

**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  
Ernie Q. Reed, Central District Supervisor  
Thomas D. Harvey, North District Supervisor  
J. David Parr, West District Supervisor  
Candice W. McGarry, Interim County Administrator, Director of Finance & HR  
Amanda B. Spivey, Administrative Assistant/Deputy Clerk  
Emily Hjulstrom, Planner

**I. CALL TO ORDER**

Mr. Rutherford called the meeting to order at 2:02 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. PUBLIC COMMENTS**

*Rebecca Allen, Madison Heights, VA*

Ms. Allen stated to the Board that she was a Nelson County Public School (NCPS) employee and President of the Nelson County Education Association. She stated she was asking the Board to reevaluate their position on Nelson County School’s budget. She asked that the Board reinstate the additional \$1 million in funding that was approved at the Jun 14<sup>th</sup> meeting. She noted that NCPS was grateful for the Board’s approval of an increase in funding which helped to address known salary issues within the School division. She understood that the request was unprecedented but reminded the Board that the Schools were navigating unprecedented times as a result of the pandemic and inflation. She thanked Mr. Reed for his time attending School Board meetings. She noted that he gained first-hand knowledge regarding the needs and issues the School Board faced. Ms. Allen explained that NCPS was the largest employer in Nelson County. She reported that as of the end of June, NCPS had 293 employees, with 58% residing in within the County. She pointed out that the monetary request primarily impacted the County’s own residents. She then noted that 86% of NCPS support staff lived in Nelson. She explained that the bulk of additional funds would go towards increasing the minimum hourly wage to make them more competitive with surrounding businesses. She also noted that the additional pay was not just something that the support staff deserved, it was essential to the success of the schools. She noted that the additional money earned would likely be spent locally, continually fueling the local economy. She stressed that if the School Division could not offer competitive wages, they would not be able to attract or retain the best employees. Ms. Allen noted that the children deserved to be cared for by the best as they were the community’s most important resource. She closed by asking the Board to reconsider the school’s funding.

*Regina Campbell, Roseland, VA*

Ms. Campbell stated that she was a Nelson native, and had been an instructional assistant for the school division since 2015. She also added that her two children were attending Nelson schools. She thanked the Board for the \$1.5 million added to the School’s budget, noting that it was truly a historic number. Ms. Campbell stated that she was disappointed to hear about not receiving the additional \$1 million and noted that it had opened the eyes of many Nelson residents and employees. She hoped that residents would continue to become more informed of the Board’s actions and hold them accountable for those actions. She requested that the Board be more aware of the impacts from their decisions regarding the budget and asked them to take the time to re-evaluate their priorities. She stated that County departments deserved full funding and she did not agree with the Board making 20 year plans with the purchase of property and conducting developmental studies, while holding millions in bank accounts as collateral. She reiterated to the Board that the County departments deserved full funding and the employees deserved sufficient and competitive pay. Ms. Campbell noted that she did not disagree that Nelson needed a little more to offer, but she did not see how the Board could plan for more if they could fully fund what they already had.

*Amy Woodson, Lovingston, VA*

Ms. Woodson noted that she was a Nelson native and the parent of three children, as well as an active volunteer in her children’s schools. Ms. Woodson spoke in support of the school division. She noted

the importance of the teachers and support staff and the amount of work they put into caring for each child as they were their own. She stressed that teacher and support staff pay needed to be improved in order to provide continuity and consistency for the children. She expressed her frustration that what was voted on and approved was later changed. She cited the stresses of Covid and school shootings as major reasons for loss of staff. She noted that they needed to show people how much they are valued and while they couldn't put a dollar sign on their value, they could try. Ms. Woodson stressed the need to invest in education now, more than ever. She felt that some members of the Board had shown that education was not their priority. She thanked the Board for the time to voice her concerns.

*Michael Hevener, Faber, VA*

Mr. Hevener stated that he was speaking as co-founder of City Elders. He noted he was there to speak about the incident that occurred at the June 28th School Board meeting between Mr. Ceaser Perkins, South District School Board Member and Mr. Jesse Rutherford, Chairman of the Board of Supervisors representing the East District. Mr. Hevener cited a news article in the July 1<sup>st</sup> edition of the News and Advance, written by Ms. Emma Martin. He noted that while news articles were not a substitute for an investigation and official statements, the scene portrayed was disturbing. He noted that sometimes passionately representing those you have been elected to represent, could erupt into intense disagreements. He explained that City Elders believed that when that happens, everyone directly involved should receive the protection of law enforcement officials in a non-biased manner, both and the time of the incident and in subsequent reports both internal and external to the department. He noted they were waiting to read the official report filed by Nelson County Sheriff's Office and had filed a FOIA request to which a response was pending. He stated that they believed the only way forward was with a full and transparent investigation so that Nelson residents could be confident that those involved would receive fair and appropriate treatment.

*Peter Bryan, Amherst, VA*

Mr. Bryan stated he was representing the Jefferson Council, which is a group of University of Virginia alumni and many other concerned citizens. Mr. Bryan said he wanted to make a public comment in opposition to changing the name of the Jefferson Madison Regional Library. He noted that with today's headlines, the name change of a library merited no attention, but he did not want to lose sight of the importance that Mr. Jefferson and Mr. Madison represented for this country, the community and all of the freedoms enjoyed today. Mr. Bryan stated that Mr. Jefferson and Mr. Madison formed the foundation for equality and justice for all, which we still strive to reach today. He felt to remove their names from a public institution was reprehensible. Mr. Bryan asked the Board to stand with Greene County and Louisa County, and pass a resolution in opposition to the name change.

*Robert Goobich, Faber, VA*

Mr. Goobich stated that the Board should have a one-month plan to look at the real story behind the COVID story. He stated that the COVID story was very deceptive. He did not agree with children being required to wear masks. He felt that the reaction to the COVID story was worse than COVID. He wanted the Board to have a one-month plan to find all of the information available.

### **III. CONSENT AGENDA**

Mr. Parr 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 – **R2022-39** Minutes for Approval

**RESOLUTION R2022-39  
NELSON COUNTY BOARD OF SUPERVISORS  
APPROVAL OF MINUTES  
(April 12, 2022 and April 28, 2022)**

**RESOLVED**, by the Nelson County Board of Supervisors that the minutes of said Board meetings conducted on **April 12, 2022 and April 28, 2022** be and hereby are approved and authorized for entry into the official record of the Board of Supervisors meetings.

- B. Resolution – **R2022-40** Budget Amendment

July 12, 2022

**RESOLUTION R2022-40  
NELSON COUNTY BOARD OF SUPERVISORS  
AMENDMENT OF FISCAL YEAR 2022-2023 BUDGET  
NELSON COUNTY, VA  
July 12, 2022**

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

<u>Amount</u>	<u>Revenue Account (-)</u>	<u>Expenditure Account (+)</u>
\$ 15,200.00	3-100-001899-0035	4-100-091050-7158
\$ 2,440.00	3-100-002404-0035	4-100-031020-7044
<u>\$ 20,000.00</u>	3-100-002404-0060	4-100-081020-7064
<b>\$ 37,640.00</b>		

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

<u>Amount</u>	<u>Credit Account (-)</u>	<u>Debit Account (+)</u>
\$ 2,875.00	4-100-999000-9901	4-100-091030-5685
<b>\$ 2,875.00</b>		

C. Resolution – **R2022-41** VA250 Commission

**RESOLUTION R2022-41  
NELSON COUNTY BOARD OF SUPERVISORS  
SUPPORT OF VA250 COMMITTEE**

**WHEREAS**, The Nelson County Board of Supervisors is dedicated to the furtherance of economic development and tourism in Nelson County; and

**WHEREAS**, The Virginia America 250 Commission (VA250) was created in 2020 by the General Assembly for the purpose of preparing for and commemorating the 250th anniversary of Virginia’s participation in American independence; and

**WHEREAS**, VA250 has requested that each locality form a committee to aid in planning for the commemoration period; and

**WHEREAS**, Nelson County will form a local VA250 committee;

**WHEREAS**, the committee will plan and coordinate programs occurring within the locality and communicate regularly with VA250;

**WHEREAS**, the Nelson County Board of Supervisors wishes to undertake this endeavor with VA250 to promote and commemorate this important historic milestone.

**NOW, THEREFORE, BE IT RESOLVED** that the Nelson County Board of Supervisors hereby desires to support the Virginia America 250 Commission and their efforts to commemorate the 250th anniversary of Virginia’s participation in American independence; and

**BE IT FURTHER RESOLVED**, that Nelson County will form a committee to aid in the planning for the commemoration period.

D. Resolution – **R2022-42** Tax Refund

**RESOLUTION R2022-42  
NELSON COUNTY BOARD OF SUPERVISORS  
APPROVAL OF PROPERTY TAX REFUNDS**

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

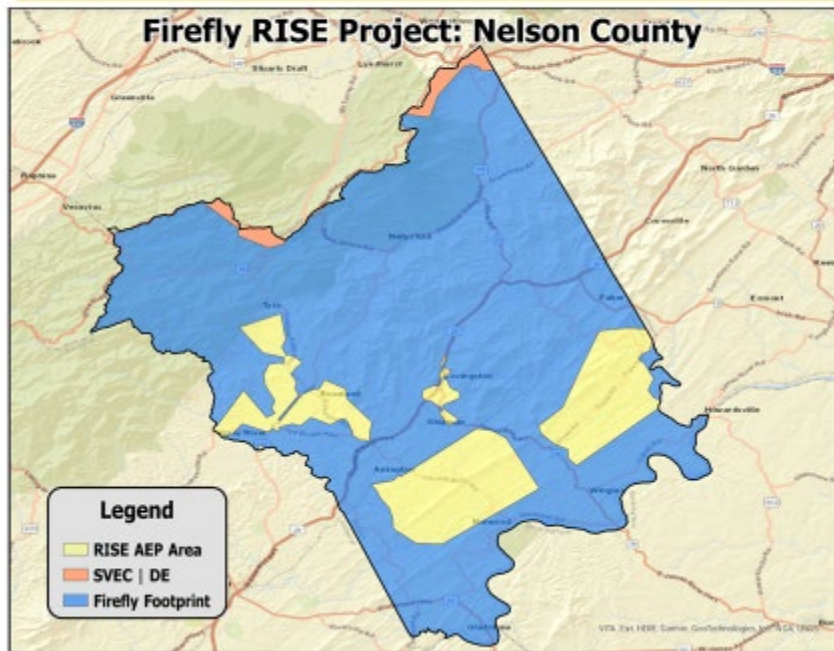
<u>Amount</u>	<u>Tax Category</u>	<u>Payee</u>
\$5,460.48	Real Property	Maria Schneider 1261 Crawford's Climb Nellysford, VA 22958

**IV. PRESENTATIONS**

A. Firefly Fiber Broadband Update

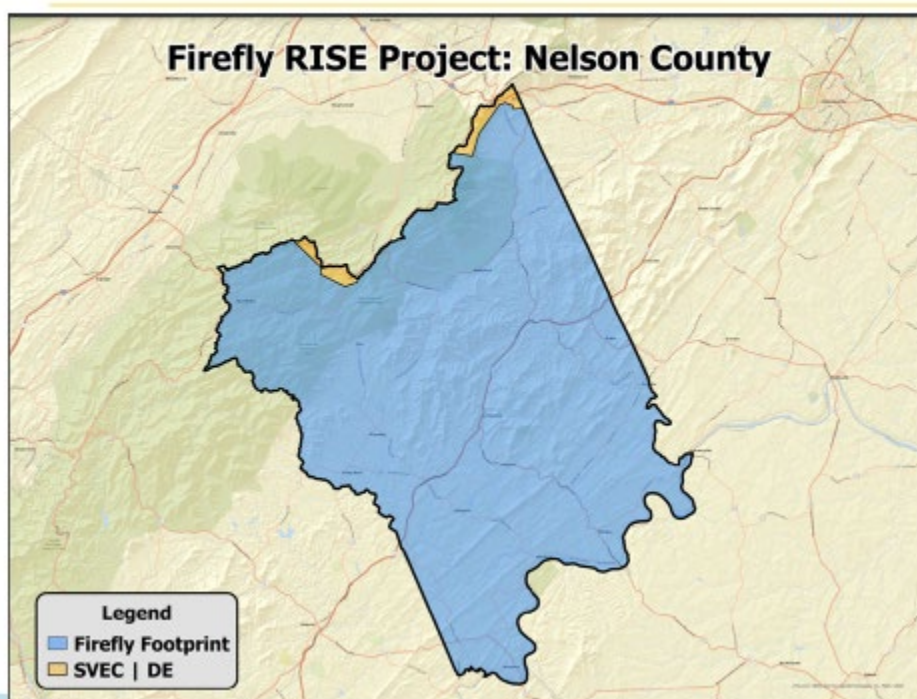
Mr. Gary Wood and Mr. Galen Creekmore of CVEC and Firefly were present to provide an update on Firefly Fiber Broadband. Mr. Wood provided a map to show the current status of the Nelson County Fiber Build. He noted that the areas in yellow were AEP areas where they were also working until the year end to complete the build out in the AEP area. He noted the blue areas were either Central Virginia Electric service areas or areas where they had CARES funding and it moved outside the CVEC area.

