

BOARD OF
SUPERVISORS

THOMAS D. HARVEY
North District

ERNIE Q. REED
Central District

JESSE N. RUTHERFORD
East District

ROBERT G. BARTON, JR.
South District

J. DAVID PARR
West District



CANDICE W. MCGARRY
County Administrator

AMANDA B. SPIVEY
Administrative Assistant/
Deputy Clerk

LINDA K. STATON
Director of Finance and
Human Resources

AGENDA
NELSON COUNTY BOARD OF SUPERVISORS
DECEMBER 12, 2023
THE REGULAR MEETING CONVENES AT 2:00 P.M. IN THE
GENERAL DISTRICT COURTROOM AT THE COURTHOUSE IN LOVINGSTON

- I. CALL TO ORDER**
 - A. Moment of Silence
 - B. Pledge of Allegiance
- II. PUBLIC COMMENTS**
- III. MEET THE LEGISLATOR**
- IV. CONSENT AGENDA**
 - A. Resolution – **R2023-76** Minutes for Approval
 - B. Resolution – **R2023-77** FY24 Budget Amendment
- V. PRESENTATIONS**
 - A. Blue Ridge Tunnel After Dark Event Report & Check Presentation
 - B. VDOT Report
 - C. Update on Debt Capacity – Davenport
 - D. Larkin Property Master Plan – Architectural Partners
 - E. Regional Transit Governance Study - TJPDC
- VI. NEW & UNFINISHED BUSINESS**
 - A. Funding Request from Lovingston Beautification Volunteers
 - B. Authorization for Public Hearing on Personal Property Tax Exemption for Volunteer Fire and Rescue (**R2023-78**)
 - C. School Zone Speed Enforcement (**R2023-79**)
 - D. Transient Occupancy Tax Rate Increase (**O2023-02**)
- VII. REPORTS, APPOINTMENTS, DIRECTIVES AND CORRESPONDENCE**
 - A. Reports
 - 1. County Administrator’s Report
 - 2. Board Reports
 - B. Appointments
 - C. Correspondence
 - D. Directives
- VIII. CLOSED SESSION PURSUANT TO §2.2-3711 (A)(7) & (A)(8)**
- IX. ADJOURN AND CONTINUE – EVENING SESSION AT 7PM**

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

- I. CALL TO ORDER**
- II. PUBLIC COMMENTS**
- III. PUBLIC HEARINGS**

A. Special Use Permit #1050 - Campground

Consideration of a Special Use Permit application requesting County approval to allow a Campground (six sites) on property zoned A-1 Agricultural. The subject property is located at Tax Map Parcel #16-A-17 at 6973 North Fork Rd in Montebello. The subject property is 100.196 acres and is owned by Lacy Montebello LLC.

B. Ordinance O2023-07 – Amendment to Chapter 11, Taxation, Article II, Division 2 Exemptions for Elderly and Disabled

The purpose of the public hearing is to receive public input on an Ordinance proposed for passage to amend Chapter 11, Taxation, Article II, Division 2 Exemptions for Elderly and Disabled. Proposed amendments to **Section 11-43 Restrictions and Conditions**, would increase the maximum owners' total combined income from \$50,000 to \$75,000; and the maximum owners' total net worth would increase from \$100,000 to \$125,000. The proposed amendments to **Section 11-48 Determination of exemption**, would update the income and net worth numbers to reflect the changes made to Section 11-43.

- IV. OTHER BUSINESS (AS PRESENTED)**
 - A. Local Burn Ban
- V. ADJOURNMENT**



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**RESOLUTION R2023-76
NELSON COUNTY BOARD OF SUPERVISORS
APPROVAL OF MINUTES
(June 13, 2023)**

RESOLVED, by the Nelson County Board of Supervisors that the minutes of said Board meetings conducted on **June 13, 2023** be and hereby are approved and authorized for entry into the official record of the Board of Supervisors meetings.

Approved: December 12, 2023

Attest: _____, Clerk
Nelson County Board of Supervisors

June 13, 2023

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
J. David Parr, West District Supervisor – Vice Chair
Thomas D. Harvey, North District Supervisor
Ernie Q. Reed, Central District Supervisor
Robert G. “Skip” Barton, South District Supervisor
Candice W. McGarry, County Administrator
Amanda B. Spivey, Administrative Assistant/Deputy Clerk
Linda K. Staton, 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 2:04 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

Edith Napier – Nelson County Department of Social Services Board Chair

Ms. Napier reminded the Board about the Juneteenth celebration on June 18th at 3 p.m. at the Heritage Center. She urged the Board to have VDOT cut the grass at the southern end of Route 29. She commented that the grass was tall and presented a danger to those using the crossovers. She commented that it appeared that the southern end of the County was underserved. Ms. Rose thanked the Board for their support at the retirement celebration for former Nelson County Social Services Director, Angela Rose, who retired after 40 years of service to Nelson County. Ms. Napier introduced the new Director of Social Services, Brad Burdette. She highlighted Mr. Burdette’s experience working in Social Services, noting that he was well versed in all aspects of Social Services. Ms. Napier reported that Mr. Burdette lived in Nelson County with his wife Johnette Burdette and their two children.

Brad Burdette – Director of Nelson County Department of Social Services

Mr. Burdette thanked the Board and the local Social Services Board for the opportunity to serve the citizens of Nelson County. He noted that he had a warm welcome and he was looking forward to serving the County.

Grace Puskas - Blue Ridge Medical Center

Ms. Puskas introduced herself as the Community Health Worker for Blue Ridge Medical Center (BRMC). She noted that she had started her job at Blue Ridge in November. She announced that Blue Ridge Medical was hosting a Nelson Community Health Fair on July 15th at the Heritage Center. She commented that they would be providing free sports physicals, children’s back to school immunizations, and school supplies. She explained that it was a health fair combined with a back to school event. She noted that there would be many health and human service agencies present at the event. Ms. Puskas commented that the goal to engage with the community and to share all of the available resources that the citizens have access to, with the intention to reduce health disparities in Nelson County. She reported that there would be prizes, food trucks, games and fun for all ages. She asked for the Board’s continued support and help in promoting event.

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Stephen Bayne Nellysford, VA

Mr. Bayne stated that he was there to provide feedback regarding the FY24 County budget. He indicated that he was concerned at the amount of capital expenditures that the County would need for infrastructure needs beginning soon. He commented that residents needed to have confidence that the Board has effectively planned for those infrastructure needs, including when they would be needed, what they would cost, and that they would be fully funded. He was concerned that the recurring contingency reserve at \$500,000 was too low. He reiterated that residents needed to have confidence that the Board has planned effectively, with fiscally responsible reserves. He noted that he was also concerned that the Board was missing an opportunity to increase the transient occupancy tax rate from 5 percent to 7 percent. He noted that the increased revenue would be an efficient revenue source to strengthen the weaknesses in the proposed budget. Mr. Bayne commented that he was also concerned that the Board was missing an opportunity to reduce the real estate tax rate for FY24, which would keep the real estate tax rate flat for residents who have struggled with inflation, spiking interest rates and the economic slowdown. He noted that many other counties had focused on providing that relief. He noted that he was also concerned with the lack of evidence that the Board performed detailed due diligence regarding the Schools budget request. He commented that he supported the public schools, and it was important that the Board confirm that the budget request was fiscally responsible and truly what was needed. He commented that the proposed 5 percent salary increase for County employees was very high. He stated that residents needed to have confidence that the Board's diligence with pay studies truly warranted the level of increase across all positions. He stated that he was also concerned about the County's debt facility in light of severely increasing interest rates.

Bill Pearcy, Lovington, VA

Mr. Pearcy thanked Mr. Rutherford for his Facebook post asking for comments about road situations. He echoed Ms. Napier's comments about the grass. Mr. Pearcy noted that he would like to see improvements to the left turn lane coming off of 29 South entering Lovington at Northside. He commented that the left turn lane was too short. He also commented that improvements needed to be made at the median just south of Outback Brewery. He also suggested that a longer deceleration lane was needed for the median on Route 29 at the Heritage Center, as well as on the other side of 29 when turning onto Morse Lane.

Anne Landry - Nellysford, VA

Ms. Landry asked the Board to consider providing additional funds to Animal Control. She suggested instead of euthanize particular animals, that the animals be transported by one of the volunteer groups to states where they would be adopted. She asked that the Board carve out \$3,00 from the bloated school budget to help cover transportation costs. Ms. Landry commented that the Schools were not being transparent about why they needed additional funds. She did not believe that the Board had seen a line items budget of what the Schools were spending their money on. She commented that the Schools wanted more money year after year and noted the declining student enrollment.

Thomas Bruguiera, Roseland, VA

Mr. Bruguiera commented that the road from Fleetwood up to the collection center was loaded with refuse and tires. He asked that the County to take care of the issue in some way.

There were no others wishing to speak and the public comments period was closed.

Mr. Rutherford asked the Board to move the budget items VI D and VI E to top of New and Unfinished Business on the agenda. The Board was in consensus to make the adjustment to the agenda.

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III. CONSENT AGENDA

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

A. Resolution – **R2023-36** Minutes for Approval

**RESOLUTION R2023-36
NELSON COUNTY BOARD OF SUPERVISORS
APPROVAL OF MINUTES
(March 7, 2023, March 14, 2023 and March 15, 2023)**

RESOLVED, by the Nelson County Board of Supervisors that the minutes of said Board meetings conducted on **March 7, 2023, March 14, 2023 and March 15, 2023** be and hereby are approved and authorized for entry into the official record of the Board of Supervisors meetings.

B. Resolution – **R2023-37** Budget Amendment

June 13, 2023

RESOLUTION R2023-37
NELSON COUNTY BOARD OF SUPERVISORS
AMENDMENT OF FISCAL YEAR 2022-2023 BUDGET
June 13, 2023

I. Appropriation of Funds (General Fund)

<u>Amount</u>	<u>Revenue Account (-)</u>	<u>Expenditure Account (+)</u>
\$ 1,095.54	3-100-002404-0001	4-100-031020-5419
\$ 3,078.00	3-100-002404-0035	4-100-031020-7036
\$ 669,374.52	3-100-002401-0045	4-100-053600-3164
\$ 82,000.00	3-100-003303-0043	4-100-081020-7063
<u>\$ 755,548.06</u>		

II. Appropriation of Funds (Piney River Fund)

<u>Amount</u>	<u>Revenue Account (-)</u>	<u>Expenditure Account (+)</u>
\$ 10,900.00	3-501-001608-0003	4-501-042040-3004
<u>\$ 10,900.00</u>		

III. Transfer of Funds (Employee Benefits and Departmental)

<u>Amount</u>	<u>Credit Account (-)</u>	<u>Debit Account (+)</u>
\$ 3,550.00	4-100-091030-5616	4-100-011010-5501
\$ 1,450.00	4-100-091030-5616	4-100-011010-5504
\$ 2,481.00	4-100-091030-5616	4-100-012150-3005
\$ 919.00	4-100-091030-5615	4-100-012150-3005
\$ 656.00	4-100-091030-5615	4-100-012150-2005
\$ 15,010.00	4-100-091030-5615	4-100-012040-3002
<u>\$ 24,066.00</u>		

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

<u>Amount</u>	<u>Credit Account (-)</u>	<u>Debit Account (+)</u>
\$ 25,000.00	4-100-999000-9905	4-100-032020-5415
\$ 29,516.64	4-100-999000-9905	4-100-043040-5408
<u>\$ 54,516.64</u>		

V. Transfer of Funds (General Fund Recurring Contingency)

<u>Amount</u>	<u>Credit Account (-)</u>	<u>Debit Account (+)</u>
\$ 50,000.00	4-100-999000-9901	4-100-043040-5415
\$ 305,253.48	4-100-999000-9901	4-100-053600-3164
\$ 6,000.00	4-100-999000-9901	4-100-012130-3125
<u>\$ 361,253.48</u>		

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IV. RESOLUTION – Earl Hamner Jr. and Jimmy Fortune Day (R2023-38)

Mr. Rutherford introduced the subject, noting that Mr. Hamner and Mr. Fortune both played critical roles in Nelson County in both how they were raised and the manner in which they lived their lives. Mr. Rutherford asked Mr. Woody Greenberg to report on the upcoming event at the Nelson County Historical Society.

Woody Greenburg – Nelson County Historical Society Board of Directors Arrington, VA

Mr. Greenberg reported that the Historical Society was planning to unveil large bronze statues of Earl Hamner and Jimmy Fortune on Saturday, July 8, 2023 at Oakland Museum. He explained that the statues were being donated to the Society through the efforts of a long-time fan of Jimmy Fortune, named Linden Cook. Mr. Greenberg noted that when Mr. Cook asked Jimmy Fortune about statue, Mr. Fortune asked the fan to honor Earl Hamner as well. Mr. Greenberg reported that the event would begin at 11 a.m. with speakers - Kami Cotler and Eddie Witt. Mr. Greenberg invited Mr. Rutherford to speak at the event also. Mr. Greenberg asked that the Board pass a resolution declaring July 8th as “Earl Hamner, Jr. and Jimmy Fortune Day”, in recognition of the honor that both gentlemen had brought to the County. Mr. Greenberg reported that following the unveiling ceremony, they would be opening two new exhibits at the museum. He explained that one exhibit would be on Earl Hamner’s writings, and the other was called “Rhythms of Yesterday and Today,” on the County’s musical heritage. He noted that the musical heritage exhibit would feature Jimmy Fortune, along with the late Curtis Mathews, Ral Satterwhite, and the Toms Sisters. Mr. Greenberg also invited the Board to a concert that same evening at the Heritage Center with Jimmy Fortune headlining, along with several others.

Mr. Rutherford read and moved to approve Resolution R2023-38 and Mr. Parr seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion and the following resolution was adopted:

**RESOLUTION R2023-38
NELSON COUNTY BOARD OF SUPERVISORS
DECLARATION OF JULY 8, 2023 AS
EARL HAMNER, JR. AND JIMMY FORTUNE DAY**

WHEREAS, Earl Hamner, Jr. and Jimmy Fortune have brought great honor to Nelson County nationally; and,

WHEREAS, Mr. Hamner’s novel and film “Spencer’s Mountain,” and his creation of the Emmy Award winning “The Homecoming” and “The Waltons” television series, are all set in Nelson County; and,

WHEREAS, national recognition of Mr. Hamner has brought thousands of visitors to the county to see his boyhood home, a museum dedicated to “The Waltons,” and other business enterprises associated with Mr. Hamner’s contributions to American popular culture; and,

WHEREAS, Jimmy Fortune, is a country and gospel music singer from Nelson County who sang with The Statler Brothers for 21 years, and wrote the song "Elizabeth" for the group as well as several other number one country hits; and,

WHEREAS, Mr. Fortune has been inducted with The Statler Brothers into the Gospel Music Hall of Fame, and the Country Music Hall of Fame, and was also inducted twice into the Virginia Music Hall of Fame, and continues to perform as a solo artist; and,

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WHEREAS, both Mr. Hamner and Mr. Fortune continue to bring honor and recognition to the county of their births and upbringing; and,

WHEREAS, the Nelson County Historical Society has arranged to honor these two Nelson County citizens with life-size bronze statues at Oakland Museum;

NOW THEREFORE BE IT RESOLVED, that the Nelson County Board of Supervisors hereby declare that Saturday, July 8, 2023, be known as “Earl Hamner Jr. and Jimmy Fortune Day”.

Mr. Barton commented that speaking about Mr. Hamner and Mr. Fortune reminded him that in the last week, two citizens of Nelson County had passed away and they were both named John. Mr. Barton noted that Johnny Roberts was the former horticulture teacher at the high school for many years. He explained that at Mr. Roberts funeral, his granddaughters read an essay that he had written about Nelson County in 2007 which described what Nelson County was like in 1957. Mr. Barton then described Mr. John Martin, noting he had probably attended more high school sporting events than any other person in the County. He commented that Mr. Martin had coached, and also participated in recreational sports. He noted that he was one of the people that bound the County together. He commented that Mr. Martin was also a County employee in Maintenance department for many years and was a wonderful person.

V. PRESENTATIONS
A. VDOT Report

Mr. Robert Brown of VDOT was present.

Mr. Rutherford commented that he had gone on social media the day before to ask the community at large what their problems with the roadways were. He reported that mowing was a primary concern. He asked Mr. Brown if VDOT had a mowing schedule. Mr. Brown reported that VDOT had been mowing secondary roads. He noted that they started mowing four lane primaries on 29 the day before, near Woods Mill. He noted that they would continue mowing until they finished 29 and then get back to secondary and two-lane primary roads. He estimated that they should finish four lane mowing by the Fourth of July. Mr. Brown noted that he had seen a lot of the comments on Facebook. He commented that he understood the concerns, and noted that they could not be everywhere at once. He reported that they had started mowing secondary roads on May 1st and they would stay at it until it was all cut back.

Mr. Barton noted that there was an event at the Heritage Center coming up that weekend. He asked if it would be possible to have that mowed before the event, to help with traffic visibility. Mr. Parr noted other high traffic crossovers like the two in Colleen, one at Route 56, and the other at the Dairy Isle. He noted that Route 56 going to Montebello was pretty overgrown as well.

Mr. Brown reported that they had finished hard surfacing on Cedar Creek and were now working on Honeysuckle. He noted that they hoped to then move on to Jack’s Hill in July to continue the Rural Rustic hard surfacing program. He commented that they also had a significant drainage structure to install on Jack’s Hill. Mr. Brown reported that they had received some additional maintenance funds for Nelson County. He noted they were able to get some more replacement stone for some of the unpaved roads. He also noted that he had a mowing contract out for bid. He said he could not fund it in FY23, but he was hoping to get bids for FY24 to mow the secondary system.

Mr. Parr:

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Mr. Parr commented that they had discussed shoulder work on Saunders Hill previously. He reported that Roseland Road also needed some attention.

Mr. Reed:

Mr. Reed had no VDOT issues to discuss.

Mr. Harvey:

Mr. Harvey had no VDOT issues to discuss.

Mr. Barton:

Mr. Barton reported that he had gotten a call from a citizen in Gladstone, who was under the impression that if the Board designated that area as a residential community, the speed limit could be reduced to 15 mph. Mr. Barton asked if that were true. Mr. Brown did not know, noting he did not think that was the case, but he would have to ask someone. Mr. Barton asked if it would be a problem to designate it a residential community. Ms. McGarry noted that would have to be looked into. Mr. Brown noted that they had spoken with the Gladstone resident, Mr. Brown, previously. He commented that a traffic study had been done on that road and there were 70 vehicles per day. He also noted that it was currently 25 mph and there had been zero crashes in the last seven years. He also indicated that both ends of the road had curves to calm traffic and there had been no success in approving anything lower than the existing 25 mph speed limit. Mr. Harvey thought that if they wanted to lower the speed limit further, there was a certain amount of criteria they had to meet. Mr. Brown noted he would look into the matter further and report back to Mr. Barton.

Mr. Rutherford:

Mr. Rutherford noted he would send his list via email.

Mr. Barton noted he had spoken to Paul Zelinsky and Mr. Zelinsky noted he could do the work that was needed to have the designation done for the area in Gladstone.

Mr. Rutherford asked about the Lovington sign and what the sight distance was in the right of way. Mr. Brown noted he would check, but he guessed it was probably 55 feet from the center of the road.

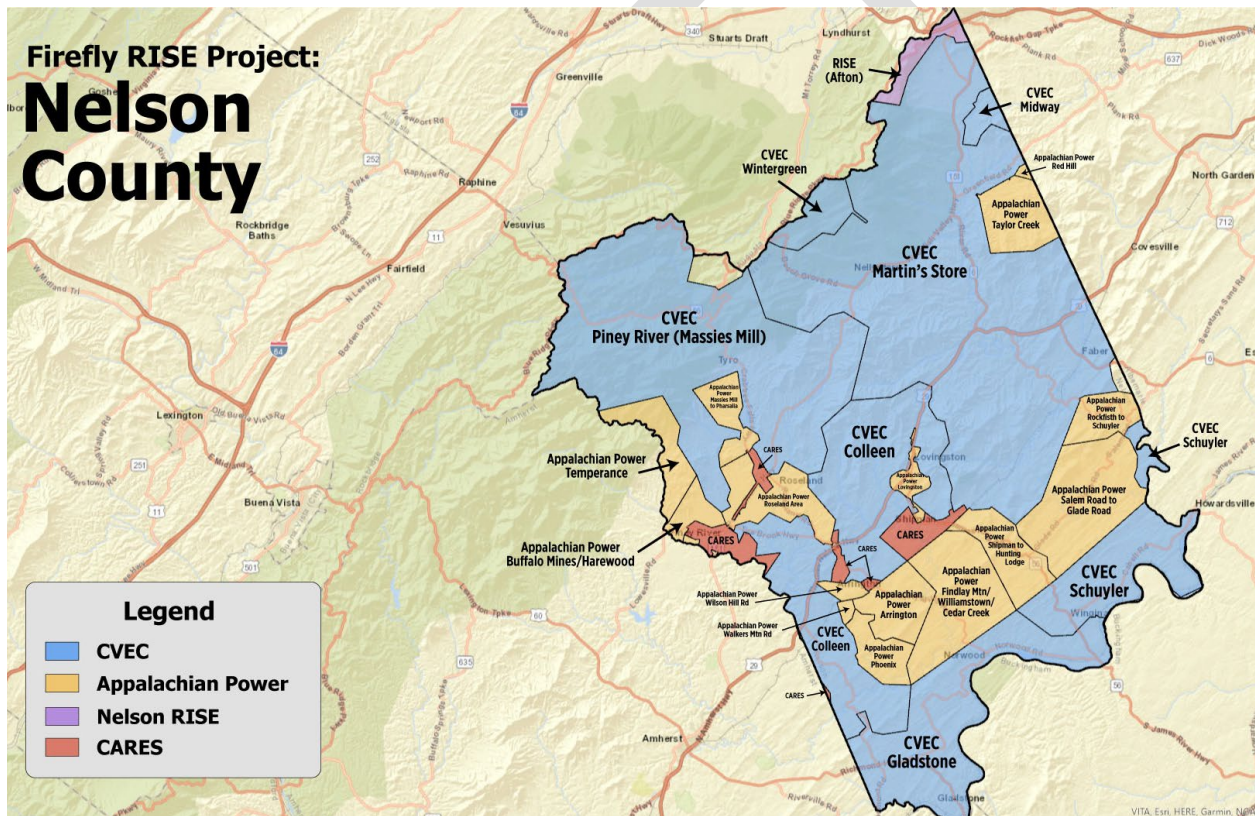
Mr. Brown provided the phone number 1-800-367-ROAD, noting that anyone could call to report any road condition 24/7. He commented that the operator got the information directed to the right person immediately. Mr. Rutherford also noted that there was an avenue online to report road issues.

B. Firefly Broadband Internet Report – Status Update

Mr. Gary Wood was of Central Virginia Electric Cooperative and Firefly was present to provide an update on Firefly's fiber buildout progress. He noted that Nelson County was ahead of the game. He reported that the CVEC substation areas of Colleen, Gladstone, Martin's Store, Midway and Wintergreen had been completed and they were still connecting people in those areas that sign up for service. He reported that the Massies Mill area out of the Piney River substation had about 60 pre-registered people left to connect. He noted there were about 100 people left in Schuyler to connect. He reported that they were actively connecting and finishing up in those two areas (Massies Mill and Schuyler).

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Mr. Wood then discussed the fiber build out for Appalachian Power (ApCo/AEP) customers. He reported that they were basically finished with all of the fiber construction in the County, except for the end of Phoenix Road and Falling Rock where ApCo was finishing up some make ready work. He explained that once the make ready work was complete, and the fiber would be put up. He estimated that it would be another month or two before they started making final connections in those areas. He noted that part of the construction had been finished from Hunting Lodge Road down to Glade Road, however, Firefly found that ApCo had left off a few make ready sections. He reported that ApCo had gone back to finish those sections, which were about 6 to 7 miles total. He reported that they were making progress on final connections in all areas. He noted they had made some progress on final connections in Arrington, Shipman, and Williamstown. He reported that they had about half of the people connected on Roseland Road, as well as half on Taylors Creek Road. Mr. Wood indicated that they still had a good amount left to connect on Buffalo Mines, Henderson's Store and Cow Hollow. He reported that in the Piney River area, there were about 100 people left to connect, with about 50 of those being located on the Nelson County side. He noted that the total number of people left to connect was about 850 with most of the construction being completed in those areas, with the exception of the last 7 to 8 miles that the construction is being finished up and spliced.



Mr. Wood reported that they had 10,500 passings to date. He indicated that there were 5,250 people with Firefly service in the County. He estimated that there was probably another 1,500 people with service through another provider. He commented that when they were finished with connections sometime in the fall, Nelson County should have around 8,000 out of 10,000 connected, noting that everyone who wanted service would have service. He noted the exception of Afton Mountain which about 200 homes were served by Dominion. He noted those folks would have Firefly the following year. He then noted the area of Love which had about 25 homes served by Shenandoah Valley Electric Cooperative. He explained that they would build the fiber off of the CVEC system and get those folks connected by next year. He noted that other than those in the areas of Afton Mountain and Love, everyone else in the County who wanted fiber should have it by the fall.

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Mr. Wood then reported that in the State of Virginia, the new FCC broadband maps showed there were less than 350,000 locations with access to fiber optics. He indicated that Firefly provided service to 40,000 locations. He noted that Nelson County would have all but 250 locations with fiber this year. He noted there were about 2.5 million total locations in the state of Virginia and 350,000 of those locations had access to fiber. He commented that Nelson was way ahead. He pointed out that Northern Virginia, Richmond and Virginia Beach had good cable internet, but fiber internet was the next level. He congratulated the County and thanked the Board for all of their support to get this far. He reported that in terms of total construction, CVEC put in \$33 million into the County in fiber and fiber related structures, and Firefly put another \$8 million into the County so far. He noted that construction started in 2019 in Nelson County. Mr. Rutherford commented that CVEC had estimated \$25 million at the start of the project. Mr. Wood noted that there were more costs, some related to getting the work done quicker and some additional costs were necessary.

Mr. Wood commented that they were working until all were connected and they would continue to work after to connect anyone else who decided to connect. He noted that last calls were going out soon to CVEC members for free installations.

He noted they could offer 10GB to businesses, or even a home if they wanted to pay for it. He pointed out that it cost more money to change out the electronics but the fiber was good to go. He noted that when construction started in 2019, they projected to complete CVEC in 2023 and ApCo in 2024. He pointed out that they were going to finish up a year early.

Mr. Barton asked how ApCo customers would hear about how they could get connected. Mr. Wood noted that Ms. Melissa Gay, who was in charge of Member Service and Communications at CVEC, as well as Firefly. Ms. Gay was present and explained that letters went out to ApCo members just like CVEC members. She noted that they held town halls to help people learn more about signing up and the process to get service installed. She explained that once service was in place and the hardware was on the outside of the home, the homeowner would get a call and email from Firefly to schedule an appointment to connect. She noted that the installation was still available with \$0 installation fee for those who signed up for service while they were working in the area. She noted that the hardware was still provided free of charge also, no contracts and symmetrical up and down data. Mr. Wood noted that it was still the same price they had started with.

