

**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  
Stephen A. Carter, County Administrator  
Amanda B. Spivey, Administrative Assistant/Deputy Clerk  
Candice W. McGarry, Director of Finance and Human Resources  
Dylan M. Bishop, Director of Planning and Zoning

**I. CALL TO ORDER**

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

A. Moment of Silence – Mr. Rutherford called for a moment of silence. He noted the passing of State Trooper Jeffery Harris, who had served Nelson County.

B. Pledge of Allegiance – Mr. Barton led in the Pledge of Allegiance.

Mr. Reed made a motion to amend the agenda by putting item V on the agenda ahead of item IV. Mr. Parr seconded the motion. There being no objections, the motion passed unanimously.

Mr. Rutherford noted that the Board would pull the Older Americans Month Proclamation from the Consent Agenda so that Mr. Reed could read it aloud.

**II. PUBLIC COMMENTS**

Beth-Anne Driskill - Tyro, VA

Ms. Driskill noted she worked at the Cabins at Crabtree Falls. She began by thanking the Supervisors for their time over the past weeks to speak by phone, respond to emails and meet in person. She stated that she wanted to provide solutions to the proposed transient occupancy tax increase (TOT), rather than arguments. She pointed out that every person in the room loved Nelson County and wanted to make it the best place to live and visit. She noted that while raising the TOT seemed like an easy solution to provide revenue, she knew it would harm Tourism. She noted that other localities were dealing with the same issue of collecting taxes from short term rentals with AirBnB and VRBO and it would take time to fix the problem. She asked that prior to raising taxes and punishing those that follow the rules, they work first to collect all tax revenues.

Monica Barker – Lovingston, VA

Ms. Barker noted that a tax increase would really hurt tourism. She asked the Board to look at other solutions. She stated that AirBnB did collect tax for other localities, and noted it could be worthwhile to ask AirBnB if they could do the same for Nelson. She noted that many people who rent out their homes did not understand the process in getting a business license and paying taxes, and felt that educating people on the process would help. She noted that the TOT increase would hurt those who collected and paid their taxes.

Claudette Dalton - Nellysford, VA

Ms. Dalton spoke on behalf of the teachers who were unable to attend the Board meeting, including her son who was at home with COVID for the third time. She reminded the Board that during COVID, teachers gave up their entire summer to learn how to teach virtually. She explained that teachers spend their own money on school supplies and they had not had a substantial raise since 2008. She noted that teachers were doing jobs of two or more people. Ms. Dalton asked the Board to consider the teachers when they were looking at the budget and find a way to better support them.

Libby Whitley - Roseland, VA

Ms. Whitley stated that she was opposed to any increase to the TOT. She noted that they were currently 5% in TOT to the County and 5.3% tax to the state. She noted that most passed on the costs to tenants and doubling the tax would then make it difficult to remain competitive with the surrounding counties.

She felt that people would go elsewhere and there would be losses. She noted that some AirBnb owners may decide to sell their properties. She noted she was an AirBnb owner herself and would possibly consider selling also. She noted the inflation rates and labor shortages combined with a tax increase, it would be impossible to stay in business. She explained that new legislation would allow AirBnb, VRBO, and other similar operations to collect the tax and remit it directly to the localities. She noted that many short term rental folks would be happy to help implement the law in Nelson. She felt it would help fully collect the tax revenue without raising the rates.

Judith Paixao - Roseland, VA

Ms. Paixao noted she was representing Foxie Morgan, owner of Foxtrot, and Carole Stratton, owner of Possumtrot, as well as herself. She noted that she managed five AirBnbs. She noted that doubling the tax would make business even more difficult. She also asked that notifications in the future not only be published in the newspaper, but online as well. She noted how difficult the Commissioner of Revenue's job was. She explained that VRBO sends lump sum payments to the Commissioner but does not show which businesses it comes from. She noted that short term renters would do anything to assist the Commissioner to show that their share of the tax was being paid. She asked that the Board help the owners of short term lodging and please reconsider the tax hike.

Jay Roberts – Wintergreen Property Owners Association

Mr. Roberts noted that he had spent the last year having many conversations with the Commissioner of Revenue to try and assist the County in leveling the playing field. He noted that in looking at other localities, none had doubled the tax rate, rather they had looked to the business owners to try and find a solution. He noted that the rest of the County does not experience what Wintergreen and the other side of the County does with tourism. He asked that the Board work to come up with other solutions.

Kurt Peterson, Roseland, VA

Mr. Peterson noted that he was an AirBnb owner in Wintergreen. He stated he did not disagree that collecting tax revenue from people who don't live in the County was a good idea. He did not agree with doubling the tax rate and felt that it would hurt the property owners. He asked the Board to reconsider.

Reverend James Rose Wingina, VA

Mr. Rose spoke on behalf of a group of concerned citizens regarding the Confederate statue located on the front lawn of Nelson County Courthouse. He noted that other localities had taken action to remove or relocate their statues without any problems. He pointed out that some localities had been taken to Court and lost. He stated that the group had been patiently waiting on the County to take action on the issue, with no response from the County. He noted that the group would be forced to take action, which would be an expense to the County.

William Harrell - Faber, VA

Mr. Harrell noted he had spoken to VDOT regarding a complaint about the drainage ditches on either side of Berry Hill. He noted he had asked the VDOT representative about paving the remaining portions of Berry Hill and found out that he needed to speak to the Board about it. He asked if there had been any interest in it.

Jay Gamble - General Manager of Wintergreen Resort

Mr. Gamble explained that Nelson County Tourism is very specific discretionary tourism spending. He noted that many of the people who come to Wintergreen and Nelson County, come as tourists. He explained that they were sensitive to total costs. He noted they surveyed their guests to see where else they visiting, stating they did not have to come to Nelson County. He worried that increasing the TOT would not only affect lodging, but many other businesses who rely on tourism as well. He pointed out that they were just now starting to recover from the effects of the COVID pandemic and felt this increase might be a setback. Mr. Gamble noted that Wintergreen owns no lodging, but they heavily rely on rental properties to house guests attending conferences, weddings, and skiing. He noted that all lodging properties would be happy to help the County equitably collect the lodging taxes. He estimated that the County was possibly collecting only 50% of the taxes owed. He pointed out that the current proposal puts a burden on those who are paying their taxes.

Will Fenton – Roseland, VA

Mr. Fenton noted he was the owner of Fenton Inn. He noted other counties had figured out how to collect the lodging taxes, pointing out that Nelson could be missing out on millions in revenue. He felt that the issue could be resolved to collect the taxes due.

Tom Brokamp - Afton, VA

Mr. Brokamp noted he lived and owned a few cottages in Afton. He stated he had been renting out one of the homes through AirBnb and VRBO for the last five years. He noted that VRBO began collecting the TOT tax on behalf of County about two years ago, which was a difficult process. He noted that he thought Airbnb was set to start collecting and remitting taxes on July 1<sup>st</sup>. He noted there had been an increase when VRBO started collecting. He felt that an increase would happen through Airbnb just as it did with VRBO when taxes started getting collected. He did not like the idea of a 100% increase to the tax.

Clinton Bibb - Arrington, VA

Mr. Bibb noted he represents a large conglomerate that does large events in the County, He noted that the TOT increases could also affect temporary campsites and large scale events. He felt that a 100% increase was strong handed and used to discourage taking rental properties from long term housing. He thought there were better ways to address the collection of revenue.

Hayes Humphreys – Chief Operating Officer, Devil's Backbone Brewing Company

Mr. Humphreys spoke in support of the opposition to the tax increase. He noted reliance of visitors to bring revenues to business. He explained that their traffic numbers were still lower than pre-pandemic. He noted that local lodging helped bring business in on slower days during the week. He hoped that the Board would consider the unintended consequences before making a decision.

**II. CONSENT AGENDA**

Mr. Rutherford noted the Proclamation under item C had been pulled from the Consent Agenda, explaining that the Consent Agenda items for approval were the Minutes and the Budget Amendment. Mr. Barton asked what the budget amendment was regarding. Mr. Carter noted that there was an appropriation of \$ 1,180 in asset forfeiture funds for the Sheriff’s Department and a transfer of \$1,075 in funds to support the General District Court.