Current Status of Nelson County Fiber Build



Mr. Wood then showed a map of what the Nelson County Fiber Build would look like by 2022-year end. He explained that the blue area represented all of areas that would have fiber connected gigabit speed Broadband service available. He explained the areas in orange represented part of Afton and Love where they would finish next year as part of their overall RISE project. He pointed out that the blue area would cover about 10,550 or more homes and businesses, out of 10,700 locations that could take Broadband service.

## Nelson County Fiber Build- 2022 Year End



Mr. Wood stated that the map was a real testament to what the County had done from the start of their very first Broadband project in 2009-2010. He reported that the level of fiber connectivity in Nelson would be one of the highest in the state, and nation. Mr. Wood noted that larger counties like Loudon, Fairfax and Chesterfield had cable that they depend on, but it did not give the gigabit speed that Broadband did. Mr. Wood reported that they would still be connecting people into next year, but they should have the backbones throughout the County if everything went well.

Mr. Wood noted that to date, they passed 8,884 homes and businesses where service was active. He explained that they had almost \$32 million invested in the fiber. He noted that when they had initially started the project, they had estimated to spend about \$25 million in the County, versus over \$35 million that will be spent once the project is completed. He explained that also included areas outside the CVEC area, with more to do. He noted they currently had 4,585 connections in the County. Mr. Wood stated that Nelson County had highest number of passings and connections in Firefly's whole service area.

Mr. Wood reported the final fiber hut was set in Massies Mill, noting it was the final piece of the CVEC service area. He noted that they were about 75% complete on one part of the buildout up there and about 50% complete on the entire Massies Mill/CVEC area. He noted they still had about 40 poles to change out or make ready for fiber, which they hoped to finish by the end of July. He stated that the make-ready contractors had been a slow down at the end of the project. He noted that they planned to complete splicing in August, and then final connections would follow in that area after that. He estimated that connections would start sometime around September/October.

Mr. Wood reported on AEP Arrington, noting that the fiber construction was complete. He explained that there was a railroad crossing keeping them from being able to make final connections. He noted they had to put in a temporary light source to fake the laser light so that they could do the splicing, which was now all completed. He reported that they had the permit for the past three months to cross the railroad but Norfolk-Southern had not been able to schedule their flaggers for the few hours it would take to put up fiber. Mr. Wood noted that they had the same issue in Shipman.

Mr. Wood reported on AEP Shipman, noting that the fiber construction was complete all the way where it meets the CVEC area on Route 56. He reiterated that they were again waiting on the railroad crossing to get connected to the fiber. He noted that the splicing was underway and they were about 75% or more complete with it. He pointed out that once the splicing was complete, the only thing they needed in order to connect people was the railroad crossing.

Mr. Wood then reported on AEP Schuyler where they had finished make ready construction. He stated that AEP was behind on their make-ready construction and CVEC was trying to push them along. He noted that they had asked for the area to be complete in December, and some parts were just being turned over to in March/April. He noted that Schuyler had just been finished by AEP the week prior. Mr. Wood explained that the fiber construction would begin as soon as the CVEC fiber build was completed.

July 12, 2022

Mr. Wood noted that in the three areas (Arrington, Shipman and Schuyler), they had about 400 people signed up for service to date. He reported that there were about 630 homes/businesses passed, with 400 of those signed up for service. He pointed out the need for service.

Mr. Wood showed a PowerPoint slide highlighting Other AEP areas with make ready work complete or underway.

- Findlay Mtn/Williamstown/Cedar Creek
- Lovington towards James River Road in Shipman
- St. James Church/Fishertown/Clay Pool/Cow Hollow

Mr. Wood reported that AEP had three (3) crews currently working on make-ready, and noted CVEC felt that they needed eight (8) crews. He stated that AEP was having a hard time finding and assigning the resources, and noted that any support the County could give on the issue would be helpful.

Mr. Wood reported that AEP had finished the Buffalo Mines/Harewood area. He noted that AEP was doing some work in the Clay Pool/Cow Hollow area. He reported that they had also done some work in the Lovington area down towards Shipman. He also noted that they had done some work coming Shipman towards Williamstown and Variety Mills and were making good progress.

Mr. Wood noted other AEP areas with make-ready work to be done. Mr. Wood then showed a PowerPoint slide highlighting other AEP areas where the make ready work had not yet started:

- Roseland Road/Dark Hollow Road/Horseshoe Road
- Massies Mill to Pharsalia
- Glade Road to Salem Road
- Glade Road to Hunting Lodge Road
- Taylor Creek Road in Afton
- Salem Road and Rockfish Crossing

He noted that CVEC had turned them over to AEP and the engineering was complete and the work had been paid for but not yet completed. He noted that AEP had about \$600,000 that CVEC had paid them for work to be done. He emphasized the need for more crews and noted that CVEC was encouraging AEP daily to add more people to get work done. He explained that CVEC couldn't get in these areas to work until AEP was finished with their work. He noted that they had asked them last year to be finished by August, and it was already the second week of July, and there were areas that had not even been to yet.

Mr. Wood provided the link to Firefly's website <https://www.fireflyva.com/rise/>. He explained that Firefly's website maintained the most up to date information on the project, including construction schedules, maps and what information has been mailed to each construction area.

Mr. Wood noted there was a town hall scheduled for July 28th for the Buffalo Mines/Harewood area. He explained that Firefly held virtual town halls, which worked well to detail the fiber connection process and what to expect.

Mr. Parr acknowledged the delays with AEP. He asked if everything were to work out, and AEP had the crews and the work was completed by December 31st, what the difference was between the end of year map and the residents in that map being able to stream board meetings or Netflix. He asked what the timeline was between the last person being hooked up on the blue map and having service in their home. Mr. Wood explained that when they finished splicing in an area, the service extensions typically started 30-60 days after that. He noted that as they finished splicing in Massies Mill in September, the service extensions would start in either October or November. He noted that the next hold up was the number of services that could be put in during one week, without overloading the 811 markings system.

Mr. Wood stated that he anticipated to have everyone online who wants the service, by the first quarter of next year. He noted that they hoped to have all CVEC members on by end of the year. He noted the 400 already registered in the Arrington/Shipman/Schuyler area, with another 450 or so in the Massies Mill area registered, and estimated that they would have about 1,000 to 1,500 connected by year end. Mr. Parr noted Firefly's customer service representatives were still telling some people in Nelson that they wouldn't have service until 2024. Mr. Wood commented that he would update customer service on the timeline. Mr. Wood noted that Dominion customers could possibly not be connected until 2024, depending on when Dominion completes their work.

Mr. Rutherford noted during the Nelson County Broadband Authority meeting held earlier in the day it was decided to write letters to AEP and Norfolk-Southern to put pressure on them and other entities, of the need to complete the project. He suggested that the Board of Supervisors compliment with a similar letter to help get services available to community. He noted that not having reliable internet service was

an impediment to people's ability to function. Mr. Rutherford further suggested coordination with the TJPDC and speaking with the County's legislative liaison about writing a letter to legislators to put pressure on regulatory groups and corporations to expedite the project. He reminded everyone that they had committed to getting the work done by the end of the year, and they had also told Firefly to reach out if they needed anything. Mr. Rutherford asked if the Board was supportive of his suggestions. Mr. Reed asked who the regulatory groups were. Mr. Rutherford mentioned possibly the Secretary of Transportation, and whoever worked with the railroads. Mr. Wood noted that the SCC did some regulation of the railroads, but not much, and the Secretary of Transportation had some interaction with them. He noted that railroads were regulated at the Federal level somewhat. He noted that the railroads tended to be more responsive when some people called. Mr. Rutherford noted the County could go to the Congressional level and have them reach out. The Board in consensus to write letters to assist Firefly. Mr. Rutherford asked Ms. McGarry to coordinate with Firefly staff and the Broadband Authority Chair, Mr. Gary Strong.

Mr. Parr asked if any of the smaller sections that were missed could be grouped in, noting the Piney River substation area had some locations that were missed. Mr. Wood noted that the area along Jenny's Creek and near the Piney River substation, as well as a small area in Colleen and Wilson Hill Road, were included in the areas turned over to AEP. He explained that some of the areas had a little work done, but they were monitoring them to make sure they were completed.

Mr. Rutherford thanked Mr. Wood and Mr. Creekmore for their time and asked that they keep the Board updated on progress.

#### B. TJPDC Regional Transit Plan (Lucinda Shannon)

Ms. Lucinda Shannon began her presentation, noting she was a Regional Planner for the Thomas Jefferson Planning District Commission. She noted that she would be talking about the Regional Transit Vision Plan. Ms. Shannon reported that the plan was funded in part with a Technical Assistance Grant through the Department of Rail and Public Transportation (DRPT), as well as matching funds from Albemarle and Charlottesville. She noted that Albemarle and Charlottesville initiated the study and then came to the TJPDC to manage it, as it was a regional study. Ms. Shannon reported that some of the comments from their first round of engagement included more rural integration into the plan.

Ms. Shannon noted that they had a stakeholder meeting early on in the process and people really wanted to see more outreach to the rural counties and more involvement with the rural counties. She explained that they were presenting to all of the Board of Supervisors. She reported that she had a focus group in Nelson County with older community members to hear about their needs for transit.

Ms. Shannon explained that the Transit Vision study was a vision of what everyone would like to see transit in the region look like. She noted that the next step to follow that would be determining how to fund it. She explained that the vision study would show what everyone wanted transit to look like, where the bus routes would go and how they should run. She noted that the next step was to have a Transit Governance Study which helped show how to pay for the improvements and how to implement them. She reiterated that funding from DRPT and a 50% match in funding from Albemarle and Charlottesville helped fund both the Transit Vision Study and the Transit Governance Study. She noted that there would be updates in future as they engaged consultants, and they would make sure that rural counties were included from the beginning.

Ms. Shannon reported that there were three themes heard from community during engagement.

- Equity: expanding opportunities for all residents and representing the needs of both urban and rural communities.
- Multi-modality: reducing reliance on automobiles
- Climate change: helping to protect the environment by reducing greenhouse gas emissions by using transit.

Ms. Shannon reported that they held a three-day workshop with the three transit providers (Charlottesville Area Transit (CAT), JAUNT and the University Transit Services) to discuss what the network should look like, and what their routes would look like if money was no object. She explained that the Regional Transit Partnership was heading the initiative and they wanted to have something that could be implemented. Ms. Shannon noted they came up with different vision concepts: a constrained vision and an unconstrained vision. She explained that the constrained vision was what they felt the region could afford, while the unconstrained vision was more of what they wanted to see if money were no object.

Ms. Shannon explained that the constrained vision was based on the system that the Central Virginia Transit Authority used for raising funds. She noted that if they could replicate that system, they could bring in about \$30 million in additional funds to the TJPDC region to implement the Transit Vision Plan.

She noted that the Transit Governance Study would be starting in a few months, and it would look at how the local governments would want to see the plan enacted. She reported that the unconstrained vision had a total estimated annual cost of \$70 million. She noted that the region currently spent about \$20 million on transit per year and the constrained vision would cost about \$30 million per year.

Ms. Shannon displayed the Existing Regional Transit Services, along with the Constrained Vision for the region. She indicated that there would be a lot more frequency for the fixed routes in the city. She explained that the Lovingston circulator currently ran Mondays and Tuesdays from 8am to 4pm. She noted that the person was typically picked up in the morning and in Charlottesville all day and then dropped off in the evening. She explained that with the Constrained Vision, the circulator service would run every day from 7am to 8pm with services every 60 minutes, which would make a big difference for folks who utilized the service for doctor's appointments.

Ms. Shannon explained that JAUNT was running a door to door service every day and it would take people to places within the County. Mr. Barton asked about cooperation between Charlottesville and Lynchburg. Ms. Shannon noted that there was no service into Lynchburg at the time. Mr. Barton asked if the Heritage Center may be a consideration for a stop to help get people to Charlottesville. Mr. Rutherford noted there may be a similar transit service in the Lynchburg area, but he was unsure of what it was called. He explained that this was based off of the planning district and the Charlottesville metropolis. He noted that he understood Mr. Barton's thoughts because some people do travel from Lovingston to Lynchburg. Ms. Shannon indicated that they would bring that thought back to the consultants. She agreed that many parts of Nelson were closer to Lynchburg than Charlottesville. Mr. Reed commented that in all of the outlying counties surrounding Charlottesville, service was provided to the center of the County, but the farther away from the boundaries of the center, the less services were available. He stated that they needed to provide services for the entire locality.