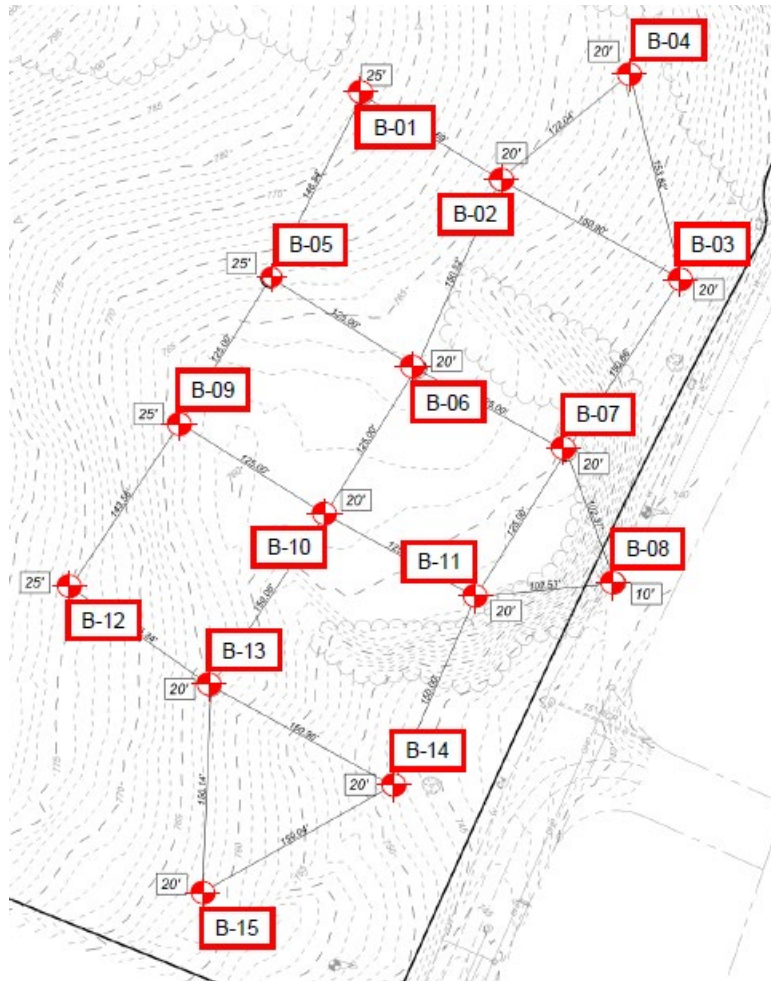
Mr. Parr asked whether the maintenance crews and installation crews were the same or different people. Mr. Wood noted internal Firefly employees did the work inside of the homes, and outside of the homes they had line techs who did the fiber maintenance and trouble shooting. He noted that they supplemented line techs with subcontractors when there were large outages. Mr. Parr asked if the fiber techs were pulled from fiber construction when there was an outage. Mr. Wood indicated that contractors did all of the work for construction.

The Board had no other questions.

C. Callohill Building Project Update – PMA Architecture

Mr. Jeff Stodghill of PMA Architecture was present to provide an update to the Callohill building site. He reported that Timmons Group had been doing a geotechnical study of the property. He noted that they performed 15 soil borings to see where rock was located on the site. Mr. Stodghill showed the boring locations at Callohill.

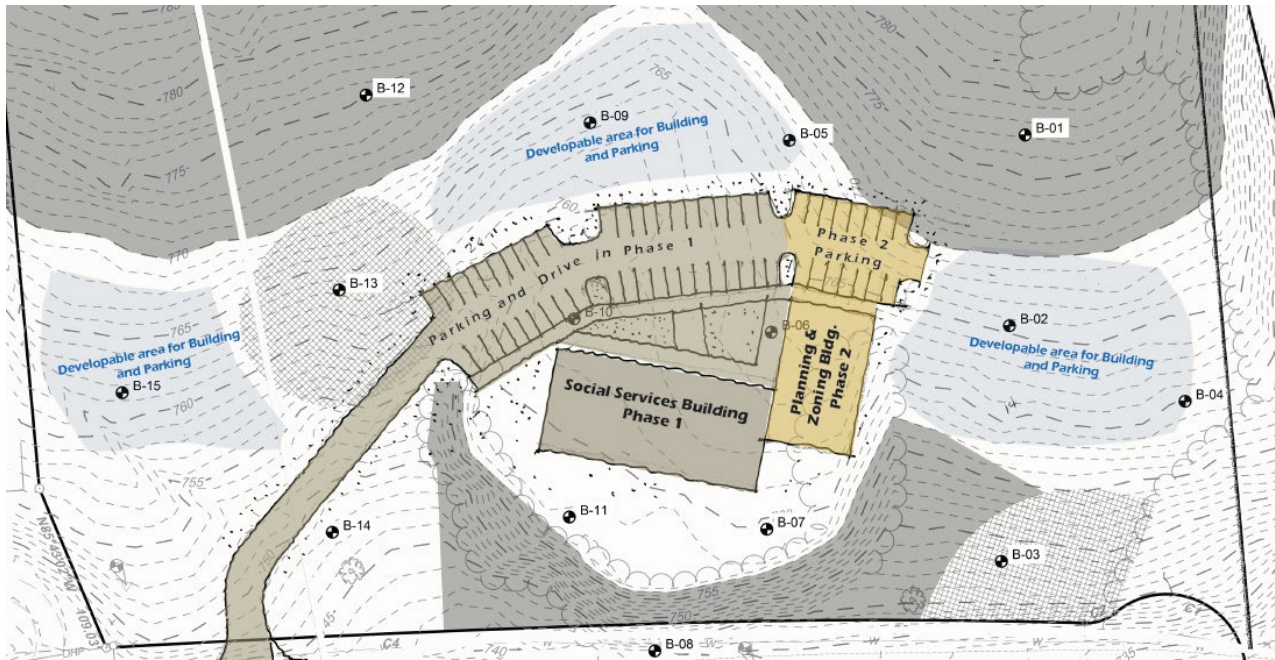
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Mr. Stodghill reported that the boring produced good news for the project. He indicated that the middle of site was mostly fill. He explained that there was some accumulated fill in middle, and there were rocks at upper and lower parts of site. He reported that the middle of the site was very developable and they had found reasonably good stiff soil around four to six feet down. He did not anticipate a lot of rock removal.

Mr. Stodghill showed a site map with potential building areas and areas to not use.

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He pointed out that the shaded areas had steep slopes, which PMA felt it best to avoid developing in those areas. He noted that trying to use the middle part of site was best and they had come up with some viable strategies for coming off of Callohill. He showed the other areas for potential parking or building. He indicated that the blue labeled areas were also developable areas of the site. Mr. Stodghill pointed out that it was more expensive to get further up the hill. He reported that a full geotechnical report would be available by July 1st. He noted that next steps would be to look at starting the design and confirming a site construction budget. He explained that the engineers would need to start design to determine the costs for storm water and utilities. He noted that they felt that improvements were needed on the road to the entrance site and those costs would also need to be determined. He thought that they could consolidate construction and the construction area could be less than they previously anticipated. He noted that the site work was about one-quarter of the costs for the project.

Mr. Stodghill noted that he and Mr. Burdette had met earlier in the day. Mr. Rutherford asked Mr. Stodghill if he saw any cost modifications in the coming 12 to 24 months. Mr. Stodghill noted that they did not see any improvements/reductions in construction costs. He noted that most of the costs were being noted that sometimes it took a recession to push the costs. Mr. Stodghill commented that he did not see the costs getting any better, but they had some choices to make that could help with the costs.

Mr. Reed asked about gray crosshatched areas (B-13 and B-03) on the site. Mr. Stodghill noted those areas had rock near the surface and they were trying to keep the parking and building areas out of those places. He said it was not unbuildable, but they were trying to avoid using those areas. Mr. Reed asked if the full report would have further detail on those areas. Mr. Stodghill noted they would be in detail, along with the boring logs. Mr. Stodghill felt that the report would be very thorough and provide the information needed to make good decisions.

Ms. McGarry reported that a meeting had taken place with Mr. Burdette and staff to review everything that had been done to date. She noted that Mr. Burdette was going to review the space needs study with his Social Service Board. She noted that staff would meet with Mr. Burdette again to ensure that they were ready to proceed with the space needs. She indicated that they would later seek approval from the Board to move forward with design of the site.

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D. Planning & Zoning Report - Cluster Housing Work Session

Ms. Bishop presented the following report:

The Planning & Zoning Department met with developers in October 2022 that were interested in cluster style housing development, with a proposed higher density than is currently allowed by Nelson County Zoning Ordinance. The Board of Supervisors passed a Resolution in November 2022 referring the current *Cluster Housing Development Ordinance (Article 21)* to the Planning Commission for review and development of a report, including but not limited to, the requirements of Section 21-2 Area and Density, to the Board of Supervisors for consideration.

The Planning Commission held a work session on the topic on May 16, 2023. There was much discussion relating to density, minimum area, minimum lot size, units per lot, open space management and requirements, utilities and infrastructure, conservation and design criteria, targeted locations, affordable housing, and review and approval process. There was discussion regarding water and sewer availability and capacity, or the current lack thereof. The Planning Commission addressed the fact that much of the information that is and will be needed to make a complete and informed analysis and recommendation, is currently being worked through in the Comprehensive Plan Update process, and subsequent recommendations for Zoning and Subdivision Ordinance updates. They determined that they are not recommending any changes to the current ordinance at this time.

Mr. Rutherford felt it was appropriate to wait on addressing cluster housing until after the Comprehensive Plan was complete and ordinance recommendations had been received from the Berkley Group. The Board had no questions for Ms. Bishop.

VI. NEW & UNFINISHED BUSINESS

D. FY24 Budget Adoption (**R2023-40**)

Ms. Staton presented the FY24 Budget adoption resolution. She noted that no changes had been made to the proposed budget adoption resolution that was presented at the May 9th public hearing, nor after a subsequent budget work session. She reported that the FY24 budget presented to the Board of Supervisors at the public hearing on May 9th was balanced. She noted that the General Fund Revenues equaled the Expenditures at \$50,222,334. She indicated that all funds were balanced within the total FY24 budget of \$93,052,486. She reiterated that no budgetary changes had been made since the public hearing on May 9th. She noted that as regulated by the Code of Virginia §15.2-2503, a budget public hearing was required at least seven (7) days prior to budget approval (§15.2-2503). She pointed out that the public hearing on May 9, 2023 more than adequately met that requirement and the Board could now make a decision in the day's meeting on the adoption of the budget.

Mr. Barton noted that he thought the transient occupancy tax (TOT) was going to be discussed but it was not on the agenda. He said it was fine to deal with budget but he asked to include the TOT on the July meeting agenda. Mr. Reed also noted that he was hoping to discuss the TOT also, but he was ready to approve the budget. Ms. McGarry noted they could adopt the budget and would be able to make amendments to the budget after July 1st as needed. Ms. McGarry apologized for not having the TOT on

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the agenda for the day's meeting. She noted that it was her understanding from the last work session was that the Board would advise her when they wanted to place it on the agenda again. Mr. Rutherford indicated that was the general consensus, but if the Board wanted to put it on the agenda for July, they could add it in. Mr. Barton commented that he would like that. Mr. Rutherford confirmed that they would add the TOT to the July agenda.

Mr. Parr moved to approve **Resolution R2023-40 Adoption of Budget** as presented and Mr. Reed seconded the motion. There being no further discussion, Supervisors unanimously voted (5-0) to approve the motion by roll call vote and the following resolution was adopted:

**RESOLUTION R2023-40
ADOPTION OF BUDGET
FISCAL YEAR 2023-2024
(JULY 1, 2023 - JUNE 30, 2024)
NELSON COUNTY, VIRGINIA**

WHEREAS, pursuant to the applicable provisions of Chapter 25, Budgets, Audits and Reports of Title 15.2 of the Code of Virginia, 1950, the Board of Supervisors of Nelson County, Virginia has prepared a budget for informative and fiscal planning purposes only and has also established tax rates, as applicable, for Fiscal Year 2023-2024 (July 1, 2023 - June 30, 2024); and

WHEREAS, the completed Fiscal Year 2023-2024 Budget is an itemized and classified plan of all contemplated expenditures and all estimated revenues and borrowing; and

WHEREAS, the Board of Supervisors has published a synopsis of the budget, given notice of a public hearing in a newspaper having general circulation in Nelson County and, subsequent thereto, convened a public hearing on the Fiscal Year 2023-2024 Budget on May 9, 2023.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Nelson County, Virginia that the Fiscal Year 2023-2024 Budget be hereby adopted in the total amount (all funds, revenues and expenditures) of **\$93,052,486**. The individual fund totals are denoted as follows:

<u>Fund</u>	<u>Budget</u>
General	\$ 48,111,255.00
VPA(DSS)	\$ 2,111,079.00
Debt Service	\$ 6,341,318.00
Capital	\$ 705,251.00
School	\$ 34,694,395.00
Textbook	\$ 595,000.00
Cafeteria	\$ 299,280.00
Piney River Water/Sewer	\$ 194,908.00

- 1) The General Fund includes \$2,894,977 in COVID-19 Stimulus Funding and \$24,066,135 in local funding transferred to: The Reassessment Fund \$85,000, the Debt Service Fund \$3,325,284 (\$3,165,368 debt service and \$159,916 reserve), the Piney River Water & Sewer Fund \$0, and the School Fund \$18,544,772 (\$18,379,837 for general operations and \$164,935 allocated for school nurses). Also included is \$2,111,079 in local, state, and federal funds transferred to the VPA Fund (DSS) and contingency/reserve funds of: Recurring Contingency \$509,702, Non-Recurring Contingency \$399,920, and School Capital Reserve \$0.

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- 2) The School Fund includes a transfer of \$184,803 to the Textbook Fund and \$3,884,299 in Federal COVID-19 Stimulus Funding.

BE IT LASTLY RESOLVED, that adoption of the Fiscal Year 2023-2024 Budget shall not be deemed to be an appropriation and no expenditures shall be made from said budget until duly appropriated by the Board of Supervisors of Nelson County, Virginia.

E. FY24 Budget Appropriation (**R2023-41**)

Ms. Staton noted that the budget appropriation reflected exactly what was decided in the budget itself through all of the work sessions and it was identical to what was presented for the budget adoption.

Mr. Reed moved to approve **Resolution R2023-41 Appropriation of Funds**, as presented. Mr. Barton seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion and the following resolution was adopted:

**RESOLUTION R2023-41
FISCAL YEAR 2023-2024
APPROPRIATION OF FUNDS**

WHEREAS, the applicable provisions of Chapter 25, Budgets, Audits and Reports of Title 15.2 of the Code of Virginia, 1950 require the appropriation of budgeted funds prior to the availability of funds to be paid out or become available to be paid out for any contemplated expenditure; and

WHEREAS, the Nelson County Board of Supervisors has heretofore approved the Fiscal Year 2023-2024 Budget (July 1, 2023 to June 30, 2024) for the local government of Nelson County and its component units; and

WHEREAS, the Board of Supervisors now proposes to appropriate the funds established in the Fiscal Year 2023-2024 Budget;

NOW, THEREFORE, BE IT RESOLVED by the Nelson County Board of Supervisors that the Fiscal Year 2023-2024 Budget be hereby appropriated on an annual basis by fund category, as follows:

<u>Fund</u>	<u>Revenue(s)</u> <u>(All Sources)</u>	<u>Expenditure(s)</u> <u>(All Departments)</u>
General	\$48,111,255.00	\$48,111,255.00
VPA (DSS)	\$ 2,111,079.00	\$ 2,111,079.00
Debt Service	\$ 6,341,318.00	\$ 6,341,318.00
Capital	\$ 705,251.00	\$ 705,251.00
School	\$34,694,395.00	\$34,694,395.00
Textbook	\$ 595,000.00	\$ 595,000.00
Cafeteria	\$ 299,280.00	\$ 299,280.00
Piney River Water/Sewer	\$ 194,908.00	\$ 194,908.00
	\$93,052,486.00	\$93,052,486.00

BE IT FURTHER RESOLVED by the Board of Supervisors that:

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1. The General Fund appropriation includes \$2,894,977 in COVID-19 Stimulus Funds and the transfer of: \$2,111,079.00 (4-100-093100-9201) to the VPA Fund (DSS) (3-150-004105-0001); 3,325,284.00 (4-100-093100-9204) to the Debt Service Fund (3-108-004105-0100), \$18,544,772 (4-100-093100-9202/Nursing \$164,935, 4-100-093100-9203/Operations \$18,379,837, 4-100-093100-9205/Buses \$0, 4-100-093100-9206/Capital \$0) to the School Fund (3-205-004105-0001); \$0 (4-100-093100-9114) to the Broadband Fund (3-114-004105-0100); \$85,000 (4-100-93100-9101) to the Reassessment Fund (3-101-004105-0001); and \$0 (4-100-093100-9207) to the Piney River Water & Sewer Fund (3-501-004105-0001).
2. The amounts transferred from the General Fund to the VPA Fund (DSS), Debt Service Fund, School Fund, and Piney River Water & Sewer Fund are also included in the total appropriation for each of these funds.
3. The School Fund includes \$3,884,299 in Federal COVID-19 Stimulus Funding.
4. The Textbook Fund appropriation includes the allocation of \$184,803 from the School Fund.
5. The Debt Service Fund includes \$3,165,368 in current debt service and \$3,175,950 in debt service reserve.
6. The appropriation of funds to the School Fund, Textbook Fund, Cafeteria Fund, and VPA Fund (DSS) shall be in total and not categorically.
7. The appropriation and use of funds within the General, Debt Service, Capital, and Piney River Water & Sewer funds shall adhere to the amounts prescribed by the Board of Supervisors for each department therein unless otherwise authorized by the Board of Supervisors.

Mr. Rutherford commented that they had gotten through another budget year down. He noted that it was Ms. Staton's first budget and she did a great job.

A. Nelson County Service Authority Request to Amend Articles of Incorporation (**R2023-39**)

Ms. McGarry noted that the Nelson County Service Authority (NCSA) request was a housekeeping matter. She reported that the County code was amended in 2002, however the newly adopted Articles of Incorporation were not sent to the SCC as they should have been. She noted that they were asking the Board to conduct a public hearing that would amend the Articles of Incorporation of the Nelson County Service Authority. She reported that in practice there have been five (5) members, one appointed from each district from within the County. She explained that the public hearing would be to amend the Articles of Incorporation formally. She asked that the Board adopt **Resolution R2023-39** to authorize a public hearing on August 8, 2023 at 7 p.m. She reported that 15.2-5104 required the public hearing notice be at least 30 days prior to the public hearing, which was why August 8th was the proposed hearing date. Mr. Rutherford asked if there had originally been only four (4) members on the Authority. Ms. McGarry noted there had always been five (5) members, with one member being for the Wintergreen community. She noted that was amended to just have five members, one from each district.

Mr. Reed moved to approve **Resolution R2023-39** as presented and Mr. Harvey seconded the motion. There being no further discussion, Supervisors approved the motion by vote of acclamation and the following resolution was adopted:

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RESOLUTION R2023-39
NELSON COUNTY BOARD OF SUPERVISORS
AUTHORIZATION FOR PUBLIC HEARING
AMENDMENT TO ARTICLES OF INCORPORATION
OF THE NELSON COUNTY SERVICE AUTHORITY

BE IT RESOLVED, that pursuant to §15.2-5104 of the Code of Virginia 1950 as amended, the County Administrator is hereby authorized to advertise a public hearing to be held on **August 8, 2023 at 7:00 p.m.** in the General District Courtroom in the Courthouse in Lovingston, Virginia. The purpose of the public hearing is to receive public input on a Resolution proposed for passage to amend Section Three of the Articles of Incorporation of the Nelson County Service Authority, to provide that the powers of the Authority shall be exercised by a Board consisting of five members, one appointed by the Board of Supervisors from each of the now five election districts of Nelson County. The County since amending §12-27 of the Code of Nelson County on July 9, 2002, has been consistent in appointing Board members of the Authority, one appointed from each of the five election districts.

B. LVFD Reimbursement Request for Generator at Wingina Fire Station

Mr. Danny Johnson of the Lovingston Volunteer Fire Department was present to make a request for reimbursement to the Board. He reported that all of the generators at the firehouses and rescue squad buildings in the County were all 20 to 30 years old. He noted that they had replaced a few at Wingina and the Board had reimbursed for that a few years ago. He reported that he and John Adkins had submitted a grant application through the Virginia Department of Emergency Management (VDEM) to help replace all of the generators in the County, with the exception of Wintergreen, for the price of one generator. He noted that they were waiting to hear back soon.

Mr. Johnson reported that the Wingina generator failed after they had been having many issues with it. He noted that it needed to be replaced and a new one would cost about \$11,208. He noted that the Lovingston Volunteer Fire Department paid for the replacement. He pointed out that since that location was an evacuation shelter and emergency building, they were asking for reimbursement. Mr. Rutherford asked if this subject had gone before the EMS Council. Mr. Johnson noted that the Council was aware but since it was an emergency repair, they did not need to do a formal vote to approve it. He noted that it not a planned exchange, but an emergency repair.

Mr. Reed asked about the pending grant application. Mr. Johnson noted that the current generator replacement happened before the application. Mr. Johnson reported that John Adkins applied for grant, and if they were awarded funds, they could get as much as \$250,000 for 11 generators. He noted the replacement in Lovingston would upgrade it to a full evacuation center. He noted that if the grant went through, Lovingston, Rockfish and Faber would have fully operational buildings. Mr. Johnson confirmed that the current request did not fall into the grant application because it had already gone bad.

Mr. Parr moved to approve the reimbursement request for the Wingina generator. Mr. Harvey seconded the motion. There being no further discussion, Supervisors approved the motion by vote of acclamation.

Mr. Johnson thanked the Board for their support.

C. Commonwealth Attorney's Funding Request – Part Time Employee Extension

Mr. Erik Laub, Assistant Commonwealth Attorney was present regarding a request for a part time employee extension. He noted that it was an extension of a prior request for Mr. Beliles. He noted that the numbers

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in court were staying steady and when going from an office of three attorneys, to what would be one and a half, some assistance was needed. Mr. Laub commented that he thought Mr. Beliles had worked out really well. Mr. Laub indicated that additionally, Mr. Beliles had asked for a slight increase in his hourly rate from \$45 per hour to \$50 per hour. Mr. Laub noted that it was up to the Board to decide as to whether to consider the additional request. Mr. Laub indicated that they would continue to ask the Compensation Board to reimburse the County. He noted that in speaking with the Compensation Board, it seems that would continue to happen, although it was never guaranteed.

Ms. Staton stated that she was unaware of the increase being requested. She reported that Mr. Beliles' current rate at \$45.60/hour for July 1st through September 30th at 16 hours per week for 13 weeks with FICA would cost a total of \$10,210.39. She indicated that to date, all (six months) had been reimbursed by the Compensation Board as requested. Ms. Staton was unsure if the Compensation Board would do that for an increase in pay.

Mr. Barton felt it was reasonable. Mr. Parr noted that it was a nine (9) percent raise. Mr. Reed cited concerns about the raise as it may not be covered by the Compensation Board. Ms. Staton commented that she did not know if the increase would not be covered, but she could check into it. Mr. Reed asked if a decision needed to be made that day. Ms. Staton noted that Mr. Beliles' current contract ended on June 30th. Mr. Reed and Mr. Rutherford noted that they could keep it at \$45.60 for now. Ms. Staton asked Mr. Laub if he knew what the Compensation Board might do. Mr. Laub commented that he was not aware of the increase in pay request until the morning of the meeting. He noted that when he spoke with the Compensation Board, the pay was at the \$45.60 per hour amount and they indicated that it was likely that they would continue to cover the cost, but not guaranteed.

Mr. Laub reiterated that he had not discussed any increases with the Compensation Board. He noted that the Compensation Board was fiscally conservative so they may not cover an increase. Mr. Laub noted that he was asking for an extension until September 30th when Daniel Rutherford would be back in the office. Mr. Barton noted that Mr. Beliles was being paid by the hour and asked if he was going to work any hours over a set amount. Mr. Laub noted that Mr. Beliles had a set amount of hours per week that he would be paid for, and any time beyond that would be at his own volunteer basis. Mr. Laub commented that Mr. Beliles was very valuable and helpful. Mr. Laub noted that Mr. Beliles was primarily handling lower priority cases in General District and J&D courts, which allowed Mr. Laub to focus on the felony cases that would go to Circuit Court.

Mr. Reed commented that it was tough to okay a raise on the spot. Mr. Reed suggested keeping Mr. Beliles at the same amount of \$45.60/hour until they could hear back from the Compensation Board. Mr. Laub agreed with Mr. Reed's suggestion. Ms. McGarry noted that the Board could wait until their joint work session with the Planning Commission on June 29th. She noted it would be at the eleventh hour, but they could wait to make a decision once staff had more information. Mr. Rutherford suggested approving the extension at the \$45.60 rate for the time being and staff could work to obtain more information. Mr. Laub noted that he could reach out to the Compensation Board.

Mr. Parr moved to approve the request for an extension of Mr. Beliles' part-time employment at his current pay of \$45.60 per hour. Mr. Reed seconded the motion.

Ms. Staton confirmed that it was a 13-week extension through September 30th at 16 hours per week. Mr. Reed asked since they had approved the extension at the current rate, whether they would be able to get information from the Compensation Board if they were considering a raise, as opposed to approving a raise. Mr. Laub indicated that he had a good contact at the Compensation Board, Robin Desocio, who could provide him with an unofficial position on the matter of a possible increase in pay.

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Ms. Staton noted that when Mr. Beliles first started working in January, no one knew that the Compensation Board would cover his pay, and the Board had authorized him to work through June. She noted that the County was able to get that money back from the Compensation Board.

There being no further discussion, Supervisors approved the motion by vote of acclamation.

The Board took a brief recess.

Mr. Rutherford noted that Mr. Parr had to leave early.