Mr. Parr made a motion to approve Consent Agenda as amended, removing item C. Mr. Reed seconded the motion. The motion passed without objection and the following resolutions were adopted:

A. Resolution – **R2022-25** Minutes for Approval

**RESOLUTION R2022-25  
NELSON COUNTY BOARD OF SUPERVISORS  
APPROVAL OF MINUTES  
(March 10, 2022)**

**RESOLVED**, by the Nelson County Board of Supervisors that the minutes of said Board meeting conducted on **March 10, 2022** be and hereby are approved and authorized for entry into the official record of the Board of Supervisors meetings.

B. Resolution – **R2022-26** Budget Amendment

**RESOLUTION R2022-26  
NELSON COUNTY BOARD OF SUPERVISORS  
AMENDMENT OF FISCAL YEAR 2021-2022 BUDGET  
NELSON COUNTY, VA  
May 10, 2022**

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

<u>Amount</u>	<u>Revenue Account (-)</u>	<u>Expenditure Account (+)</u>
\$1,180.00	3-100-002404-0001	4-100-031020-5419
<b>\$1,180.00</b>		

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

<u>Amount</u>	<u>Credit Account (-)</u>	<u>Debit Account (+)</u>
\$484.00	4-100-999000-9905	4-100-021020-3012

\$221.00	4-100-999000-9905	4-100-021020-5401
<u>\$370.00</u>	4-100-999000-9905	4-100-021020-7001
<b>\$1,075.00</b>		

C. Proclamation – **P2022-01** Older Americans Month

Mr. Rutherford called forward a representative from JABA to thank him for all of the work the agency does for our aging demographic. Mr. Reed read aloud Proclamation – P2022-01 for Older Americans Month and made a motion to approve the proclamation. Mr. Parr seconded the motion. There being no discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the following proclamation:

**PROCLAMATION P2022-01  
NELSON COUNTY BOARD OF SUPERVISORS  
MAY 2022 IS OLDER AMERICANS MONTH**

**WHEREAS**, Nelson County includes a growing number of older Americans who contribute their strength, wisdom, and experience to our community; and

**WHEREAS**, communities benefit when people of all ages, abilities, and backgrounds are welcomed, included, and supported; and

**WHEREAS**, Nelson County recognizes our need to create a community that provides the services and supports older Americans need to thrive and live independently for as long as possible; and

**WHEREAS**, Nelson County can work to build an even better community for our older residents by planning programs that encourage independence, ensuring activities are responsive to individual needs and preferences, and increasing access to services that support aging in place.

**NOW, THEREFORE**, the Nelson County Board of Supervisors does hereby proclaim May 2022 to be Older Americans Month. The Nelson County Board of Supervisors urges every resident to recognize the contributions of the County’s older citizens, to help create an inclusive society, and to join efforts to support older Americans’ choices about how they age in their communities.

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

A. Authorization to Contract Architectural Services (**R2022-27**)

Mr. Carter explained that the County had issued a Request for Proposals to obtain the services needed for the design and construction bidding of an office building to house Social Services, Building Inspections and Planning and Zoning. He reported that three responses had been received and all three firms were interviewed by a panel of County staff via Zoom. He noted that the majority of the panel recommended contracting with PMA Architecture.

Mr. Reed asked if any of the sub-consultants had submitted proposals of their own. Mr. Carter noted they had not. He explained that Timmons Group was a sub-consultant of PMA, and they were present on the interview with PMA. Mr. Carter noted the County had worked with Timmons in the past.

Mr. Parr made a motion to approve Resolution **R-2022-27** and Mr. Barton seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the following resolution:

**RESOLUTION R2022-27  
NELSON COUNTY BOARD OF SUPERVISORS  
AUTHORIZATION TO CONTRACT ARCHITECTURAL SERVICES**

**WHEREAS**, the Nelson County Board of Supervisors in session on February 8, 2022 directed County staff to obtain the services necessary for the design and construction bidding of the Social Services, Building Inspections and Planning and Zoning building concept; and,

**WHEREAS**, Nelson County advertised on February 24, 2022 a Request for Proposals (RFP) entitled RFP 2022-NC01 Professional Architectural Services, to procure architectural services to assist the County with the design and construction of a new Nelson County office building to initially include the County’s departments of Social Services, Building Official & Inspections and Planning and Zoning; and,

**WHEREAS**, Nelson County received responses by the March 25, 2022 deadline from three architectural firms and subsequently interviewed all three firms for the purpose of selecting a firm to contract with for the provision of the services delineated in the County’s RFP document; and,

**WHEREAS**, Newport News, Virginia based PMA Architecture was the top ranked respondent to the County's RFP by the County interview team and is recommended for authorization by the Board of Supervisors to be contracted to the County to provide the architectural services denoted in the RFP; and,

**NOW, THEREFORE, BE IT RESOLVED**, by the Nelson County Board of Supervisors that the County Administrator be and hereby is authorized to retain via contract PMA Architecture for the provision of architectural and related services to Nelson County.

**B. Proposed Amendments to ACRJA Service Agreement (R2022-28)**

Mr. Carter introduced Resolution **R2022-28**, which provided for the proposed amendments to the Albemarle-Charlottesville Regional Jail Service Agreement. He noted the primary reason for the updated agreement was the ensuing proposed construction and renovation of the regional jail facility. He explained that the primary change to the agreement affected membership representation which would add a third representative from Nelson and remove the joint Albemarle and Charlottesville citizen representative. He noted that the other change to the agreement was to provide for how the members would pay for the jail's operation and debt service. He noted that the costs would be based on each locality's prisoner population on an annualized basis. He stated that otherwise, the agreement remained very similar to the current agreement in place. Mr. Carter noted that the resolution would provide the Board's consent to the new agreement.

Mr. Reed asked what the next steps for approval would be, should the Board adopt the resolution presented. Mr. Carter noted that the Jail Authority met later that week and the agreement would be discussed. He pointed out that Albemarle and Charlottesville would be meeting later in the month and would also be discussing the amendment. Mr. Carter noted that one of the catalyst for these changes was due to Nelson's request to have another representative on the Jail Authority.

Mr. Barton made a motion to approve Resolution **R2022-28** as presented and Mr. Reed seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the following resolution:

**RESOLUTION R2022-28**  
**NELSON COUNTY BOARD OF SUPERVISORS**  
**APPROVAL OF AMENDED AND RESTATED ALBEMARLE-CHARLOTTESVILLE**  
**REGIONAL JAIL AUTHORITY SERVICE AGREEMENT**

**WHEREAS**, Nelson County is a member of the Albemarle-Charlottesville Regional Jail and currently has two members serving as representatives on the Albemarle-Charlottesville Regional Jail Authority, and

**WHEREAS**, the Nelson County Board of Supervisors wishes to add a third representative to serve on the Albemarle-Charlottesville Regional Jail Authority, and

**WHEREAS**, an Amended and Restated Albemarle-Charlottesville Regional Jail Authority Service Agreement has been drafted and presented to the Nelson County Board of Supervisors to provide for the third County representative,

**NOW THEREFORE BE IT RESOLVED**, that the Nelson County Board of Supervisors does hereby support and approve the Amended and Restated Albemarle-Charlottesville Regional Jail Authority Service Agreement.

**C. Commonwealth Attorney Funding Request**

Mr. Daniel Rutherford, Commonwealth Attorney, wished a Happy Birthday to Chairman Rutherford and Mr. Barton. Mr. Daniel Rutherford noted he was present to provide an update on the drug court application. He explained that the Supreme Court had received their application and made some friendly amendments with the foresight of approving the application. Mr. Daniel Rutherford commended Will Flory on the amount of work done on the drug court application. He explained that Mr. Flory was currently working on grant applications for funding to support drug court. He noted that if they didn't receive any grant funding, they would need about \$88,000 from the County to fund an OAR (Offender Aid and Restoration) member, drug testing, Court services, and security. Mr. Daniel Rutherford noted there were many individuals in Nelson County with addiction issues and they needed more tools in their toolbox to address them. He noted that Mr. Flory's work on creating a drug court were above and beyond his duties as an Assistant Commonwealth Attorney. Mr. Daniel Rutherford asked the Board to consider additional supplement pay for Mr. Flory.