Ms. Shannon showed a map of the Unconstrained vision. She noted that the blue routes would operate every sixty minutes and the fuzzy yellow areas were micro transit areas. She noted that for the rural areas, the plan would be to have the circulator service like JAUNT's door-to-door service, and then a main route connection from a small urbanized area like Lovingston into Charlottesville. She explained that the micro-transit areas would be like Uber except it would be run by a public service. She noted it would be cheaper and regulated, and people would be able to schedule a ride online or by phone within 15 minutes. She explained that the current circulator service needed at least 24 hours' notice to make a reservation.

Ms. Shannon reiterated that the Unconstrained vision would have service to Lovingston every 60 minutes, all day, seven days a week. She noted there would be on-demand transit zones. She pointed out that there would be a 5% increase of people would be able to use transit service to get to their jobs.

Ms. Shannon then discussed Phase 2 and next steps. She explained that they were nearing the end of the study and wrapping up local presentations. She noted they had hosted a public meeting. She explained they were holding an open house event at the transit center to engage people who were riding the bus. She reported that they had several focus groups for people who were transit dependent. She noted there was an online survey that ran through July 22<sup>nd</sup>. She noted they would write a final report and present it to the Transit Partnership.

Mr. Rutherford noted the importance of transit. He pointed out that there were three metropolis areas that Nelson County serviced, noting many people also worked in the Valley. He pointed out that Nelson County was service by an interstate of sorts with Route 29, so mass transit had more of an opportunity. He noted that transit would be a big topic moving into the future. There were no questions for Ms. Shannon from the Board.

### C. Virginia Cooperative Extension Report

Ms. Grace Monger, local Agriculture Extension Agent provided a report to the Board. She noted that she focused primarily on horticulture and invasive species management. Ms. Monger highlighted a few of the programs that she had done since starting her position in January. She noted that she had nominated Robert Saunders of Saunders Brothers for the Swisher Sunbelt Farmer of the Year Award. She reported that Robert Saunders won at the Virginia level and was going to represent Virginia and Nelson County on the national stage for Farmer of the Year. She noted it was a really big deal in the agriculture world and his national tour was scheduled for early August. She noted they would travel to Moultrie, Georgia in October to hear the results. Ms. Monger noted that she enjoyed the nomination process in recognizing farmers for all of the work they do. She noted there were many people locally who should be recognized for the work they do.



Ms. Monger noted that she assisted with the Virginia Beef Roundup (Virginia Beef Expo) in Harrisonburg to support the local young farmers participating and represent Nelson County. She reported that she helped coordinate an event with the Central Virginia Livestock Show and Sale (CVLS).

She noted she had worked with the Commercial Tree Fruit School which hosted specialists to come in and give seasonal updates to farmers. She noted it was a full day conference provided to the farmers in Lovingson and held in the donated event space at the Lovingson Fire Department. She reported that they were able to host 50 farmers for the conference.

Ms. Monger reported that the Nelson County Master Gardener Association was doing well. She noted that in 2021, they had volunteered over 2,000 hours which equated to more than one full-time staff member. She noted that the volunteers were primarily retired people who were volunteer garden educators donating their time to help citizens in Nelson County. She reported that they expected to exceed those numbers in 2022. She noted they were evaluating projects and looking to add more projects, noting that one of the projects was a Beginner Gardener Course in the demo garden at the Nelson Center. Ms. Monger reported that they had 10-11 new trainees to start soon.

Ms. Monger reported on the Spotted lantern fly, noting it was an invasive pest that came over from Asia. She explained that it had a preferred tree host called The Tree of Heaven, or Tree of Paradise. She stressed that it was a major threat to the horticulture and wine grape industries. She explained that there was not a lot they could do about it, other than slow the spread. She reported that the spotted lantern fly had been detected in North Garden in early June. She noted that the Extension Office's job to educate and provide resources to deal with things like this. Ms. Monger reported that the Virginia Department of Agriculture and Consumer Services (VDACS) had issued a new quarantine which not only affected the growers in Nelson, but every other company that ships within the Nelson County. She noted that VDACS handled inspection training, and growers and participants self-inspected. She noted the Extension office was there to educate, follow-up and track the spread. She reported that the Quarantine areas had been expanded and Nelson right in the middle but they had not seen it yet. She explained that if it got into a vineyard and was left unchecked, it could kill a vineyard in about a year. She noted that VDACS and Virginia Cooperative Extension were heading fight on this. Mr. Rutherford asked if it could be as bad as the gypsy moth. Ms. Monger acknowledged that it could, but the spotted lantern fly wouldn't affect forest ecosystems but it would have an effect on the horticulture industry. She added that they were seeing a slight uptick in gypsy moths because of the warmer seasons but the experts were not concerned.

Mr. Reed noted he had cut down three huge Ailanthus trees, noting that since it was the main host of the lantern fly, he asked if there was some focus on removing the trees if it could take care of two invasive species at the same time. Ms. Monger noted that Ailanthus was a very aggressive, invasive tree weed and when they are cut down, they need to be treated. She indicated that while Ailanthus was the preferred host, and female spotted lantern flies produced more eggs per egg mass when feeding from Ailanthus. She explained that it was not a required host and noted that the spotted lantern flies also like grapes. She explained that part of the reason for the quarantine and inspections because the spotted lantern fly like to hitchhike. She explained that the recommendation for commercial growers was to try and control spread at distribution centers if they could not control at the farm. She reported that most of her growers had distribution traps set up to see where it is at and to track it.

Mr. Reed noted that he had heard from landowners in Rockfish River corridor problems with Japanese knotweed issue. He explained that they had reached out to him for assistance and had asking him if it was appropriate to bring up during comprehensive plan to bring attention to the issues that knotweed causes. Ms. Monger noted yes and no, noted there were likely other more invasive species to deal with in the County. She suggested sending them to her office for assistance in contacting specialists.

Ms. Monger reported on the other staff members within the Extension office. She noted that Lucinda Macrae had been a dedicated office assistant for the past 16 years, along with Eric Bowen who was also an Agriculture Extension agent with a focus in Animal Science, and Erin Harris who was serving as the 4-H Extension Agent. Ms. Monger reported that 4-H camp had been a great success the week prior.

Mr. Rutherford asked the Board if they could go ahead and bring up the Dixie Youth Baseball team and the Board was in agreement to discuss item V. A.

V. New & Unfinished Business (As Presented)  
A. Dixie Youth World Series

Ms. Jennifer Fitzgerald spoke before the Board requesting support for three Nelson County High School student athletes who were going to representing Virginia in Louisiana at the Pre-Majors Dixie World Series. She noted they were 16 and 17-year-old young men, representing not only Virginia, but Nelson County also. She explained that the Board had supported them last year, and they finished 5th out of 17 teams in the 15 year-old category. She noted that most of the players had never had the opportunity to

play on a collegiate field and this would be the chance of a lifetime. She explained that the three young men present were all working full-time jobs for the summer and then going to practice 4-5 nights per week. She noted their dedication and the life skills that can be learned while playing baseball. Ms. Fitzgerald introduced the three ballplayers present: Michael Fitzgerald, Quinten Page and Kevin Micklem.

She noted that they could play any position on the field. She asked the Board consider supporting them.

Mr. Rutherford asked what is needed for the team. Ms. Fitzgerald explained that they had conducted carwashes, bake sales and visited local businesses to raise about \$3,500. She noted they had 11 players on the team and last year they had five players from Nelson who were supported with \$1,000 each from the Board. She noted the increased costs of gas prices and proposed maybe \$1500 per Nelson player if possible. Mr. Rutherford confirmed that \$4500 total needed and polled the Board.

Mr. Harvey moved to approve funding \$1,500 per ballplayer as requested. Mr. Barton noted his support and seconded the motion. There being no further discussion, Supervisors approved the motion by vote of acclamation.

The Board took a brief recess.

Mr. Rutherford called the meeting back to order and then noted a slight change to allow Ms. Jennifer Fitzgerald to discuss Item V. B.

#### B. Nelson County Service Authority Permit Fees

Ms. Jennifer Fitzgerald of the Nelson County Service Authority was present to request that the Board waive the building permit fees associated with the Wintergreen Wastewater Treatment Plant and the Schuyler Wastewater Treatment Plant. She noted that both projects were under consent orders from DEQ to complete the projects within a reasonable time frame. She estimated that both projects should be finished by 2023. She further noted that both projects benefited the environment and would improve the water quality in Nelson County, all the way to the Chesapeake Bay and beyond. She explained that the new plants would provide reliable wastewater treatment to meet the current and future regulations. She reminded the Board that any debt incurred by the Service Authority was ultimately passed down to the customer, and noted by waiving the fees, the Board could assist the Service Authority in keeping the rates as low as possible.

Ms. Fitzgerald explained that the Service Authority was required by their funding agency to provide full time inspectors from their engineering firm. She noted that they also had a specialized geotechnical consultant working on both projects. She explained that they had budgeted to pay the engineering firm for engineering and inspections, which was a \$1.5 million cost for the Wintergreen project and \$159,000 for the Schuyler project. She noted that on top of those costs, they were being charged building inspection fees by Nelson County. She explained that the Wintergreen contractor had paid \$70,194.17 in permit fees and the Schuyler contractor had been quoted \$11,123.10 in permit fees. She stated that she felt one inspection team that knew the plans and looked out for the best interests would be sufficient for the projects and minimize the inspections needed by Nelson County. She noted that if they were to add both inspection fees together, they would spend \$1,566,194 for Wintergreen and \$170,000 for Schuyler. She reiterated that was just for inspections. Ms. Fitzgerald asked the Board to reconsider the permit fees and whether the Service Authority would have to pay them.

Mr. Rutherford asked staff for any comments. Ms. McGarry noted that the \$70,000 had already been paid, so that would require a refund if the Board decided to approve that. She explained that those fees were required to be charged by the Building Inspections department. She noted that it did not directly pay for their inspections. She felt it may be a little misleading to say that they were paying both projects to be inspected twice. She noted that it was the Building Inspections office's duty to do perform inspections that are required of them by code. Ms. McGarry did not think the \$11,000 had been paid yet for Schuyler, so that could just be a fee waiver. She felt that if this was a consideration, it should have been brought up prior to the projects being awarded. She noted that contractors built those fees into their proposals for bids. Mr. Rutherford confirmed with Ms. McGarry that the Wintergreen permit had been paid. Mr. Rutherford asked if English Construction, the contractor, would have paid the permit fee. Ms. Fitzgerald confirmed that they had paid the fees. She noted that in determining the building permit fee, they also incorporated bonds, mobilization and insurance, which was over \$400,000. She explained that a package plant came already constructed and didn't need inspections. She explained that it was put together based on the plans that were provided by the engineering firm.

Mr. Rutherford suggested if the Board were to do some sort of reimbursement, it could be earmarked for other projects that the Service Authority may have coming up. He noted they didn't want to give the money back to English, and they also didn't want to encourage \$70,000 in change orders from English. He asked if the Service Authority had any major capital improvements coming up. Ms. Fitzgerald noted that they were looking for grant money to fix the sewer lines in Lovington lines. She noted they were

waiting on ARP funds to cover the costs and estimated around \$150,000 to make those repairs. Mr. Rutherford thought that may be a great approach. Ms. Fitzgerald noted that wasn't within their current budget.

Mr. Reed noted that there had been a meeting with Mr. Steve Carter when both projects went over budget. He reported that there had been no request from the Service Authority at that time to waive the inspection fees to help relieve some of the added costs. He noted that it wasn't something offered by either side. Ms. Fitzgerald noted that they had approached Mr. Carter and Wintergreen Resort to ask for help with the overall shortfall they had from the initial estimate going into pre-bid and the actual bids received. She noted that they did not receive any help from the County or Wintergreen. Mr. Reed and Mr. Rutherford both indicated that if the Wintergreen permit fees were reimbursed, they would be going back to English Construction since they were the ones who paid the permit fees. Mr. Rutherford noted concerns that they may see a \$70,000 change order from English Construction shortly after if a reimbursement were to occur. Mr. Rutherford noted the Board would need to deeply consider the information. Mr. Reed stated that he was in favor of waiving the fees that they could and returning funds when they could. He noted that if the fees from the Wintergreen project were returned to English, it would be good to know if that would then be deducted from the overall cost of the project, or would they revert it to the Service Authority. Mr. Rutherford noted that with any project, there were change orders and typically there was a contingency of 1-5% of the overall project cost. He noted that the refunded money might revert to contingency, but typically the contingency funds were already included when the project was financed. Ms. Fitzgerald confirmed that there was a 5% contingency budgeted into the project. Mr. Rutherford noted he would be hesitant to give back the \$70,000 but he could also consider just giving \$70,000 for Lovington. He was confident in saying that the money paid was the contractors and the contingency was already in the budget, so there was no need to put any money towards that.

Mr. Reed proposed waiving the fees for the Schuyler project and suggested County staff work with the Service Authority to come up with a solution regarding the fees at Wintergreen. Mr. Rutherford noted they were behind on the Wintergreen discussion, but ahead of the Schuyler project.