VII. REPORTS, APPOINTMENTS, DIRECTIVES AND CORRESPONDENCE

A. Reports

1. County Administrator's Report

Ms. McGarry reported the following:

- A. Comprehensive Plan:** The project website is www.Nelson2042.com. An additional joint work session of the Board of Supervisors and Planning Commission will be held on June 29, 2023 at 6:00 PM and will entail review of the final draft chapters and implementation matrix.
- B. FY23 Budget Status:** Most expenditures are tracking as expected with a few exceptions that are higher than budgeted and were included for adjustment in the Budget Amendment. These increases were able to be fully covered by remaining contingency funds. As of June 12, 2023, Local Revenues exceeded budgeted amounts by 1.46% or \$529,194. This is primarily due to the exponential growth in lodging tax revenue and interest on investments. State revenues exceed budgeted amounts by .29% or \$14,939 primarily due to the State's reimbursement of its share of increased CSA expenses. Federal revenue received is less than budgeted by about 30.77% or \$394,451 primarily due to lower than anticipated reimbursement for lower expenditures related to Department of Social Services administration. End of fiscal year expenditure payments will be made over the next couple of days; with final payments made at the end of the month.
- C. FY24 Budget (State): NO CHANGE** There has been no additional work by the State on the FY24 State budget since the passage of the "skinny budget" which makes required deposits to the state's Revenue Stabilization ("rainy day") Fund, provides some surplus revenue from the prior fiscal year to capital projects and the Virginia Retirement System as they had agreed to do in last year's budget agreement, makes technical updates to K-12 funding, and provides \$16.8 million toward fixing the \$201 million math error by the State Department of Education.
- D. NC Adult Drug Court:** The NC Drug Court Coordinator, Christopher Weidl was hired and began work on May 31st. The first team meeting was held and they began doing referrals last week. The team is waiting to hear back from a number of defendants about their interest in the program and they are working to identify more potential participants with the hope to get the first participant into the program before the end of the month. This Court will be conducted weekly on Tuesdays at 12:30 in Circuit Court.
- E. Opioid Abatement Authority Grant Award:** The regional application to the State Opioid Abatement Authority that would benefit the member localities of Region Ten including Nelson, Charlottesville, Albemarle, Fluvanna, Greene, and Louisa was approved contingent upon an operational agreement/MOU being put in place with all partners, prior to disbursement of funds. The grant will fund the expansion of Region Ten Crisis Response and CITAC services, and Community Outreach services that are currently available to its members.

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Ms. McGarry indicated that the grant amount was about \$1.3 million.

- F. Virginia Outdoors Foundation PTF Grant – Sturt Park:** The County was notified that the Board of Trustees of the Virginia Outdoors Foundation (VOF) did not select our project, Sturt Nature Park, for funding this grant round. In the Spring 2023 grant round, VOF received 26 applications for Preservation Trust Fund (PTF) Program. We were advised that the selection process included a review of applications as well as an analysis of community demographics, valuable ecological, historic, and cultural resources, recreational opportunities, and environmental justice data. Jerry West will be scheduling an application feedback session with VOF for some time this week. The Fall 2023 grant round will be announced in late June or early July and approximately \$1.8 million will be available for the PTF Program. Grant awards will be made at the Board of Trustees meeting in October 2023.

Ms. McGarry reported that they planned to reapply for the Fall 2023 grant round.

- G. Larkin Property Master Planning:** Feedback from the Board on scheduling a work session with Architectural Partners related to Master Planning is requested.

Mr. Barton commented as soon as possible. Mr. Rutherford suggested corresponding with Mr. Parr to make sure everyone could be present. He thought the month of June could work. Mr. Barton asked what the meeting would entail. Ms. McGarry noted that Architectural Partners would return and review some preliminary master planning based on the priorities provided by the Board at the last work session with them. She noted that they would have some options visually for layouts on the property. She also suggested that they would be able to mix parts of the options together to see how they meshed. She noted that Architectural Partners would be able to provide the pros and cons of the options presented. Ms. McGarry indicated that she would coordinate schedules.

- H. VLGMA Conference:** Last week I attended the VA Local Government Managers Association conference and met a variety of my counterparts from across the State. The theme of the conference was “Thinking Outside the Box” which included interactive sessions on personal and interpersonal wellness, creative management approaches for celebrating our differences and promoting unity, outside the box thinking in economic development and community revitalization (regional collaboration), intergovernmental relations in a new era for the VA General Assembly, OAA grant opportunities and best practices for securing grants collaboratively, and urban place-making and community development to celebrate diverse perspectives.

- I. Juneteenth Celebration:** A community Juneteenth celebration will be held at the Nelson Heritage Center on **June 18th at 3pm** supported by a funding contribution of the Board. The celebration will include a formal program “Discovering Our Roots” and will feature an art exhibit, photographs and stories from a local family, and an exhibit on the history of Nelson County Public Schools’ integration. This will be followed by lunch and activities on the lawn.

- J. Fourth of July Celebrations:** The Lovingson Volunteer Fire Department has organized community Fourth of July celebration events including a parade in Lovingson on **July 2nd from 5:30pm to 8:00 pm** and with funding from the Board of Supervisors, a fireworks display to be held at **sunset (9:15-9:20 pm) on July 3rd** at Nelson County High School. Spectators will be parked in the front parking lot and adjacent field in front of the school to provide for safe distancing from the launch area.

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K. NCSA Rate Increase Public Hearing: The Nelson County Service Authority is holding its public hearing on proposed rate increases on June 15th at 8:30 am at their administrative offices in Colleen.

L. Staff Reports: Department and office reports for May have been provided.

2. Board Reports

Mr. Barton:

Mr. Barton had no report as the Jail Board had not met yet.

Mr. Harvey:

Mr. Harvey had no report.

Mr. Reed:

Mr. Reed reported that he and Ms. Bishop would be on a Zoom meeting with a committee for the Regional Transit Governance Study. He explained that the committee was trying to put together the best mechanism to generate and manage additional funding for the region. He noted that the interesting part was that they were proposing to have more of a focus on rural than they have in the past.

Mr. Rutherford:

Mr. Rutherford reported that he had attended the TJPDC meeting and they had discussed the Regional Housing Partnership. He noted that they were looking to do another study on affordability metrics.

B. Appointments

Nelson County Economic Development Authority

Mr. Harvey moved to re-appoint Larry Saunders and John Bruguire to the Nelson County Economic Development Authority for a four-year term. Mr. Reed seconded the motion. There being no further discussion, Supervisors approved the motion by vote of acclamation.

Thomas Jefferson Area Community Criminal Justice Board

Ms. Spivey reported that Jim Hall had served 6 terms on the Thomas Jefferson Area Community Criminal Justice Board and he was ready to let another person serve. Ms. Spivey reported that they had an application from Edith Napier.

Mr. Reed moved to appoint Edith Napier to the Thomas Jefferson Area Community Criminal Justice Board and Mr. Barton seconded the motion. There being no further discussion, Supervisors approved the motion by vote of acclamation.

Nelson County Library Advisory Committee

Ms. Spivey reported that they were waiting on application for the Nelson County Library Advisory Committee and hoped to have it by the next month. She noted that she had an interested party and the

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appointment was done by district. She indicated that this vacancy was for the Central District. Ms. Spivey explained that Jane Strauss had been serving in the role but she had passed away. Ms. Spivey noted that Ms. Strauss' husband was interested in serving, they were just waiting on his application.

Nelson County Social Services Board

Ms. Barton moved to re-appoint Claudia Van Koba to the Nelson County Social Services Board as the South District representative. Mr. Reed seconded the motion and there being no further discussion, Supervisors approved the motion by vote of acclamation.

JABA Board of Directors

Mr. Reed moved to re-appoint Dana Quillen to the JABA Board of Directors and Mr. Barton seconded the motion. There being no further discussion, Supervisors approved the motion by vote of acclamation.

Amherst-Nelson Joint Committee

Ms. Spivey confirmed that the purpose of the Amherst-Nelson Joint Committee was for workforce development. She reported that Mr. Parr had indicated that he would like to serve as one of the Supervisors on the committee. Mr. Rutherford noted that he could serve if needed. Mr. Harvey indicated that he would also like to serve. Mr. Barton made a motion to appoint Mr. Parr and Mr. Harvey to the Amherst-Nelson Joint Committee with Mr. Rutherford serving as an alternate. Mr. Reed seconded the motion. There being no further discussion, Supervisors approved the motion by vote of acclamation.

Mr. Rutherford reported that he had gotten an email from Farm Bureau asking two Board members to attend their July 27th meeting at 6 p.m. Mr. Rutherford noted that Mr. Parr and himself would like to attend unless anyone else wanted to go. The Board was in agreement that Mr. Parr and Mr. Rutherford would attend the Farm Bureau meeting.

Albemarle-Charlottesville Regional Jail Authority Board

Ms. Spivey noted that the County had three representatives on the Albemarle-Charlottesville Regional Jail Authority Board, with Mr. Barton as the third representative. She explained that when the new member was voted in, the Board had made the position to be either a Board member or citizen member. She noted that Mr. Barton's term would expire the following month and with the flexibility of the position, he could continue to serve another term. Mr. Reed moved to re-appoint Mr. Barton to the Albemarle-Charlottesville Regional Jail Authority Board and Mr. Harvey seconded the motion. There, being no further discussion, Supervisors approved the motion by vote of acclamation.

Agricultural & Forestal District Advisory Committee

Ms. Spivey reported that they were re-advertising the producer vacancy on the Agricultural & Forestal District Advisory Committee since Mr. Reed was now serving as the Board of Supervisors member. She noted that the appointment was not by district.

C. Correspondence

Mr. Rutherford noted that he would forward road comments and concerns to VDOT.

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Mr. Rutherford had correspondence to inquire on the method of assessment for personal property. Mr. Rutherford noted in his conversation with the Commissioner of Revenue that the County utilized JD Power to assess vehicles, and not another entity such as Kelly Blue Book. Mr. Rutherford asked who chose the method for assessment. Ms. McGarry thought it was the Commissioner's choice on who to use. Ms. McGarry reported that the Commissioner used 90 percent of retail for vehicle values. Mr. Rutherford asked if mileage was taken into consideration. He noted that he wanted to understand the method and asked staff for help.

Mr. Barton asked about antique vehicles, Mr. Harvey noted it was different.

Mr. Rutherford asked if it would be possible to create a graph of year over year transient occupancy tax revenues. He commented that he wanted to see how enforcement changes in October 2022 had impacted collections in comparing May 2022 to May 2023. Ms. McGarry noted the numbers reported in the financial accounting system may not match up exactly with the Commissioner of Revenue report. She noted she would have to check. Mr. Reed noted it would be good to look at business license trends for short term rentals. Ms. McGarry noted business license revenue was greater than budget, which was possibly due to short term rentals getting business licenses.

Ms. Rutherford suggested checking to see what surrounding localities used for the assessment of personal property also.

D. Directives

The Board had no directives.

VIII. ADJOURN AND CONTINUE – EVENING SESSION AT 7PM

At 4:02 p.m., Mr. Harvey made a motion to adjourn and continue to the evening session at 7 p.m. and Mr. Reed seconded the motion. There being no further discussion, Supervisors approved the motion 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 four (4) Supervisors present to establish a quorum and Mr. Parr being absent.

II. PUBLIC COMMENTS

Bo Delk - Roseland, VA

Mr. Delk requested to have it included in the Board minutes that John Aubrey Roberts, Jr, also known as Johnny, had passed away. Mr. Delk noted that Mr. Roberts had grown up on Hickory Creek in Faber and worked in the apple orchards and worked with cattle. Mr. Delk reported that Mr. Roberts graduated in 1957 from Nelson County High School, served in the Army for two years before attending Virginia Tech and graduating. Mr. Delk noted that Mr. Roberts returned to Nelson County and started teaching shop, horticulture and FFA in the middle school and high school. He noted that Mr. Roberts spent 30 years

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teaching in Nelson County Schools. Mr. Delk noted that in retirement, Mr. Robert was the Nelson County High School class reunion organizer. Mr. Delk spoke well of Mr. Roberts, noting that he was an outstanding person and a true friend of Nelson County.

Mr. Harvey agreed with Mr. Delk that Mr. Roberts was an outstanding person.

There were no other persons wishing to be recognized and Public Comments was closed.

III. PUBLIC HEARINGS

A. Special Use Permit #898 – Vacation House

Consideration of a Special Use Permit application requesting County approval to allow a vacation house use on property zoned R-1 Residential and A-1 Agricultural. The subject property is located at Tax Map Parcel #3-A-136 at 795 Afton Mountain Rd in Afton. The subject property is 2.16 acres and owned by Richard R. Ealy and Nancy K. Ealy.

Ms. Bishop presented the following:

BACKGROUND: This is a request for a Special Use Permit to allow a vacation house on split zoned property, of which the majority is zoned R-1 Residential.

Public Hearings Scheduled: P/C – April 26; Board – June 13

Location / Election District: 795 Afton Mountain Road / North District

Tax Map Number(s) / Total acreage: 3-A-136 / 2.16 acres +/- total

Applicant/Owner Contact Information: Richard (Deke) and Nancy Ealy, 104 Carrsbrook Court, Charlottesville, VA 22901, 434-531-5794 / 434-760-4037, dekeeealy@yahoo.com / nealy@k12albemarle.org

Comments: This property is recently subdivided and contains an existing single-family dwelling. The narrative provided by the applicants indicates that the dwelling has been vacant for at least 20 years, and requires significant renovation to be deemed livable again. The narrative also indicates that the owners intend to use it as a personal residence over the long term, and are currently located less than half an hour away. The owners have recently acquired the property and are proposing to utilize this dwelling as a vacation house, defined below:

Vacation House: A house rented to transients. Rental arrangements are made for the entire house, not by room...

Transient: A guest or boarder; one who stays for less than thirty (30) days and whose permanent address for legal purposes is not the lodging or dwelling unit occupied by that guest or boarder.

Section 5-1-19 provides vacation house as a by-right use, if the subject property contains more than one zoning classification with a majority of the property zoned A-1 Agriculture. Section 5-1-5a requires a Special Use Permit for a vacation house use in the R-1 Residential district when the former provision does not apply. Since this property is majority zoned R-1 Residential, a

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Special Use Permit is required.

With 2.16 acres, this property is not permitted to be subdivided, or to place a second dwelling.

DISCUSSION:

Land Use / Floodplain: This area is residential in nature, with some agricultural uses as well. This property is located near the intersection of Afton Mountain Road, Avon Road, and Critzer Shop Road. Zoning in the vicinity is R-1 and A-1. There are no floodplains located on this property.

SUP #690 for a vacation house in R-1 on Afton Mountain Road was approved by the Board of Supervisors in 2022.

Access / Traffic / Parking: This property is accessed by an existing private entrance on Afton Mountain Road.

Utilities: There is existing septic and well on the property, and a reserve drainfield area has also been identified on the attached plat / site plan as required by the Subdivision Ordinance.

Comprehensive Plan: This property is located in an area designated Rural Residential on the Future Land Use Map, which “would allow low density residential and compatible nonresidential uses in rural areas where agriculture is not the predominant use... These sites are adjacent to identified development areas and adjacent to existing institutional or small-scale industrial uses.”

RECOMMENDATION: At their meeting on April 26, the Planning Commission recommended approval (5-0) of SUP #898 to the Board of Supervisors, with an additional year to establish the use (two years from date of approval).

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

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

The applicants Richard Ealy and Nancy Ealy were present. Mr. Ealy thanked the Board for their work in keeping Nelson County great. Mr. Ealy explained that he and Ms. Ealy had enjoyed Nelson for over 40 years and were looking to eventually retire but they were still a few years out. He described the house on the property as part of the fabric of Nelson County. He explained that the farmhouse was in need of a lot of work. Mr. Ealy noted that in order to cover the renovation costs, they needed to be able to rent it out as a vacation home until they could retire. He reported that they planned to be in Nelson frequently and they were about a half hour or so from the property. He noted that they wanted to be good neighbors because the people would be their neighbors for a long time in the future. Mr. Ealy commented that there were

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currently no homes on the adjacent properties. He ensured that the renters would have rules and the neighbors would have their phone numbers to reach them if there were any issues.

Mr. Ealy noted there were concerns from people about losing existing housing to short term rentals. He commented that the current condition of the home would not permit anyone residing in it at its current state.

The Board had no questions for the applicants.

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

Mr. Harvey moved to approve **Special Use Permit #898 – Vacation Home** with the condition from the Planning Commission to allow an additional year to establish the use (two years from the date of approval) as presented. Mr. Barton seconded the motion. There being no further discussion, Supervisors voted unanimously (4-0) by roll call vote to approve the motion.

B. Special Use Permit #899 – Outdoor Entertainment Venue

Consideration of a Special Use Permit application requesting County approval to allow an outdoor entertainment venue use on property zoned A-1 Agricultural. The subject property is located at Tax Map Parcel #86-A-41 at 3578 S Powells Island Rd in Arrington. The subject property is 111.57 acres and owned by Zachary and Daryl Morse.

Ms. Bishop introduced the following:

BACKGROUND: This is a request for a Special Use Permit to allow an outdoor entertainment venue for weddings on property zoned A-1 Agriculture.

Public Hearings Scheduled: P/C – April 26; Board – June 13

Location / Election District: 3578 S. Powells Island Road / South District

Tax Map Number(s) / Total acreage: 86-A-41 / 111.57 acres +/- total

Applicant / Engineer Contact Information: Accupoint Surveying & Design, LLC (Amy Seipp), 6200 Fort Ave, Lynchburg, VA 24502, 434-610-4334, aseipp@accupointsurveying.com

Owner Contact Information: Zachary Morse, 3767 S. Powells Island Rd, Arrington, VA 22922, 301-992-0576, morsezachary@aol.com

Comments: This property currently contains an existing single-family dwelling. The owner is proposing to construct a 5,000 square foot venue for the purpose of hosting weddings. An outdoor entertainment venue is defined as "the non-temporary use of any land, including the erection or use of non-temporary structure(s) or the installation of non-temporary infrastructure, for the hosting and operation of Category 1 and Category 2 Events, Exempt Events, or other entertainment activities for cultural, artistic, social or recreational purposes."

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Category 1 and Category 2 Events, Exempt Events such as Social Temporary Events (defined below) are all permitted by-right in the A-1 Agriculture district without permanent facilities or infrastructure. The construction of the venue constitutes the need for the Special Use Permit.

"Exempt Events" are exempt from permitting requirements in *Article 24 – Temporary Events...*

Social Temporary Event: A one-day private social event, such as weddings, receptions, and reunions, which is conducted on property not zoned for commercial uses and not a farm winery or agritourism activity venue, which is not open to the general public, to which attendance does not exceed 300 people, and for which the landowner charges a fee for the use of the property."

The owner is also proposing to construct four (4) one-bedrooms cabins to be utilized as vacation houses. Dwellings and the short-term rental of those dwellings are permitted by-right in the A-1 Agriculture district, and should not be considered with the SUP request for the venue.

DISCUSSION:

Land Use / Floodplain: This area is residential and agricultural in nature. Zoning in the vicinity is A-1 Agriculture. There are no floodplains located on this property. Should this SUP be ultimately approved, a Major Site Plan would be required to be submitted to the Planning Commission for review, because the proposed structure is at least 5,000 square feet.

Access / Traffic / Parking: This property is accessed by an existing entrance on S. Powells Island Rd. The speed study submitted by Accupoint was accepted by VDOT, and will be utilized for the design of the commercial entrance. Parking requirements in the Zoning Ordinance indicate 1 space for each 100 square feet of area used for assembly is required for clubs, lodges, assembly halls and similar uses without fixed seats. This calculation will be confirmed upon formal site plan submittal (if approved).

Utilities: There is existing septic and well on the property that serves the existing dwelling. New proposed septic and drainfield would serve the proposed event venue, as well as the proposed cabins. The engineer is currently working with the Health Department.

Erosion & Sediment Control and Stormwater Management: The site plan indicates that the approximate limit of disturbance is 1.75 acres, which requires approval of an Erosion & Sediment Control Plan by the Building Inspections Department, and approval of a Stormwater Management Plan by VA Department of Environmental Quality (DEQ).

SUP #326 for a similar event venue use on Irish Rd. was approved by the Board of Supervisors without conditions in August 2021. The Board granted a one-year extension on the SUP approval to allot enough time for the DEQ Stormwater Plan review and approval. This allowed the owner up to 2 years to diligently pursue construction of the approved use. The associated site plan was approved in January 2023.

Comprehensive Plan: This property is located in an area designated Rural and Farming on the Future Land Use Map, 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. Protection of usable farmland should be encouraged. Clustering of any new development in areas of a site without prime or productive soils will enhance

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the protection of prime or productive soils for future agricultural uses.”

RECOMMENDATION: At their meeting on April 26, the Planning Commission recommended approval (5-0) of SUP #899, with an additional year to establish the use (two years from date of approval).

Mr. Rutherford invited the applicant to speak. Ms. Amy Seipp, principal engineer and majority partner of Accupoint Surveying and Design, along with the property owner Mr. Zachary Morse, was present. Ms. Seipp noted that the venue would be agricultural in nature. She commented that because there was 111 acres, the Morse family wanted to keep it in the nature of farmland. She indicated that the owners were also considering conservation along with other types of farming. Ms. Seipp noted that Mr. Morse’s brother Daryl Morse owned the adjacent property. She explained that the drainfields had been evaluated and found to be sufficient for the proposed cabins and the event barn. Ms. Seipp indicated that they were requesting an extension of one year for a total of two years because of the DEQ timeframe.

Property owner Zachary Morse commented that he grew up in Nelson County and was away for 40 years, and had come back to retire. Mr. Morse commented that he had always wanted to be a farmer. He noted Agritourism, and the need to bring people to the farm to help be successful in the agriculture business. He commented that he still planned to farm but he also needed to make decisions to make some money. He asked the Board for their support to help him achieve this goal.

Mr. Barton thought it was a very ambitious thing and he thought they could do it. He felt that it would be something great for that part of the County.

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

Mr. Barton moved to approve **Special Use Permit #899 Outdoor Entertainment Venue** with the condition from the Planning Commission for an additional year to establish the use (two years from date of approval). Mr. Harvey seconded the motion. There being no further discussion, Supervisors voted unanimously (4-0) to approve the motion by roll call vote.

C. Special Use Permit #927 – Single Family Dwelling

Consideration of a Special Use Permit application requesting County approval to allow an addition to an existing single family dwelling on property zoned B-1 Business. The subject property is located at Tax Map Parcel #97B-1-E-4 at 117 Center Hill Ln in Gladstone. The subject property is approximately 0.14 acres and is owned by Ricky and Judith McFadden.

Ms. Bishop presented the following:

BACKGROUND: This is a request for a Special Use Permit to allow an addition to an existing single-family dwelling on property zoned B-1 Business.

Public Hearings Scheduled: P/C – May 24; Board – June 13

Location / Election District: 117 Center Hill Lane (Gladstone) / South District

Tax Map Number(s) / Total Acreage: 97B-1-E-4 / 0.14 acres +/- total

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Applicant/Owner Contact Information: Ricky and Judy McFadden, 117 Center Hill Lane, Gladstone, VA 24553, 434-907-4375

Comments: This property contains an existing single-family dwelling that was constructed in 1955. Single-family dwellings require a Special Use Permit in the B-1 Business zoning district, therefore the use is considered nonconforming. *Article 11 – Nonconforming Uses* from the Zoning Ordinance states that a nonconforming use cannot be expanded or enlarged in any way that increases its nonconformity, therefore the Special Use Permit is required to permit the requested addition. There are no side yard setback requirements in the B-1 District when adjoined by other B-1 zoned property. Additionally, the applicant owns adjoining property.

DISCUSSION:

Land Use / Floodplain: This area is residential in nature, with some agricultural uses as well. This area adjoins the railroad and the James River in Gladstone. Zoning in the vicinity is B-1 Business, A-1 Agriculture, and R-1 Residential. There are no floodplains located on this property.

Access / Traffic / Parking: This property is accessed by an existing private entrance on Center Hill Lane from Gladstone Road.

Utilities: There is existing septic and well on the property and no improvements are required.

Comprehensive Plan: This property is located in an area designated Rural and Farming on the Future Land Use Map, 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. Protection of usable farmland should be encouraged. Clustering of any new development in areas of a site without prime or productive soils will enhance the protection of prime or productive soils for future agricultural uses.”

RECOMMENDATION: At their meeting on May 24, the Planning Commission recommended approval (5-0) of SUP #927 to the Board of Supervisors.

Applicant Ricky McFadden was present. Mr. McFadden stated that the reason he was applying was because they needed to add on a handicap accessible addition for aging parents.

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

Mr. Barton moved to approve **Special Use Permit #927 – Single Family Dwelling** as presented and Mr. Reed seconded the motion. There being no further discussion, Supervisors voted unanimously (4-0) by roll call vote to approve the motion.

D. Special Use Permit #928 – Brewery

Consideration of a Special Use Permit application requesting County approval to allow a brewery use on property zoned B-1 Business. The subject property is located at Tax Map Parcel #21-5-1C at 2188 Rockfish Valley Hwy in Nellysford. The subject property is 3.23 acres and is owned by Sarah Phillips, Jacob Phillips, and Zachariah Phillips.

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Ms. Bishop presented the following:

BACKGROUND: This is a request for a special use permit on property zoned B-1 Business to allow a brewery use within an existing structure.

Public Hearings Scheduled: P/C – May 24; Board – June 13

Location / Election District: 2188 Rockfish Valley Highway / Central District

Tax Map Number(s) / Total Acreage: 21-5-1C / 3.23 acres +/-

Applicant Contact Information: James Eli Ebrahimi, 5311 Hedge Hall Lane, Coveseville, VA 22931, 310-270-5682, jmeebrahimi@gmail.com

Owner Contact Information: Sarah Phillips (Valleymont Holdings LLC), 2188 Rockfish Valley Hwy, Nellysford, VA 22958, 434-826-9005, valleymontholdingsllc@gmail.com

Comments: SUP #2019-03 was approved by the Board of Supervisors on January 14, 2020, with the condition that the total square footage for both public space and production area is not to exceed 1,200 square feet. The former owner was not able to establish the use within the required one-year time frame before he passed away, and therefore the SUP expired. The applicant has proposed the same request to carry out Mr. Fred Phillips's vision.

DISCUSSION:

Land Use / Floodplain: This area is commercial, residential and rural in nature. Current uses on the property include multiple long-standing commercial operations, residential units, storage and agricultural buildings. The western boundary of the property is located within a 100-year flood plain, however no structures are located within the floodplain.

Access and Traffic: The property is accessed from Rockfish Valley Highway. The entrance directly north of the car wash has been closed, as previously recommended by VDOT. VDOT did not have any additional comments.

Utilities: Property is served by private well and septic systems. The Health Department indicated that an engineer will be required to assess the current operation and capacity of the system to determine if it is sufficient or requires modification for the proposed brewery use.

Comprehensive Plan: The Nellysford area is designated as the County's only "Neighborhood Mixed Use Development Model." It is further identified as a "primary development area." This model supports a central gathering place able to fulfill the diverse needs and interests of nearby residents and visitors to the county, all within a focused, walkable, and identifiable place. However, the exact language in the *Comp Plan* is unclear as to whether or not the "primary development area" extends to this area of Nellysford.

Additionally, the Future Land Use Plan includes an area labeled "South of Nellysford" which is designated as a "Rural Residential District Model." This district "would allow low density residential and compatible non-residential uses in rural areas where agriculture is not the predominant use."

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RECOMMENDATION: At their meeting on May 24, the Planning Commission recommended approval (5-0) of SUP #928 to the Board of Supervisors, with the condition that the total area for the brewery is limited to 1,200 square feet maximum, and contingent on Health Department approval.

Ms. Bishop noted that the applicant was not able to be present for the public hearing.