Mr. Flory then provided an update, noting they planned to start the program on January 1, 2023 with the

first participant, assuming they receive the grant funding. He noted they had applied for a Drug Court Implementation Grant through the Department of Justice, which could provide a maximum of \$750,000 over the course of 48 months. Mr. Flory explained that a significant portion of the funds would be for staffing. He noted they would need to hire someone to run the program like a professional probation officer with a background in substance abuse treatment. He noted that the ultimate goal was to have up to 30 people participating in the program. He explained by bringing individuals into the program, they would be reducing jail costs and helping rehabilitate individuals to have successful lives. Mr. Flory noted he was in the process of writing the Drug Court Implementation Grant, which was due on May 20<sup>th</sup>. He pointed out that the committee that had reviewed their drug court application planned to recommend approval. He noted he was working on the drug court manual and participant agreement. He noted next steps to be running by January 2023. He indicated that they would need to reach out to partner agencies to establish agreements.

Mr. Barton asked what the requirements were for the person that would be running the program. Mr. Flory noted that the individual running the program would need to be able to conduct urine and oral screenings for drugs. He explained that they would rely on OAR as a partner agency to vet the person for the position. He thought that the person would likely be a licensed clinical social worker with a background in probation. He noted that they would want someone familiar with the treatment side of the program, as well as recurring substance abuse and mental health disorders. Mr. Barton noted that finding the right person was key, and Mr. Flory concurred. Mr. Reed thanked Mr. Flory for his time in explaining the process. Mr. Reed asked if the ability to find the right person could affect getting the program started. Mr. Flory noted that having the person in place was important as supervision was key to running the program. He felt given the timeline, they would be able to coordinate with OAR to find the right person, noting that OAR helped provide drug court coordinators for other localities. Mr. Flory explained that OAR provided community based probation for post offense misdemeanor probation and pre-trial supervision for felonies.

Chairman Rutherford noted the current request of \$15,000 to supplement Mr. Flory's salary. Mr. Reed made a motion to approve funding \$15,000 as requested. Mr. Barton seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

**D. Proposed Transient Occupancy Tax (O2022-01)**

Mr. Carter re-introduced the proposed Ordinance O2022-01 which would provide for an increase to the transient occupancy tax from 5% to 10%. He reported from staff estimates that the increase would provide an additional \$1.3 million in revenue. He noted the options to approve the ordinance as presented, disapprove, defer and monitor to see if there is additional revenue to be collected at 5%, or approve another amount. He explained that if they did anything other than approve the presented ordinance at 10%, they would need to make adjustments to the operational budget for next year. He indicated that the additional \$1.3 million in revenue had been targeted to go to the School Division. He did not think it was fatal to the County's operational budget, they would just need to make budgetary adjustments.

Mr. Barton asked if there was an estimate on how many people they were not collecting the tax from. Mr. Rutherford noted that was a question for the Commissioner and asked her to come forward.

Mr. Reed asked Mr. Carter to recount how the increase of the tax beyond what goes to Tourism was going to go to the schools. Mr. Carter noted that during a budget work session it was suggested an additional \$1.5 million would go to the schools and the TOT increase would help with that increase. Mr. Reed asked if not increasing the TOT would provide an additional shortfall for the school funding that the County would have to make up. Mr. Carter noted that the Board could have an additional work session to rework the budget and make any necessary adjustments.

Mr. Harvey felt there was a low percentage of the people who paid the tax. He felt that they could collect more in revenue by going after the ones who weren't paying.

Commissioner of Revenue Pam Campbell and Deputy Commissioner Kim Goff were present to answer questions. Ms. Campbell noted they had about 540 they collected tax from and they worked to find rentals that they were not collecting tax from. She noted it was hard to determine who paid through VRBO. She indicated that they looked online every day for new rentals. Mr. Harvey asked how far they could go back on collecting, Ms. Campbell noted that with real estate taxes they could go back three years, but no one had ever said anything about lodging tax. Ms. Goff noted they sent letters to people doing lodging.

Mr. Rutherford noted he had a short term rental and spent time looking at several different platforms for short term rentals. He stated that on Airdna.com, the Nellysford zip code had 511 short term rentals. Ms. Campbell noted that if they used VRBO, it was hard to know if they were paying. Mr. Rutherford estimated that there were probably close to 1000 short term rentals in Nelson. Mr. Rutherford noted the

best way to go forward was enforcement and offered to set up a committee to assist the Commissioner of Revenue.

Mr. Barton noted people came to Nelson for its beauty. He felt that there were costs the County had to bear with traffic and trash. He asked how much the tax increase would diminish the demand, noting the benefits that might come from the increase in revenue to the County. He reminded everyone that they were asking the people who visit and enjoy the beauty of Nelson County to pay a little more to maintain that beauty.

Mr. Harvey felt that they needed to collect the money owed from all renters and it would provide an increase in revenue. He didn't want to penalize the people who were paying.

Mr. Reed felt that the short term rental system was not equitable, noting the impacts on single family housing stock was not positive. He noted that new construction was further increasing the short term rental stock. He indicated that they needed to work together to figure out a better way to maintain short term rentals. He felt that for the time, they should not act on the proposed increase but noted that he was not averse to a tax increase in the future. He wanted to see the county step up and fund the schools. He suggested the County look for policies in the future for short term rentals and determine if future increases in the tax were warranted.

Mr. Rutherford suggested a subcommittee consisting of himself, Mr. Reed, members of public, stakeholders, the Commissioner of Revenue and a staff member to determine an enforcement mechanism. He noted the goal was to make sure those who aren't paying, start paying.

Mr. Parr thanked the stakeholders for reaching out. He suggested that the short term rental folks should create an official Nelson County group similar to the Nelson County Homebuilders Association. Mr. Parr noted that he did not recall the TOT revenue being specifically allocated to the schools. He thought they had not allocated it for anything specific, rather it would go the general fund. He envisioned that the revenue would go to something tangible that the community would know the funds were paying for. He noted he had learned a lot about how the tax worked, and he was not in support of the increase. He felt that until they were confidently collecting 80% of the tax, then he could not support making a change that would penalize the honest business owners.

Mr. Reed noted he was happy to participate on a committee but felt staff participation was vital. He wanted the Planning department and Commissioner of Revenue to be included as participants. Mr. Reed thought that the beginning of year was a better time to make a change, rather than mid-year. Mr. Rutherford felt if the committee didn't start working soon, they would miss out on a significant amount of revenue because people aren't paying the tax. The Board was in consensus for the committee. Mr. Rutherford noted he could lead the committee and report back in July. He suggested he would reach out to staff and some stakeholders.

#### E. Proposed Joint Ag Facility with Amherst County

Mr. Carter noted he had included the agriculture complex in his report to the Board along with the 80% Progress Submittal from Architectural Partners. He reiterated that Architectural Partners was the lead consultant on the joint study between Nelson and Amherst. He noted that Hurt & Proffitt was the sub-consultant to the project and Mark Smith was acting as the lead architect for Architectural Partners. Mr. Carter noted that Mark Smith had conferred with Amherst County Administrator Dean Rodgers regarding the project scope. Mr. Carter reported that Mark Smith was able to confirm the project scope was still the same as the one presented at the December 7<sup>th</sup> planning retreat. Mr. Carter noted that the progress report showed a cost estimate of almost \$52 million. Mr. Carter noted that Amherst County wanted to increase the indoor arena from 1,300 seats to 3,700 seats and add an aquaculture facility to the scope. Mr. Carter noted that there was still a question as to the adequacy of water on the proposed site. He noted concerns that the capacity for gallons per day wouldn't be sufficient. Mr. Carter reminded the Board that there was additional cost to further evaluate the adequacy of water and sewer, which neither locality had taken any action on. Mr. Carter noted Mr. Rodgers suggestion that Nelson County's committee members review the report and provide comments to Architectural Partners. Mr. Carter indicated that once input is received, Architectural Partners should be able to wrap up their work in about three weeks.

Mr. Barton asked Mr. Carter's thoughts on the project. Mr. Carter maintained his position that he did not feel the project was in the County's best interest. Mr. Carter reiterated that the project scope was estimated to cost around \$52 million, and asked how it would be paid for. Mr. Barton noted that when he toured the ag facility in Pittsylvania, it was made clear that maintaining operations was a struggle. Mr. Carter reminded the Board that Dean Rodgers had previously commented that ultimately the two Counties would end up paying for the facility. Mr. Barton commented that the Pittsylvania facility had assistance from tobacco money to get started. He asked what kind of funding would even be available to Nelson and Amherst. Mr. Carter noted the possibility of the GO Virginia program. He added that when he had asked

if Amherst would be interested in partnering by name only for a business park in Nelson to allow for regional GO Virginia opportunities, Dean Rodgers stated that they would absolutely not.