Mr. Reed moved that the permit fees for the Schuyler Wastewater Treatment Plant be waived by the County and that County staff work with Service Authority staff to determine the best way to deal with the \$70,000 permit fee associated with the Wintergreen project. Mr. Rutherford noted that the Wintergreen fees were more of a directive. Mr. Reed reiterated the expenses already being incurred for the inspections by the Service Authority aside from Building Inspections. He noted that the Schuyler project was a package plant and it didn't require much to complete as it arrived ready to set in place and would already be pre-inspected. He felt that the motion may just need to focus on the permit fee for the Schuyler project and staff could work to determine the best way to deal with the \$70,000. Ms. McGarry noted that staff could bring back a proposal for use of the \$70,000 for the Board to consider. Mr. Reed amended his motion to just waive the building permit fees from Building Inspections for the Schuyler Wastewater Treatment Plant. Mr. Parr seconded the motion. Mr. Rutherford asked if there was any discussion.

Mr. Parr asked where the ball was dropped and why they were just now having these conversations. He asked if it was something on the contractor's side, the County's side or the Service Authority's side.

Mr. Rutherford noted they were behind on the Wintergreen project, but ahead of Schuyler project. Mr. Reed agreed that making requests of the County to decrease fees had not been looked highly upon by County Administration. He noted that it may not have come up sooner because it was too soon to discuss. He noted that the intention was to ask the County for help since the project was over budget.

There being no further discussion, Supervisors voted (4-0) by roll call vote to approve the motion with Mr. Harvey abstaining from the vote.

#### D. VDOT Report

Mr. Robert Brown provided a brief update from VDOT. He reported that the Rural Rustic project on Wilson Road was almost complete. He noted that Campbell's Mountain Road was next on the list for Rural Rustic and would be starting the following week. He reported that mowing was taking place on secondary routes and the primary routes had been completed prior to July 4<sup>th</sup>. He noted that the grass and weeds were growing so quickly that they may have to mow the primary routes again sooner than planned.

Mr. Brown noted that the debris pile at Wayside had been ground up by contractor, would be hauled away soon. Mr. Parr asked where it was going. Mr. Brown noted the contractor may be selling it as it was now his property. He noted that there was another pile of sand and rock to be cleaned up and they had plans to permanently seed the area for grass.

Mr. Brown reported that Tye River Road had extensive work done on the edges of the road to widen the pavement enough to allow for a solid center line. He noted that the road was now in better shape than it

had been in a long time. He further noted that they had received positive feedback from citizens since the centerline had been added.

Mr. Rutherford asked about the Reeds Gap draft that had been provided to the Board. Mr. Brown noted that was the truck restriction for Augusta County. He reminded the Board that the truck restriction had already been done on the Nelson side. He noted that Augusta was now putting in the restriction which involved a small portion of Route 814.

Mr. Barton:

Mr. Barton mentioned dead ash trees along the roads and asked who was responsible for those located right along the road. Mr. Brown explained that if the tree was in the right-of-way, VDOT was responsible. He noted that they had taken down trees that weren't within the right-of-way but leaning towards the road. Mr. Brown reported that there were four trees in Nellysford on 151 that would be removed soon. Mr. Brown asked Mr. Barton to provide the locations of the trees he mentioned so that he could go take a look at them. Mr. Barton reported that at the Tye River Road underpass, a tractor trailer didn't see the sign and attempted to back up in a yard and did some damage. Mr. Barton did not know whether they could make the signs more visible. Mr. Brown commented that the signs had been reviewed several times. He suggested that they could possibly use international symbols to help those who do not speak English.

Mr. Harvey:

Mr. Harvey had no VDOT issues to report.

Mr. Reed:

Mr. Reed asked about multi-modal transportation along the Route 29 corridor in regards to the two proposed J-cuts in Lovingson and at Route 6. He asked whether bicycles had to follow the J-cut routes, or would they just go straight through. Mr. Brown noted they should not go straight through, and they would have to do the same thing as the rest of the traffic. Mr. Reed asked if there any information on the J-cuts and future potential for bicycle traffic. Mr. Brown noted he would look into it. Mr. Rutherford asked if he meant R-cuts. Mr. Reed confirmed that he meant R-cuts.

Mr. Parr:

Mr. Parr asked for any updates on Rose Mill Road. Mr. Brown noted that the vegetation and foliage needed to be cut back. He reported that they had done some mowing but they needed to get in there with saws and open it up. He also noted there was only about one lane through there without limbs hitting vehicles. He explained that widening the road could be a possibility, but they would need to build more shoulder along the creek. Mr. Parr noted that the road was getting a lot traffic with people going to the Rose Mill trailhead on the Blue Ridge Railway trail. Mr. Brown mentioned the poor sight distance at Rose Mill Road and Route 56. Mr. Brown suggested the removal of a dead oak tree to help improve sight distance. Mr. Parr noted that would be nice to take care of but indicated that the main concern was the width of road as vehicles got close to the trailhead.

Mr. Rutherford:

Mr. Rutherford had no VDOT issues to discuss. He noted that he had received some concerns about the proposed R-cut in Lovingson. He asked when they would look at having a public hearing for the R-cut. Mr. Brown noted it should be about 18 months after the preliminary engineering started.

**V. NEW & UNFINISHED BUSINESS (AS PRESENTED)**

C. Lovingson Fall Festival Street Closure

Mr. Rutherford reported that he had been in conversation with some folks looking to have an event in Downtown Lovingson that may require a street closure. He noted that had similar street closures in the past for Bike Out. Mr. Rutherford noted they may have more to talk about in the future but there was no action needed by the Board to assist with it. Ms. McGarry and Ms. Spivey indicated that they may need a directive by the Board to have the street closed and that Parks and Recreation provide assistance with the street closure application. Mr. Rutherford noted there might be changes regarding the event so they would go ahead move on to the next item on the agenda.

D. Property Acquisition Financing (**R2022-43**)

Ms. McGarry gave a brief introduction in regards to the Property Acquisition. She noted that the County's financial advisors issued a Request for Proposals for a Bond Anticipation Note for the property acquisition in process. She noted that Roland Kooch of Davenport was present to discuss the results with the Board, along with Paul Jacobson, the County's Bond Council, who was going to run through the documents that would need to be approved by resolution in order to effect the financing.

Mr. Kooch reported to the Board that Davenport distributed a request for proposals (RFP) to over 100 local, regional, and national financial institutions for a Bond Anticipation Note. He explained that the bond anticipation note was short term financing that would provide the ability to close on the land purchase and determine next steps for the land and future use. He reported that they asked for three-year rates and five-year rates, he noted that it was the Board's discretion as to which rate they would like to choose. Mr. Kooch reported that they had requested three options:

Option A: Tax-Exempt, Non-Bank Qualified

Option B - Taxable

Mr. Kooch noted that the taxable option would be a little more expensive because of the rate, but it did allow the Board to consider various purposes for the property, both governmental and non-governmental uses.

Option C - Hybrid, Tax-exempt, Non-bank qualified, with an option for the County to convert to a Taxable interest rate at its own discretion.

Mr. Kooch noted that the hybrid option left the banks a little confused so it left room for negotiation to undertake if Option C was chosen. He noted that he did not think the Board needed to take the Option C route, given the flexibility of the proposals.

Mr. Kooch reported that two (2) proposals were received on July 6<sup>th</sup> from American National Bank and Trust Company and First National Bank. He noted that they had also received a proposal from Truist Bank but it came in late and was much more expensive than the other two proposals received, so it was not included for consideration.

Mr. Kooch provided proposal comparisons. He explained that with First National Bank, the County would be expected to cover Bank Counsel fees up to \$5,000. He noted that their proposal would allow for prepayment without penalty at any time, in whole or in part. He explained that Option C was not preferred as there were some really good options with the tax-exempt basis. He noted that with Option C, there would be an interest rate change when going from tax-exempt to taxable. Mr. Kooch explained that with both proposals, the Financing Lease would include the Moral Obligation pledge of the County's Board of Supervisors, and the County's obligations would be subject to annual appropriation. He pointed out that American National Bank and Trust Company had a 1% prepayment penalty if repaid in years 1-3, but only if refinanced with another Bond Anticipation Note from another financial institution for savings. He noted that there was no penalty if prepaying with cash/reserves, or with a long-term financing. He noted that they were reluctant to provide an Option C, so that would have to be negotiated.

Mr. Kooch provided a comparison of the interest rates provided in the two proposals received and the estimated annual and total interest costs that could be incurred by the County between Closing and Final Maturity. He noted they had provided information for both a 3-year note and 5-year note. He reported that for a 3-year note tax-exempt with First National Bank, they were looking at a 2.96% interest rate while American National Bank was a little more expensive with an interest rate of 3.22%. He noted that the difference between the two in annual interest cost was about \$7,000. Mr. Kooch then reviewed the Taxable rates, which provided the most flexibility on use of the land. He noted that the interest rate increased to about 3.75% interest for First National Bank and 3.95% for American National Bank.

Mr. Kooch indicated to the Board that First National Bank was the most cost competitive. He explained that a five-year note would allow for time to think about planning for the use of the property. He noted that the interest rate for First National Bank went from 2.96% to about 3.12%. He pointed out that the five-year time frame versus the three-year time frame would cost about \$4,000 more per year for the flexibility of time. He noted that if they were to look at the Taxable rate on a five-year term it was a little more expensive. He pointed out that it was about \$4,000 more to go from a three-year to five-year taxable note with First National Bank.

Mr. Kooch noted that Davenport's recommendation was to work with First National Bank. He also recommended moving forward with Option A, the tax-exempt note. He explained that the County would only need to determine whether they wanted a three-year or five-year term. He noted that one of the benefits to working the First National Bank was the flexibility to pre-pay at any time.

Mr. Kooch reviewed the timeline and actions needed. He noted that they were seeking direction and approval from the Board during the current meeting. He explained that the EDA was scheduled to meet the following day to consider and adopt the authorizing/note resolution and to approve all of their financing documents. He explained that the current plan was to close on the land transaction around August 4th. Mr. Rutherford concurred with the recommendation of First National Bank with Option A. He confirmed with Mr. Kooch that the County would need a bond on the back end or would need to pay off at end of three years. Mr. Kooch noted that the County would want a bond queued up about 6-8 months before maturity date.

Ms. McGarry asked if Board needed clarification on tax-exempt or taxable. Mr. Kooch noted that tax-exempt rates were usually lower but the land uses were restricted on tax-exempt to governmental purposes. He explained that taxable interest rates had higher rates but there were no restrictions on the land use. Ms. McGarry added that the final note for the project on the property did not have to have the same tax-exempt or taxable basis as the Bond Anticipation Note.

Mr. Paul Jacobson of Sands Anderson noted he had been the County's Bond Council for many years. Bond Council. He explained tax-exempt meant the intended use of the property would be for governmental purposes. He noted that a private use would be something like a business park and would be at the taxable rate. He explained that they would be committing to the use for the term of note. He reminded the Board that the note could be paid off and there was flexibility in the future if the use changed. He noted that they could split up the land and uses and two different types of financing.

Mr. Jacobson referenced the resolution provided to the Board for consideration and noted that the only action needed for the official financing was the adoption of the resolution. He explained that the resolution would approve all of the appropriate documents. He noted that the plan was to close on the financing and the land simultaneously. Mr. Jacobson noted that the financing structure was through the Economic Development Authority, which the Board had done many times before. He noted that the pledge was the land as collateral, which was why leases were involved.

Mr. Jacobson noted that the approving resolution was lengthy, but it discussed the project and the purchase of property, with First National Bank as the bank. He noted that they would need an indication of preference for a three-year or five-year term in the motion. He explained that the resolution would approve the plan for financing the project and addressed the County's moral obligation, subject to annual appropriation. He noted that the resolution would also accept the proposal from First National Bank and authorize County staff to take all actions needed to move towards closing. He reiterated that they were anticipating an early August closing date. He noted that he was in communication with the County Attorney to coordinate purchase of the property with the financing. He reported that they were waiting on a property survey, but everything else was nearly ready to have a closing in a few weeks.

Mr. Reed asked for an explanation of Option C. Mr. Jacobson explained that Option C provided a conversion rate if the County wanted to use the property for purposes other than governmental and needed taxable financing. Mr. Reed asked if Option C allowed conversion and Option A did not. Mr. Jacobson explained that Option A with First National Bank allowed the County to convert to taxable financing at any time. Mr. Kooch explained that Option C allowed for conversion, but it was based on what the rate was at the time of conversion. He noted there was no way to know what the rate would be until the time it was converted. He explained that both banks had been hesitant to provide Option C. Mr. Kooch confirmed that Option A would allow a pre-pay or refinance, can refinance to a taxable bond. He noted that Option C in proposal would have floating rate at that time.