Mr. Barton asked Ms. Bishop what her recommendation was. Ms. Bishop noted that the Planning Commission had unanimously recommended approval of the special use permit. She explained it was the same request that had previously been approved in 2019. She stated that since it was the same application as before, staff recommendation would be to approve the request.

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

Mr. Harvey moved to approve **Special Use Permit #928 Brewery in B-1** with the condition from the Planning Commission that the total area for the brewery is limited to 1,200 square feet maximum, and contingent on Health Department approval. Mr. Reed seconded the motion. There being no further discussion, Supervisors voted unanimously (4-0) by roll call vote to approve the motion.

E. Special Use Permit #934 – Vacation House

Consideration of a Special Use Permit application requesting County approval to allow a vacation house use on property zoned R-1 Residential. The subject property is located at Tax Map Parcel #6-16-6 at 333 Sunrise Drive in Afton. The subject property is 0.29 acres and is owned by James III and Nicole Boyer.

Ms. Bishop presented the following:

BACKGROUND: This is a request for a Special Use Permit to allow a vacation house use in an existing dwelling on property zoned R-1 Residential.

Public Hearings Scheduled: P/C – April 26; Board – June 13

Location / Election District: 333 Sunrise Drive (Afton) / North District

Tax Map Number(s) / Total Acreage: 6-16-6 / 0.29 acres +/- total

Applicant/Owner Contact Information: James and Nicole Boyer, 19302 Falls Road, Hampstead, MD 21074, 443-388-3490 / 443-633-3968, jboyer1856@gmail.com / npruiks@gmail.com

Comments: This property contains an existing single-family dwelling. The narrative provided by the applicants indicates that they primarily utilize the dwelling as a second home to visit family in the area, and in the long term intend to relocate there for retirement. They are requesting to utilize the dwelling as a vacation house, or short-term rental, with a maximum of 4 guests. According to the application, the adjoining dwellings are currently utilized as long-term rentals, and the aforementioned family in the area would be caretakers of the home when the owners are not in town.

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Vacation House: A house rented to transients. Rental arrangements are made for the entire house, not by room...

Transient: A guest or boarder; one who stays for less than thirty (30) days and whose permanent address for legal purposes is not the lodging or dwelling unit occupied by that guest or boarder.

Section 5-1-5a of the Zoning Ordinance requires a Special Use Permit for a vacation house use in the R-1 Residential district.

DISCUSSION:

Land Use / Floodplain: This area is residential in nature, with some agricultural uses as well. The north side of Sunrise Drive is zoned A-1 Agriculture, while the south side of the road is zoned R-1 Residential for a distance of approximately 200 feet. There are no floodplains located on this property.

Access / Traffic / Parking: This property is accessed by an existing shared entrance on Sunrise Drive.

Utilities: There is existing septic and well on the property.

Comprehensive Plan: This property is located just south of Avon, an area designated Rural Residential on the Future Land Use Map, which “would allow low density residential and compatible non-residential uses in rural areas where agriculture is not the predominant use... These sites are adjacent to identified development areas and adjacent to existing institutional or small-scale industrial uses.”

RECOMMENDATION: At their meeting on May 24, the Planning Commission recommended approval (4-1) of SUP #934 to the Board of Supervisors.

Mr. Barton asked what the objection of the Planning Commission member who voted against it. Ms. Bishop noted that it was not stated specifically but from what she understood, they felt it was not an appropriate land use for the area.

Applicants Jim Boyer and Nicole Boyer were present. Mr. Boyer noted they wanted to be able to offset some expenses in their home. He indicated that there was parking on the property for three vehicles even though it was a shared driveway. He noted that three spaces should be sufficient for a maximum of four occupants. Mr. Boyer reported that they had spoken with the Weyers at 331 and the Parson at 381, and both were supportive of the request. Mr. Boyer reported that in Afton there were 164 Airbnbs with only eight available for the upcoming weekend. Ms. Boyer noted that she had lived on Sunrise Drive for a few years and rented. She noted that she had moved up to Maryland but they were hoping to relocate to Nelson in the future as she had lots of family in the area.

Mr. Barton asked about the Airbnb information Mr. Boyer provided. Mr. Boyer noted that he used AirDNA to find that Afton had 164 Airbnbs with only eight under \$300 that were available for the upcoming weekend, and a total of 17 Airbnbs available that weekend.

The Board had no other questions for the applicants.

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

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Mr. Harvey moved to approve **Special Use Permit #934 - Vacation Home** as presented and Mr. Reed seconded the motion. There was no further discussion and Supervisors approved the motion unanimously (4-0) by roll call vote.

F. Rezoning #938 – A-1 Agricultural to M-2 Industrial

Consideration of a Rezoning application requesting County approval to rezone property from A-1 Agricultural to M-2 Industrial for a storage warehouse use in an existing building. The subject property is located at Tax Map Parcel #34-A-12 at 1890 River Rd in Faber. The subject property is 0.2 acres and owned by Regeneration Holdings LLC.

Ms. Bishop noted that the applicant for Rezoning #938 – A-1 Agricultural to M-2 Industrial had withdrawn the application that afternoon and the public hearing on Rezoning #938 – A-1 Agricultural to M-2 Industrial was not held.

G. Ordinance O2023-02 Amendments to Appendix A Zoning, Article 4, Agricultural District A-1 and Article 5, Residential District R-1

Consideration of an ordinance proposed for passage to amend Appendix A Zoning. Proposed amendments to **4-2-1a** would remove the provision for family subdivision lots to have a minimum lot area of one (1) acre and require that family subdivision lots to have a minimum lot area of two (2) acres. In **5-2-1**, the amendment would include family subdivision lots and **5-2-1a** would be removed to reflect the required two (2) acre minimum lot size.

Ms. Bishop reported that they had two ordinances that evening, one was a Zoning Ordinance and one was a Subdivision ordinance. She noted that the impetus of this was, for a family subdivision, it had to be granted from an individual to an individual – father to son, husband to wife. She explained that it could not be done from an entity such as an LLC or a Trust. She reported that State Code allowed localities to adopt an ordinance that permitted a family division to be gifted to the beneficiary of a trust. She explained that was pretty much to align the County Code with State code. She noted that they would revisit that subdivision ordinance amendment in a few minutes.

Ms. Bishop explained that the Zoning ordinance was an afterthought of the Planning Commission. She noted that the Planning Commission was proposing to increase the minimum lot size for family divisions from one (1) acre to two (2) acres in both A-1 and R-1 zoning districts. She explained that currently, for a regular subdivision the minimum lot size was two (2) acres for both A-1 and R-1. She noted that the proposed zoning ordinance O2023-03 would increase the minimum lot size for family divisions from one (1) acre to two (2) acres.

Ms. Bishop reported that in March, the Planning Commission voted 3-2 to recommend approval of the proposed Zoning ordinance, with some dissent on the minimum lot size issue.

Mr. Rutherford opened the public hearing for Ordinance O2023-03. Mr. Rutherford noted that there was a numbering correction to Agenda items G and H. He indicated that they should be O2023-03 (G) and O2023-04 (H).

Mark Franklin - Roseland, VA

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Mr. Franklin spoke against increasing the lot size of family divisions, noting that in a county with housing affordability issues, it further hindered people's ability to have housing opportunities.

Russ Nixon - Nixon Land Surveying

Mr. Nixon commented that he was President of the Virginia Association of Surveyors Southern Chapter and also on the Board of Zoning Appeals for Campbell County. He noted that he was not a Nelson County resident but he felt strongly about protecting family unity. He commented that when the family subdivision regulations were established by the state of Virginia, the main goal was to protect the family unity and allow families to subdivide land in a more streamlined process, as well as make the property more affordable for people to own and retain the property their families bought to share with the family. He noted the proposal to increase the family subdivision lot size to two (2) acres. He indicated that Nelson County's ordinance currently was a two (2) acre minimum lot size in agricultural and R-1. He stated that was a huge contrast from other localities on area size. Mr. Nixon commented that he understood the two (2) acre minimum lot size in agricultural, but he did not understand the two (2) acre minimum lot size in residential zoning. He noted that most residential lots were typically smaller. He noted the County's current ordinance allow 30,000 square feet lot size if there was existing sanitary and sewer. He pointed out that sanitary and sewer were not prevalent in Nelson County, noting that did cause some issues. Mr. Nixon commented that he would like to see the Board reduce the minimum lot size in R-1 down to a smaller lot and allow the Virginia Department of Health drain field designs to dictate the size of the parcel. Mr. Nixon explained that the minimum lot size in R-1 in Campbell County was one acre if there was not water/sewer. He noted that agricultural in Campbell County had a two and a half (2.5) acre minimum lot size. He explained that in Campbell County, someone could have three (3) acres and have a family subdivision to provide a family member with a half (1/2) acre lot and retain two and a half (2.5) acres. Mr. Nixon urged the Board to turn down the two (2) acre minimum lot size for family subdivisions. He thought the proposed change would hurt people in the long run. He noted that he had brought the full statutes from the State if the Board had any questions. He then referenced State Code 1§5.2-2244-2.

There were no others wishing to speak and the public hearing was closed.

Mr. Rutherford noted many family divisions provided a relative the ability to have a home. He felt that the family division was to help lower income families. He noted that he understood the anxiety with two (2) acre versus one (1) acre as it related to concerns regarding septic systems. He commented that it was likely that someone would not subdivide a one (1) acre lot if it did not have a reasonable perk.

Mr. Barton noted in New Jersey as a kid they moved to suburbs. He noted that an ordinance passed to increase the minimum lot sizes. He commented that when he went to his 50th high school reunion, no one lived there anymore because they could not afford it. Mr. Barton stated that he did not want to approve the proposed ordinance, he preferred to keep the lot size at one acre.

Mr. Reed noted that the world was different place than it was 20, 30, or 40 years ago. He noted that the financial pressures on a person who gets a subdivided property could turn into flipping the property, which would increase pressures on the area that were not intended. He pointed out that the two (2) acre minimum would make it more uniform across the zones.

Mr. Rutherford understood the idea of uniformity across the zones but he would still leave it at (1) acre.

Mr. Rutherford noted that the threshold of time was five (5) years for a family subdivision before the property could be passed on. Ms. Bishop noted the family division minimum lot size was one (1) acres with a five (5) year restricted covenant where the owner could not transfer the property outside of the family. She noted that regular subdivisions were two (2) lots. Ms. Bishop explained that any time lots

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were created or lot lines were changes, it had to go through Planning and Zoning for review. She noted that Planning and Zoning was not permitted to approve a subdivision until the Health Department has approved the drain field and reserve area. Ms. Bishop noted they did quite a few family subdivisions but not often at one (1) acre.

Mr. Reed made a motion to approve **Ordinance O2023-03** as presented. There was no second.

Mr. Barton made a motion to deny Ordinance **O2023-03**. Mr. Harvey seconded the motion. There being no further discussion, Supervisors approved the motion (3-1) by roll call vote with Mr. Reed voting no and the following ordinance was **dissapproved**:

DISAPPROVED
ORDINANCE O2023-03
NELSON COUNTY BOARD OF SUPERVISORS
AMENDMENT OF THE CODE OF NELSON COUNTY
APPENDIX A ZONING, ARTICLE 4, AGRICULTURAL DISTRICT A-1
AND ARTICLE 5, RESIDENTIAL DISTRICT R-1

Amend

ARTICLE 4. AGRICULTURAL DISTRICT A-1

4-2-1a

The minimum lot area, *including family subdivision lots*, shall be two (2) acres (eighty-seven thousand one hundred twenty (87,120) square feet) or more for single and two-family detached dwellings. ~~For family subdivision lots, the minimum lot area shall be one (1) acre (forty three thousand five hundred sixty (43,560) square feet) per dwelling unit.~~ (Ord. No. O2014-04, 7-8-14)

Amend

ARTICLE 5. RESIDENTIAL DISTRICT R-1

5-2-1

The minimum lot area shall be two (2) acres (87,120 square feet) or more per dwelling unit for lots being served by individual wells and septic systems, *including family subdivision lots*. The required area for any such use shall be approved by the health official. The administrator may require a greater area if considered necessary by the health official.

5-2-1a

~~The minimum lot area shall be one (1) acre (43,560 square feet) per dwelling for a family subdivision lot. The required area for any such use shall be approved by the health official. The Administrator may require a greater area if considered necessary by the health official.~~

Reserved.

Ms. Bishop confirmed that the minimum lot size for family divisions in A-1 and R-1 would remain at one (1) acre.

H. Ordinance O2023-03 Amendments to Appendix B Subdivisions, Section 3, Administration

Consideration of an ordinance proposed for passage to amend Appendix B Subdivisions. Proposed amendments would reduce the required right-of-way width from thirty (30) feet to twenty (20) feet when a family subdivision results in the creation of a parcel of five (5) acres or less. Proposed amendments also include the addition of family subdivision provisions pertaining to a family land trust which indicate (i) that all trust beneficiaries must be immediate family members; (ii) all trust beneficiaries must agree that the land should be subdivided; and (iii) all beneficiaries agree to place a restrictive covenant on the subdivided property that would prohibit the transfer of the property to a nonmember of the immediate family for a period of 15 years. The proposed amendment includes a provision that the Planning Commission may reduce the period of years prescribed in clause (iii) when changed circumstances so require.

Mr. Rutherford noted that the correct ordinance number was O2023-04.

Ms. Bishop presented the following:

Subdivisions of land, cluster subdivisions, boundary line adjustments, lot line vacations, and family divisions of land are all reviewed administratively by the Department of Planning and Zoning or Planning Commission.

The Code of Virginia provides certain protections to reduce requirements for family divisions of land. The current Nelson County Subdivision Ordinance requires a minimum access width of 30 (thirty) feet, whereas the Code of Virginia only allows localities to require no less than 10 (ten) feet and no more than 20 (twenty) feet. The Code of Virginia also allows localities to adopt an ordinance that would permit family divisions of land to beneficiaries of trusts.

The purpose is consideration of Subdivision Ordinance Amendments to allow a family division of land to be sold or gifted to the beneficiary of a family trust with a fifteen (15) year restrictive covenant, and reduce the access width requirement for a family division from thirty (30) feet to twenty (20) feet, to align local Ordinance with Virginia Code.

At their meeting on March 22, 2023, the Planning Commission held a public hearing and voted (3-2) to recommend approval of the proposed Subdivision Ordinance Amendments to the Board of Supervisors. On April 11, the Board of Supervisors referred this proposed amendment to public hearing.

Mr. Harvey asked about the sale outside of the family. Ms. Bishop noted they would either have to wait fifteen (15) years, or go to the Planning Commission to ask for a reduction based on their circumstances. She explained that if someone was a beneficiary of a trust and was gift a lot, they would have to hold on to it within the family for fifteen (15) years, or if something came up and they need to sell the lot for some reason, they could come to the Planning Commission and explain why they needed to sell the land and the Planning Commission could let them out of that covenant. She indicated that they could appeal to the Board of Zoning Appeals if the Planning Commission said no.

The Board had other questions.

Mr. Rutherford opened the public hearing.

June 13, 2023

Bo Delk signed up but did not wish to speak.

Russ Nixon – Nixon Land Surveying

Mr. Nixon asked a question on behalf of fellow surveyor Taze Crowder. He commented that the U.S. average duration of ownership of properties or housing was about seven to eight years. He noted that the state code did recommend the fifteen (15) year timeline however the locality may reduce or provide exceptions when change of circumstances require. Mr. Nixon noted that they had seen so many changes in the last three years since COVID in how people owned property and what they needed to do. He also noted that people had situations come up in life. He explained that he had cancer at age 27 and had to sell his first home. He encouraged the County to allow for an out that could allow for the applicant to come back to ask the Planning Commission for permission to sell if needed. He noted that he did not have a problem with the fifteen (15) year covenant because it did meet state statute, but he wanted to make sure it was easy for people to go to the Planning Commission to ask for permission to sell if they needed to.

Mark Franklin, Roseland VA

Mr. Franklin asked the Board to pass the ordinance amendment in order to match state code and make it easier for families to reach goals with their land use.

There were no other persons wishing to speak and the public hearing was closed.

Mr. Rutherford asked about the timeframe for fifteen (15) years. He that many of his clients wanted to move up in equity. He asked if the fifteen (15) years would impact them and require them to own a doublewide for fifteen years. Ms. Bishop explained that the fifteen (15) years was only when the lot was being gifted or sold to the beneficiary of a family trust. She noted that they have to own that property, or they could transfer it in the family under the trust but they could not list it on the regular MLS market. Mr. Rutherford noted that he did not like that. He commented that the next part of homeownership was realizing gains in equity and upgrading in life. He was concerned that it would not allow people to move up. He wondered if banks would have an issue, particularly if they needed to foreclose. Ms. Bishop noted in that scenario, they could come to the Planning Commission to reduce the number of years prescribed if change in circumstances so require. Mr. Rutherford asked if the bank came forward to request the change or the homeowner. Ms. Bishop thought the bank would need to ask permission.

Mr. Nixon recommended doing same thing as a family subdivision.

Mr. Rutherford noted that fifteen (15) years was a long time. Mr. Barton commented that families did not always get along and he thought a compromise may work better.

Mr. Harvey suggested studying the ordinance further to make sure they got it right. Mr. Rutherford did not have a problem waiting a month.

Mr. Reed stated as it was written, it did not preclude that. Mr. Rutherford noted it basically said that he had to ask permission to sell his house and possibly wait two months before being able to do it.

Mr. Reed noted that there was a reason that fifteen (15) years was in the state code, and continuity with state code did have value. He commented that if they were not going to do something that was consistent with State Code, they needed to have a really good reason for doing it. Mr. Reed noted that Planning and Zoning could walk people through the options to get out of it.

June 13, 2023

Mr. Rutherford cited concerns with someone defaulting on their mortgage and then the bank would own their home and end up putting it up for sale on MLS.

Ms. Bishop noted that she could look into it further if the Board chose to defer it. She did not think they had the authority to reduce the number of years in the ordinance. She reviewed the State Code. Mr. Rutherford asked Ms. Bishop to confirm that. Mr. Barton suggested to wait.

The Board chose to take no action on **Ordinance O2023-04** and decided to revisit it in July.

Mr. Reed referenced the previous ordinance that was not adopted and noted the clause that had to do with land held in a trust. He noted that was still an unresolved issue since that had not been adopted. Mr. Reed referenced the final paragraph of the ordinance noting that there was still an unresolved issue regarding the trust provision. Ms. Bishop noted that she did have one person waiting for the trust provision to be passed. She indicated that they would not be able to permit any of those until or unless the Board passed the ordinance.

Ms. Bishop noted that the lot size piece was not an issue any more as the Board had denied the zoning ordinance.

Ms. Bishop explained that if there was no action that evening on the subdivision ordinance, then there could not be family division to the beneficiary of a trust, yet. She noted that the Board would have to vote on the proposed ordinance to adopt it. Ms. Bishop reiterated that her current understanding was that the Board would take no action that evening and revisit the ordinance in July, and she would confirm whether or not they could they could change the fifteen (15) year number. Mr. Rutherford confirmed that was it. Ms. Bishop noted that the road width was part of the ordinance as well.

Ms. McGarry asked if the Board would prefer to reconsider the ordinance at the June 29th meeting. The Board agreed to reconsider **Ordinance O2023-04** at the June 29th meeting.

IV. OTHER BUSINESS (AS PRESENTED)

The Board had no other business.

V. ADJOURN AND CONTINUE TO JUNE 29, 2023 AT 6 P.M. FOR A JOINT WORK SESSION WITH THE PLANNING COMMISSION.

At 8:15 p.m. Mr. Reed moved to adjourn and continue to June 29, 2023 at 6 p.m. for a joint work session with the Planning Commission. Mr. Barton seconded the motion. There being no further discussion, Supervisors approved the motion by vote of acclamation and the meeting adjourned.



BOARD OF SUPERVISORS

THOMAS D. HARVEY
North District

ERNIE Q. REED
Central District

JESSE N. RUTHERFORD
East District

ROBERT G. BARTON, JR.
South District

J. DAVID PARR
West District

CANDICE W. MCGARRY
County Administrator

AMANDA B. SPIVEY
Administrative Assistant/
Deputy Clerk

LINDA K. STATON
Director of Finance and
Human Resources

**RESOLUTION R2023-77
NELSON COUNTY BOARD OF SUPERVISORS
AMENDMENT OF FISCAL YEAR 2023-2024 BUDGET
December 12, 2023**

I. Appropriation of Funds (General Fund)

<u>Amount</u>	<u>Revenue Account (-)</u>	<u>Expenditure Account (+)</u>
\$ 27,000.00	3-100-003303-0046	4-100-031020-7035
\$ 22,500.00	3-100-002404-0065	4-100-081050-3010
\$ 25,000.00	3-100-002404-0065	4-100-081050-3011
\$200,000.00	3-100-002404-0067	4-100-091030-5669
\$ 12,500.00	3-100-001901-0012	4-100-999000-9905
<u>\$287,000.00</u>		

II. Appropriation of Funds (School Fund)

<u>Amount</u>	<u>Revenue Account (-)</u>	<u>Expenditure Account (+)</u>
\$ 93,287.00	3-205-002402-0002	4-205-061100-9301
<u>\$ 93,287.00</u>		

Adopted: _____

Attest: _____, Clerk
Nelson County Board of Supervisors

EXPLANATION OF BUDGET AMENDMENT:

- I. **Appropriations are the addition of unbudgeted funds received or held by the County for use within the current fiscal year budget. These funds increase the budget bottom line. The General Fund Appropriations of \$287,000.00** reflect requests of **(1) \$27,000.00** appropriation of additional FY23 ARPA Grant award for Sheriff's Law Enforcement Equipment (original grant award was \$265,000); **(2) \$22,500.00** reappropriation request for FY23 State AFID Grant funds to be received in FY24 for Woodson's Mill Deep Roots Milling sifting room project; **(3) \$25,000.00** appropriation request of FY23 State AFID Grant funds received in FY24 for Silver Creek & Seaman's Orchard Cider Sure project; **(4) \$200,000.00** appropriation request of FY24 Department of Historic Resources Grant pass-through funds for Nelson Heritage Center renovations project; **(5) \$12,500.00** appropriation request of FY23 AFID Grant funds match to be received FY24 in collaboration with the EDA (this increase is applied to Non-Recurring Contingency resulting in a balance of \$307,628.61). *The total appropriation request for this period is below the 1% of expenditure budget limit of \$754,242.70 for December.*

- II. **Appropriations are the addition of unbudgeted funds received or held by the County for use within the current fiscal year budget. These funds increase the budget bottom line. The School Fund Supplemental Appropriation of (1) \$93,287** is requested as the balance of the full \$743,287 additional state funding to be received in FY24 based upon the Chapter 1 2023 Special Session of the General Assembly and an increase in actual student enrollment above what was budgeted. The bulk of the state funding, \$650,000 was appropriated in November 2023. Of the total \$743,287, a portion will be set aside in a reserve fund for intensive tutoring and efforts to combat chronic absenteeism in the amount of \$379,582. Funds are to be expensed through FY26. No transfer from the General Fund is required since funds will be received directly by the Schools. *The total appropriation request for this period is below the 1% of expenditure budget limit of \$754,242.70 for December.*



COMMONWEALTH of VIRGINIA

Department of Criminal Justice Services

The Honorable Jackson H. Miller
Director

Tracy Louise Winn Banks, Esq.
Chief Deputy Director

Washington Building
1100 Bank Street
Richmond, Virginia 23219
(804) 786-4000
www.dcjs.virginia.gov

November 21, 2023

Candice McGarry
County Administrator
84 Courthouse Square
Lovingston, Virginia 22949

RE: 508516-LE ARPA - Law Enforcement Equipment

Dear Candice McGarry:

Congratulations on being a recipient of the above referenced grant program! Your DCJS grant award number is **509820** and was approved for a total award of **\$292,000**, funded through Award Number **21.027 (2023 ARPA)**. The project period is **7/1/2022** through **6/30/2024**.

Included with this letter is your Statement of Grant Award/Acceptance (SOGA), Special Conditions, Reporting Requirements, and Projected Due Dates. In addition, there may be "Action Item" Special Conditions related to your grant award called *Encumbrances* that require your immediate attention. If there are any, please submit those documents via the On-line Grants Management System (OGMS) at <https://ogms.dcjs.virginia.gov/>.

If you have not previously done so, you must register to use this web-based system. The instructions on *Registering for a New Account* and *Submitting Action Item Encumbrances* are posted here <https://www.dcjs.virginia.gov/grants/ogms-training-resources> along with other resources and training videos. All registrants will be approved within 3 – 5 business days.

We will be happy to assist you in any way we can to assure your project's success. To indicate your acceptance of the award and conditions, please sign the included SOGA and return it electronically within the next 60 days to rr-learpagrants@dcjs.virginia.gov. Please note that you will not be able to draw down funds on this grant until DCJS receives the signed SOGA, and the grant is in Underway status in OGMS. If you have any questions, please contact your DCJS Grant Monitor through the OGMS portal, or contact the ARPA staff at rr-learpagrants@dcjs.virginia.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Jackson Miller".

Jackson Miller



COMMONWEALTH of VIRGINIA

Department of Agriculture and Consumer Services

PO Box 1163, Richmond, Virginia 23218

www.vdacs.virginia.gov

Joseph W. Guthrie
Commissioner

July 21, 2022

Dear AFID Infrastructure Grant Awardee,

Please find enclosed the Memorandum of Agreement (MOA), and associated attachments (detailed below), for an Infrastructure Grant from the Governor's Agriculture and Forestry Industries Development Fund (AFID) Infrastructure Grant Program. The MOA has been signed by Joseph Guthrie, Commissioner of the Virginia Department of Agriculture and Consumer Services – the Agency which administers the AFID Planning Grant program.

In addition to the MOA, this packet contains the following attachments:

- Exhibit A: The completed work plan for the AFID Infrastructure Grant, including all mutually agreed revisions, updates, and changes for your records.
- Exhibit B: AFID Infrastructure Grant Reimbursement Request template
- Exhibit C: AFID Infrastructure Grant Reporting Requirements
- Commonwealth of Virginia Substitute W-9 form to complete (must have a copy on file at VDACS in order to process reimbursement requests)

Please have your organization's chief administrative officer, or appropriate substitute, sign the MOA. Keep a copy for your records and return the executed original copy along with the completed Commonwealth of Virginia Substitute W-9 form to:

Jen Perkins, Program Coordinator
Virginia Department of Agriculture and Consumer Services
Division of Marketing and Development
102 Governor St., Room 321
Richmond, VA 23219

Please contact me with any questions or concerns you have. I can be reached at (804) 786-1906 or jennifer.perkins@vdacs.virginia.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Jennifer Perkins".

Jennifer Perkins, Project Manager
Virginia Department of Agriculture and Consumer Services
Ph: (804) 786-1906 | jennifer.perkins@vdacs.virginia.gov

MEMORANDUM OF AGREEMENT

301-23-010

Woodson's Mill

This Agreement is hereby entered into this 1st day of July, 2022 by Nelson County, hereinafter referred to as Awardee, and the Virginia Department of Agriculture & Consumer Services, an agency of the Commonwealth of Virginia, hereinafter referred to as Agency.