Mr. Reed noted that the Chatham (Pittsylvania) facility was modeled after a facility in Lumberton, North Carolina, which was scheduled to be the terminus for the Atlantic Coast Pipeline. Mr. Reed explained that Lumberton was a predominately African American and Native American community that was incredibly depressed with no tourism economy. He noted that effort of the Lumberton facility was to try and bring people and tourism into the area, which is what the Chatham facility was also trying to accomplish. He noted that Mr. Harris who operates the facility, explained that they could fill the center every weekend with events but still live or die on grant funding. Mr. Reed noted that the businesses that operate within the facility and have invested in the facility, have free use of the community spaces which creates competition with the events that do bring in revenue. Mr. Reed added that the facility relies on banner ads to generate revenue to keep things afloat. He also pointed out that a similar operation in Amherst would be in direct competition with the Chatham facility.

Mr. Rutherford noted that the plan was to finish the ag facility study. Mr. Carter noted that once all input was received, Architectural Partners could wrap up the report in about three weeks. Mr. Rutherford noted that he did not get to see the vocational space during the tour but the space he did see was very nice. He was curious to know how many pupils the vocational program was turning out. He anticipated that if they were to work on a facility with Amherst, it would be more along the Career and Technical Education side.

Mr. Parr noted he was supportive of whatever the Board decided to do. He noted that the location for the proposed ag facility was chosen because it was of equal distance between Amherst and Nelson. He reiterated that the investment requested from Nelson County was only half of the land acquisition and the cost of some studies, about \$700,000. He noted that no one had asked to share a \$52 million cost. He stressed the need to find out about the water before doing anything else. Mr. Carter noted that when the initial project was presented, it wasn't to pay for half of the land, only half of the study.

#### IV. REPORTS, APPOINTMENTS, DIRECTIVES AND CORRESPONDENCE

##### A. Reports

##### 1. County Administrator's Report

Mr. Carter presented the following report:

**A. Covid-19 (Coronavirus):** Current VDH data for Nelson County, as of May 9, 2022, based upon a 13-week average is 3 new cases of the Covid-19 virus and a seven (7) day average of new daily cases of 2.9 cases. To date the County has had 2,572 case of the virus and 35 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. 2022 General Reassessment of Real Estate:** The local Board of Equalization will complete its work on May 11<sup>th</sup> with submittal of the Board's final report to be delivered thereafter.

**C. Comprehensive Plan:** A joint Board of Supervisors and Planning Commission project kick off meeting with staff of the Berkeley Group is planned for May 31<sup>st</sup> at 6 p.m. Dylan Bishop, Director of Planning and Zoning, is facilitating the scheduling and conduct of the meeting.

**D. Piney River Water & Sewer System (Usemcoco Pump Station):** Repair of the pump station to restore the station to full operational status remains in process and is more complex than previously reported.

**E. Repair of Termite Damage:** The County's Invitation for Bids with a due date of April 19<sup>th</sup> did not result in the receipt of any bid proposals. County staff have contracted local contractors to request their assistance with the necessary repair but, to date, have not received any interest in the project. County Administration reached out on 5-10 to Jamerson-Lewis, the general contractor that completed the Phase 2 Courthouse Project, which included the area where the termite damage was sustained, to request the company's assistance with the repair project. J-L's President, William Cook responded and indicated the company was amenable to assist the County. Next steps are to be determined.

Mr. Carter explained that the real issue was not the flooring but the substructure.

**F. VDOT TAP Grant Program:** The Commonwealth Transportation Board/VDOT preliminary Six Year Improvement Plan (FY23-FY28) included \$734,000 in funding for the Gladstone Depot Project (\$587,000 in state/federal funding and a required local match of \$147,000). Funding for the Lovingson Sidewalk Project was not included in the preliminary SYIP. Upon formal approval of the SYIP by the CTB (effective 7-1-22), VDOT staff will contact County staff to begin the contract process for the Gladstone Project (likely in late summer or early fall 2022). The TAP funding will provide for the completion of the required NEPA assessment, design of the new foundation for the Depot Building (which will be relocated), site preparation



for the new foundation and placement of pier footings for the building. The total estimated project cost is \$3,194,859, which will likely require several years for project completion.

Mr. Barton asked who would coordinate the funding for the Depot. Mr. Carter noted that the money would come to the County and the Board would need to decide whether to accept it and then County staff would have to administer it.

**G. Capital Improvements (Agricultural Complex):** Attached hereto is the 80% Progress Report on the AG Comp Feasibility Study received from Architectural Partner (Mark Smith) with Hurt & Proffitt as the engineering sub-consultant. Mr. Smith conferred with Amherst County (Dean Rogers, County Administrator) on the project's scope prior to completing the 80% Progress Report. The input from Amherst County was concurrence with the scope of work that AP presented to the Board during the December 7, 2021 strategic planning retreat at Devils Backbone, which AP had developed from a power point on the project completed by Amherst County. As the Board will note, the Progress Report maintains the \$51,677,410 cost estimate for the overall project. This cost will increase, per Amherst County's input to AP that the indoor arena be expanded from 1,300 seats to 3,700 seats and that an aquaculture facility be added to the project's scope. AP has requested input on the 80% Progress Report to enable the consultant firm to complete the feasibility study (Mr. Smith indicated 3 weeks would be required to complete the study once the firm has received any final comments from Amherst and Nelson counties. A pending and likely future determination is the adequacy of water on the proposed site. The feasibility study denotes the needed GPD capacity of the facility but confirmation that this capacity exists is not determined. Dean Rogers has suggested that Nelson County's committee review and comment on the 80% Progress Report. However, there are no official representatives from the County other than Board members Rutherford and Parr.

**H. 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 (e.g. no state approvals from VDOT, DEQ or VDH have been received). The project proposes to construct 136 units in a phased development process.

**I. State Biennium Budget (FY22-23 – FY23-24):** The state's biennium budget is lingering in the General Assembly with any progress unknown (not reported) on agreement for a final budget for the FY23-FY24 Biennium Budget period.

**J. Fiscal Year 22-23 Budget (County):** Approval of the County's FY22-23 Budget can be effected 7 days following the conduct of the required public hearing on the ensuing fiscal year budget, which is scheduled for the evening session on 5-10. The Board can continue the May 10<sup>th</sup> meeting to provide for a brief work session on any final budgetary adjustments followed by approval consideration of the FY22-23 Budget.

**K. Staff Reports:** Department and office reports are included within the 5-10 agenda document.

## 2. Board Reports

Mr. Barton:

Mr. Barton had no report.

Mr. Harvey:

Mr. Harvey had no report.

Mr. Reed:

Mr. Reed had no report.

Mr. Parr:

Mr. Parr had no report.

Mr. Rutherford:

Mr. Rutherford reported that the Regional Housing Partnership Conference would be held on December 9<sup>th</sup>. He noted they would be discussing affordable housing. He suggested that it would be good for the Board to attend.

## B. Appointments

Albemarle-Charlottesville Regional Jail Authority (ACRJA)

Mr. Reed moved to appoint Ms. Candy McGarry as the County's alternate to the Albemarle-Charlottesville Regional Jail Authority. Mr. Barton seconded the motion. There being no discussion, the motion was approved without objection.

C. Correspondence

The Board had no correspondence to discuss.

D. Directives

Mr. Rutherford noted that he would like for staff to work on a resolution recognizing law enforcement and EMS. He indicated that he may ask staff to work on drafting a resolution recognizing Trooper Jeffery Harris.

**VI. CLOSED SESSION**

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

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

(A)(6) - Discussion or consideration of the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the governmental unit would be adversely affected.

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 Board authorize Mr. Carter to be a signatory to a contract for purchase with Wells Fargo, Trustee, which includes a \$2.5 million purchase price and a \$25,000 deposit with the purchase subject to Board approval in the future. Mr. Parr seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

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

Mr. Parr made a motion to adjourn and reconvene at 7:00 p.m. and Mr. Barton seconded the motion. There being no objection, the motion passed 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 7:03 p.m. with four (4) Supervisors present and Mr. Harvey being absent.

**II. PUBLIC COMMENTS**

David Matthews – Lovingston, VA

Mr. Matthews spoke against the proposed mobile home park. He noted he was an adjoining property owner.

He raised concerns that a mobile home park would have a negative impact on his property values.

Bill Bonilla – Lovingston, VA

Mr. Bonilla stated he was representing City Elders, as well as himself and his neighbors on Old Ridge Road. He cited concerns about water, noting he had to drill four wells on his property. He explained that he had run out of water during a shower more than once. He wanted some sort of assurance or guarantee that this project would not affect his water or his neighbors water. He noted his concerns about what would happen if there was no more water.