Mr. Barton asked if there was a recommendation of a three-year or five-year term. Mr. Kooch noted there was a very small difference in the cost between the two terms. He recommended the five-year term because it gave a little more flexibility to make decisions. He noted that if they had the next 18 months mapped out for what was going to be on the site, then three (3) years should be sufficient. Mr. Barton asked Ms. McGarry her thoughts. Ms. McGarry noted that she liked the flexibility that the five-year term provided and the ability to pre-pay without penalty. Mr. Rutherford noted that First National Bank and Option A seemed to be the best choices, but they needed to determine the term. Mr. Rutherford said he was fine with a three-year noted, but wanted to hear from the rest of the Board.

Mr. Barton preferred a 5-year term. Mr. Reed also agreed with a 5-year term, noting he felt like three (3) year would make them have to act quicker on decisions. He felt it was good to have the flexibility to make those decisions since the County was currently working on the Comprehensive Plan. Mr. Parr agreed that with the Comprehensive Plan process, five years would be best.

Mr. Barton moved to adopt Resolution **R2022-43** and Option A with First National Bank for a five-year term. Mr. Parr seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion and the following resolution was adopted:

**RESOLUTION R2022-43**

**NELSON COUNTY BOARD OF SUPERVISORS  
AUTHORIZATION OF FINANCING**

**WHEREAS**, the Board of Supervisors (**the “Board of Supervisors”**) of the County of Nelson, Virginia (**the “County”**) requested the County's financial advisor Davenport & Company LLC (**the “Financial Advisor”**) to prepare and distribute a request for proposals (**the “RFP”**) to obtain financing proposals to finance the County's acquisition of approximately 310 acres of land (**the “Property”**) for County governmental purposes (**the “Project”**);  
2022

**WHEREAS**, the Financial Advisor reviewed responses to the RFP for the financing of the Project and along with County staff recommends that the Board of Supervisors accept the proposal (**the “Proposal”**) from First National Bank (**the “Lender”**) for such financing with a selected interest rate as set forth in such Proposal and subject to such other terms as set forth therein;

**WHEREAS**, the Board of Supervisors requests the Economic Development Authority of Nelson County, Virginia (**the “Authority”**) to (a) issue, offer and sell its lease revenue bond anticipation note in an amount of approximately \$2,600,000 (**the “Note”**) to finance the Project, (b) lease the Property under a Ground Lease (as defined below), and in turn, lease the Property back to the County for a term not to exceed the term of the Note under a Lease Agreement (as defined below) with the Authority and (c) secure the Note by an assignment of its rights under such Lease Agreement (except the right to receive indemnification, to receive notices and to give consents and to receive its administrative expenses) and the Ground Lease under an Assignment Agreement (as defined below), which is to be acknowledged and consented to by the County, all in accordance with a Note Purchase Agreement (as defined below);

**WHEREAS**, there have been presented to this meeting drafts of the following documents (**collectively, the “Documents”**) in connection with the transactions described above, copies of which shall be filed with the records of the Board of Supervisors:

- a. a Ground Lease, dated as of July 1, 2022, between the County and the Authority conveying to the Authority a leasehold interest in the Property described therein (**the “Ground Lease”**);
- b. a Lease Agreement, dated as of July 1, 2022, between the Authority and the County (**the “Lease Agreement”**) conveying to the County a leasehold interest in such Property;
- c. a Note Purchase Agreement, dated as of July 1, 2022 among the Authority, the County and the Lender, pursuant to which the Note is to be issued (**the “Note Purchase Agreement”**);
- d. an Assignment Agreement, dated as of July 1, 2022 between the Authority and the Lender, assigning to the Lender certain of the Authority's rights under the Lease Agreement and the Ground Lease, which is to be acknowledged and consented to by the County (**the “Assignment Agreement”**); and
- e. a Specimen Note.

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

- 1. All costs and expenses in connection with the issuance of the Note, including the Authority's expenses, the fees and expenses of the County, and the fees and expenses of Sands Anderson PC as the County's Bond Counsel (**“Bond Counsel”**), the County Attorney, the Financial Advisor and the Lender, and other fees and expenses related thereto, for the sale of the Note, shall be paid from the proceeds therefrom or other funds of the County.
- 2. The Board of Supervisors hereby instructs the Financial Advisor and Bond Counsel to take all such action as necessary or appropriate to accept the Proposal and conclude the purchase of the Note by the Lender.
- 3. The following plan for financing the Project is approved. The Authority shall use the proceeds from the issuance of the Note to provide for the County's acquisition of the Property and shall lease the Property from the County under the Ground Lease, and lease the Property to the County under the Lease Agreement for a lease term not less than the term of the Note at a rent sufficient to pay when due the interest and principal on the Note. The obligation of the Authority to pay principal and interest on the Note will be limited to rent payments received from the County under the Lease Agreement. The obligation of the County to pay rent under the Lease Agreement will be subject to the Board of Supervisors of the County making annual appropriations for such purpose. The Board of Supervisors on behalf of the County has adopted this resolution as its moral obligation to

the repayment of the Note and as a statement of its intent to consider the appropriation of funds sufficient to pay rent under the Lease Agreement annually during the term thereof. The Note will be secured by an Assignment Agreement to the Lender as the holder thereof. If the Board of Supervisors exercises its right not to appropriate money for rent payments, the Lender may terminate the Lease Agreement or otherwise exclude the County from possession of the Property. The issuance of the Note on the terms set forth in the Note Purchase Agreement is hereby approved.

4. The Board of Supervisors hereby approves the Proposal and the Documents and the form of the Note in the principal amount of not to exceed \$2,600,000, with a fixed annual interest rate not to exceed 3.95%, for a term not to exceed of approximately five years from its date of issuance, subject to other terms as set forth therein with such changes, including but not limited to changes in the amounts, dates, payment dates and rates as may be approved by the officer executing them whose signatures shall be conclusive evidence of his or her approval of the same. The County Administrator or Chairman is hereby authorized to determine the final terms of the Note, including, but not limited to the principal amount, maturity and amortization, whose determination shall be conclusive, as evidenced by his or her execution of the Documents to which the County is a party.
5. The Chairman or Vice Chairman of the Board of Supervisors, or either of them, and the County Administrator and Clerk of the Board of Supervisors are each hereby authorized and directed to execute the Documents and such other instruments, agreements and documents as are necessary to create and perfect a complete assignment of the rents and profits due or to become due in favor of the Lender, to encumber leasehold interests in the Property for the benefit of the Lender, to issue the Note and to lease the Property. The County hereby requests the Authority to issue the Note pursuant to and in accordance with the Documents.
6. The County represents and covenants that it shall not take or omit to take any action the taking or omission of which will cause the Note to be an "arbitrage bond" within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended (**the "Code"**) or otherwise cause the interest on the Note to be includable in gross income for Federal income tax purposes under existing law. Without limiting the generality of the foregoing, the County shall comply with any provision of law that may require the Authority or the County at any time to rebate to the United States any part of the earnings derived from the investment of the gross proceeds from the sale of the Note.
7. Any authorization herein to execute a document shall include authorization to deliver it to the other parties thereto and to record such document where appropriate.
8. All other acts of the officers of the County that are in conformity with the purposes and intent of this resolution and in furtherance of the plan of financing, the issuance and sale of the Note and the financing of the Project, are hereby approved and ratified.
9. The County by acceptance of this financing agrees to indemnify, defend and save harmless, to the extent permitted by law, the Authority, its officers, directors, employees and agents from and against all liabilities, obligations, claims, damages, penalties, fines, losses, costs and expenses in any way connected with the Authority, the issuance of the Note or the lease of the Property.
10. The Board of Supervisors hereby declares, in accordance with U.S. Treasury Regulation Section 1.150-2, as amended from time to time, the County's intent to reimburse the County with the proceeds of the Note for expenditures with respect to the Project (**the "Expenditures"**) made no more than 60 days prior to the date hereof. The County reasonably expects on the date hereof that it will reimburse the Expenditures with the proceeds of the Note. Each Expenditure was and will be either (a) of a type properly chargeable to a capital account under general federal income tax principles (determined in each case as of the date of the Expenditures), (b) a cost of issuance with respect to the Note, (c) a nonrecurring item that is not customarily payable from current revenues, or (d) a grant to a party that is not related to or an agent of the County so long as such grant does not impose any obligation or condition (directly or indirectly) to repay any amount to or for the benefit of the County. The maximum principal amount of the Note expected to be issued for the Project is \$2,600,000. The County will make a reimbursement allocation, which is a written allocation by the County that evidences the County's use of proceeds of the Note to reimburse an Expenditure, no later than 18 months after the later of the date on which the Expenditure is paid or the Project is placed in service or abandoned, but in no event more than three years after the date on which the Expenditure is paid. The County recognizes that exceptions are available for certain "preliminary expenditures," costs of issuance, certain de minimis amounts, expenditures by "small issuers" (based on the year of issuance and not the year of expenditure) and expenditures for construction projects of at least 5 years.
11. Nothing in this Resolution, the Note or any documents executed or delivered in relation thereto shall constitute a debt or a pledge of the faith and credit of the Authority or the County, and the Authority shall not be obligated to make any payments under the Note or the Documents except



from payments made by or on behalf of the County under the Lease Agreement pursuant to annual appropriation thereof in accordance with applicable law.

12. This resolution shall take effect immediately.

E. Approval and Acceptance of Contract of Purchase for Real Estate (**R2022-45**)

Ms. McGarry explained that the Board had previously authorized the County to execute a purchase contract with Wells Fargo Bank. She noted that part of the purchase contract required a second approval from the Board following the study period. She reported that the title search had been completed and the ALTA survey was nearly complete. She noted that the preliminary results from the ALTA survey did not show any overlaps. She explained that the ALTA survey did show two encroachments on the property which had been discussed with the Board before executing the purchase contract. She noted that the presented resolution needed to be adopted to satisfy the requirement in the purchase contract and it would then be sent to Wells Fargo Bank.

Mr. Rutherford read Resolution **R2022-45** aloud for the Board. Mr. Barton made a motion to approve Resolution **R2022-45** as presented. Mr. Harvey seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) to approve the motion and the following resolution was adopted:

**RESOLUTION R2022-45**  
**NELSON COUNTY BOARD OF SUPERVISORS**  
**AUTHORIZATION FOR ACCEPTANCE OF CONVEYANCE**  
**LARKIN PROPERTY – WELLS FARGO BANK, N.A., TRUSTEE**

**RESOLVED**, that Nelson County Board of Supervisors does hereby approve and accept the contract of purchase for real estate with Wells Fargo Bank, N.A., trustee, for the Thomas D. Larkin Jr. Trust and the Thomas D. Larkin Sr. Trust, for the parcel being designated as Tax Parcel 67-A-39 and containing a total of approximately 309.586 acres.

**BE IT FURTHER RESOLVED**, by the Nelson County Board of Supervisors that the County Administrator, Candice W. McGarry, and the County Attorney, be and hereby are authorized to accept the deed of conveyance thereof.

F. FY22-23 Salary and Classification System (**R2022-44**)

Ms. McGarry gave a presentation on the Annual Approval of Salary and Classification System. She explained that in July, the Board annually approved a resolution approving the salary and classification system. She noted that the resolution outlined the basis of employee raises and how that would work. She further noted that the resolution included Attachments A and B, which were the pay scales for the County employees and the Sheriff's Department. Ms. McGarry explained that the proposed resolution R2022-44 did incorporate several changes for the Board's consideration.

Ms. McGarry explained that they wanted to mirror the School Division's establishment of \$15 per hour minimum wage for all Part-Time and a \$31,200 annual equivalent for Full-Time employees including Constitutional Offices and the Registrar. Ms. McGarry proposed entry level compensation adjustments for Law Enforcement and Public Safety Dispatchers to address critical vacancies and improve employee recruitment and retention. She noted that any compression issues within Pay-Bands were suggested to be addressed with consideration of the forthcoming pay study. She asked that the Board also consider other recruitment methods.

Ms. McGarry reported that the change would affect 20 positions and combine Grades 1-10 into a new Pay-Band 1. She explained that Pay-Bands 2-14 would have the same salary ranges as grades 10-27 on the FY22 salary scale. Ms. McGarry noted that there was one anomaly on the pay scale. She explained that the position of Senior Transfer Station Operator (New Pay-Band 3) was re-graded to maintain the same level of differential with Transfer Station Operator (New Pay-Band 1) in the FY22 Scale.

Ms. McGarry noted that the Employee compensation adjustments would be based upon the higher of the minimum hourly rate/annual equivalent or an increase of 5%. She estimated that the salary and benefit cost would be \$88,870 and pointed out that the increase was primarily due to the increase in Part-Time wages. She explained that the cost could be covered by the FY23 Employee Benefits Line and supplemented by Recurring Contingency if needed. Ms. McGarry indicated that staff felt the cost could be absorbed in the current budget.

Ms. McGarry provided a second proposal regarding public safety dispatchers. She reported that the department currently had critical vacancies of 42%. She explained that there was a 10-week training period before dispatchers can begin dispatching on their own. She reported that the dispatchers were currently working 12-hour shifts, along with overtime. She noted that Russell Gibson, Emergency Services Coordinator, was also covering dispatch shifts. She reported to the Board that employee burnout was occurring.