WITNESSETH that Awardee and Agency, in consideration of the mutual covenants, promises, and agreements contained herein, agree as follows:

1. Scope of Services:

Awardee shall be responsible for developing and delivering those actions and results included in the workplan proposed in its grant application (including any amendments/changes proposed by Agency), which is hereby made a part of this Agreement. The approved workplan is attached as Exhibit A.

2. Period of Performance:

The agreement shall run from July 1, 2022 through June 30, 2024, unless a written request to extend the Agreement is submitted by Awardee and approved by Agency. Agency shall not provide reimbursement for any expenses incurred after June 30, 2024, unless agreed to in writing by Awardee and Agency.

3. Reimbursement:

Agency will provide Awardee a total of up to \$22,500 in reimbursement expenses. Of this amount, 75 percent (\$16,875) will be reimbursed upon receipt of a valid invoice; the Awardee shall use the invoice template, which is attached as Exhibit B. Each invoice from Awardee must include a description as to how the expenditures submitted for reimbursement are related to the approved project workplan. The remaining 25 percent (\$5,625) will be reimbursed upon receipt and approval of the final report and invoice by Agency at the end of the project, unless an alternative reimbursement process is requested in writing by Awardee and agreed to by Agency. Payment by Agency will be made within 30 days of approval of the invoice. In addition, as required in the guidelines established for the Governor's Agriculture and Forestry Industries Development Fund Infrastructure Grant program, which are incorporated by reference into this Agreement, Awardee shall repay to Agency all previously reimbursed funds should Agency determine that Awardee failed to substantially complete those actions and results included in the approved workplan attached as Exhibit A.

4. Budget for Approved Workplan:

Budget Items	AFID funds	Cash from Locality	In-Kind from Locality	Other Cash	Other In-Kind	TOTAL
Personnel						
Fringe						
Travel						
Supplies/Materials	\$22,500	\$500				\$23,000
Contractual		\$12,000				\$12,000
Other						
Totals	\$22,500	\$12,500				\$35,000

A minimum of % of matching funds must come from the locality, of which \$ must be in cash. Agency retains the authority to audit the source of all matching funds.

5. Travel:

All travel reimbursements requested by Awardee must be in accordance with the current Virginia Department of Accounts State Travel Regulations. The current link to these regulations is:
http://www.doa.virginia.gov/Admin_Services/CAPP/CAPP_Topics_Cardinal/20335-2015-Dec.pdf

6. Audit Requirements:

The contractor shall retain all books, records, and other documents relative to this contract for five (5) years after final payment, or until audited by the Commonwealth of Virginia, whichever is sooner. The agency, its authorized agents, and/or state auditors shall have full access to and the right to examine any of said materials during said period.

7. Site Visits:

Agency and/or its authorized representatives have the right, at all reasonable times, to make site visits to review project accomplishments and management control systems, and to provide such technical assistance as may be required.

8. Withholding Payment:

Agency reserves the right, upon written notice to Awardee, to withhold future payments after a specified date if Awardee fails to comply with any of the conditions of this Agreement. Agency also reserves the right, at Agency's discretion, to withhold payment until Awardee submits additional documentation evidencing how the expenditures submitted relate to the approved workplan.

9. Cancellation of Agreement:

Agency reserves the right, upon written notice to Awardee, to terminate the Agreement at any time if Agency determines that Awardee failed to comply with any of the conditions of this Agreement. Termination of the Agreement by Awardee may occur, but only upon submittal of a written request for termination by Awardee, and approval of such termination by Agency.

10. Reporting Requirements:

Awardee is required to submit an interim report by June 30, 2023. In addition, Awardee is required to submit a final report and budget close-out form no later than August 1, 2024. The templates for these documents are attached as Exhibit C.

11. Revision of Scope or Objectives:

Awardee must submit a written request for approval by Agency to modify the workplan attached as Exhibit A. Such written request shall include a justification for the workplan change, a description of the revisions proposed, and any budget revisions, if applicable.

IN WITNESS WHEREOF, the parties have caused this Agreement to be duly executed intending to be bound thereby.

For: Nelson County

**For: Virginia Department of
Agriculture and Consumer Services**

By: Candice W. McGarry
(Signature in Ink)

Joseph W. Guthrie
(Signature in Ink)

Joseph W. Guthrie, Commissioner

Name: Candice W. McGarry
Title: County Administrator
(Date Signed) 8/31/2022

July 25, 2022
(Date Signed)

**Governor's Agriculture and Forestry Industries Development Fund –
Infrastructure Grant Program
(AFID Infrastructure Program)
Grant Application**

I. Overview

Project Title: Woodson's Mill	
Applicant Jurisdiction: Nelson County	Other localities (for multijurisdictional applications only):
Project Start Date: July 2022	Anticipated End Date: September 2022
Requested Amount: \$22,500	
Primary Contact Information	
Name: Maureen A. Kelley	
Title: Director of Economic Development and Tourism	
Organization: County of Nelson	
Telephone: 434-263-7016	
Email Address: makelley@nelsoncounty.org	
Mailing Address: Post Office Box 636	
City, State, Zip: Lovington, VA 22949	

II. Project Description

Please provide a narrative describing your project purpose; the issue to be addressed; and the importance of the project. Clearly identify project goals in this section, including but not limited to, the following:

- Expected impact of the project on affected localities' agriculture and forestry related industries
- Demonstration of the likelihood of success in achieving the promised deliverables
- Demonstration of support from the agricultural community
- Demonstration of sustainable agriculture practices

Deep Roots Milling (DRM) is a regional stone mill operation working out of historic Woodson's Mill in Roseland, Virginia. DRM was initially formed in Roanoke VA in 2018 by Charlie Wade and operated there until moving the operation to Woodson's Mill in 2020. Currently DRM employs 4 people and has grown in scale to become a leader in regional grain processing. One hundred percent of the grain DRM processes is grown by growers in the Mid-Atlantic region, much of which comes from Virginia small family farms. DRM has chosen to work with family farms that practice sustainable agriculture practices such as no-till farming, and organic certification. DRM is a founding member of the Common Grain Alliance and is very active in promoting more responsible food grade grain production in the state. The work DRM is doing was highlighted in a [video series](#) supported by the Common Grain Alliance and the National Fish and Wildlife Foundation.

As DRM has been quickly scaling, a number of inefficiencies have been identified that are proving to be bottlenecks in the operation. The main bottleneck revolves around not having an automated bagging system in place. Currently all bagging is done by hand which limits the amount of product that can be sold. DRM has bulk bagging equipment available but the placement of certain key elements are not conducive for its use. Mainly, the equipment used to sift flour is currently housed on the second floor of the mill building which makes it impossible to transport the flour into second floor hoppers that feed into a first floor bagging machine.

DRM is seeking an AFID grant to support their mill operation by funding the construction of a third floor "sifting" room. In this room DRM would place their flour sifting equipment which would then allow product to drop into existing hoppers on the second floor and facilitate the use of bagging equipment on the first floor. Construction of this room would be done in a way consistent with the historic nature of the building. Labor will be contracted with qualified firms. In addition to this room, DRM would also like to purchase a new bagging machine devoted to small retail sized bags.

Funding of this project would allow DRM to service a greater variety of wholesale buyers and thus purchase more grain from Mid Atlantic grain growers.

III. Eligibility

Please briefly describe how your project meets one or more of the following eligible project types:

- Processing facilities that are primarily locally owned, including commercial kitchens, packaging and labeling facilities, animal slaughtering facilities, or other facilities, and that are primarily utilized for the processing of meats, dairy products, produce, or other products
- Farmers' markets
- Food hubs and other agricultural aggregation facilities

The grant money for the proposed project would be used to renovate part of an existing facility for a new sifting room. Once completed the improved facility will be used to process and mill grains for regional distribution. DRM's existing operation will be enhanced by the renovation and allow for greatly increased production, resulting in more local and regional grain purchasing power and greater employment opportunities.

DRM currently sells retail products at the Nelson County Farmers Market, RVCC Farmers Market, Saunders Brothers Farm Store, Dickies Brothers Farm Store, Basic Necessities, Heart of Nelson as well as hosting a monthly farmers market featuring local vendors. DRM currently sells wholesale products to Little Hat Creek Farm & Bakery and Slice Versa Pizza (who in turn sell their product at local county venues, including the aforementioned farmers markets). Increased production would also allow us to approach some of the breweries and distilleries in the county, encouraging their use of regional grain. DRM also supplies regional grain products to many bakeries, breweries, restaurants and retailers just outside of Nelson and around the state including 4P foods (a regional food hub) as well as at the Charlottesville Farmer's Market at IX.

Many of our wholesale customers had never considered using regional grain before choosing us as a supplier, implying that we are in the unique position of being a primary outlet for food-grade Virginia grain products. Allowing DRM to expand its operation would bolster its position as a lynchpin of the regional grain economy and funnel more Virginia consumer dollars into Virginia's agricultural heritage.

The renovation of the facility does not fundamentally change the existing operation but includes long overdue updates for safety, efficiency and workflow and would allow DRM to remain an economically viable enterprise that can retain several full and part time employees from the greater community, as well as continue to source more and more grain from producers in the region—who by nature of terrain, climate and scale require a higher price than their midwestern and foreign counterparts.

DRM's longevity as a local food producer allows the company to maintain Woodson's Mill as the cornerstone of the local community that it has been since it was erected in 1794. DRM has been strengthening this foundation by hosting a monthly millrace market populated by vendors from Nelson and Amherst counties who sell their own homegrown and hand-crafted products. The market attracts local patrons and tourists alike, creating a unique setting where the public can experience a piece of local history while supporting the local economy.

IV. Match Requirement

Please indicate if your project qualifies for a reduced match requirement as described in the Program Guidelines:

A. Is the project located in an economically-distressed locality Yes: <input type="checkbox"/> No: <input checked="" type="checkbox"/>
B. Is the project located in an underserved community? Yes: <input type="checkbox"/> No: <input checked="" type="checkbox"/>
C. Does the project serve two or more small-scale agricultural producers? Yes: <input checked="" type="checkbox"/> No: <input type="checkbox"/>

This project will help to strengthen DRM's economic viability and continue to source more and more grain from producers in the region.

V. Budget and Budget Narrative

Please use the attached budget form to show total project costs. Provide a budget narrative below; outline specifics on the proposed use of funding and explain the details about the personnel and expenses that are itemized in the budget.

The majority of the requested monies will go towards materials and labor involved in the building out of the sifting room. Other items of note include electrical upgrades, bagging machine for retail sized bags, and expenses related to moving equipment into the new room. The below table summarizes costs of each.

Budget Item	Cost
Interior paneling for sifting room	\$7,500
Wood sealant	\$5,000

Electrical upgrades	\$2,500
Equipment installation	\$2,000
Retail bagging equipment	\$6,000
Labor	\$10,000
Consultant	\$2000

VI. Work Plan

Project Activity	Who	Timeline (Month / Year)
Construct Sifting Room	DRM	July/August 2022
Move Equipment into Sifting Room	DRM	September 2022
Electrical Improvements	Contractor	July/ August 2022
Retail Bagging Equipment	DRM	September 2022

VII. Metrics and Outcomes

Please describe what success would mean for the project and how that success will be measured.

DRM would use the new processing space to build out an automated bagging operation, which would greatly increase the efficiency of the operation. With efficiency gains, DRM will be able to serve more customers and increase annual sales. In addition to annual sales increases, DRM would gauge the success of this project by seeing an increase in the amount of grain purchased from Virginia based growers.

VIII. Letters of Support/Attachments

Please attach the following documentation:

- Letter for the chief administrative officer of applicant political subdivision(s) expressing support and how they will assist
- Letters of support from the agricultural industry, forestry industry, and/or other affected constituents

**AFID INFRASTRUCTURE GRANT
PROJECT BUDGET FORM**

Locality Name	Nelson County	
Project Title	Woodson's Mill	
Requested Award	\$25,000	
INCOME SOURCES	AMOUNT	COMMENTS
APPLICANT MATCH		
Local Cash Match	\$12,500	
Local In-Kind Match		
Subtotal Applicant Match Income	\$ 12,500	
OTHER MATCH		
Foundation/Non-profit		
Cash		
in-kind		
Federal		
Virginia Tobacco Region Revitalization Commission		
Other		
Subtotal Other Match Income	\$ -	
TOTAL INCOME	\$ 12,500	

EXPENSES	TOTAL PROJECT BUDGET	AFID REQUEST	CASH MATCH	IN-KIND MATCH
Personnel				
Fringe				
Travel				
Supplies/Materials	\$ 23,000	\$ 22,500	\$ 500	
Contractual	\$ 12,000	\$	\$ 12,000	
Other				
TOTAL EXPENSES	\$ 35,000	\$ 25,000	\$ 12,500	\$ -

BUDGET CATEGORIES

Personnel: Costs for staff that are employees of the locality

Fringe: Costs for FICA and other payroll taxes, health and life insurance for employees

Travel: Mileage and per diems

Holly Henderson

From: Angela F Hicks
Sent: Wednesday, November 8, 2023 8:39 AM
To: Holly Henderson
Subject: EDI Thank You

tr# 5813
HHZ

tal Amount: 25,000.00

Deposit Date: 11/08/2023

Trace Number: 82226492

Agy No	Amount	CDS Offset Amount	TOP Offset Amount	Invoice Number	Invoice Date	Customer Number
301	AFID 25,000.00	0.00	0.00	AFID INFRA F	10/31/2023	

Tot 301: 25,000.00

Angela F Hicks, MGT
Nelson County Treasurer
84 Courthouse Sq
PO Box 100
Lovingston VA 22949
(P) 434-263-7060
(F) 434-263-7064

MEMORANDUM OF AGREEMENT

Contract # 301-23-119

Cider Sure 5500 UV Machine

This Agreement is hereby entered into this 13th day of January, 2023 by Nelson County, hereinafter referred to as Awardee, and the Virginia Department of Agriculture & Consumer Services, an agency of the Commonwealth of Virginia, hereinafter referred to as Agency.

WITNESSETH that Awardee and Agency, in consideration of the mutual covenants, promises, and agreements contained herein, agree as follows:

1. Scope of Services:

Awardee shall be responsible for developing and delivering those actions and results included in the workplan proposed in its grant application (including any amendments/changes proposed by Agency), which is hereby made a part of this Agreement. The approved workplan is attached as Exhibit A.

2. Period of Performance:

The agreement shall run from January 1, 2023 through December 31, 2025, unless a written request to extend the Agreement is submitted by Awardee and approved by Agency. Agency shall not provide reimbursement for any expenses incurred after December 31, 2025, unless agreed to in writing by Awardee and Agency.

3. Reimbursement:

Agency will provide Awardee a total of up to \$25,000 in reimbursement expenses. Of this amount, 75 percent (\$18,750) will be reimbursed upon receipt of a valid invoice; the Awardee shall use the invoice template, which is attached as Exhibit B. Each invoice from Awardee must include a description as to how the expenditures submitted for reimbursement are related to the approved project workplan. The remaining 25 percent (\$6,250) will be reimbursed upon receipt and approval of the final report and invoice by Agency at the end of the project, unless an alternative reimbursement process is requested in writing by Awardee and agreed to by Agency. Payment by Agency will be made within 30 days of approval of the invoice. In addition, as required in the guidelines established for the Governor's Agriculture and Forestry Industries Development Fund Infrastructure Grant program, which are incorporated by reference into this Agreement, Awardee shall repay to Agency all previously reimbursed funds should Agency determine that Awardee failed to substantially complete those actions and results included in the approved workplan attached as Exhibit A.

4. Budget for Approved Workplan:

Budget Items	AFID Funds	Cash from Locality	In-Kind from Locality	Other Cash	Other In-Kind	TOTAL
Personnel						
Fringe						
Travel						
Supplies/Materials	\$25,000	\$23,425				\$48,425
Contractual		\$1,575				\$1,575
Other						
Totals	\$25,000	\$25,000				50,000

Agency retains the authority to audit the source of all matching funds.

5. Travel:

All travel reimbursements requested by Awardee must be in accordance with the current Virginia Department of Accounts State Travel Regulations. The current link to these regulations is:

http://www.doa.virginia.gov/Admin_Services/CAPP/CAPP_Topics_Cardinal/20335-2015-Dec.pdf

6. Audit Requirements:

The contractor shall retain all books, records, and other documents relative to this contract for five (5) years after final payment, or until audited by the Commonwealth of Virginia, whichever is sooner. The agency, its authorized agents, and/or state auditors shall have full access to and the right to examine any of said materials during said period.

7. Site Visits:

Agency and/or its authorized representatives have the right, at all reasonable times, to make site visits to review project accomplishments and management control systems, and to provide such technical assistance as may be required.

8. Withholding Payment:

Agency reserves the right, upon written notice to Awardee, to withhold future payments after a specified date if Awardee fails to comply with any of the conditions of this Agreement. Agency also reserves the right, at Agency's discretion, to withhold payment until Awardee submits additional documentation evidencing how the expenditures submitted relate to the approved workplan.

9. Cancellation of Agreement:

Agency reserves the right, upon written notice to Awardee, to terminate the Agreement at any time if Agency determines that Awardee failed to comply with any of the conditions of this Agreement. Termination of the Agreement by Awardee may occur, but only upon submittal of a written request for termination by Awardee, and approval of such termination by Agency.

10. Reporting Requirements:


Awardee is required to submit an interim report by December 31, 2023, 12 months after the grant award, if the project is not completed. In addition, Awardee is required to submit a final report and budget close-out form no later than January 31, 2026. The templates for these documents are attached as Exhibit C.

11. Revision of Scope or Objectives:

Awardee must submit a written request for approval by Agency to modify the workplan attached as Exhibit A. Such written request shall include a justification for the workplan change, a description of the revisions proposed, and any budget revisions, if applicable.

IN WITNESS WHEREOF, the parties have caused this Agreement to be duly executed intending to be bound thereby.

For: Nelson County

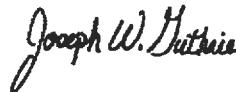
By: 

Candice W. McGarry, County Administrator

2/15/23

(Date Signed)

**For: Virginia Department of
Agriculture and Consumer Services**



Joseph W. Guthrie, Commissioner

1/13/23

(Date Signed)

AFID Funds Tracking Sheet

Budget Item	Total AFID Budgeted Amount	Balance before this Request	This Request	New Balance
Personnel				
Fringe				
Travel				
Supplies/Materials	\$ 25,000.00	\$ 25,000.00	\$ 25,000.00	
Contractual				
Other				
Total	\$ 25,000.00	\$ 25,000.00	\$ 25,000.00	\$ -

*Add additional columns as needed





COMMONWEALTH of VIRGINIA

Department of Historic Resources

Travis A. Voyles
*Secretary of Natural and Historic
Resources*

2801 Kensington Avenue, Richmond, Virginia 23221

Julie V. Langan
Director
Tel: (804) 482-6446
Fax: (804) 367-2391
www.dhr.virginia.gov

November 9, 2023

Johnette Burdette, Executive Director
Nelson Heritage Center
1653 Thomas Nelson Highway
Arrington Va 22922

Via Email To: jburdette@helsonheritagecenter.org

Re: 2023/2024 State Grant for the Nelson Heritage Center

Dear Ms. Burdette,

I am writing to notify you that the Commonwealth of Virginia's budget for the 2023/2024 fiscal year includes a \$200,000 appropriation for your project. This grant award is being administered by the Department of Historic Resources (DHR). Before your organization receives the funds, the grant must pass through the local government within which your project is located. The local government will disburse the full amount of the award to your organization.

This grant will be available for disbursement to the locality upon execution of the necessary Memorandum of Understanding (MOU) between the DHR, County of Nelson which will initially receive the funds, and the Nelson Heritage Center.

It is imperative that the funds be disbursed to the County of Nelson as quickly as possible and no later than June 30, 2024. Any funds not disbursed by that date will be forfeited.

Prior to December 11th, your contact will be Stephanie Williams, DHR Deputy Director. After that date, Caitlin Sylvester, DHR's Grant Coordinator, will be the main point of contact for you and for your local government/fiscal agent during the grant period of performance. She may be contacted by email at Caitlin.sylvester@dhr.virginia.gov or by her direct line, 804-482-6461.

The important next steps in awarding you this funding are:

Western Region Office
962 Kime Lane
Salem, VA 24153
Tel: (540) 387-5443
Fax: (540) 387-5446

Northern Region Office
5357 Main Street
PO Box 519
Stephens City, VA 22655
Tel: (540) 868-7029
Fax: (540) 868-7033

Eastern Region Office
2801 Kensington Avenue
Richmond, VA 23221
Tel: (804) 367-2323
Fax: (804) 367-2391

- Return the attached Project Information Form. Once returned the MOU will be sent to you.
- Review, finalize and execute the MOU between DHR, County of Nelson, and your organization as quickly as possible.
- Transfer the awarded funding from DHR to the County of Nelson upon full execution of the MOU.
- Authorize the County of Nelson to transfer the awarded funding to the Nelson Heritage Center upon full execution of the MOU.

The Department looks forward to working with you in the coming months to ensure the success of your project. Thank you for your leadership in preserving Virginia's important history.

Sincerely,



Julie V. Langan
DHR Director

cc: Caitlin Sylvester, DHR Grants Coordinator
Senator R. Creigh Deeds
Delegate C. Matthew Fariss

Attachments: Project Information Form

Administrative Services
10 Courthouse Ave.
Petersburg, VA 23803
Tel: (804) 862-6408
Fax: (804) 862-6196

Eastern Region Office
2801 Kensington Avenue
Richmond, VA 23221
Tel: (804) 367-2323
Fax: (804) 367-2391

Western Region Office
962 Kime Lane
Salem, VA 24153
Tel: (540) 387-5443
Fax: (540) 387-5446

Northern Region Office
5357 Main Street
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Tel: (540) 868-7029
Fax: (540) 868-7033

Mrs. Shannon Powell, Chair
West District

Mrs. Janet Turner-Giles, Trustee
North District

Mrs. Margaret Clair, Trustee
Central District



Mr. Ceaser Perkins, Vice Chair
South District

Mr. George Cheape, Trustee
East District

Dr. Amanda C. Hester
Division Superintendent

Nelson County Public Schools

October 20, 2023

Nelson County Board of Supervisors
Attn: Candy McGarry, County Administrator
P.O. Box 336
Lovingson, VA 22949

Dear Mrs. McGarry,

I am writing to request a supplemental appropriation in the amount of \$743,287 in state funds for the 2023/2024 school year in additional state revenue based upon the Chapter 1 2023 Special Session of the General Assembly and an increase in our actual student enrollment as compared to what was budgeted. 1424 students were included in the new Calc Tool to arrive at the state revenue adjustment. \$379,582 of the request is to be set aside in a reserve fund to pay for intensive tutoring and efforts to combat chronic absenteeism. The division has until FY 2026 to spend the funds, thus any amount not spent in the current or next fiscal year will have to be re-appropriated for this program.

The Board also took action to give all School Board employees a 2% raise effective January 1, 2024 in keeping with the General Assembly's action to provide the 2% raise for SOQ funded positions. Due to the additional state funding and savings from unfilled positions, we will be able to handle the additional expenditure without requesting additional County funds for the FY 24 fiscal year.

As always, thank-you for your continued support.

Respectfully,

A handwritten signature in blue ink, appearing to read 'Amanda Hester', is written above the typed name.

Amanda Hester, Ed.D.
Division Superintendent

Company No: 001 Account Number: 4205 611009301 Period: 0941
 Date: 12/07/23 School Instruction
 Budget Amount Year To Date Encumbrances Balance
 \$20,854,978.00 \$7,137,429.30 \$.00 \$13,717,548.70

Date	Source	Reference	Number	PO#	Amount	Period	Description
07112023	CS	1	20230711		\$170,948.55	202307	-TREASURER CASH REPORT-
07202023	CS	1	20230720		\$3,162.75	202307	-TREASURER CASH REPORT-
07272023	CS	1	20230727		\$6,611.64	202307	-TREASURER CASH REPORT-
07312023	CS	1	20230731		\$243,504.71	202307	-TREASURER CASH REPORT-
08092023	CS	1	20230809		\$223,392.47	202308	-TREASURER CASH REPORT-
08102023	CS	1	20230810		\$2,580.66	202308	-TREASURER CASH REPORT-
08242023	CS	1	20230824		\$40,981.57	202308	-TREASURER CASH REPORT-
08312023	CS	1	20230831		\$1,469,018.94	202308	-TREASURER CASH REPORT-
09142023	CS	1	20230914		\$69,000.95	202309	-TREASURER CASH REPORT-
09152023	CS	1	20230915		\$39,283.69	202309	-TREASURER CASH REPORT-
09282023	CS	1	20230928		\$49,516.33	202309	-TREASURER CASH REPORT-
09282023	CS	1	20230928		\$1,476,027.73	202309	-TREASURER CASH REPORT-
09302023	CS	1	20230930		\$576.00	202309	-TREASURER CASH REPORT-
10092023	CS	1	20231009		\$96,225.76	202310	-TREASURER CASH REPORT-
10122023	CS	1	20231012		\$68,484.74	202310	-TREASURER CASH REPORT-
10262023	CS	1	20231026		\$17,209.34	202310	-TREASURER CASH REPORT-
10312023	CS	1	20231031		\$1,476,204.16	202310	-TREASURER CASH REPORT-
10312023	CS	1	20231031		\$280.00	202310	-TREASURER CASH REPORT-
*****					\$5,451,297.99		

***** Encumbrance- *****

***** A/P Holding File- *****

***** P/R Holding File- *****

***** U/T Holding File- *****

11092023	CS		20231109		\$28,129.35	202311	-TREASURER CASH REPORT-
11102023	CS		20231110		\$96,967.09	202311	-TREASURER CASH REPORT-
11292023	CS		20231129		\$14,118.07	202311	-TREASURER CASH REPORT-
11302023	CS		20231130		\$1,546,916.80	202311	-TREASURER CASH REPORT-
*****					\$1,686,131.31		

***** G/L Holding File- *****

***** S/S Holding File- *****

***** INV Holding File- *****

07012023	BA	1	0000302		\$20,204,978.00	202307	-APPROPRIATION ENTRY-	04801
11162023	BS	1	0000404		\$650,000.00	202311	FY24 ADD'L STATE CHPTR 1	04853
*****					\$20,854,978.00			

*\$650,000 - Nov. appropriation
 + 93,887 - Dec. appropriation
 = Total appropriation of additional
 state revenue adjustment for FY24.*

(2)



NELSON COUNTY PARKS & RECREATION

Nelson County Parks and Recreation and Blue Mountain Brewery are making a combined donation in the amount of \$1000.00 to the Nelson County Pantry made possible from proceeds from our 3rd Annual Tunnel After Dark event.

This year's Tunnel After Dark event was held on Friday October 27. The annual event co-hosted by Nelson County Parks and Recreation and Blue Mountain Brewery allows attendees the unique opportunity to visit Nelson County's famed Blue Ridge Tunnel after dark.