Russ Simpson – Faber, VA

Mr. Simpson spoke against the mobile home park. He explained that he had been involved in developing mobile home parks in the past and he could tell them about the good and the bad, mostly bad. He noted the proposal was not going to do anyone any favors. He suggested that there be a “Plan B”. He cited work on Montreal Village which provided housing for low-income folks and was developed through grants. He noted there were other ways to home ownership. He did want to see people have a place to live but felt they needed to do more research before approving a project like that.

Marge Feiner – Lovingston, VA

Ms. Feiner spoke on behalf of the Woods Mill Homeowners Association. She agreed that there was a need for low-income housing. She cited concerns about traffic on their road coming from the proposed mobile home park into Wood Ridge. She asked how their private road could be protected from ATVs riding up their road heading to Wood Ridge bar. She noted she was not opposed to low-income housing, she just wanted to know how it would be regulated.

Carlton Ballowe – Faber, VA

Mr. Ballowe stated that the County’s tourism based economy locked the County into a need for affordable housing. He wanted to see some sort of affordable housing where the people built equity immediately. He estimated that the typical mobile home would have about two children and the County’s contribution to education was about \$10,000 per year for each child. He noted that the tax revenue generated from the mobile home would only be a fraction of that cost. He stated that it would not help the County, the tax payers or the residents who would live there. He did not see how the people living there would ever be able to afford to save money while paying to live in the trailer park. He felt that a subdivision without a lot of restrictions that allowed mobile homes would be a better option to create affordable housing in the County.

Patty Fanelli – Lovingston, VA

Ms. Fanelli echoed concerns regarding the water supply. She noted that her property was 800 feet from the proposed property. She noted could not find any information to support a previously made statement that the aquifer was divided by the creek. She pointed out that she had found information stating that if the water table was drained too much, the wetlands and the creeks and the impact flows down. She mentioned Rockfish Ranch, noting it would also drain the water supply. Ms. Fanelli noted the project did not seem to solve the need for low-income housing. She cited concerns about access from Route 29, added traffic and school bus safety. She didn’t think that this was the right thing for the area. She wanted to see the area remain nice.

Larry Shelton – Lovingston, VA

Mr. Shelton spoke against the mobile home park. He noted that a portion of the property adjoined his property. He cited concerns about the site location, effects on the wetlands, water supply. He felt that the reduction in the number of trailers was to allow the opportunity for the developer to get his foot in the door. Mr. Shelton also noted concerns with trespassing. He noted that there were examples of what the mobile home could turn into already in the Lovingston area.

Todd Jones – Roseland, VA

Mr. Jones noted he was the Nelson Middle School Principal and that he, his wife and daughter had recently moved from Texas to Nelson. He noted they love Nelson and have enjoyed getting to know the community and the youth. He reminded the Board that they had an unprecedented year and extra measures had been taken to ensure safety and learning. He noted that children were the future and asked the Board to consider fully funding Nelson County Schools request.

Jim Saunders – Piney River, VA

Mr. Saunders thanked the Board for listening to the concerns regarding the proposed trailer park and noted he appreciated the efforts to find affordable housing options. He noted that the proposal of 51 trailers on 9 acres equated to 5.6 trailers per acre. He cited concerns about sufficient water and recalled that several wells had been drilled on the other side of Route 29 many years ago that were not able to support the school. He explained to the Board that he had visited four trailer parks over the past week and there was an average of three vehicles per trailer. He didn't think there would be enough parking available with only 25 feet of space between trailers. He noted he was unsure that the trailer park would improve in value as most do not. Mr. Saunders also cited concerns about the lack of a turn lane to drive South on Route 29. He understood that the developer had submitted a new plan that day and asked if the Planning Commission should see the plan before the Board considers it. He noted that this type of plan was not in accordance with the Comprehensive Plan and did not meet the zoning. He urged the Board to vote against the proposal.

Philip Purvis – Shipman, VA

Mr. Purvis presented a petition in opposition to the proposed trailer park. Mr. Purvis noted he was not opposed to mobile homes, he started out in one. He noted he was also not opposed to affordable housing. He noted if the project was approved, it would be the first of its kind and could set a precedent going forward. He asked if this was something the County wanted on its main thoroughfare, noting it would likely be very visible during the winter months. He pointed out that the zoning does not line up with the Comprehensive Plan. He noted the number of bedrooms, kitchens and bathrooms that would be located on nine acres if using the original plan of 51 homes. He noted he was speaking on behalf of City Elders. Mr. Purvis noted he did not see how this would be affordable based on the costs for the home, setup and rental of the property. He pointed out that he had not seen anyone speak out in favor of the project.

Tim Alsrue – Lovington, VA

Mr. Alsrue cited concerns about water and zoning. He did not think the project was well thought out.

Tonya Bradley – Lovington, VA

Ms. Bradley noted she lived directly in the area affected. She requested that the Board reject Special Use Permit #520. She wished to protect her home and property. She noted concerns about long term affects to the church, the land and the property owners. Ms. Bradley voiced concerns in the affect the project would have on her property values. She felt that special use permits were a way to work around zoning laws. She noted that she expected clear and detailed plans on the project from start to completion. She cited restrictions placed by the original subdivision of the W. L. Bridgwater property. She also noted the petition that had been presented in opposition of the project. She stated that she planned to take legal action if the project was approved.

Tonya Cook Carter – Arrington, VA

Ms. Cook Carter introduced herself as principal of Tye River Elementary. She noted the effects of the COVID-19 pandemic and the importance of public schools. She pointed out the adaptability, flexibility and resilience of teachers and students. She noted that school funding has a major impact on student success. She asked the Board to consider fully funding the School budget request.

Randy Carter – Lovington, VA

Mr. Carter voiced his concerns about the mobile home park location, particular with it being located behind a cemetery and church. He felt that the access off of Route 29. He pointed out an existing trailer park along Route 29 in Lovington and the shape it was currently in. He felt that the everyone in the room would also be opposed if the proposal was to be put next door to them.

Holly Carter – Lovington, VA

Ms. Carter noted her opposition to the trailer park for all of the same reasons already mentioned. She stated that her primary concerns were for Ridgecrest Baptist Church. She wanted to see the area behind the church maintained and not destroyed. She noted she had family members buried in the cemetery there.

Mark Franklin – Roseland, VA

Mr. Franklin spoke regarding the trailer park. He felt that the only person benefiting from the project was the investor. He stated that with the changes to the plan, it should require another public hearing. Mr. Franklin noted he returned to discuss recreation for the County's youth. He stated the need for more sports programming and fields. He noted that a soccer club team was exclusively using a Nelson County School Board field while the Parks and Recreation program was using an inadequate private park. He asked the

Board to do better.

James Marshall – Lovington, VA

Mr. Marshall noted he was part of the Woods Mill Homeowners Association where they had about 15 permanent homes in their neighborhood and 5 undeveloped parcels. He explained they paid road maintenance fees for their road, which started at the entrance to Barry Wood’s brewery. He requested that the County, along with VDOT, take over the maintenance on Old Ridge Road from the brewery to the intersection with Laurel Lane, which was about a mile. He noted they had made the request numerous times. Mr. Marshall then voice his opposition to the proposed trailer park. He stated he was not opposed to low-income housing, but he did not think this was the answer. He noted that mobile homes tend to depreciate. He noted the proposal for the project date March 23, 2022 which included 51 units and a revised entrance just south of Ridgecrest and the parsonage. He cited traffic concerns as people exit the property and the need for a left turn lane to drive south on Route 29. He noted the last minute changes to the plan.

**III. PUBLIC HEARINGS**

**A. FY23-28 Secondary Six-Year Road Plan (R2022-29)**

Mr. Robert Brown presented a review of the Secondary Six Year Plan for Nelson County. He pointed out that the funds available for unpaved roads fluctuated from around \$600,000 to \$650,000 each year. He explained that tele fee money was used for special projects. He reviewed the existing projects that were already in the Six Year Plan. He noted that projects on Shields Gap Road, High Peak Road and Cedar Creek Road were all complete and waiting for financial closure. He noted that projects scheduled to start in the current year were Wilson Road and Campbell’s Mountain Road, and indicated that they hoped to also get to North Fork Road. He explained that the next priorities were Jack’s Hill and another portion of Cedar Creek Road, Ball Mountain and Whipperwill Lane, which were all expected to be funded in the next year. He then noted that the next roads on the list, Honeysuckle Lane, Cow Hollow and Davis Creek, were expected to be funded in FY24 or FY25. He estimated about 5 miles of unpaved roads would be hard surfaced this year.