Ms. McGarry reported that the pay study consultants, MAG Inc., had advised that the market study would likely dictate a starting salary of around \$34,000 for public safety dispatchers. She noted that the proposed salary was \$34,010 (New Pay-Band 3) which matched up with Grade 12 on the FY22 scale. She explained that the Senior Dispatcher position was re-banded using the same differential between them on the FY22 scale starting at \$35,708, which was a New Pay-Band 4.

Ms. McGarry explained that 10 full-time positions would be affected for a salary and benefits cost of \$61,701. She noted that some of the cost would be offset by State Compensation Board reimbursement for the dispatchers funded by the State. She reported that the money salary and benefits savings from the five vacancies was \$17,535. She explained that the \$61,701 cost could likely be covered by vacancy savings until they were fully staffed and absorbed within the current FY23 budget.

Ms. McGarry displayed the current pay scale, noting that all positions in Grades 1-10 were all below the minimum \$15 per hour wage for Part-Time or \$31,200 for Full-Time. She reported that the current scale had 27 grades.

Ms. McGarry displayed the revised pay scale which proposed combining the first ten grades into the first Pay-Band. She noted after that, with the exception of the Public Safety Dispatcher, Senior Transfer Station Operator and Senior Public Safety Dispatcher, the rest of the grades would all remain the same as the current pay scale. She noted the number of pay-bands would be reduced to fourteen (14).

Ms. McGarry then moved on to the Law Enforcement proposal. She reported that there were critical vacancies of 28% and noted that there was a 12-month training period for entry level deputies. Ms. McGarry explained that they wanted to establish a \$46,000 per year salary for entry-level Deputy positions, including Courthouse Security; which would eliminate the differential between uncertified and certified Deputies. Ms. McGarry noted that Sheriff Hill had learned that other localities had done that very thing to attract and retain entry level deputies. She also reported that the new state minimum for law enforcement was \$42,000. Ms. McGarry indicated that the Law Enforcement Pay Scale had been revised to maintain an equivalent differential between grades as on the FY22 scale. She noted that Law Enforcement employee compensation adjustments would be based upon the higher of the minimum annual salary or an increase of 5%.

Ms. McGarry explained that the net estimated salary and benefits costs was \$43,067. She further explained that the estimate was derived by that the total salary and benefits cost of \$113,824 and subtracting the FY23 Estimated State Compensation Board Reimbursement of \$51,424 to get the next estimated cost. She reported that the monthly salary and benefits savings from six deputy vacancies was \$34,635. She noted that the costs could likely be covered by vacancy savings until fully staffed and absorbed within the FY23 budget.

Ms. McGarry presented the current Sheriff's Department Full-Time Salary Scale. She explained that the current scale had the Courthouse Security position at grade 7, then an Uncertified Deputy position and an Entry Level Deputy/Courthouse Security Position. She proposed eliminating the Courthouse Security and Uncertified Deputy, and start everyone at the Grade 9, Entry Level Deputy/Courthouse Security Position at \$46,000. Ms. McGarry then presented the proposed new scale for the Sheriff's Department Full-Time Salary Scale which would begin at \$46,000. She noted that the other grades had been adjusted by the same differential as on the current scale between grades.

Ms. McGarry noted other implications of the proposed adjustments. She reported that the cost calculations did not include Overtime that may be worked at the higher rates of pay. She noted that Dispatch would continue to have Overtime until higher staffing levels were reached. She reported that the Dispatch overtime in FY22 amounted to about \$64,000. Ms. McGarry noted that in FY23, there should be a lesser fiscal impact of the Compensation Study due to the adjustments being made currently, should the Board approve them. She further noted the in FY24, the salary and benefits costs would be higher due to the adjustments if approved and would be compounded by any salary percentage increase approved for FY24.

Ms. McGarry noted other recruitment methods to consider. She suggested offering sign-on bonuses, which would be non-recurring funds, and noted this was being used in other jurisdictions for hard to fill vacancies. She noted they could freeze one local deputy position and use those recurring funds to recruit quality non-entry level DCJS certified deputies. She indicated that this would fill vacancies faster,

providing immediate relief for the department. Ms. McGarry explained that freezing one local deputy position would provide \$55,412 for this purpose. She noted that this would require approval from the Board as it was a local deputy position.

Ms. McGarry asked if the Board had any questions regarding the proposals. She noted that Resolution R2022-44 was inclusive of the proposed adjustments and revised pay scales. Ms. McGarry noted that Sheriff Hill and Russell Gibson were both present for questions as well. Mr. Rutherford asked what the total budget impact would be. Ms. McGarry noted that most could be absorbed within the current budget with the current vacancies. Mr. Rutherford stressed that the law enforcement vacancies were serious and needed to be addressed.

Sheriff Hill noted that the vacancies were a problem statewide. He explained that every Sheriff's department was trying to get the most highly qualified officers. He noted they would love to have local law enforcement but cost of living in Nelson impeded that. He noted that any help the Board could provide would be greatly appreciated, and pointed out that they could use vacancy savings to cover costs. Sheriff Hill reported that on average, the department loses three (3) deputies per year. He also noted that the use of the local position funds for recruitment would be helpful. Mr. Rutherford suggested approval of R2022-44 as presented.

Mr. Harvey made a motion to approve **Resolution R2022-44** as presented. Mr. Reed seconded the motion.

Mr. Reed noted the conversation and presentation just given could have substituted the word teachers for deputies and support staff. He noted it was frustrating because the schools had a different route for funding while the County could make decisions for positions directly. He felt it was a problem which provided an inequity that should be looked at closely. He noted the timing and his preference to have a discussion on all types of positions (schools, deputies, administrative) at the same time. He noted that he would like to look at all employees that are paid with County revenues to find a way to create parity across all positions. He reminded everyone that schools had a different route to get funded than everyone else and this put them in a position of having less ability to advocate for their staff. Ms. McGarry commented that her intention was to work more closely with the School Board staff to be on same page going forward. Mr. Rutherford noted that he had full confidence in the next budget cycle and commented that staff and both Boards would have equitable conversations going into the next budget cycle.

Mr. Barton appreciated discussion had and information given. He did not think it was too late to meet the needs of the schools. He felt that where the \$1 million in additional funds proposed to schools came from was a bad idea. He noted that it was in the Board's ability to make more money available to the schools. He stated that education offered far more to the community than people were willing to admit.

Ms. McGarry noted that in the proposal submitted, the County was using vacancy savings to cover the increases. She pointed out that the schools had their own vacancy savings to make the same decisions in their budget.

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 R2022-44**  
**NELSON COUNTY BOARD OF SUPERVISORS**  
**SALARY AND CLASSIFICATION SYSTEM**

**WHEREAS** implementation of appropriate compensation practices are instrumental to the County's ability to attract, motivate, and retain qualified employees, and

**WHEREAS**, the general principles of the current Compensation Plan (Section II) recognizes that compensation should be reviewed periodically to ensure that salary levels are competitive with other employers in the appropriate labor market, and

**WHEREAS**, the Nelson County School Division has implemented a \$15/hour minimum wage; and

**WHEREAS**, the County wishes to provide compensation that fosters recruitment and retention of Law Enforcement and Dispatch personnel; both of which have critical vacancies;

**NOW THEREFORE BE IT RESOLVED** by the Nelson County Board of Supervisors that effective July 1, 2022, the local government's "Salary and Classification System" is hereby amended to incorporate the following:

Salary adjustments shall be hereby authorized for Nelson County personnel (full time and regular part-time) employed pursuant to the County's salary classification and pay plan, effective on July 1, 2022. The pay

ranges assigned to each position classification shall be pursuant to Attachment A. Employee compensation adjustments will be based upon a minimum wage of \$15/hour and its annual equivalent or five percent (5%) of current salary whichever is higher. Salaries as of July 1, 2022 shall be calculated based upon the salary in effect on June 30, 2022, with the exception of all full time Dispatch positions (Compensation Board and locally funded positions); which are re-graded pursuant to Attachment A.

Additionally, a five percent (5%) salary adjustment shall be authorized for all regular part-time employees and all full-time employees employed by a Constitutional Officer, inclusive of the Officer and Registrar effective July 1, 2022. Employee compensation adjustments will be based upon a minimum wage of \$15/hour and its annual equivalent or five percent (5%) of current salary whichever is higher. Salaries as of July 1, 2022 shall be calculated based upon the salary in effect on June 30, 2022 (Compensation/Electoral Board and local supplement), with the exception of Sheriff’s Department full time law enforcement positions.

Effective July 1, 2022, pay ranges for full time law enforcement position classifications are established as shown in Attachment B for both Compensation Board funded positions as well as locally funded positions. These Employee compensation adjustments also effective July 1, 2022, will be based upon a minimum annual Deputy Salary of \$46,000 or five percent (5%) of current salary whichever is higher. Salaries as of July 1, 2022 shall be calculated based upon the salary in effect on June 30, 2022 (Compensation Board and local supplement).

**ATTACHMENT A - FY23 PROPOSED**  
**Proposed FY22-23 Position Classifications and Pay Ranges**

Position	Pay Band	Minimum	Median	Maximum
County Administrator	N/A			
Sport Timekeeper & Scorekeeper - P/T	1	\$15.00	\$19.04	\$23.08
Recreation Custodian (School)	1	\$15.00	\$19.04	\$23.08
Convenience Center Attendant - P/T	1	\$15.00	\$19.04	\$23.08
Office Assistant-Econ.Dev & Tourism - P/T	1	\$15.00	\$19.04	\$23.08
Custodian	1	\$31,200	\$39,601	\$48,002
Animal Shelter Attendant - P/T	1	\$15.00	\$19.04	\$23.08
Recreation Site Leader - P/T	1	\$15.00	\$19.04	\$23.08
Temporary Poll Workers - P/T	1	\$15.00	\$19.04	\$23.08
Transfer Station Operator	1	\$31,200	\$39,601	\$48,002
Maintenance Worker	1	\$31,200	\$39,601	\$48,002
Recreation Field & Trail Maint Worker - P/T	1	\$15.00	\$19.04	\$23.08
Roll-Off Vehicle Operator	1	\$31,200	\$39,601	\$48,002
Secretary II-Tourism & Economic Dev.	1	\$31,200	\$39,601	\$48,002
Assistant Registrar- Full Time	1	\$31,200	\$39,601	\$48,002
Assistant Registrar- P/T	1	\$15.00	\$19.04	\$23.08
Secretary III (County Administration)	1	\$31,200	\$39,601	\$48,002
Permit Technician- Building Inspections	1	\$31,200	\$39,601	\$48,002
Secretary III (Planning)	1	\$31,200	\$39,601	\$48,002
Economic Dev. & Tourism Specialist	1	\$31,200	\$39,601	\$48,002
Economic Dev. & Tourism Specialist - P/T	1	\$15.58	\$21.54	\$27.50
Parks and Recreation Technician	2	\$32,412	\$44,803	\$57,194
Animal Control Officer	2	\$32,412	\$44,803	\$57,194
Public Safety Dispatcher	3	\$34,010	\$47,012	\$60,014
Senior Transfer Station Operator	3	\$34,010	\$47,012	\$60,014
Finance Technician II (Accounts Payable)	3	\$34,010	\$47,012	\$60,014
Building Inspector	3	\$34,010	\$47,012	\$60,014
Solid Waste & Recycling Coordinator	4	\$17.17	\$23.01	\$28.85
Senior Public Safety Dispatcher	4	\$35,708	\$49,359	\$63,010

**ATTACHMENT A - FY23 PROPOSED**  
**Proposed FY22-23 Position Classifications and Pay Ranges**

Position	Pay Band	Minimum	Median	Maximum
Finance Technician II (Payroll, HR)	4	\$35,708	\$49,359	\$63,010
Administrative Assistant/Deputy Clerk	5	\$39,403	\$54,468	\$69,532
Assistant Building Code Official	6	\$41,351	\$57,160	\$72,969
Animal Control Supervisor	7	\$43,399	\$59,990	\$76,582
Information Systems Specialist	7	\$43,399	\$59,990	\$76,582
Planner	7	\$43,399	\$59,990	\$76,582
Emergency Services Coordinator	8	\$45,546	\$62,959	\$80,371
Supervisor of Buildings & Grounds & Maint	9	\$47,843	\$66,134	\$84,425
Director of Parks & Recreation	10	\$50,241	\$69,448	\$88,655
Building Code Official	11	\$55,385	\$76,558	\$97,732
Director of Information Systems	12	\$58,131	\$80,355	\$102,579
Director of Tourism & Economic Dev.	12	\$58,131	\$80,355	\$102,579
Director of Planning & Zoning	13	\$61,028	\$84,359	\$107,690
Director of Finance & Human Resources	14	\$70,616	\$97,613	\$124,611

**ATTACHMENT B PROPOSED**  
**Sheriff's Department Full Time Salary Scale - \$46,000 Minimum**

Position	Grade	AS REVISED		
		Min	Mid	Max
Major (L12)	14	\$70,100	\$87,600	\$105,100
Captain (L12)	13	\$63,000	\$75,500	\$88,000
Lt. (L10)	12	\$56,200	\$68,700	\$81,200
Sgt (L10)	11	\$52,000	\$64,500	\$77,000
Investigator (L10)	10	\$50,000	\$62,500	\$75,000
Entry Level Deputy/Courthouse Security	9	\$46,000	\$58,500	\$71,000

Effective Date 7/1/2022

Note: The FY23 State Compensation Board Minimum Deputy Salary is \$42,000

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

A. Reports

1. County Administrator's Report

Ms. McGarry presented the following report:

**A. Covid-19 (Coronavirus):** Current VDH data for Nelson County, as of July 8, 2022, based upon a 13-week average is 2 new cases of the Covid-19 virus and a seven (7) day average of new daily cases of 3.6 cases. To date the County has had 2,782 cases of the virus and 36 deaths. Per the CDC Nelson County is at a Low Risk status. CDC guidance for Low Risk areas include: 1) Stay up to date on Covid 19 vaccines; 2) Get tested if you have symptoms.