The 1.5-mile section of trail from the Eastern Trailhead through to the Western Portal of the tunnel are lined with nearly 700 luminary bags to give visitors a beautiful setting as they make their walk. Along the trail, just before entering the Eastern Portal, Blue Mountain brewery set up gas fire pits, photo opportunities, lounging area and a mobile bar to serve their flagship beers Dark Hollow and its annual reserve barrel aged version, Concealed Darkness. Each of these beers showcase the Western Portal of the tunnel on the logo which helps promote the tunnel year round.

This year's event brought in over 300 visitors who had the opportunity to attend by purchasing Premium On-site parking passes or Off-site Shuttle tickets departing from Rockfish Valley Fire Department. Tickets sold out in under 1 week to this year's event. Actual attendance numbers were 108 shuttle riders and 56 on-site cars averaging about 3.5 riders per car, bringing an estimated number of visitors to 304.

Proceeds from this year's event totaled \$763.58 from Nelson County Parks and Recreation. Blue Mountain Brewery will be adding an additional \$236.42 to allow us to hit the \$1000.00 donation to the Nelson County Pantry. In addition to the monetary donation, we collected nonperishable food items on site totaling 150.4lbs of food which was donated to the pantry as well.

We look forward to this event each year and are proud to support a local organization just in time for their busiest time of the year during the holidays.

Discussion Materials | UPDATE to Debt Capacity/Affordability Analysis

Nelson County, Virginia



December 12, 2023

Goals & Objectives



- At the request of Nelson County (the “County”), Davenport is providing an update of our debt capacity and affordability analysis that was previously shared in December 2021, March 2022, and February 2023.

- Our analysis herein is intended to provide the Board with an understanding of the preliminary cash flow and affordability impact of implementing upwards of \$75,000,000 of capital projects over the next 3-5 years as follows:
 - Impact related to \$57,000,000 of projects; and
 - Additional incremental impact of \$18,000,000 of projects.
 - Key assumptions are as follows:
 - The above figures are assumed to be funded by debt over the next 3 to 5 years (exact timing to be determined).
 - Long-term debt financing assumes tax-exempt interest rates of 5.0% (Tax-Exempt rates) and 6.0% (Taxable rates), which are higher than in prior analyses to take into account the upward trend in interest rates that has occurred over the past two years.
 - Amortization (repayment of long-term debt) assumes 20 to 30 years to match the useful lives of the projects being financed.

Analysis Assumptions



- Based on conversations with staff and changing market conditions, the analysis has been adjusted as follows:

Project	Amount	Prior Analysis					Updated Analysis				
		Timing of Borrowing	First Interest	First Principal	Term	Interest Rate	Timing of Borrowing	First Interest	First Principal	Term	Interest Rate
1 Land Purchase	\$2,600,000 ⁽¹⁾	FY 2023	FY 2024	FY 2029	5 Years BAN 30 Years Total	5.0%	FY 2023	FY 2024	FY 2031	5 Years BAN 30 Years Total	5.0% ⁽²⁾
2 DSS Building	\$10,000,000	FY 2024	FY 2025	FY 2025	25 Years	5.0%	FY 2024	FY 2025	FY 2027	27 Years	5.0%
3 School Renovation	\$25,000,000	FY 2026	FY 2027	FY 2029	29 Years	5.0%	FY 2025	FY 2026	FY 2029	30 Years	5.0%
4 Balance of Projects	\$19,400,000	FY 2026	FY 2027	FY 2029	29 Years	5.0%	FY 2026	FY 2027	FY 2029	30 Years	5.0%
5 Subtotal	\$57,000,000										
6 Additional Projects	\$18,000,000	FY 2026	FY 2027	FY 2029	23 Years	5.5%	FY 2026	FY 2027	FY 2029	28 Years	6.0%
7 Total	\$75,000,000										

Note: The projects listed above are based on discussions with the County Board and Staff in 2022. The final projects for the \$57,000,000 and additional \$18,000,000 are yet to be determined.

(1) The original analysis included a \$3,000,000 land purchase. The final borrowing amount of the 2022 Bond Anticipation Note (BAN) that funded the land purchase was \$2,600,000.

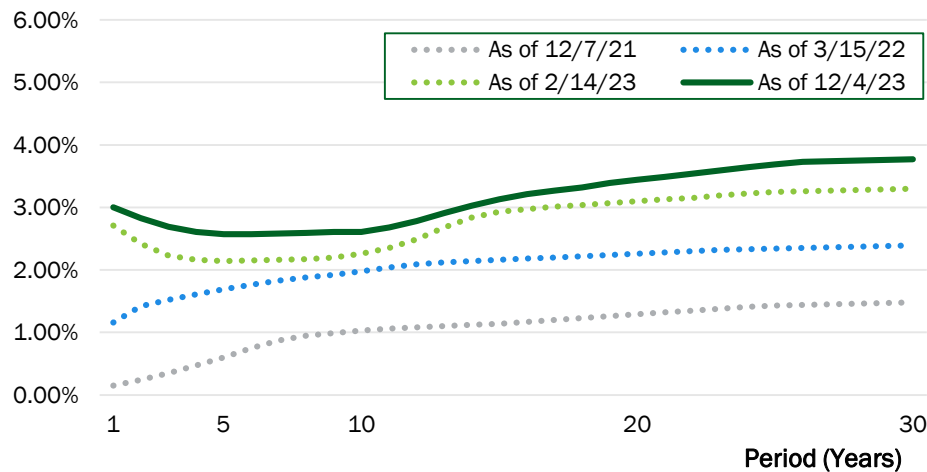
(2) The final fixed interest rate on the 2022 BAN was 3.12%. This analysis assumes that the permanent financing that occurs in FY 2028 has an interest rate of 5.0%.

Current Market Interest Rates

Current Market Tax-Exempt and Taxable Yield Curves

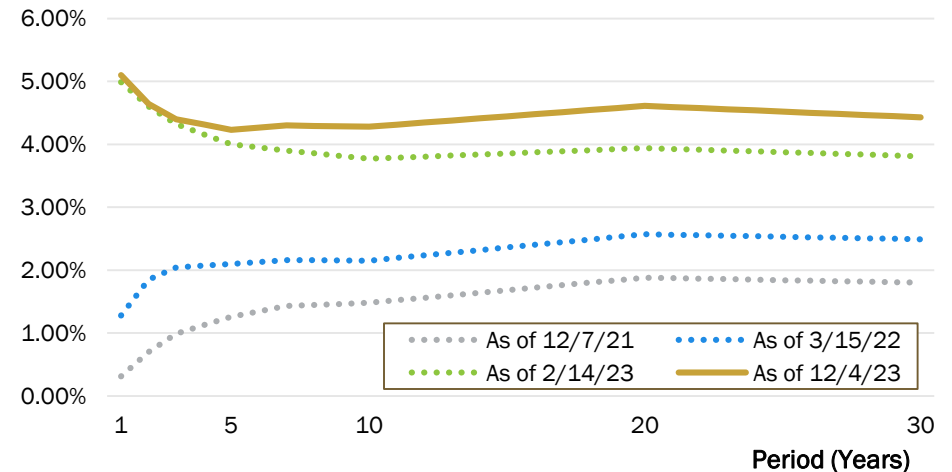
- The **“AAA” Municipal Market Data (MMD)** Yield Curve is a composite index released on a daily basis representing the industry standard benchmark for **Tax-Exempt** municipal yields and is the basis for pricing new Tax-Exempt bond issues in the public markets.
- New **Taxable** bonds issued in the public markets are price based on the **United States Treasury** Par Yield Curve.

MMD Yield Curve



Maturity	2/14/23	12/4/23	Δ
1	2.71%	3.00%	0.29%
5	2.14%	2.57%	0.43%
10	2.26%	2.61%	0.35%
20	3.10%	3.44%	0.34%
30	3.30%	3.77%	0.47%

Treasury Yield Curve



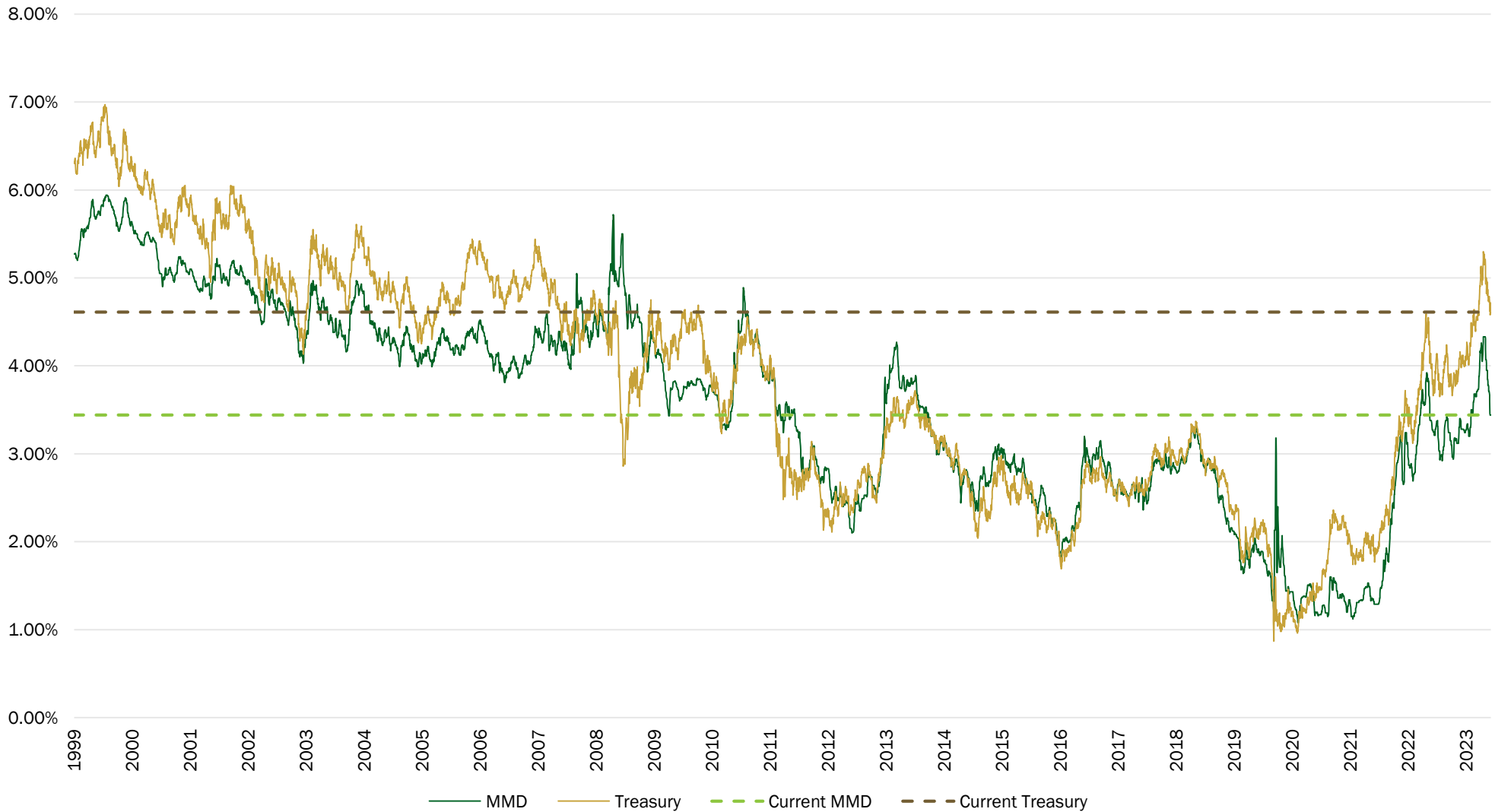
Maturity	2/14/23	12/4/23	Δ
1	4.99%	5.10%	0.11%
5	4.00%	4.23%	0.23%
10	3.77%	4.28%	0.51%
20	3.94%	4.61%	0.67%
30	3.81%	4.43%	0.62%

Historical Tax-Exempt and Taxable Yields

Since 1999



20-Year MMD vs. Treasury Since 1999

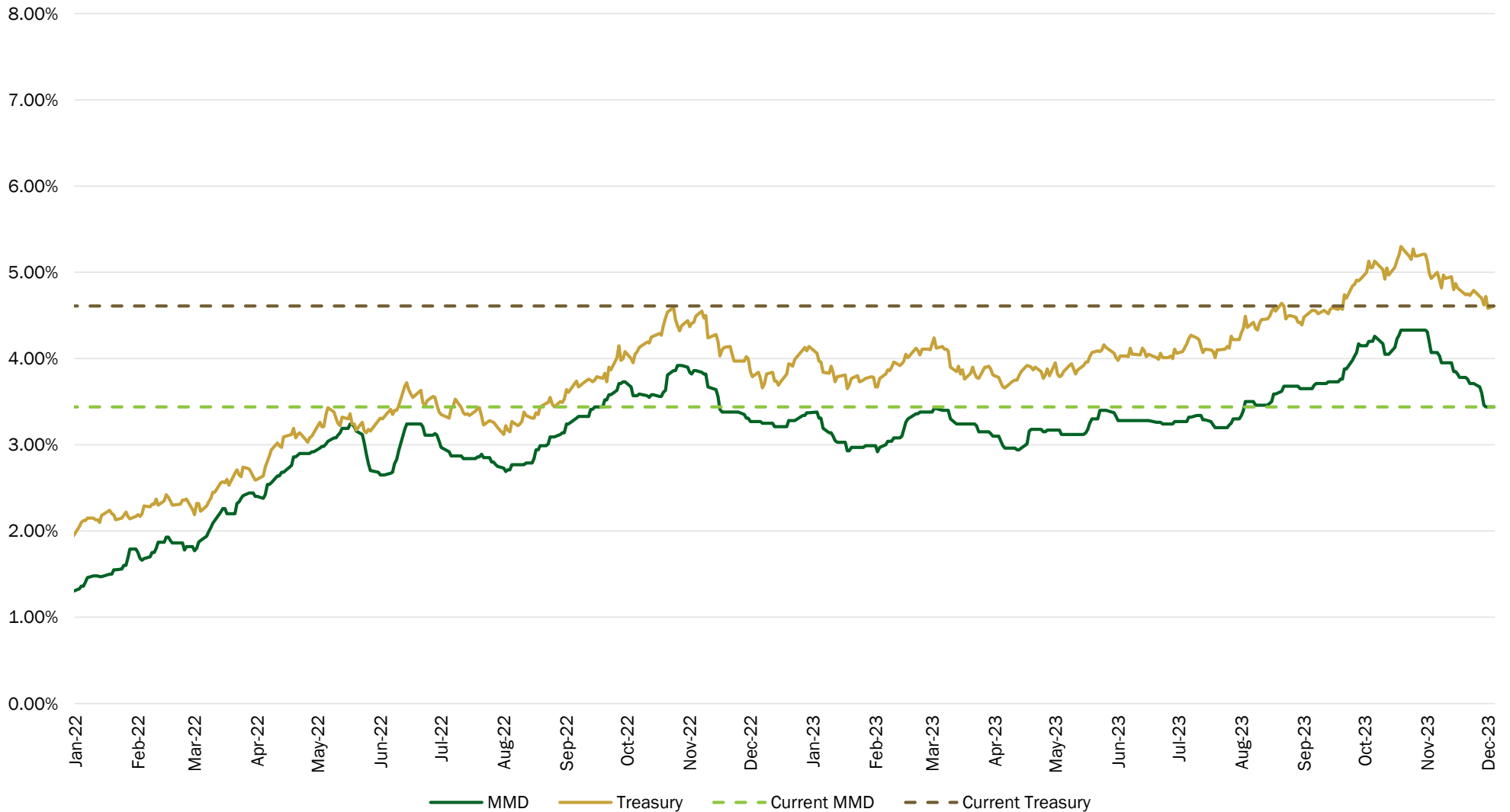


Historical Tax-Exempt and Taxable Yields

Since 2022



20-Year MMD vs. Treasury
Since 2022



Updated Analysis

Updated Analysis | \$57,000,000 Projects (FY2023-FY2026)

Overview



Summary Results

- Cost Range:
 - \$57,000,000
- Recurring Debt Service:
 - \$3,980,000
 - Fully funded by the existing Budget for Debt Service and the balance currently held in the Debt Service Reserve.
- Based on the timing of the Project Costs, the County’s Projected FY 2025 Budget for Debt Service, and the balance currently held in the Debt Service Reserve, the County is able to use the Natural Debt Affordability and a Strategic Debt Funding Approach to fund \$57,000,000 of projects.
 - Over the next 2 fiscal years, the County is projected to produce a surplus in the Debt Service Fund.
 - This Strategic Debt Funding Approach requires that the County set aside those surpluses to be used in the following 3+ fiscal years when the County’s debt service is projected to exceed the Budget for Debt Service.

Key Assumptions

- This analysis incorporates the following:
 - The County’s Budget for Debt Service; and
 - The \$3.2 Million balance currently held in the Debt Service Reserve.

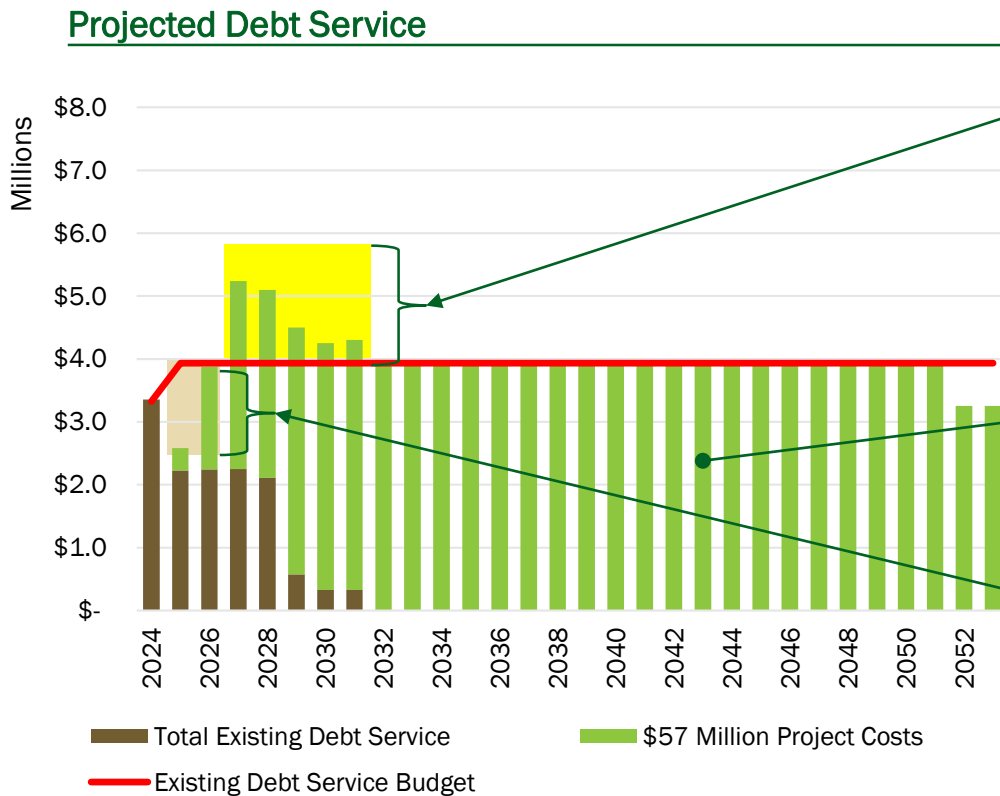
Use of Natural Affordability/Strategic Funding Approach

1		
2	Recurring Revenues Available for Debt Service	
3	Projected FY25 Budget for Debt Service	3,935,284
4	Total Available Recurring Revenues	\$ 3,935,284
5		
6	Debt Service Reserve Required	
7	FY23 Ending Balance of Debt Service Reserve	3,240,000
8	Additional Funds Set Aside (From Budget for D.S.)	1,400,000
9	Total Debt Service Reserve Required	\$ 4,640,000
10		
11	Project Costs Funded	\$57,000,000
12	Annual Debt Service to Fund Project Costs ⁽¹⁾	\$ 3,980,000

(1) Assumes 5-Year BAN for initial Land Purchase; 25-30 year Long-term DS borrowing @ 5.0%.

Updated Analysis | \$57,000,000 Projects (FY2023-FY2026)

Projected Debt Service



Current balance of Debt Service Reserve (\$3,240,000) and additional funds set aside from existing Budget for Debt Service (\$1,400,000)– Collectively Used to Offset Peaks.

\$57,000,000 Funding for Project Costs requires a Debt Service Reserve but no additional revenues in excess of the Projected FY 2025 Budget for Debt Service.

The County will need to set aside in the Debt Service Reserve an additional \$1,400,000 of funds that are projected to be available due to the Budget for Debt Service exceeding existing debt service payments.

Updated Analysis | \$57,000,000 Projects (FY2023-FY2026)

Affordability Cash Flows



	(A)	(B)	(C)	(D) (B+C)	(E)	(F)	(G) (E+F)	(H) (D-G)	(I) (A+H)
FYE 6/30	Beginning Debt Service Reserve	Debt Service Budget	Additional Revenue for Debt Service	Total Revenues	Existing Debt Service	Projected Debt Service	Total Existing & Projected Debt Service	Surplus (Shortfall)	Ending Debt Service Reserve
2023									
2024	3,237,412	3,325,284	0	3,325,284	3,357,550	0	3,357,550	(32,266)	3,205,146
2025	3,205,146	3,935,284	0	3,935,284	2,226,052	356,825	2,582,877	1,352,407	4,557,554
2026	4,557,554	3,935,284	0	3,935,284	2,242,797	1,631,200	3,873,997	61,287	4,618,840
2027	4,618,840	3,935,284	0	3,935,284	2,251,946	2,986,650	5,238,596	(1,303,312)	3,315,528
2028	3,315,528	3,935,284	0	3,935,284	2,109,015	2,986,650	5,095,665	(1,160,381)	2,155,147
2029	2,155,147	3,935,284	0	3,935,284	577,859	3,924,054	4,501,913	(566,629)	1,588,518
2030	1,588,518	3,935,284	0	3,935,284	329,922	3,924,054	4,253,975	(318,691)	1,269,827
2031	1,269,827	3,935,284	0	3,935,284	325,000	3,979,592	4,304,592	(369,308)	900,518
2032	900,518	3,935,284	0	3,935,284	0	3,979,592	3,979,592	(44,308)	856,210
2033	856,210	3,935,284	0	3,935,284	0	3,979,592	3,979,592	(44,308)	811,902
2034	811,902	3,935,284	0	3,935,284	0	3,979,592	3,979,592	(44,308)	767,594
2035	767,594	3,935,284	0	3,935,284	0	3,979,592	3,979,592	(44,308)	723,285
2036	723,285	3,935,284	0	3,935,284	0	3,979,592	3,979,592	(44,308)	678,977
2037	678,977	3,935,284	0	3,935,284	0	3,979,592	3,979,592	(44,308)	634,669
2038	634,669	3,935,284	0	3,935,284	0	3,979,592	3,979,592	(44,308)	590,360
2039	590,360	3,935,284	0	3,935,284	0	3,979,592	3,979,592	(44,308)	546,052
2040	546,052	3,935,284	0	3,935,284	0	3,979,592	3,979,592	(44,308)	501,744
2041	501,744	3,935,284	0	3,935,284	0	3,979,592	3,979,592	(44,308)	457,435
2042	457,435	3,935,284	0	3,935,284	0	3,979,592	3,979,592	(44,308)	413,127
2043	413,127	3,935,284	0	3,935,284	0	3,979,592	3,979,592	(44,308)	368,819
2044	368,819	3,935,284	0	3,935,284	0	3,979,592	3,979,592	(44,308)	324,511
2045	324,511	3,935,284	0	3,935,284	0	3,979,592	3,979,592	(44,308)	280,202
2046	280,202	3,935,284	0	3,935,284	0	3,979,592	3,979,592	(44,308)	235,894
2047	235,894	3,935,284	0	3,935,284	0	3,979,592	3,979,592	(44,308)	191,586
2048	191,586	3,935,284	0	3,935,284	0	3,979,592	3,979,592	(44,308)	147,277
2049	147,277	3,935,284	0	3,935,284	0	3,979,592	3,979,592	(44,308)	102,969
2050	102,969	3,935,284	0	3,935,284	0	3,979,592	3,979,592	(44,308)	58,661
2051	58,661	3,935,284	0	3,935,284	0	3,979,592	3,979,592	(44,308)	14,352
2052	14,352	3,935,284	0	3,935,284	0	3,256,232	3,256,232	679,052	693,404
2053	693,404	3,935,284	0	3,935,284	0	3,256,232	3,256,232	679,052	1,372,456

Updated Analysis | \$75,000,000 Projects (FY2023-FY2026)

Overview



Summary Results

- Natural Debt Affordability with Debt Service Reserve and Strategic Debt enables the total \$57,000,000 Investment.

In addition to the County's existing Budget for Debt Service and the current balance of the Debt Service Reserve...

- *The County needs another \$1,400,000 of Recurring Revenue beginning in FY 2027 to fund an additional \$18,000,000 of Project Costs.*
- *The County's existing Budget for Debt Service, new Recurring Revenue of approximately \$1,400,000, and the total required balance of the Debt Service Reserve (shown to the right) enables the County to afford upwards of \$75,000,000 of Project Costs over the FY 2023-FY 2026 time frame, which approximates the County's debt capacity based on the ratios calculated in the next section of this presentation.*

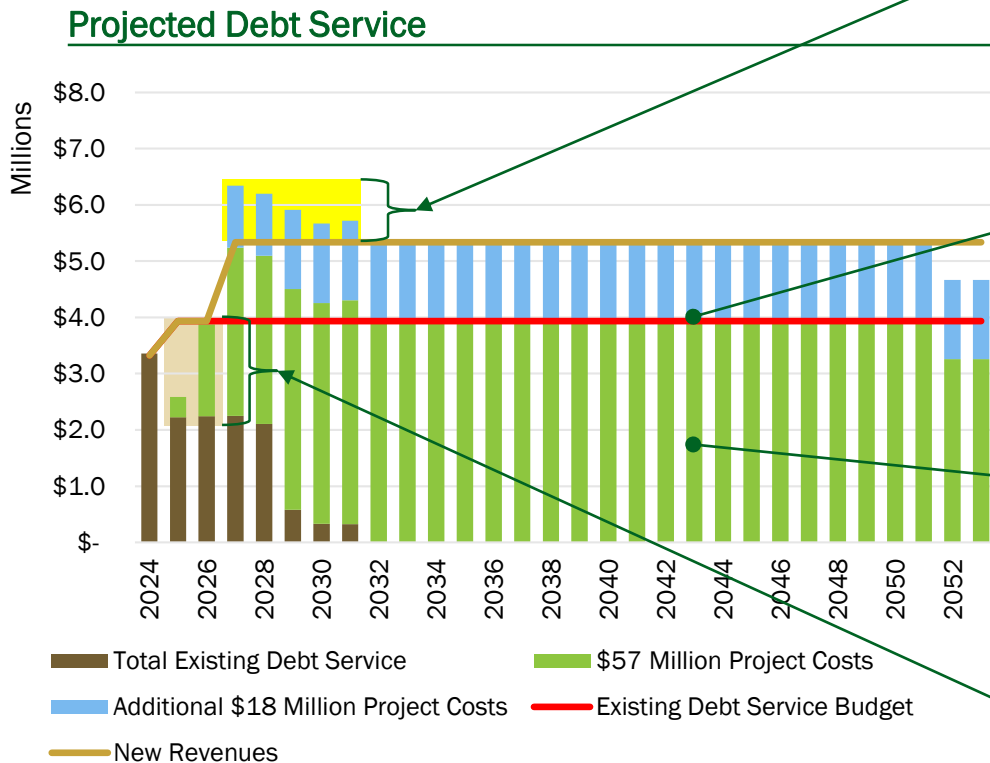
Key Assumptions

- This analysis incorporates the following:
 - The County's Budget for Debt Service; and
 - The \$3.2 Million balance currently held in the Debt Service Reserve.