Mr. Brown noted the Board needed to look at the unpaved road list to set some priorities. The Board reviewed the priority list. Mr. Brown confirmed that Priorities 1 through 7 had been prioritized. He noted that the rest of the list was in no particular order.

PRIORITY	ROUTE	NAME	FROM	TO	LENGTH	TC - VPD	NOTES
1	666	Jacks Hill	1.82 Mi W RTE 678	1.0 M W 678	0.80 Mi	80	\$162,000
2	654	CEDAR CREEK RD	3 Mi West Rte 655	Rte 661	1.24 Mi	110	\$248,000
3	643	Ball Mt. Road	Rte 639	Dead End	0.60 Mi	40	\$120,000
4	848	Whipperwill Lane	Rte 605	Dead End	0.05 Mi	60	\$10,000
5	765	Honey Suckle Lane	Rte 151	Dead End	0.20 Mi	50	\$52,000
6	674	Cow Hollow	Rte 780	Rte 56	1.10 Mi	60	\$250,000
7	623	Davis Creek Rd	RTE 625	Dead End	1.70 Mi	60	\$352,000
	646	Hunting Lodge Road	Rte 604	Rte 645	2.00 Mi	50	\$400,000
	674	Jennys Creek Rd	Rte 56	Rte 151	1.2 Mi	60	\$250,000
	606	Buffalo Station	Rte 626	1.4 Mi East	1.4 Mi	60	\$260,000
	629	Gulleysville Lane	Rte 634	Dead End	1.27 Mi	60	\$200,000
	667	Fork Mt	1.29 Mi North Rt 56	2.29 Mi N	1.00 Mi	130	\$225,000
	613	Berry Hill Rd	Rte 788	1.10 Mi S	1.00 Mi	60	\$200,000
	640	Wheelers Cove Rd.	Rte 620	1.50 Mi. S	1.50 Mi.	80	\$300,000

Mr. Brown noted the need to complete Hunting Lodge Road to connect to Aerial Drive. Mr. Rutherford thought Gulleysville and Berry Hill could be grouped together to knock out since they were so close together. Mr. Reed requested to not prioritize Berry Hill as he had several folks ask for it not to be paved, so the Board moved it to the bottom of the list. The Board discussed the order of priority for the roads and Mr. Rutherford suggested Wheelers Cove could move up the list following Fork Mountain since Berry Hill would remain at the bottom of the list not prioritized. Mr. Reed noted he would continue to engage citizens on Berry Hill. Mr. Brown noted that the listed projects would take close to the end of the plan year to complete.

Mr. Brown noted next year they would need to add more roads. Mr. Barton asked about the additional section of Cedar Creek Road and Mr. Brown confirmed that section would complete the entire road. Mr. Rutherford asked about Warminster Road and Mr. Brown noted it had a count of 30 vehicles per day. Mr. Parr asked about planning for next year and requested that they put a priority to complete roads by connecting any unpaved gaps. Mr. Reed asked to talk with Mr. Brown later about Old Ridge Road.

Mr. Rutherford opened the public hearing.

Margaret Clair – Faber, VA

Ms. Clair noted spelling of Gullysville Road was incorrect as it did not have an “e” in it. She noted that Gullysville had been paved and there were only four families that lived on the road. She noted that the rest of the road beyond the homes was just hunt clubs and raw land. She felt that it could be unprioritized and moved down with Berry Hill.

There being no one else wishing to be recognized, the public hearing closed.

Mr. Rutherford suggested they trade Gullysville with Wheelers Cove. Mr. Reed noted they could move Gullysville down the list. Mr. Brown spoke regarding a drainage problem on Gullysville Road. He explained that there had been flooding and a section of the road was paved was to address erosion and runoff on a citizen’s property. Mr. Reed asked if the additional piece of the road would be needed. Mr. Brown noted there were no other houses in the unpaved section, but it would be nice to connect the paved portions. Mr. Reed was in agreement that other areas of the County may need paving more. The Board agreed to move Wheelers Cove to replace Gullysville.

The Board reviewed and agreed upon the priority order as follows:

- 1 – Hunting Lodge Road
- 2 – Jenny’s Creek Road
- 3 – Buffalo Station
- 4 – Wheelers Cove
- 5 – Fork Mountain
- Berry Hill – unprioritized
- Gullysville - unprioritized

Mr. Parr made a motion to approve Resolution **R2022-29** and the Rural Rustic Priority List as amended. Mr. Barton seconded the motion. There being no further discussion, Supervisors voted unanimously (4-0) by roll call vote to approve the motion and the following resolution was adopted:

**RESOLUTION R2022-29**  
**NELSON COUNTY BOARD OF SUPERVISORS**  
**APPROVAL OF FY23-FY28 SECONDARY SIX-YEAR ROAD PLAN**  
**AND FY22/23 CONSTRUCTION PRIORITY LIST**

**WHEREAS**, Sections 33.2-331 and 33.2-332 of the 1950 Code of Virginia, as amended, provides the opportunity for each county to work with the Virginia Department of Transportation in developing a Secondary Six-Year Road Plan, and

**WHEREAS**, this Board had previously agreed to assist in the preparation of this Plan, in accordance with the Virginia Department of Transportation policies and procedures, and participated in a public hearing on the proposed Plan (2022/23 through 2027/28) as well as the Construction Priority List (2022/23) on May 10, 2022 after duly advertised so that all citizens of the County had the opportunity to participate in said hearing and to make comments and recommendations concerning the proposed Plan and Priority List, and

**WHEREAS**, Staff of the Virginia Department of Transportation, appeared before the Board and recommended approval of the Six-Year Plan for Secondary Roads (2022/23 through 2027/28) and the Construction Priority List (2022/23) for Nelson County,

**NOW THEREFORE BE IT RESOLVED**, that said Board finds the Plan(s) to be in the best interests of the Secondary Road System in Nelson County and of the citizens residing on the Secondary System, and as such said Secondary Six-Year Plan (2022/23 through 2027/28) and Construction Priority List (2022/23) are hereby approved, as amended if applicable.

**B. FY22-23 County Budget, All Funds**

Ms. McGarry gave a presentation overviewing the FY22-23 County Budget. She noted that the presented FY23 budget was based upon budgetary information at the time of the advertisement. She explained that State budgetary decisions were still pending which would affect the final General Fund budget and the School Division operating budget presented for the Board’s approval. She noted that the School Division Budget presented is based on former Governor Northam’s recommended budget. Ms. McGarry noted that the FY23 General Fund budget presented was based on an increase in Transient Occupancy Tax from 5% to 10%. She further noted that the public hearing had been held on the increase and a decision was tabled at the afternoon session earlier in the day.

Ms. McGarry presented the 2022 Tax Rates. She noted that all tax rates were levied per \$100 of assessed value except for the transient occupancy tax. She presented the real estate tax of \$0.65 per \$100 assessed value, explaining that 2022 was a reassessment year with values increasing 20.5%. She noted that the adopted tax rate of \$0.65 was a decrease from the former \$0.72, but an effective tax increase of 12%. She provided the per penny tax rate equivalent of \$313,669.

Ms. McGarry presented the tangible tax rate at \$2.79 per \$100 assessed value noting that vehicle values increased an overall 25% from 2021 due to market conditions. She reported that the 2021 rate was \$3.45 per \$100 yielding an anticipated \$6,204,102 and the adopted 2022 rate at \$2.79 per \$100 was anticipated to yield revenue of approximately the same amount of \$6,204,102.

Ms. McGarry reported that the Machinery and Tools tax rate would remain at \$1.25 per \$100. Ms. McGarry reiterated that the advertised budget for public hearing contained the transient occupancy tax revenue based upon a proposed rate of 10%. She noted that a decision by the Board increasing the rate was tabled during the afternoon session earlier in the day.

Ms. McGarry presented the list of budget funds - General Operating Fund, School Operating Fund, Textbook Fund, Cafeteria Fund, Debt Service Fund, Capital Fund and the Piney River Water/Sewer Enterprise fund. She noted that the General Operating Fund and School fund were two largest funds. She indicated that the General fund often supported other funds like the School Fund and the Debt Service fund. She noted that the remaining funds were generally project oriented or related to an enterprise operation such as Piney River water and sewer operations.