**B. Emergency Services Council Meeting:** Russell Gibson and I attended the June EMS Council meeting where operating policies and the logistics of dispatching certain types of calls was discussed. The need for VDEM hazmat training was discussed and it was noted that Squads would be cleaning up their active rolls by fall. It was reported that EMS agencies were spending more time on Federal Park land than in the past primarily for search and rescue injuries with the Park Service having no responsibility or contributing resources for this. Lobbying for funds for this was mentioned. Also noted was the order of an electric car battery extinguisher at a cost of \$29,000 which reduces extinguishing times from around 12 hours to around 3 hours. This would be housed in a central location for use by all fire departments and an application for an interest free loan to pay for this was discussed. Radio interoperability was also discussed with it being noted that the state Rios system was being updated which should help. It was noted that extra frequencies or TAC channels were desired.

**C. Comprehensive Plan:** The project website of [www.Nelson2042.com](http://www.Nelson2042.com) has been launched and the citizen survey is available for completion until August 15<sup>th</sup>. Public workshops will be held on July 13<sup>th</sup> at Nelson County High School starting at 5:30 PM, July 20<sup>th</sup> at Rockfish Elementary School at 5:30 PM, and August 3<sup>rd</sup> at the Nelson Heritage Center at 5:30 PM. Citizens are encouraged to complete the survey and attend the public workshops.

**D. Piney River Water & Sewer System (Usemc Pump Station):** Installation of a new VFD (variable frequency drive) which operates the pumps is pending receipt of the VFD.

Ms. McGarry noted that one pump was fully functioning and the second pump was waiting for the VFD to be installed.

**E. Opioid Litigation Settlement:** Mr. Payne was notified that the County would be receiving its allocation of year 1 payments of opioid settlement funds in the amount of \$5,977.53, 0.147% of \$4,066,309.18. These funds must be used for Opioid Remediation as defined in the Distributors Settlement Agreement. This will need to be reviewed for use of the funds.

**F. Larkin Property acquisition:** The Board will receive Davenport's recommendation for financing the property acquisition at the July 12<sup>th</sup> meeting and will be asked to approve resolutions related to such financing as well as to accept and approve by resolution the purchase contract; which is a requirement therein. Closing on the property purchase and financing will likely be scheduled

concurrently on August 4th or August 5th.

**G. Repair of Termite Damage:** Pricing was provided by J-L's President, William Cook of \$15,500 including a \$3,000 allowance for mechanical, electrical, and plumbing work to relocate any utilities in the work area. They indicated they could do the work between September-November. Paul Truslow has indicated to me that he is expecting a local Contractor to provide him with a quote, at which time a decision on proceeding will be determined unless otherwise advised by the Board.

Ms. McGarry reminded the Board that the repairs had been bid out at the beginning and no responses were received at that time. She noted that Mr. Carter had approached Jamerson-Lewis about the repairs after no responses were received within the bid timeframe.

**H. New Office Building:** PMA Architecture has begun work on the conceptual design and project definition phase which included meeting with the Departments of Social Services, Planning & Zoning, and Building Inspections staff on June 30th to refine their space needs. Other work to be done in this phase includes site assessment work and development of conceptual alternatives. The results will be compiled into a conceptual package to be shared at a meeting sometime in August with the project team including staff from Administration, Buildings and Grounds, DSS, Building Inspections, Planning and Zoning and up to 2 Board of Supervisors members if desired. The participation of at least one Board member is encouraged.

Mr. Parr and Mr. Barton volunteered to serve on the Building committee.

**I. FY23 State Budget Amendment Funding:** An HB30 Conference Report Amendment provides for \$250,000 in funding from the Department of Historic Resources (DHR) to support planning for the development for a Vietnam War and Foreign Conflicts Museum in Nelson County. The funds will flow through the County, who is the Fiscal Agent, to the Non-profit Vietnam War and Foreign Conflicts Foundation. Members of the Foundation will be meeting with DHR in the coming weeks to review details of use and reporting of the funds. The Board provided support for this funding at its July 13, 2021 regular meeting.

**J. Director of Finance and HR Position:** 5 applications were received and 3 interviews are scheduled for later in the week, with Mr. Reed and Mr. Rutherford participating.

**K. Renaissance Ridge Housing Development:** The project developers have submitted a preliminary major site plan to the County's Department of Planning and Zoning. However, the site plan is incomplete and will not be reviewed until a final, fully completed site plan is submitted which could take several months (e.g. no state approvals from VDOT, DEQ or VDH have been received). As of the first week of July, plans and a revised traffic report have been submitted to VDOT, plans and permit applications for storm water management have been submitted to DEQ, and copies of these submissions along with E&S fees were submitted to Planning and Zoning and Building Inspections. The developer also reported that Army Corp of Engineers and FEMA LOMA permitting was in progress as was Environmental Reporting. The project proposes to construct 136 units in a phased development process.

**L. Fiscal Year 22-23 Budget:** The FY23 budget was adopted and appropriated on June 27, 2022. Staff is working to finalize adjustments within the accounting system to generate adopted budget reports for staff, public posting, and for roll-over to the new fiscal year.

**M. Fiscal Year 21-22 End of Year:** Auditors are conducting preliminary field work this week pertaining to the FY22 audit. On a cash basis, revenues exceeded expenditures by \$2,760,826; the auditors will accrue back any FY22 related expenditures or revenues through the month of September (60 days beyond the end of the fiscal year) so the audited number will be different. See the attached preliminary Revenue and Expenditure detail reports as of June 30, 2022 and a preliminary analysis of General Fund Balance.

**N. Staff Reports:** Department and office reports are included within the 7-12 agenda document.

Ms. McGarry noted that she and Ms. Spivey had a conversation earlier in the morning with Mark Smith of Architectural Partners regarding the Ag center PAR. She noted that there had been an 80% submittal of the work that was circulated for comments among the Nelson and Amherst stakeholders. She noted that Mr. Smith was compiling the comments. Ms. McGarry noted that the majority of the comments received to date were in regards to the lack of exploration of the existing well, or wells, for their water capacity. She noted that the expectation of the work group was that would be part of the study. She reported that Mr. Smith would be looking at the cost to do the water study. She noted that the water drawdown study would likely require the permission of the property owners.

## 2. Board Reports

Mr. Parr:

Mr. Parr noted that Ms. McGarry had provided updates from the EMS Council meeting. He noted he did not have much to report from Social Services. He noted that they do their work and do a great job. He stated that he was looking forward to being on the work group for the office building.

Mr. Reed:

Mr. Reed had no report.

Mr. Harvey:

Mr. Harvey had no report.

Mr. Barton:

Mr. Barton had no report.

Mr. Rutherford:

Mr. Rutherford reported that the TJPDC was working on the Regional Housing Partnership and the upcoming conference.

B. Appointments

**JABA Board of Directors**

Mr. Parr moved to reappoint Mr. Reed to the JABA Board of Directors. Mr. Barton seconded the motion. There being no further discussion, Supervisors approved the motion by vote of acclamation.

**Nelson County Service Authority**

Mr. Rutherford noted that Mr. Gary Sherwood had resigned from the South District. Ms. Spivey reported that Mr. Sherwood could continue to serve until a replacement was found but noted that they needed to actively pursue a replacement. Ms. Spivey noted that the position would be advertised and a letter of thanks would be sent to Mr. Sherwood.

**Albemarle-Charlottesville Regional Jail Authority**

Ms. McGarry noted that the County now had an additional representative to appoint to the Jail Authority Board. She noted that the third representative could be a Board member or citizen member. Mr. Barton asked to serve on the Board. Mr. Reed move to appoint Mr. Barton to serve as the third County representative. Mr. Harvey seconded the motion. There being no further discussion, Supervisors approved the motion by vote of acclamation.

**Nelson County Library Advisory Committee**

Mr. Rutherford noted that no applications had been received as of yet. He reminded Mr. Harvey that this was for a North District representative. He noted that Ms. Ellen Bouton had been serving but did not wish to serve another term. Mr. Harvey asked to send Ms. Bouton a letter thanking her for her service.

**Agricultural and Forestal District Advisory Committee**

Mr. Rutherford noted that Mr. Andre Deredyn had passed away and they needed to fill the vacancy. Ms. Spivey noted that this was not a position based on by district, but it was a producer position. She noted that Mr. Reed had indicated interest in serving. Mr. Reed noted that Mr. Barton also served on the committee. Mr. Parr made a motion to appoint Mr. Reed to the Agricultural and Forestal District Advisory Committee. Mr. Rutherford seconded the motion. There being no further discussion, Supervisors approved the motion by vote of acclamation.

C. Correspondence

Mr. Rutherford noted that the only correspondence he had received pertained to the changing of the Jefferson Madison Regional Library name. He indicated that the name change was no longer going to happen so there was no need to discuss.

D. Directives

The Board had no directives.

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

**VII. CLOSED SESSION PURSUANT TO §2.2-3711 (A)(1) & §2.2-3711 (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)(1) – “Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body;” - Personnel

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

Mr. Parr seconded the motion. 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 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 were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting by the public body. Mr. Barton seconded the motion and there being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

Mr. Reed made a motion that the County pay \$150,000 as severance to Stephen Carter upon his retirement. Mr. Barton seconded the motion. There being no further discussion, Supervisors voted to approved the motion (3-1) by roll call vote with Mr. Parr voting no and Mr. Rutherford abstaining from the vote.

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

At 5:47 p.m., Mr. Parr made a motion to adjourn and continue to 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. Rutherford called the meeting to order at 7:00 p.m. with five (5) Supervisors present to establish a quorum.

**II. PUBLIC COMMENTS**

Michael Hevener, Faber, VA

Mr. Hevener thanked Board for their work on the budget. He noted that everyone always wants to get more money. He thanked the Board for looking out for the tax payers of Nelson County. He stated that budgets reflected priorities and noted that the Board gave \$1 million more to schools than the previous year. He thanked the Board for that funding. Mr. Hevener echoed Mr. Reed's comments regarding pay scale collaboration with School Board. He noted that the School Board priority was new teachers. He stated that new teachers were great but we want to make sure we can keep them. He thanked the Board for all of their work.

Mark Franklin, Roseland, VA



Mr. Franklin noted that he was in agreement that there needed to be a sense of priority on the allocation of tax dollars. He stated it was possible that the schools were underfunded. He noted that in his experience with the Parks and Recreation department, they were understaffed and underfunded. He indicated that during the week prior to the meeting, the Parks and Recreation office was closed for part of the week due to staffing shortages. He noted that was not hard to understand as they only had two full-time employees, and the priority of the department seemed to be maintaining tourist attractions for the visitors instead of programs for the residents and the development of the County's youth. He asked what it would take to bring baseball back to Nelson, as well as to put in new athletic fields, equipment, and gain the use of School Board field at Rockfish. He noted that Parks and Recreation had no access to use Rockfish Elementary school field. He pointed out that everyone wanted to discuss more money to the School Board, but suggested that they needed to do what Parks and Recreation does – sharpen their pencils and work it out. He noted that he thought they should put \$1 million in the Parks and Recreation budget. He noted that the Board had the chance to generate revenues for the County from the people who visit and come to spend money, but they voted down the opportunity. He stated that the County needed to provide a place for kids to grow and develop. He asked the Board to work to provide another ball field and a set of soccer goals.

William Percy, Lovington, VA

Mr. Percy reiterated his opposition to the proposed R-cut intersection at Route 29 and Front Street. He noted that he had been to see an R-cut intersection in North Carolina on West Holly Springs Road and it was a mess. He asked the Board to not make the intersection worse. He noted that the 60 mph signs needed to be moved further from the intersection.