Incorporating New Recurring Revenues	
1	
2	Recurring Revenues Available for Debt Service
3	Projected FY25 Budget for Debt Service 3,935,284
4	New Recurring Revenues (Beginning FY27) 1,400,000
5	Total Available Recurring Revenues \$ 5,335,284
6	
7	Debt Service Reserve Required
8	FY23 Ending Balance of Debt Service Reserve 3,240,000
9	Additional Funds Set Aside (From Budget for D.S.) 1,060,000
10	Total Debt Service Reserve Required \$ 4,300,000
11	
12	Project Costs Funded without New Revenues \$ 57,000,000
13	Additional Project Costs Funded with New Rev. 18,000,000
14	Total Debt Affordability with New Revenues \$75,000,000

Updated Analysis | \$75,000,000 Projects (FY2023-FY2026)

Projected Debt Service



Current balance of Debt Service Reserve (\$3,240,000) and additional funds set aside from existing Budget for Debt Service (\$1,060,000)– Collectively Used to Offset Peaks.

\$18,000,000 Additional Borrowing Supported by Additional \$1,400,000 of New Recurring Revenues (beginning in FY 2027).

\$57,000,000 Funding for Project Costs requires a Debt Service Reserve but no additional revenues in excess of the projected FY25 Budget for Debt Service.

The County will need to set aside in the Debt Service Reserve an additional \$1,060,000 of funds that are projected to be available due to the Budget for Debt Service exceeding existing debt service payments.

Updated Analysis | \$75,000,000 Projects (FY2023-FY2026)

Affordability Cash Flows



	(A)	(B)	(C)	(D) (B+C)	(E)	(F)	(G) (E+F)	(H) (D-G)	(I) (A+H)
FYE 6/30	Beginning Debt Service Reserve	Debt Service Budget	Additional Revenue for Debt Service	Total Revenues	Existing Debt Service	Projected Debt Service	Total Existing & Projected Debt Service	Surplus (Shortfall)	Ending Debt Service Reserve
2023									
2024	3,237,412	3,325,284	0	3,325,284	3,357,550	0	3,357,550	(32,266)	3,205,146
2025	3,205,146	3,935,284	0	3,935,284	2,226,052	356,825	2,582,877	1,352,407	4,557,554
2026	4,557,554	3,935,284	0	3,935,284	2,242,797	1,631,200	3,873,997	61,287	4,618,840
2027	4,618,840	3,935,284	1,400,000	5,335,284	2,251,946	4,087,710	6,339,656	(1,004,372)	3,614,468
2028	3,614,468	3,935,284	1,400,000	5,335,284	2,109,015	4,087,710	6,196,725	(861,441)	2,753,027
2029	2,753,027	3,935,284	1,400,000	5,335,284	577,859	5,335,325	5,913,185	(577,901)	2,175,127
2030	2,175,127	3,935,284	1,400,000	5,335,284	329,922	5,335,325	5,665,247	(329,963)	1,845,163
2031	1,845,163	3,935,284	1,400,000	5,335,284	325,000	5,390,864	5,715,864	(380,580)	1,464,583
2032	1,464,583	3,935,284	1,400,000	5,335,284	0	5,390,864	5,390,864	(55,580)	1,409,004
2033	1,409,004	3,935,284	1,400,000	5,335,284	0	5,390,864	5,390,864	(55,580)	1,353,424
2034	1,353,424	3,935,284	1,400,000	5,335,284	0	5,390,864	5,390,864	(55,580)	1,297,844
2035	1,297,844	3,935,284	1,400,000	5,335,284	0	5,390,864	5,390,864	(55,580)	1,242,264
2036	1,242,264	3,935,284	1,400,000	5,335,284	0	5,390,864	5,390,864	(55,580)	1,186,684
2037	1,186,684	3,935,284	1,400,000	5,335,284	0	5,390,864	5,390,864	(55,580)	1,131,104
2038	1,131,104	3,935,284	1,400,000	5,335,284	0	5,390,864	5,390,864	(55,580)	1,075,524
2039	1,075,524	3,935,284	1,400,000	5,335,284	0	5,390,864	5,390,864	(55,580)	1,019,944
2040	1,019,944	3,935,284	1,400,000	5,335,284	0	5,390,864	5,390,864	(55,580)	964,364
2041	964,364	3,935,284	1,400,000	5,335,284	0	5,390,864	5,390,864	(55,580)	908,784
2042	908,784	3,935,284	1,400,000	5,335,284	0	5,390,864	5,390,864	(55,580)	853,204
2043	853,204	3,935,284	1,400,000	5,335,284	0	5,390,864	5,390,864	(55,580)	797,624
2044	797,624	3,935,284	1,400,000	5,335,284	0	5,390,864	5,390,864	(55,580)	742,044
2045	742,044	3,935,284	1,400,000	5,335,284	0	5,390,864	5,390,864	(55,580)	686,464
2046	686,464	3,935,284	1,400,000	5,335,284	0	5,390,864	5,390,864	(55,580)	630,884
2047	630,884	3,935,284	1,400,000	5,335,284	0	5,390,864	5,390,864	(55,580)	575,304
2048	575,304	3,935,284	1,400,000	5,335,284	0	5,390,864	5,390,864	(55,580)	519,724
2049	519,724	3,935,284	1,400,000	5,335,284	0	5,390,864	5,390,864	(55,580)	464,144
2050	464,144	3,935,284	1,400,000	5,335,284	0	5,390,864	5,390,864	(55,580)	408,564
2051	408,564	3,935,284	1,400,000	5,335,284	0	5,390,864	5,390,864	(55,580)	352,984
2052	352,984	3,935,284	1,400,000	5,335,284	0	4,667,504	4,667,504	667,780	1,020,764
2053	1,020,764	3,935,284	1,400,000	5,335,284	0	4,667,504	4,667,504	667,780	1,688,545

Debt Ratio Impact

Debt Capacity | Debt to Assessed Value

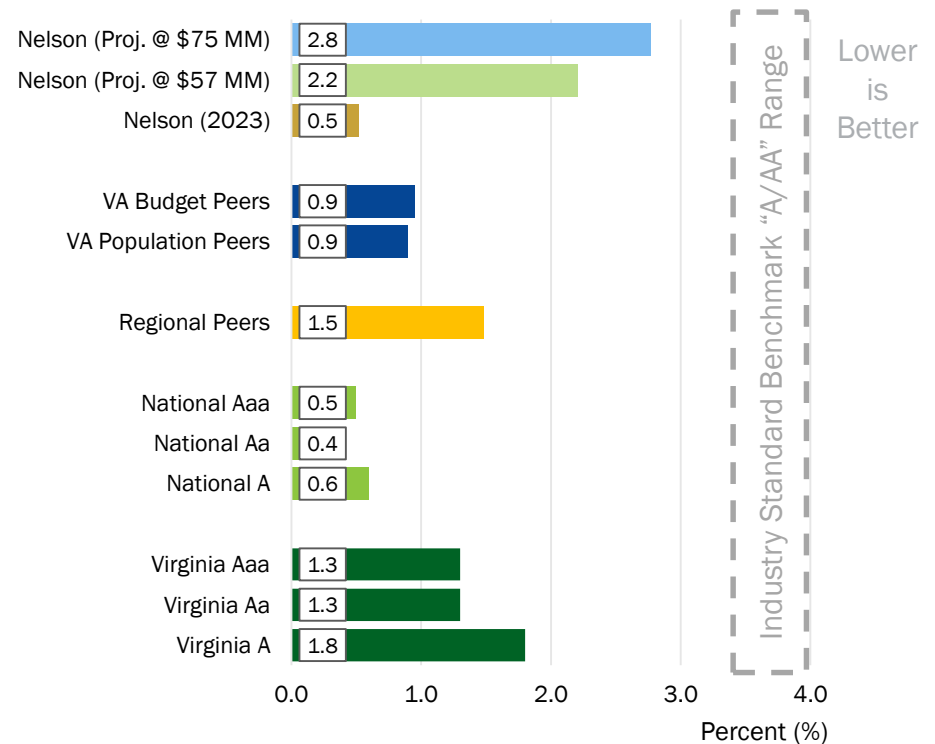
Potential Policy



General Fund Debt Capacity

- Debt vs. Assessed Value of taxable property is a key ratio that answers the question **“Can I Borrow This?”**. It is commonly used by rating agencies to measure an issuer’s capacity to support existing and additional debt.
- Currently the County’s ratio is approximately 0.5% and considered “Very Strong” from the Rating Agencies’ perspective.
- Assuming a projected maximum issuance approximating \$57 Million based on the affordability analysis herein, the County’s Debt vs Assessed Valuation approximates 2.2%.
- Consideration: formally adopt Financial Policy Guidelines that establish a 3.5% to 4.0% policy target range.

Debt to Assessed Value Peer Comparative



- Rating Considerations:
 - Moody’s: Criteria for General Obligation Credits defines categories of Debt to Assessed Values as:
 - **Very Strong (Aaa):** < 0.75%
 - Strong (Aa): 0.75% - 1.75%
 - Moderate (A): 1.75% - 4.0%
 - Weak - Very Poor (Baa and below): > 4.0%
 - S&P: A positive qualitative adjustment is made to the Debt and Contingent Liabilities score for a debt to market value ratio below 3.0%, while a negative adjustment is made for a ratio above 10.0%.

Debt Capacity | Debt Service as a % of Expenditures

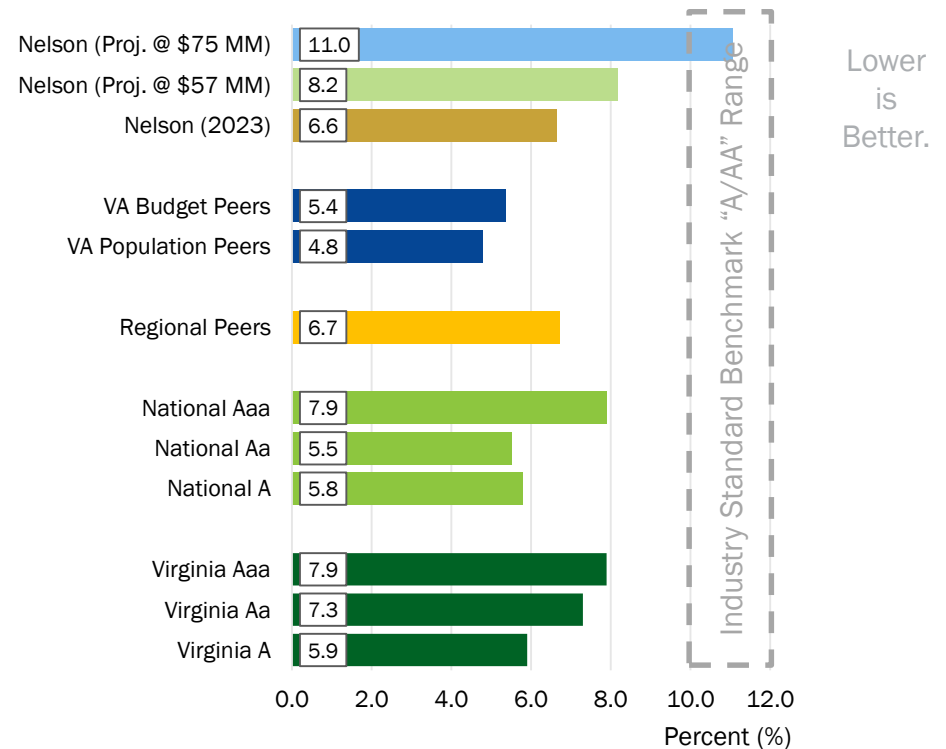
Potential Policy



General Fund Debt Capacity

- Debt Service vs. Expenditures is a key ratio because it measures how much of the annual budget is being spent to pay for debt, and can show how much additional debt service can be added before exceeding prudent levels. It answers the *“Can I Afford This?”* question.
- Currently the County’s ratio is approximately 6.6% and considered “Very Strong” from the Rating Agencies’ perspective.
- Assuming a projected maximum issuance approximating \$57 Million based on the affordability analysis herein, the County’s “Stabilized” Debt Service vs Expenditures approximates 8.2%.
- Consideration: formally adopt Financial Policy Guidelines that establish a 10% to 12% policy target range.

Debt Service vs. Expenditures Peer Comparative



Rating Considerations:

- Moody’s: Moody’s criteria allows for a scorecard adjustment if an issuer has very high or low debt service relative to its budget Percent.
- S&P: The Debt and Contingent Liabilities section defines categories of Net Direct Debt as a % of Total Governmental Funds Expenditures as follows:

– Very Strong:	<8%
– Strong:	8% to 15%
– Adequate:	15% - 25%
– Weak:	25% - 35%
– Very Weak:	> 35%

Next Steps



- Revise and amend the analysis, as necessary, based on input from the Board of Supervisors.
- Consider the implementation of financial policies for debt and fund balance.
- Discuss the potential for obtaining a credit rating to better position the County for future debt issuances.
- Continue to work with staff and the Board of Supervisors to implement the capital plan.

The enclosed information relates to an existing or potential municipal advisor engagement.

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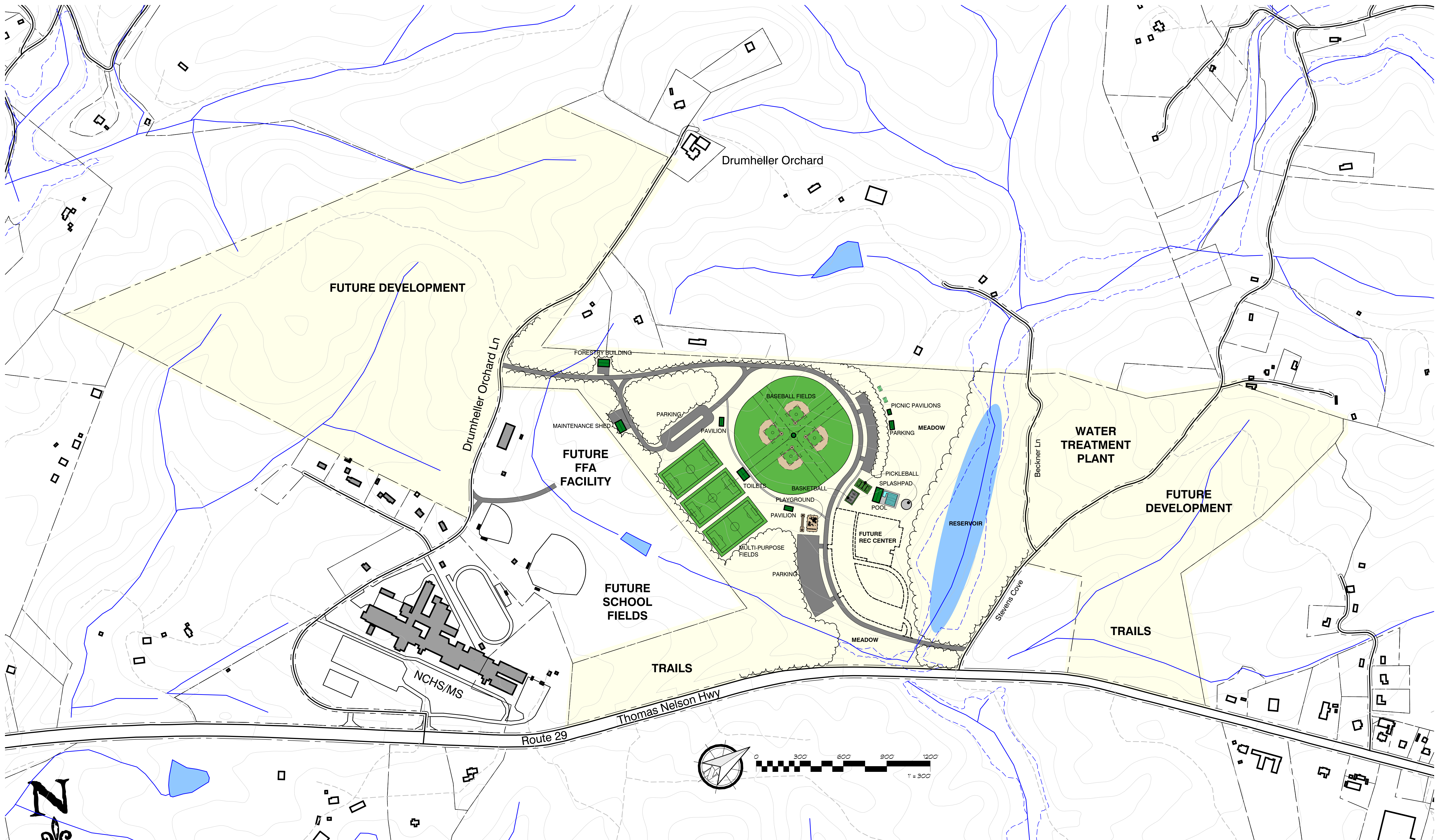
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FORMER LARKIN PROPERTY MASTER PLAN



Nelson County / Larkin Property: Recreation Master Plan - Phase 1 Option A

Site work, infrastructure, utilities, & roads 75% complete. Limited parking. (1) Multi-purpose field. Completed splash pad. Partial playground. Picnic sites only, no pavilions. No hard surface courts. No maintenance facilities. Rented portable restrooms.

Component	Construction Estimate	Phase 1 Percent of Total	Phase 1 Estimate	Description
Water & Sewer	\$ 2,500,000	75%	\$ 1,875,000	extension of utilities for future Rec Center in later phases
Electrical Service	\$ 200,000	75%	\$ 150,000	electrical service for future Rec Center in later phases
Roads	\$ 1,000,000	75%	\$ 750,000	Road upgraded to VDOT standard in later phases
Parking	\$ 5,200,000	25%	\$ 1,300,000	grass and surface treatment parking initially, paved parking completed in later phases
Recreation Fields	\$ 8,800,000	25%	\$ 2,200,000	(1) MP field fully complete. Utilities in place for future fields
Clearing	\$ 500,000	75%	\$ 375,000	clearing for future Rec Center in later phases
Earthwork	\$ 7,000,000	75%	\$ 5,250,000	earthwork for future Rec Center in later phases
E & S	\$ 500,000	75%	\$ 375,000	E&S for future Rec Center in later phases
Seeding & Restoration	\$ 200,000	75%	\$ 150,000	seeding & restoration for future Rec Center in later phases
Stormwater Management	\$ 1,000,000	75%	\$ 750,000	stormwater management for future Rec Center in later phases
Maintenance Building	\$ 600,000	0%	\$ -	Construction in later phases
Outdoor Pool Facility & Splash Pad	\$ 5,200,000	5%	\$ 260,000	splash pad only, pool & support building in later phases
Playground / Zipline	\$ 325,000	50%	\$ 162,500	playground to be expanded and zipline added in later phases
Picnic Pavilions (3)	\$ 250,000	5%	\$ 12,500	picnic sites only, pavilions in later phases
Fields Support Building	\$ 500,000	0%	\$ -	portable facilities only, building in later phases
Outdoor Courts	\$ 200,000	0%	\$ -	outdoor basketball and pickleball courts with lighting in later phases
Mobilization / General Conditions	\$ 1,300,000	75%	\$ 975,000	
SUBTOTAL	\$ 35,275,000		\$ 14,585,000	
Contingency (2%)	\$ 705,500		\$ 291,700	
Total Estimated Cost	\$ 35,980,500		\$ 14,876,700	

Note: Construction estimate above does not include cost of Phase 2 Recreation Center (\$30 million 2023 estimate) or cost of reservoir development (to be determined)



Nelson County / Larkin Property: Recreation Master Plan - Phase 1 Option B

All roads completed to VDOT standards. No playground. Site work, infrastructure, utilities 75% complete. (1) Multi-purpose field. Completed splash pad. Picnic sites only, no pavilions. No hard surface courts. No maintenance facilities. Rented portable restrooms.

Component	Construction Estimate	Phase 1 Percent of Total	Phase 1 Estimate	Description
Water & Sewer	\$ 2,500,000	75%	\$ 1,875,000	extension of utilities for future Rec Center in later phases
Electrical Service	\$ 200,000	75%	\$ 150,000	electrical service for future Rec Center in later phases
Roads	\$ 1,000,000	100%	\$ 1,000,000	Access roads completed to VDOT standards
Parking	\$ 5,200,000	25%	\$ 1,300,000	grass and surface treatment parking initially, paved parking completed in later phases
Recreation Fields	\$ 8,800,000	25%	\$ 2,200,000	(1) MP field fully complete. Utilities in place for future fields
Clearing	\$ 500,000	75%	\$ 375,000	clearing for future Rec Center in later phases
Earthwork	\$ 7,000,000	75%	\$ 5,250,000	earthwork for future Rec Center in later phases
E & S	\$ 500,000	75%	\$ 375,000	E&S for future Rec Center in later phases
Seeding & Restoration	\$ 200,000	75%	\$ 150,000	seeding & restoration for future Rec Center in later phases
Stormwater Management	\$ 1,000,000	75%	\$ 750,000	stormwater management for future Rec Center in later phases
Maintenance Building	\$ 600,000	0%	\$ -	Construction in later phases
Outdoor Pool Facility & Splash Pad	\$ 5,200,000	5%	\$ 260,000	splash pad only, pool & support building in later phases
Playground / Zipline	\$ 325,000	0%	\$ -	playground to be constructed and zipline added in later phases
Picnic Pavilions (3)	\$ 250,000	5%	\$ 12,500	picnic sites only, pavilions in later phases
Fields Support Building	\$ 500,000	0%	\$ -	portable facilities only, building in later phases
Outdoor Courts	\$ 200,000	0%	\$ -	outdoor basketball and pickleball courts with lighting in later phases
Mobilization / General Conditions	\$ 1,300,000	75%	\$ 975,000	
SUBTOTAL	\$ 35,275,000		\$ 14,672,500	
Contingency (2%)	\$ 705,500		\$ 293,450	
Total Estimated Cost	\$ 35,980,500		\$ 14,965,950	

Note: Construction estimate above does not include cost of Phase 2 Recreation Center (\$30 million 2023 estimate) or cost of reservoir development (to be determined)



Nelson County / Larkin Property: Recreation Master Plan - Phase 1 Option C

Completed outdoor pool facility with support building. No splash pad. No multi-purpose field. No playgrounds. No picnic areas. No maintenance facilities. Site work, infrastructure, utilities, & roads at various states of completion.

Component	Construction Estimate	Phase 1 Percent of Total	Phase 1 Estimate	Description
Water & Sewer	\$ 2,500,000	75%	\$ 1,875,000	extension of utilities for future Rec Center in later phases
Electrical Service	\$ 200,000	75%	\$ 150,000	electrical service for future Rec Center in later phases
Roads	\$ 1,000,000	50%	\$ 500,000	Roads extended & upgraded to VDOT standard in later phases
Parking	\$ 5,200,000	15%	\$ 780,000	grass and surface treatment parking initially, paved parking completed in later phases
Recreation Fields	\$ 8,800,000	10%	\$ 880,000	Utilities in place for future fields. Rough grading only.
Clearing	\$ 500,000	75%	\$ 375,000	clearing for future Rec Center in later phases
Earthwork	\$ 7,000,000	50%	\$ 3,500,000	earthwork for completed work only
E & S	\$ 500,000	50%	\$ 250,000	E&S for future Rec Center in later phases
Seeding & Restoration	\$ 200,000	75%	\$ 150,000	seeding & restoration for future Rec Center in later phases
Stormwater Management	\$ 1,000,000	25%	\$ 250,000	stormwater management for completed work only
Maintenance Building	\$ 600,000	0%	\$ -	Construction in later phases
Outdoor Pool Facility	\$ 5,200,000	95%	\$ 4,940,000	splash pad to be provided in later phases
Playground / Zipline	\$ 325,000	0%	\$ -	playground expanded and zipline added in later phases
Picnic Pavilions (3)	\$ 250,000	0%	\$ -	To be provided at picnic sites in later phases
Fields Support Building	\$ 500,000	0%	\$ -	portable facilities only, building in later phases
Outdoor Courts	\$ 200,000	0%	\$ -	outdoor basketball and pickleball courts with lighting in later phases
Mobilization / General Conditions	\$ 1,300,000	75%	\$ 975,000	
SUBTOTAL	\$ 35,275,000		\$ 14,625,000	
Contingency (2%)	\$ 705,500		\$ 292,500	
Total Estimated Cost	\$ 35,980,500		\$ 14,917,500	

Note: Construction estimate above does not include cost of Phase 2 Recreation Center (\$30 million 2023 estimate) or cost of reservoir development (to be determined)



Regional Transit Governance Study

Draft Executive Summary

Study Overview

Over the past several years, the Thomas Jefferson Planning District Commission (TJPDC) has worked collaboratively with its member jurisdictions to improve transit service in the region. In the past year, the region undertook a collaborative effort to develop a [Transit Vision Plan](#) to establish a clear, long-term vision for efficient, equitable and effective transit service for the region. Led by the TJPDC and supported by the City of Charlottesville, Albemarle County, and DRPT, the Transit Vision Plan established a unified vision for transit service in Region 10, which is made up of the counties of Albemarle, Fluvanna, Greene, Louisa, Nelson, and the City of Charlottesville.

This governance study is a follow-up study that seeks to identify governance options for regional transit and increase transportation investments in the region. The study's focus identifies options for a governance body that can steward additional transit revenues generated; the scope does not include strategies or approaches for consolidating current transit operations.

Study Goals and Approach

The two main goals of this study are to:

1. Identify strategies for dedicated transit funding to augment current jurisdictional costs for transit.
2. Identify a governing structure that can manage and account for the use of the additional transit funds, better capture and allocate the full costs of service, and ensure transparency.

The additional funds will support the implementation of the services in the Transit Vision Plan and increase transit services across the region.

To achieve these goals, the study team adopted a five-phase approach shown in Figure E-1.