Ms. McGarry compared the current year budget as amended through April 22, the proposed General Fund budget reflected an increase of \$6,247,286 which was an increase of 14.18%. She reported that the budgeted revenues and expenditures were balanced at \$50,296,735.

Ms. McGarry presented a chart of the proposed revenues by category. She explained that local revenue consisted of general property taxes and other local taxes that made up 74% of the overall budgeted revenue with total anticipated local revenues at \$37,219,838. She reported that State revenues accounted for 8.54% at \$4,296,563, and federal revenues provided 2.38% at \$1,196,844. She reported that Non-Revenue Receipts of \$20,000 were 0.04% of the total and \$7,563,490 in Year Ending Balance made up 15.04% of the total. She elaborated that the Year Ending Balance was comprised of \$5,263,490 in FY22 Carryover funds which included \$2,894,977 in ARPA funds not spent, \$856,788 in General Expenditure savings, a net increase in FY22 revenues of \$755,241, and use of year ending balance of \$756,485 in addition to \$2,300,000 in one-time transfer to the Debt Service Fund to establish a reserve that would enable an accelerated debt capacity for County and School Division capital projects.

Ms. McGarry reported that the FY23 Budget revenue exceeded the FY22 budget revenue by \$4,834,884, or 14.93%. She explained that FY23 local revenue made up about 74% of the total General Fund budget and that the primary source of local revenue was general property taxes. She detailed the changes in local, state and federal funding.

Ms. McGarry presented the FY23 Proposed Expenditures as compared to FY22. She noted an increase of \$6,247,286 or 14.18%. She reviewed the proposed expenditures by major category, noting that Schools made up the largest category at \$19.2 million (38%) followed by Governmental Operations including Debt at \$7.1 million (14.26%). She noted that Governmental operations included General Government and Judicial Administration, Public Works, Parks and Recreation, and Community Development (including debt). She also reviewed other major budget categories to include: Public Safety including Debt, Health and Welfare, Agency and Non-Departmental (including PVCC), Capital Outlay, Capital Projects, Refunds and Unallocated Reserve and Debt Service Reserve.

Ms. McGarry noted that the Agency and Non-Departmental line included the 2021-2022 COVID-19 American Rescue Plan funding of \$2,894,977 expenditure line. She reported that those funds were slated to be used in combination with School Division funding to repair the failing roof at the High School. She explained that the Capital Outlay was budgeted at 3.4% or \$1,689,335 and would be covered by some of the FY22 year-ending balance. She noted that the budget also included refunds and an unallocated Contingency Reserve of \$1.3 million. She further noted that \$375,000 was allocated to Capital Projects which was anticipated for architectural and engineering fees related to planned new office building for the Department of Social Services, Building Inspections and Planning and Zoning. Ms. McGarry also explained that a Debt Service Reserve of \$4.4 million was being established to accelerate and increase the County's debt capacity for financing additional capital projects for the County and School Division. She noted that those funds were part of the transfer to Debt Service Fund, in which the debt service reserve is established.

Ms. McGarry reviewed Expenditure highlights from the FY23 budget. She noted that Personnel expenditures included a 5% salary and benefit adjustment, 0% increase in health insurance premiums, a new full-time dispatch supervisor position, four School Resource Officers (SRO) maintained (includes a State SRO grant position). She noted that Public Safety and Emergency Services Expenditure highlights included a 21.08% increase in Regional Jail costs due to higher utilization and noted that the County would have a share in the proposed jail renovation costs within the next fiscal year. She reported that the budget included operational funding to add a second 24/7 paid EMS crew as well as a new ambulance and equipment. She noted other expenditures included an upgrade to the County's E911 microwave system and 911 Center, 4 Sheriff's vehicles and an Animal Control truck and equipment.

Additionally, she noted that the budget included increases to some agency contributions with these going to the Nelson County Health Department, Region Ten, Shelter for Help in Emergency, the Regional Library, Nelson County Community Development Foundation, Piedmont Habitat for Humanity and Gladstone Senior Meals.

Ms. McGarry presented additional miscellaneous Capital outlay items which included budgeting for the continuance of the Comprehensive Plan update, an online citizen records/payment solution for the Treasurer's Office, one Motor Pool truck, Sturt Park development, a Solid Waste roll-off truck and a phone system upgrade. She provided the total Capital Outlay funding at \$1,689,335.

Ms. McGarry reviewed the Transfers to Other Funds which are the transfer of General Fund monies for other purposes such as:

- Reassessment Fund - \$85,000
- Department of Social Services - \$2,234,515
- School Nurses and School Operational Funding - \$17,301,622
- Debt Service - \$7,741,318

She reported that the Transfers to Other Funds totaled \$27,362,455, noting the Transfer to Debt Service included \$4.4 million to establish the debt service reserve within the fund. Additionally, she noted Contingency Reserves of \$1.2 million with \$881,750 from recurring revenue and \$388,000 in non-recurring revenue (carry-over). She explained that non-recurring contingency funds were best used for one-time expenditures and recurring contingency funds could be used for one-time expenditures without impacting future operations.

Ms. McGarry then provided an overview of the FY23 School Fund which was a total of \$36,986,935. She reported that the FY22 School Fund approved budget based upon an enrollment of 1507 compared to the FY23 advertised budget based upon an enrollment of 1454 reflected an overall increase of \$9,499,600 or 34.5%. She noted that this included \$6,125,719 in Federal Covid-19 Stimulus Funding and an increase of \$1,500,000 in local funding. Ms. McGarry noted that in addition to local operational funding of \$17,301,622, an increase of \$1.5 million, the School Division also receives revenues from other sources. She explained that Other funding was comprised of reimbursements for field trips, dual enrollment, and telecommunications rebates, etc. for an increase of \$124,358. She then explained that State funding reflected an anticipated increase of \$1.7 million and was based on former Governor Northam's recommended budget and an anticipated enrollment of 1,454. She reported that regular Federal funding increased by \$24,000 and also included \$6.1 million in Covid-19 stimulus funding carried forward from FY22.

Ms. McGarry reiterated that one of the largest components of the General Fund budget was the local contribution to schools. She reported that including debt, about 52.3% of local funds within the General Fund budget were allocated to schools (38% of total General Fund budget). She explained that the local contributions to School Operations and the School Nurses Program for FY23 was presently funded at \$1.5 million more than in FY22, versus the School Division's request of \$3.4 million in new local funding. Ms. McGarry reported that the four School Resource Officers were funded at the same level as in FY22 within the General Fund budget. She additionally noted that the Board had authorized the transfer of FY21 School Division year ending balance of \$704,895 to the FY22 School Capital fund for their use. She commented that the County also funded \$1,979,212 in school related debt.

Ms. McGarry explained that given the Total Contribution, not including debt, approximately 8.5% or \$0.56 cents out of every \$0.65 cents in Real Estate tax rate supported the Schools. She further noted that including School Debt, that percentage increased to 96.4% or \$0.62 cents out of every \$0.65 cents in the Real Estate Tax rate. Mr. Reed asked if the tabling of the transient occupancy tax affected any of the numbers. Ms. McGarry noted that it may, depending on what further work the Board did. Mr. Reed asked if it be would up to the Board to make changes. Ms. McGarry noted it was hoped that the Board



would meet to hold a small work session to work out details the following week. She confirmed that without the increase in the TOT, they would lose about \$1.3 million in revenue.

Ms. McGarry reported that with an estimated school enrollment of 1454, the level of local funding provided a per pupil expenditure amount of \$12,042 and when coupled with State, Federal and other funding for schools, it yielded an expenditure amount of \$26,942 per pupil.

Ms. McGarry listed Local Contributions to Schools in Additional Funding in recent fiscal years:

- Replacement of NCHS Tennis Courts and Track and other capital projects
- 4 School Resource Officers (continued in FY23)
- FFA National competition travel and championship jackets/rings
- Maintenance of 12 month contracts for NMS and NCHS FFA Teaching/Advising Positions
- Elementary School Destination Imagination Team(s) National competition travel
- Matching funds for grants
- Use of end of year savings for capital needs

Ms. McGarry reported that Nelson County's Local Composite Index (LCI) for 2022-2023 was 0.5888 which mean that the County paid 58.8% and the State share was 41.12%. She noted that based on an enrollment of 1,454 students, the County's required local contribution to Schools for FY23 was \$9,947,419. She pointed out that the FY23 Local Contribution for operations exceeded the required local contribution by \$8,254,203. She added that while the Board of Supervisors provided the local contribution to the School Division, the School Board and Administration decided on how to budget and spend those funds.

