisors voted unanimously (5-0) to approve the motion.

**IX. ADJOURN AND CONTINUE TO JANUARY 18, 2023 AT \_\_\_\_ FOR A JOINT MEETING BETWEEN THE BOARD OF SUPERVISORS AND THE PLANNING COMMISSION, AN EVENING SESSION WILL NOT BE CONDUCTED.**

At 4:04 p.m., Mr. Reed moved to adjourn and continue to January 18<sup>th</sup> at 7 p.m. for a joint meeting between the Board of Supervisors and the Planning Commission. Mr. Parr seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) to approve the motion and the meeting adjourned.