### III. PUBLIC HEARINGS

#### A. Special Use Permit #657 – Conference Center

Consideration of a Special Use Permit application requesting County approval to allow a conference center use on property zoned A-1 Agriculture at Lovington Winery. The subject property is located at Tax Map Parcels #67-A-54 & 55 at 885 Freshwater Cove Lane in Lovington. The subject property is 7.478 and 48.285 acres respectively and owned by William T. III & Shelley A. Riley.

Ms. Hjulstrom provided the following report:

**BACKGROUND:** This is a request for a special use permit for a conference center use on property zoned A-1 Agriculture.

*Public Hearings Scheduled:* P/C – May 22; Board – July 12

*Location / Election District:* 885 Freshwater Cove Lane / West District

*Tax Map Number(s) / Total acreage:* 67-A-54 & 55 / 55.763 acres +/- total

*Applicant/Owner Contact Information:* William T. III & Shelley A. Riley, 885 Freshwater Cove Lane, Lovington, VA 22949, (347) 344-7535 / (816) 651-1534, [bill@lovingstonwinery.com](mailto:bill@lovingstonwinery.com) / [shelley@lovingstonwinery.com](mailto:shelley@lovingstonwinery.com)

Ms. Hjulstrom noted that the applicant/owners were also represented by Wes Roberts who was present for the public hearing.

*Comments:* This property is currently home to Lovington Winery, a permitted farm winery that has been in operation since 2006. The current owners are proposing to construct a 2,048 square foot barn to be utilized primarily for wine storage and on-site wine sales. The secondary use requested is an event space for private groups including weddings and corporate meetings. Because the structure is proposed to be utilized for events, a Special Use Permit is required. A conference center is defined in the Zoning Ordinance as, “a facility for hosting public and-or private events, including but not limited to, weddings, receptions, social events or parties, workshops, and/or conferences, which is used as a venue for social cultural, recreational, and/or educational activities. Conference centers may include lodging accommodations.” Although there is no lodging located within the proposed structure, there is lodging available elsewhere on the property.

#### **DISCUSSION:**

*Land Use / Floodplain:* This property is zoned A-1 Agriculture and there are no floodplains. Surrounding zoning is A-1 Agriculture.

*Access / Traffic / Parking:* Comments from VDOT indicate that the current access will need to be upgraded to satisfy the requirements of a Moderate Volume Commercial Entrance under a VDOT Land Use Permit.

*Utilities:* Comments from the Health Department will be provided at the meeting. Ms. Hjulstrom noted the applicants were working with the Health Department.

*Erosion & Sediment Control:* Should total land disturbance for the project exceed 10,000 square feet, and Erosion & Sediment Control Plan would be required.

*Comprehensive Plan:* This property is located in an area designated rural and farming in the Comprehensive Plan, which “would promote agricultural uses and compatible open space uses but discourage large scale residential development and commercial development that would conflict with agricultural uses. The Rural and Farming District would permit small scale industrial and service uses that complement agriculture.”

**At their meeting on June 22, the Planning Commission recommended approval (4-0) of SUP #657, with no conditions.**

Mr. Rutherford invited the applicant to speak. Mr. Wes Roberts spoke on behalf of the applicants. He noted that he and his wife Tessa had recently moved to the winery from Wyoming. He explained that Bill and Shelley Riley were unable to attend as they were out of town. He noted that since they had taken over, there had been an uptick in business at the winery. He explained that the previous owners had the winery as passion project where they were open two days per week and would then close for a few months during the year. Mr. Roberts indicated that they had taken over the business to make money for their livelihood. He explained that they were open more during the week, were using social media to advertise, and had gained more wine club members and customers visiting the property. He noted they needed to add more room to expand tasting room. He explained that they were looking to expand with a barn pavilion type structure to keep their guests protected from the weather as most of the current seating was outdoors. He explained that the new space would provide the opportunity for multipurpose use with wine club events, and the occasional wedding. He noted that they wanted to keep it small because of where they were in Freshwater Cove. He noted they liked their neighbors and didn't want to be too loud and obnoxious.

Mr. Rutherford opened public hearing and there being no one wishing to speak, the public hearing was closed.

Mr. Reed asked Ms. Hjulstrom if the special use permit passed with no conditions, would the applicant or a subsequent owner build out the property out for lodging or to include other things allowed under the permit without having to come before the Board again. Ms. Hjulstrom noted that if they did not put any conditions on it, yes, they would be able to do so. She indicated that the Board could put a condition that the approval is in conjunction with the approved site plan for what was specifically being proposed, or any other condition the Board may want to add. She noted that any future additions would typically need some sort of site plan amendment or minor site plan, but that could be done administratively and not necessarily come back to the Board.

Mr. Rutherford noted he was supportive of the project and looking forward to it being a part of the Route 29 loop.

Mr. Reed had a question for the applicant. Mr. Reed noted that should the permit be approved with conditions to limit scope, if they ever wanted to build out, they would have to come back before the Board and ask for an additional special use permit. He asked Mr. Roberts if he would be comfortable with the arrangement. Mr. Roberts noted he would be 100% comfortable with doing that.

Mr. Harvey did not feel the permit needed conditions. Mr. Reed noted that lodging had not been included in the application, but if they approved the special use permit without conditions, it would allow the applicants to create lodging onsite with only administrative approval from Planning and Zoning.

Mr. Parr asked for clarification about lodging already onsite. Mr. Roberts noted they had three homes on the property, one that he and his wife resided in and two others that were short term rentals. Mr. Reed noted concern that they would be able to create additional lodging if no conditions were placed on the special use permit. Mr. Roberts indicated that he had no interest in anything additional at this time. He noted they were over their heads with what they were doing already. He noted that they were getting into the winery world for the first time. Mr. Harvey and Mr. Reed discussed whether to place conditions on

the permit. Mr. Harvey did not feel conditions were needed. Mr. Reed noted by placing conditions, it would require the applicant or any subsequent owners to come back before the Board for any additional build out. He noted he wanted the Board to understand what they were doing.

Mr. Parr moved to approved **Special Use Permit #657 – Conference Center** for Lovington Winery. Mr. Harvey seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

**B. Rezoning #658 – R-1 Residential to B-1 Business**

Consideration of a Rezoning application requesting County approval to rezone property from R-1 Residential to B-1 Business for an office use. The subject property is located at Tax Map Parcel #77-A-120A at 12 Variety Mills Road in Arrington. The subject property is 2.065 acres and owned by Virginia Purvis, Doris Stintson, & Martha Marrs.

Ms. Hjulstrom provided the following report:

**BACKGROUND:** This is a request to rezone property from R-1 Residential to B-1 Business to bring the existing nonconforming store use into compliance, and for a proposed office use for storage and “Santa’s Workshop.”

*Public Hearings Scheduled:* P/C – May 22; Board – July 12

*Location / Election District:* 12 Variety Mills Road / South District

*Tax Map Number(s) / Total acreage:* 77-A-120A / 2.065 acres +/- total

*Applicant Contact Information:* Hunter Lee Woodson, 1931 Variety Mills Road, Arrington, VA 22922, (434) 907-4970, hunterissanta16@icloud.com

*Owner Contact Information:* Virginia Purvis, 1931 Variety Mills Road, Arrington, VA 22922 / Martha Marrs, P.O. Box 111, Lovington, VA 22949, (434) 263-4261 / Doris Stintson, 5212 Meadow Creek Road, Wingina, VA 24599, (434) 260-4855

*Comments:* There is an existing convenience store at this property that has been open since long before the Zoning Ordinance was established. The applicant is requesting to rezone this property from R-1 Residential to B-1 Business. This would bring the existing nonconforming use and structure into current compliance, and allow the applicant to use a proposed structure as office space and for Santa’s Workshop. There were no proffers submitted with this request.

**DISCUSSION:**

*Land Use / Floodplain:* This property is zoned R-1 Residential and there are no floodplains. Surrounding zoning is R-1 Residential and A-1 Agriculture, with some M-1 Industrial in the area as well. Uses in the vicinity are commercial, residential, and agricultural.

*Access / Traffic / Parking:* Comments from VDOT will be provided at the meeting.

Ms. Hjulstrom noted there were no comments from VDOT.

*Utilities:* Comments from the Health Department will be provided at the meeting.

Ms. Hjulstrom noted they would need to get regular Health Department permits.

*Comprehensive Plan:* This property is located in an area designated Secondary Light Industrial. The Light Industrial development model combines both industrial uses and an activity center of residences, shops, and amenities that support the nearby industries, all within a walkable, clearly defined area.

The activity center offers uses in support of industry. Single family and multifamily residences provide a diversity of affordable housing types. Commercial uses include convenience stores, restaurants, a neighborhood scale grocery store, drugstores, banks, and hardware stores. The commercial establishments serve not only the employees of the industries, but the truck drivers who are needed to support the industries and the families who reside in the activity center. Appropriate civic uses include parks, churches, recreation fields, and, over time, a school or branch library.

**At their meeting on June 22, the Planning Commission recommended approval (4-0) of SUP #657.**

Mr. Rutherford invited the applicant to address the Board. Mr. Hunter Woodson of Arrington explained that he was asking approval for his newest venture, the Blue Ridge Christmas Cottage. He reminded the Board that he had come to them previously to get a new Christmas tree for Lovington. He noted that when they had their largest tree lighting ceremony ever, with over 200 people present for the event. He wanted to offer more things to do locally and bring others into the County. Mr. Woodson explained that he was a professional story telling Santa Claus. He explained that in the future he wanted to do something large scale but for now, he would need to start off small. He noted that he needed the rezoning to be able to use of Old Hickory Sheds for space.

Mr. Rutherford opened public hearing and there being no one wishing to speak, the public hearing was closed.

Mr. Barton noted that there were a lot of businesses in the proposed area and felt it would be beneficial to have the location zoned B-1.

Mr. Barton made a motion to approve **Rezoning # 658 – R-1 Residential to B-1 Business**. Mr. Harvey seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

**C. Special Use Permit #659 – Campground (One Site)**

Consideration of a Special Use Permit application requesting County approval to allow a campground use for one tent site on property zoned A-1 Agriculture. The subject property is located at Tax Map Parcel #17-A-16 at 2975 North Fork Road in Montebello. The subject property is 2.945 acres and owned by Charlotte H. & Scott Fluharty.

Ms. Hjulstrom provided the following report:

She noted that the applicants were unable to attend the meeting that evening.

**BACKGROUND:** This is a request for a special use permit for a campground use for one tent site on property zoned A-1 Agriculture.

*Public Hearings Scheduled:* P/C – May 22; Board – July 12

*Location / Election District:* 2975 North Fork Road / West District

*Tax Map Number(s) / Total acreage:* 17-A-16 / 2.945 acres +/- total

*Applicant/Owner Contact Information:* Charlotte Hudson & Scott Fluharty, 225 Turkey Mountain Road, Amherst, VA 24521, (434) 420-2374, cfluharty@kw.com

*Comments:* This property currently contains a single family dwelling that the owners utilize as a weekend home for recreational activities. The owners are requesting to construct a 192 square foot platform to place a 120 square foot canvas tent to be utilized as a short term rental.

**DISCUSSION:**

*Land Use / Floodplain:* This property is zoned A-1 Agriculture and there is Approximated Floodplain (Zone A) located on this property. Surrounding zoning is A-1 Agriculture.

*Access / Traffic / Parking:* Comments from VDOT will be provided at the meeting.

Ms. Hjulstrom noted there were no comments from VDOT as they nothing to add to it.

*Utilities:* Comments from the Health Department will be provided at the meeting.

Ms. Hjulstrom noted there were no comments from the Health Department.

*Comprehensive Plan:* This property is located in an area designated rural and farming in the Comprehensive Plan, which “would promote agricultural uses and compatible open space uses but discourage large scale residential development and commercial development that would conflict with

agricultural uses. The Rural and Farming District would permit small scale industrial and service uses that complement agriculture.”

**At their meeting on June 22, the Planning Commission recommended approval (4-0) of SUP #659 on the condition that:**

- Only one tent site is permitted.

Mr. Rutherford noted that the applicant was not present.

Mr. Rutherford opened public hearing and there being no one wishing to speak, the public hearing was closed.

Mr. Rutherford noted that the property was located in Mr. Parr’s district. Mr. Rutherford then acknowledged that the Planning Commission had approved with the condition that only one tent site would be permitted.

Ms. Hjulstrom noted that the applicants only had one home site on the property and they were only asking for one tent site to rent out. She noted that there was nothing currently onsite and what was proposed met the definition of a campground since it would be rented out, which triggered the need for a special use permit. She noted that if they decided to keep the condition, it would be limited to the one site. She noted that without a condition, they could potentially have more campsites. She indicated that the applicants were only asking for one site.

Mr. Parr moved to approve **Special Use Permit #659 – Campground** with the Planning Commission’s condition of only one campsite permitted. Mr. Reed seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

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

The Board had no other business to discuss.

#### **V. ADJOURNMENT**

At 7:32 p.m., Mr. Parr made a motion to adjourn the meeting and Mr. Barton seconded the motion. There being no further discussion, Supervisors approved the motion by vote of acclamation and the meeting adjourned.