Ms. McGarry provided a review of the Proposed School Fund Expenditures by major category as requested. She also noted that the School Division had provided immediate Capital Improvement concerns to the Board of Supervisors totaling \$7,120,719. She noted that capital funding had been designated by the Board to assist the School Division in covering the most immediate needs for a roof replacement and building envelope repair at the High School. She reported the estimated cost for those projects at \$5.5 million.

Ms. McGarry provided a summary by fund:

- General Fund \$50,296,735
- School Fund \$36,986,935
- Textbook Fund \$490,167
- Cafeteria Fund \$260,301
- Capital Fund \$705,251
- Piney River Water/Sewer \$181,093
- Debt Service Fund \$7,741,318

She concluded her presentation noting that all funds that make up the County budget totaled about \$96.6 million. She noted that per State Code, the Board must wait a minimum of 7 days following the public hearing before adopting a budget.

The Board had no questions for Ms. McGarry.

Mr. Rutherford opened the public hearing for the FY23 Budget.

Dr. Joe Cox - Interim School Superintendent

Dr. Cox noted the difficult budget decisions to be made by the Supervisors. He felt it was always important as Superintendent to advocate for students, teachers, parents and administrators. He noted inflation concerns, the need for instructional aide pay increases, and the need to help students succeed. He asked that the Board fully fund the schools, noting he understood that the Board had tough budgetary decisions to make. He thanked the Board for the opportunity to hold a joint work session to allow both Boards to voice concerns.

Shannon Irvin – Nelson County Public Schools

Ms. Irvin noted she wanted to talk to the Board about their people. She briefly detailed net pay information from a few employees. She noted that they had a bus driver who had been employed with them for 20 years who had a net check including overtime that was just over \$1,000 in take home pay after health insurance, taxes, and retirement. She pointed out that without the overtime pay, the driver's take home pay would have been around \$600. She also shared that one instructional assistant had a take

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home pay of about \$930 and a long time custodian took home about \$1600. Ms. Irvin felt that the School budget was a humanitarian budget. She noted the budget did address a 5% pay increase, but wanted to help the group that made less than \$20 per hour. She noted vacancies in bus driver staff and custodial staff.

Cindy Kirchner Afton, VA

Ms. Kirchner noted that she had been a teacher at Rockfish for the last 23 years and had also attended Nelson County schools growing up. She noted that the pandemic was affecting education and stressed the need for every resource to help students continue to catch up. She noted different learning methods like small group instruction, whole group instruction, independent practice time and hoped to add the accelerated reader program back. She worried that without full funding, they would lose some of the programs that helped target learning needs. She noted that the students were working hard to overcome what the pandemic took from them. She asked that the Board provide the funding needed to allow teachers to do their jobs.

Wendy Lane - Crozet, VA

Ms. Lane noted she was a Rockfish River Elementary School Special Education teacher. She stated she had been at Rockfish since 2017 and a teacher for the last 24 years. She detailed her experiences during her tenure. She then noted the affects from the pandemic. She noted the ability of teachers to take on challenges, learn to virtual teach, and cover gaps in learning loss. Ms. Lane asked the Board to fully fund the School Board's budget request.

Carlton Ballowe - Faber, VA

Mr. Ballowe spoke on behalf of tax payers, noting local contribution per pupil and total expense per pupil. He felt people were suffering from inflation rates, higher gas prices. He felt that the Board has been giving the school system a blank check year after year.

Mark Franklin - Roseland, VA

Mr. Franklin question how the funds would be spent. He felt that the Board should go ahead and approve the lodging tax since the budget was written with the increase included. He felt that the unpaved road prioritization needed more analysis before spending tax dollars. Mr. Franklin noted he was there to advocate for the Park and Recreation department. He wanted to see more money go to Parks and Recreation. He thought that the School Board needed to provide more detail on how they were spending the additional funds.

Dylan Bishop - Planning & Zoning

Ms. Bishop noted there was a 0% cost increase option for health insurance but for those who wished to keep their plan, the rate did go up. She noted she was grateful for the 5% increase and the current work being done on the compensation study but with the increase in insurance, along with inflation and taxes, she wasn't sure how much of the increase she would see. She thanked the Board for their hard work on the budget.

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

Mr. Rutherford noted the Board needed to continue the meeting to the following week to make actions and corrections on the budget.

The Board took a five-minute recess at 9:06 p.m.

Mr. Rutherford introduced Dr. Amanda Hester as the new school superintendent for Nelson County Public Schools. Dr. Hester noted she appreciated the introduction and looked forward to working with everyone.

Mr. Reed noted a letter received from Gordon Dalton, teacher at Rockfish River Elementary School and asked for the letter to be included in the record.

Mr. Barton wanted to comment on the school budget. He expressed his respect for education as a former teacher. He explained that it was not easy to create an environment where students want to learn. He stated that the last 20 years had been a disaster for public education. He cited the impacts from the pandemic. He stressed the need to rise to the occasion and provide the resources necessary for the school.

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

##### **A. Special Use Permit #520 – Mobile Home Park**

Ms. Bishop gave a brief overview for SUP #520 for a mobile home park. She noted the reduction of units from 51 to 28, which was received that morning. She indicated that the 25-foot spacing between units had increased to 30 feet and the 35-acre open space had been reduced to about 5 acres. She noted that the entrance location south of church approved by VDOT.

Applicant Justin Shimp spoke to the Board. He noted concerns about visibility from 29 and what a mobile home park could turn into. He pointed out that the site was close to the church but not that close to other homes. He assured the Board and the public that there was no access to the property connecting to Old Ridge Road. He noted that there were now 28 sites proposed with 28 drain fields which would operate in a circulatory system so there would be no groundwater loss. He noted that anything above 10 units required left hand turn lanes, which made the project expensive. He noted the addition of a mixed housing adjacent to the mobile home park to help subsidize the cost of entrances.

Mr. Shimp presented the updated concept plan, noting the reduction from 51 to 28 homes. He noted it would have a neighborhood feel. Mr. Shimp noted this was a resident investor community where residents may purchase equity ownership instead of paying rent. He explained that while mobile homes may depreciate over time, the land underneath them did not. He noted the lack of affordable rentals in Nelson County. Mr. Shimp reviewed the costs of housing options. He showed examples of advertised salaries for County employment. He felt that the project was a way to find solutions to help people live in the community. He thanked the Board for their time. He noted the lateness of the evening and reminded the Board that they did have 12 months from the original public hearing to take action.

Mr. Barton appreciated Mr. Shimp's efforts to make it work but he was not willing to say yes.

Mr. Reed asked about the single family housing by-right. Mr. Shimp noted he planned to add rental housing overlooking the creek. He noted they would be stick built homes slightly larger than mobile homes.

Mr. Reed thanked Mr. Shimp for his presentation and amended proposal. He noted the project was considerably different, and the Board had no input from Mr. Harvey who was absent, or the Planning Commission with the changes proposed.

Mr. Parr thanked public for their comments. He noted the comments received from folks even further out from the proposed site. He commended Mr. Shimp on the adjustments he had made to address concerns. He cited concerns that the project has changed since the day prior. He noted his reliance on Board members with experience serving on the Planning Commission. He felt that the plan needed to be re-evaluated by Planning Commission since changed.

Mr. Barton reiterated that he was not supportive of project.

Mr. Reed agreed that the project should be deferred back to Planning Commission, particularly without Mr. Harvey being present for the discussion.

Mr. Rutherford asked what the process would be to defer back to the Planning Commission. Ms. Bishop noted the Board had 12 months to make a decision from the initial public hearing. She noted the Board could make a motion to send the application back to the Planning Commission for public hearing.

Mr. Parr moved that the Board send back Special Use Permit #520 – Mobile Home Park to the Planning Commission for public hearing. Mr. Reed seconded the motion. There being no further discussion, Supervisors voted (3-0) by roll call vote to approve the motion with Mr. Barton abstaining.

#### **V. ADJOURNMENT**

At 9:46 p.m., Mr. Barton made a motion to adjourn and continue to May 18, 2022 at 4p.m. Mr. Reed seconded the motion. There being no further discussion, Mr. Rutherford called for a vote of acclamation and Mr. Parr abstained. The motion passed without objection and the meeting adjourned.