Figure E- 1 Study Approach

A steering committee was formed to guide the study and provide feedback. It comprised representatives from Albemarle, Fluvanna, Louisa, Nelson, and Greene counties, the City of Charlottesville, TJPDC, Virginia Department of Rail and Public Transportation (VDRPT), and University of Virginia (UVA). Additionally, stakeholder engagement was also conducted with the transit providers, Regional Transit Partnership, the TJPDC Commission, boards of supervisors of member counties, Charlottesville City Council, the Metropolitan Planning Organization Policy Board, and the Virginia Department of Transportation (VDOT).

Existing Legislation for a Regional Transit Authority

The legislature provided for the Charlottesville-Albemarle Regional Transit Authority (CARTA) as early as 2009 with subsequent amendments. The authority was established as a service delivery organization, with the contracting, financial (including bonding), and acquisition and operating powers necessary. Its authority is for transit. Charlottesville and “all or portions of Albemarle County” are the essential boundaries, but additional portions of Albemarle, Fluvanna, Greene, Louisa, and Nelson counties as well as cities, towns, tourist-driven and public transit agencies, and higher education agencies may join as members. There is no provision in the current CARTA legislation for dedicated funding, which would come from federal, commonwealth, or local sources.

Frameworks for Regional Transit Governance

Other frameworks exist for regional transit governance. A peer review of six agencies with similar demographic, geographic, and operating characteristics to the Charlottesville Region showed various governance structures including transit service provided by a **town department** with funding from a university (Blacksburg Transit); **public transportation corporation** funded through local property and income taxes (Bloomington Transit); a **joint municipal authority** funded by member municipalities (CATA); **501 (c)(3) nonprofit** funded through general fund contributions from a city, county, and university (TCAT, Ithaca); and a **transportation authority** (TheRide, Ann Arbor) and city department (ICT, Iowa City) both funded through local property taxes.

Recommended Governance Structure

With the exception of funding authority, the existing CARTA legislation possesses the fundamental structure and make-up of a regional transit authority that could serve Region 10. It is recommended for regional stakeholders to implement the existing structure in the interim while an *ideal* transit authority that has potential to accomplish regional goals is pursued.

The following describes the ideal transit authority for the region. These characteristics were derived from a comparative review of other Virginia Regional Transit Authorities (RTAs)¹ and regional peers, and consensus building discussions with regional stakeholders.

- **Creation:** The authority may be created by issuing new state legislation or modifying existing² legislation to form a transit authority that meets the characteristics described. Existing legislation for the Charlottesville-Albemarle Regional Transit Authority (CARTA) may be amended to include funding and align with other sections described in this section.
- **Purpose:** The authority would serve as a regional decision-making body for transit matters. Its purpose would be to plan for regional transit service and to manage any dedicated transit funding generated in the region.
- **Authority participation:** The authority may be created with the City of Charlottesville and Albemarle County as initial members, and an option for the counties of Fluvanna, Greene, Louisa, and Nelson to join as participating members as well.
- **Other Entities as Participants:** Other entities such as higher education institutions, public transportation agencies, or private nonprofit entities may also join the authority upon agreement, concurrent resolution, or ordinance of the existing members of the authority.
- **Board Composition:** The board composition will be:
 - Two directors representing the County of Albemarle, each of whom shall be a member of the governing body of the county.
 - Two directors representing the City of Charlottesville, each of whom shall be a member of the governing body of the city.
 - One director representing each county that joins the Authority, each of whom shall be a member of the governing body of each respective county.³

¹ Hampton Roads Transportation Accountability Commission (HRATC), Central Virginia Transportation Authority (CVTA), and Northern Virginia Transportation Authority (NVTA).

² Charlottesville-Albemarle Regional Transit Authority <https://law.lis.virginia.gov/vacode/title33.2/chapter28/>

³ There are mechanisms available to ensure that funding raised by a jurisdiction are invested back into that jurisdiction.

The Board may also include gubernatorial appointees and representatives from state or regional bodies such as DRPT, the House of Delegates, the Senate, or any other body deemed appropriate by the state legislature. Additional directors may also be added to represent the interests of any agencies or institutions that join the authority.

Most authorities have the option for the board structure to change as needed to reflect changes in the region that occur over time. Rules for change may include transit service-based methods or population-based methods. Boards should ideally represent all taxpayers (including non-transit riding taxpayers), therefore, a combination of the two approaches could be considered if modifications are required.

Potential Transit Funding Options

Two transit network alternatives were developed as part of the Transit Vision Study. Operating costs for the two alternatives were estimated at roughly \$35.5 million and \$85 million per year⁴ for the constrained network and unconstrained network respectively. The constrained vision network was developed under the premise of a future regional transit authority with the ability to generate additional revenue. Both options provide a drastic improvement to current transit service across the region including increased routes, frequencies, and days of service for the urban areas; and micro transit options and all-day service, seven days a week into the city from the lower density areas. Detailed descriptions of the transit service improvements can be found in the study [report](#).

Public transportation is funded through a combination of federal, state, local, and internally generated sources (e.g., fares, advertising, etc.). Average operating costs per year for current transit service in the region (not including UTS) is approximately \$18 million per year with the local component making up about a third (~\$5 million⁵ in 2021) of the total amount. A substantial increase in local funding is required to meet the funding gap between current transit funding and the future funding needed for increased transit service across the region.

After extensive research of potential revenue sources and stakeholder engagement, the following options were determined to be most feasible⁶ under the Virginia context: Sales tax: A tax on the sale of goods or services purchased (not including tax for non-prepared foods). It is the most common source for funding local and regional transit services. Being relatively stable and having moderate public acceptance, an additional 0.7% increase in sales tax across the region could generate an approximate five-year average of \$37 million per year.

- **Transient occupancy tax/lodging tax:** A tax on lodging establishments and does not directly impact residents. It has a minimal revenue yield in some areas. An additional 0.5% could generate an approximate five-year average of \$1 million per year.
- **Personal property tax:** A tax on the value of all motor vehicles, trailers, mobile homes, boats, and aircrafts. It is a relatively stable source but has potential for public resistance if the rate of increase is significant. An additional 0.5% could generate an approximate five-year average of \$13 million per year.
- **Real estate tax:** A tax on the assessed value land and buildings. It is widely used to finance transit and typically considered a default funding source. An additional 0.1% could generate an approximate five-year average of \$52 million per year.

Although funding estimates were developed for the four revenue sources above, representatives from member localities expressed flexibility in pursuing funding sources. As efforts are made toward implementation, member localities are open to adopting one sole source, a combination of sources, or alternative options not identified in this study. Detailed estimates may be found in Section 4: Revenue Generation.

⁴ When anticipated state and federal funding are accounted for, the local component of these amounts are estimated to be between 54 percent and 65 percent of the total respective amounts. Total cost estimates do not include costs associated with capital investments and ADA paratransit service requirements for fixed route expansions.

⁵ National Transit Database (2021).

⁶ Analysis was conducted assuming a uniform levy across all Region 10 localities.

Recommended Next Steps

The following next steps are recommended as a result of feedback from this study.

- Use the CARTA structure to establish an interim entity for regional transit governance and decision making (while legislative action is being pursued) with authority to plan for transit service and with the ability to expand its role over time.
- Conduct a transit needs assessment that clearly analyzes rural transit needs and estimated service costs.
- Ensure continued rural engagement in development of legislative packet for a regional transit authority. Include protective mechanisms in the use of transit revenue generated to lead to equitable investments across the region. Continue educational efforts on the potential benefits of a regional authority and its impact on different types of residents.
- Engage UVA leadership at a level where there is decision-making authority in subsequent efforts toward establishing a transit authority.

The scope of this study does not cover identification of transit service improvements, consolidation of existing transit operations, and administration/governance of school bus operations.

Recommendations presented at the conclusion of this study do not require any immediate action beyond consensus and good faith efforts to participate and support the groundwork needed for implementation.

Funding Request to Nelson County Board of Supervisors

From: Lovingston Beautification Volunteers

Amount requested: \$2000 for expenses 2024-2025

In the past few years, any efforts at beautification through flowers, benches, signage, and flower pots through the town of Lovingston have been funded through donations and more recently, a bake sale. Volunteers have provided monetary donations, labor, and maintenance of flowers and shrubs. Since Lovingston is the county seat, we want to take pride in our town and work on ways to keep it attractive to visitors as well as locals. It would be so helpful to have funds available for specific projects.

This funding request would cover the following:

1. Replacing older barrels whose wood is breaking down.
Stain and preservative for new barrels.
2. Replenishing potting soil in the barrels
3. Fertilizer for the plantings
4. Seasonal flowers and decorations
5. Labor for heavy lifting and digging maintenance
6. Miscellaneous beautification projects

Patty Turpin and Gail Bastarache will manage the funds through an Atlantic Union Bank account.

Thanks for your consideration.

Gail Bastarache
Patty Avalon
Carla and Paul Quenneville
Vicki Vestal
Larry Wells
Patty Turpin

DATE: December 6, 2023

RE: December 12, 2023 Agenda Summary Item VI B. Public Hearing Authorization to Amend Nelson County Code on Personal Property Tax Exemption for Volunteer Fire and Rescue Members

State Code Authority: §58.1-3506 Other classifications of tangible personal property

§58.1-3506 A (15) & B provides for the separate classification of property from other classifications of tangible personal property provided in Chapter 35. **Subsection A (15)** speaks to separate classification of motor vehicles owned or leased by qualifying volunteer fire and rescue personnel and **Subsection B** provides that the Governing Body of any County may levy a personal property tax at a different rate of tax and rate of assessment from the tax levied on other tangible personal property but not exceeding that applicable to the general class of tangible personal property. (see included Code Sections)

Current Tax Relief for Volunteer Fire and Rescue Personnel as of 1993 Ordinance:

Personal Property Tax Exemption, Chapter 11 Taxation, Article I In General:

Sec. 11-5.1. - Exemption for volunteer fire and rescue squad members

Members of the Nelson County Volunteer Fire Department and Rescue Squads **shall be exempted from paying taxes on the first five thousand dollars (\$5,000.00) of assessed value on their personal property tax bill.** The chief or captain of each squad/department shall provide to the Commissioner of the Revenue by June 1st of each year a certified list of all members who are eligible for the exemption during that year.

A qualifying volunteer must have completed one hundred (100) hours of volunteer activities during the preceding twelve (12) months.

Value of Current FY24 Tax Relief: **\$67,301**

\$5,000 in Assessed Value = **\$139.50 in tax relief per exemption** (\$2.79 x \$5,000/\$100)

Each \$1,000 increase in Value Exempted = 20% or \$27.90 in tax relief per exemption (\$2.79 x \$1,000/\$100)

Percentage Increase	0%	20%	40%	60%	70%	100%
Assessed Value Exempted	\$5,000	\$6,000	\$7,000	\$8,000	\$9,000	\$10,000
Equivalent Total Tax Relief	\$67,301.00	\$80,761.20	\$94,221.40	\$107,681.60	\$121,141.80	\$134,602.00
Equivalent Tax Relief per Exemption	\$139.50	\$167.40	\$195.30	\$223.20	\$251.10	\$279.00

For Informational Purposes, the County also offers an exemption of the Motor Vehicle License Fee for 1 vehicle as follows:

Vehicle License Fee Exemptions, Chapter 7 Motor Vehicles and Traffic, Article II Local License Fee:

Sec. 7-30. - Exemptions.

(a) The provisions of this article shall not apply to:

- (1) Any motor vehicle exempted by the provisions of Code of Virginia, §§ 46.2-750 through 46.2-751, 46.2-663 through 46.2-683, and 46.2-755.
- (2) Any motor vehicle owned by volunteer rescue squads and fire companies.
- (3) Any motor vehicle which the department of motor vehicles exempts from the issuance of a registration certificate.
- (4) Any antique motor vehicle licensed pursuant to either Code of Virginia, § 46.2-730A or 46.2-730B.

(b) Residents who are members of a volunteer rescue squad or fire company, whether located in this county or in an adjoining jurisdiction, shall be entitled to claim as exempt from the local license fee one (1) vehicle owned by such member; provided, however, that a member shall not be entitled to the exemption who is delinquent in the payment of all other applicable local license fees and tangible personal property taxes.

Value of Current FY24 Vehicle License: **\$38.75** per Automobile and **\$18** per Motorcycle

Value of Current FY24 Total Exemptions: **\$8,909.75** for approximately 230 vehicles

Combined Value of Personal Property Tax and Vehicle License Fee Exemption Per Volunteer:

Percentage Increase	0%	20%	40%	60%	70%	100%
Assessed Value Exempted	\$5,000	\$6,000	\$7,000	\$8,000	\$9,000	\$10,000
Equivalent Total Tax Relief	\$67,301.00	\$80,761.20	\$94,221.40	\$107,681.60	\$121,141.80	\$134,602.00
Equivalent Tax Relief per Exemption	\$139.50	\$167.40	\$195.30	\$223.20	\$251.10	\$279.00
Vehicle License Fee (VLF)	\$38.75	\$38.75	\$38.75	\$38.75	\$38.75	\$38.75
Total Tax and VLF Relief	\$178.25	\$206.15	\$234.05	\$261.95	\$289.85	\$317.75

Area Exemptions and Incentives for Volunteer Fire and Rescue Squad Members:

<u>Locality</u>	<u>Exemptions and Incentives</u>
Nelson County	\$5,000 Personal Property Exemption and 1 vehicle license fee \$38.75
Albemarle County	\$300 voucher for volunteers who complete 100 or more hours of service
Appomattox County	2 vehicle license fees \$35.00 each - \$70
Amherst County	1 vehicle license fee \$25
Campbell County	1 vehicle license fee \$27
Augusta County	None
Rockbridge County	\$200 Maximum Personal Property Exemption



BOARD OF
SUPERVISORS

THOMAS D. HARVEY
North District

ERNIE Q. REED
Central District

JESSE N. RUTHERFORD
East District

ROBERT G. BARTON, JR.
South District

J. DAVID PARR
West District

CANDICE W. MCGARRY
County Administrator

AMANDA B. SPIVEY
Administrative Assistant/
Deputy Clerk

LINDA K. STATON
Director of Finance and
Human Resources

RESOLUTION R2023-78
NELSON COUNTY BOARD OF SUPERVISORS
AUTHORIZATION FOR PUBLIC HEARING
AMENDMENT OF THE CODE OF NELSON COUNTY, VIRGINIA
CHAPTER 11, TAXATION, ARTICLE I, SEC. 11-5.1
EXEMPTION FOR VOLUNTEER FIRE AND RESCUE SQUAD MEMBERS

BE IT RESOLVED, that pursuant to §15.2-1427 of the Code of Virginia 1950 as amended, the County Administrator is hereby authorized to advertise a public hearing to be held on **January 9, 2024 at 7:00 PM** in the General District Courtroom in the Courthouse in Lovingson, Virginia. The purpose of the public hearing is to receive public input on an Ordinance proposed for passage to amend Chapter 11, Taxation, Article I, Sec. 11-5.1 Exemption for Volunteer Fire and Rescue Squad Members. Proposed amendments to Section 11-5.1 would increase the exempted amount of assessed value of one vehicle for eligible volunteer fire and rescue squad members from the first five thousand dollars (\$5,000.00) to the first \$_____ on their personal property tax bills.

Approved: _____

Attest: _____, Clerk
Nelson County Board of Supervisors



BOARD OF SUPERVISORS

THOMAS D. HARVEY
North District

ERNIE Q. REED
Central District

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Administrative Assistant/
Deputy Clerk

LINDA K. STATON
Director of Finance and
Human Resources

DRAFT

ORDINANCE O2023-XX

NELSON COUNTY BOARD OF SUPERVISORS

AMENDMENT OF THE CODE OF NELSON COUNTY, VIRGINIA

CHAPTER 11, TAXATION, ARTICLE I, SEC. 11-5.1

EXEMPTION FOR VOLUNTEER FIRE AND RESCUE MEMBERS

Sec. 11-5.1. Exemption for volunteer fire and rescue squad members.

- (a) Members of the Nelson County Volunteer Fire Department and Rescue Squads shall be exempted from paying taxes on the first ~~five thousand dollars (\$5,000.00)~~ _____ of assessed value on their personal property tax bill. The chief or captain of each squad/department shall provide to the Commissioner of the Revenue by June 1st of each year a certified list of all members who are eligible for the exemption during that year.
- (b) A qualifying volunteer must have completed one hundred (100) hours of volunteer activities during the preceding twelve (12) months.

BE IT FURTHER ORDAINED, that this ordinance becomes effective _____.

Adopted: _____

Attest: _____, Clerk
Nelson County Board of Supervisors

Please publish Thurs. December 28th and Thurs. January 4th in The Nelson County Times:

**LEGAL NOTICE
NOTICE OF PUBLIC HEARING
NELSON COUNTY BOARD OF SUPERVISORS**

In accordance with Volume 3A, Title 15.2, Counties, Cities and Towns, of the Code of Virginia, 1950, as amended, and pursuant to §15.2-1427, the Nelson County Board of Supervisors hereby gives notice that a Public Hearing will start at **7:00 p.m., Tuesday, January 9, 2024** in the **General District Courtroom** on the third floor of the Nelson County Courthouse located at 84 Courthouse Square, Lovingston, Virginia.

The purpose of the public hearing is to receive public input on an Ordinance proposed for passage to amend Chapter 11, Taxation, Article I, Sec. 11-5.1 Exemption for Volunteer Fire and Rescue Squad Members. Proposed amendments to Section 11-5.1 would increase the exempted amount of personal property taxes from the first five thousand dollars (\$5,000.00) to _____.

Copies of the full text of the proposed Ordinance amendment are available for review in the Office of the County Administrator, 84 Courthouse Square, Lovingston, Virginia, Monday through Friday, 9:00 a.m. to 5:00 p.m. For more information, call the County Administrator's Office at (434) 263-7000. EOE.

BY AUTHORITY OF NELSON COUNTY BOARD OF SUPERVISORS

Sec. 11-5.1. Exemption for volunteer fire and rescue squad members.

- (a) Members of the Nelson County Volunteer Fire Department and Rescue Squads shall be exempted from paying taxes on the first five thousand dollars (\$5,000.00) of assessed value on their personal property tax bill. The chief or captain of each squad/department shall provide to the Commissioner of the Revenue by June 1st of each year a certified list of all members who are eligible for the exemption during that year.
- (b) A qualifying volunteer must have completed one hundred (100) hours of volunteer activities during the preceding twelve (12) months.

(Ord. of 8-10-93)

Editor's note(s)—Provisions enacted by an ordinance adopted Aug. 10, 1993, have been included herein at the discretion of the editor as § 11-5.1.

Sec. 7-30. Exemptions.

(a) The provisions of this article shall not apply to:

- (1) Any motor vehicle exempted by the provisions of Code of Virginia, §§ 46.2-750 through 46.2-751, 46.2-663 through 46.2-683, and 46.2-755.
- (2) Any motor vehicle owned by volunteer rescue squads and fire companies.
- (3) Any motor vehicle which the department of motor vehicles exempts from the issuance of a registration certificate.
- (4) Any antique motor vehicle licensed pursuant to either Code of Virginia, § 46.2-730A or 46.2-730B.

(b) Residents who are members of a volunteer rescue squad or fire company, whether located in this county or in an adjoining jurisdiction, shall be entitled to claim as exempt from the local license fee one (1) vehicle owned by such member; provided, however, that a member shall not be entitled to the exemption who is delinquent in the payment of all other applicable local license fees and tangible personal property taxes.

(Res. of 11-21-06(1))

Code of Virginia

Title 58.1. Taxation

Subtitle III. Local Taxes

Chapter 35. Tangible Personal Property, Machinery and Tools and Merchants' Capital

Article 1. Tangible Personal Property Tax

§ 58.1-3506. Other classifications of tangible personal property for taxation

A. The items of property set forth below are each declared to be a separate class of property and shall constitute a classification for local taxation separate from other classifications of tangible personal property provided in this chapter:

1. a. Boats or watercraft weighing five tons or more, not used solely for business purposes;
- b. Boats or watercraft weighing less than five tons, not used solely for business purposes;
2. Aircraft having a maximum passenger seating capacity of no more than 50 that are owned and operated by scheduled air carriers operating under certificates of public convenience and necessity issued by the State Corporation Commission or the Civil Aeronautics Board;
3. Aircraft having a registered empty gross weight equal to or greater than 20,000 pounds that are not owned or operated by scheduled air carriers recognized under federal law, but not including any aircraft described in subdivision 4;
4. Aircraft that are (i) considered Warbirds, manufactured and intended for military use, excluding those manufactured after 1954, and (ii) used only for (a) exhibit or display to the general public and otherwise used for educational purposes (including such flights as are necessary for testing, maintaining, or preparing such aircraft for safe operation), or (b) airshow and flight demonstrations (including such flights necessary for testing, maintaining, or preparing such aircraft for safe operation), shall constitute a new class of property. Such class of property shall not include any aircraft used for commercial purposes, including transportation and other services for a fee;
5. All other aircraft not included in subdivision 2, 3, or 4 and flight simulators;
6. Antique motor vehicles as defined in § 46.2-100 which may be used for general transportation purposes as provided in subsection D of § 46.2-730;
7. Tangible personal property used in a research and development business;
8. Heavy construction machinery not used for business purposes, including land movers, bulldozers, front-end loaders, graders, packers, power shovels, cranes, pile drivers, forest harvesting and silvicultural activity equipment except as exempted under § 58.1-3505, and ditch and other types of diggers;
9. Generating equipment purchased after December 31, 1974, for the purpose of changing the energy source of a manufacturing plant from oil or natural gas to coal, wood, wood bark, wood residue, or any other alternative energy source for use in manufacturing and any cogeneration equipment purchased to achieve more efficient use of any energy source. Such generating equipment and cogeneration equipment shall include, without limitation, such equipment

purchased by firms engaged in the business of generating electricity or steam, or both;

10. Vehicles without motive power, used or designed to be used as manufactured homes as defined in § 36-85.3;

11. Computer hardware used by businesses primarily engaged in providing data processing services to other nonrelated or nonaffiliated businesses;

12. Privately owned pleasure boats and watercraft, 18 feet and over, used for recreational purposes only;

13. Privately owned vans with a seating capacity of not less than seven nor more than 15 persons, including the driver, used exclusively pursuant to a ridesharing arrangement as defined in § 46.2-1400;

14. Motor vehicles specially equipped to provide transportation for individuals with physical disabilities;

15. Motor vehicles (i) owned by members of a volunteer emergency medical services agency or a member of a volunteer fire department or (ii) leased by volunteer emergency medical services personnel or a member of a volunteer fire department if the volunteer is obligated by the terms of the lease to pay tangible personal property tax on the motor vehicle. One motor vehicle that is owned by each volunteer member who meets the definition of "emergency medical services personnel" in § 32.1-111.1 or volunteer fire department member, or leased by each volunteer member who meets the definition of "emergency medical services personnel" in § 32.1-111.1 or volunteer fire department member if the volunteer is obligated by the terms of the lease to pay tangible personal property tax on the motor vehicle, may be specially classified under this section, provided the volunteer regularly responds to emergency calls. The volunteer shall furnish the commissioner of revenue, or other assessing officer, with a certification by the chief of the volunteer emergency medical services agency or volunteer fire department, that the volunteer is an individual who meets the definition of "emergency medical services personnel" in § 32.1-111.1 or a member of the volunteer fire department who regularly responds to calls or regularly performs other duties for the emergency medical services agency or fire department, and the motor vehicle owned or leased by the volunteer is identified. The certification shall be submitted by January 31 of each year to the commissioner of revenue or other assessing officer; however, the commissioner of revenue or other assessing officer shall be authorized, in his discretion, and for good cause shown and without fault on the part of the volunteer, to accept a certification after the January 31 deadline. In any county that prorates the assessment of tangible personal property pursuant to § 58.1-3516, a replacement vehicle may be certified and classified pursuant to this subsection when the vehicle certified as of the immediately prior January date is transferred during the tax year;

16. Motor vehicles (i) owned by auxiliary members of a volunteer emergency medical services agency or volunteer fire department or (ii) leased by auxiliary members of a volunteer emergency medical services agency or volunteer fire department if the auxiliary member is obligated by the terms of the lease to pay tangible personal property tax on the motor vehicle. One motor vehicle that is regularly used by each auxiliary volunteer fire department or emergency medical services agency member may be specially classified under this section. The auxiliary member shall furnish the commissioner of revenue, or other assessing officer, with a certification by the chief of the volunteer emergency medical services agency or volunteer fire department, that the volunteer is

an auxiliary member of the volunteer emergency medical services agency or fire department who regularly performs duties for the emergency medical services agency or fire department, and the motor vehicle is identified as regularly used for such purpose; however, if a volunteer meets the definition of "emergency medical services personnel" in § 32.1-111.1 or volunteer fire department member and an auxiliary member are members of the same household, that household shall be allowed no more than two special classifications under this subdivision or subdivision 15. The certification shall be submitted by January 31 of each year to the commissioner of revenue or other assessing officer; however, the commissioner of revenue or other assessing officer shall be authorized, in his discretion, and for good cause shown and without fault on the part of the auxiliary member, to accept a certification after the January 31 deadline;

17. Motor vehicles owned by a nonprofit organization and used to deliver meals to homebound persons or provide transportation to senior citizens or individuals with disabilities in the community to carry out the purposes of the nonprofit organization;

18. Privately owned camping trailers as defined in § 46.2-100, and privately owned travel trailers as defined in § 46.2-1500, which are used for recreational purposes only, and privately owned trailers as defined in § 46.2-100, which are designed and used for the transportation of horses except those trailers described in subdivision A 11 of § 58.1-3505;

19. One motor vehicle owned and regularly used by a veteran who has either lost, or lost the use of, one or both legs, or an arm or a hand, or who is blind or who is permanently and totally disabled as certified by the Department of Veterans Services. In order to qualify, the veteran shall provide a written statement to the commissioner of revenue or other assessing officer from the Department of Veterans Services that the veteran has been so designated or classified by the Department of Veterans Services as to meet the requirements of this section, and that his disability is service-connected. For purposes of this section, a person is blind if he meets the provisions of § 46.2-100;

20. Motor vehicles (i) owned by persons who have been appointed to serve as auxiliary police officers pursuant to Article 3 (§ 15.2-1731 et seq.) of Chapter 17 of Title 15.2 or (ii) leased by persons who have been so appointed to serve as auxiliary police officers if the person is obligated by the terms of the lease to pay tangible personal property tax on the motor vehicle. One motor vehicle that is regularly used by each auxiliary police officer to respond to auxiliary police duties may be specially classified under this section. In order to qualify for such classification, any auxiliary police officer who applies for such classification shall identify the vehicle for which this classification is sought, and shall furnish the commissioner of revenue or other assessing officer with a certification from the governing body that has appointed such auxiliary police officer or from the official who has appointed such auxiliary officers. That certification shall state that the applicant is an auxiliary police officer who regularly uses a motor vehicle to respond to auxiliary police duties, and it shall state that the vehicle for which the classification is sought is the vehicle that is regularly used for that purpose. The certification shall be submitted by January 31 of each year to the commissioner of revenue or other assessing officer; however, the commissioner of revenue or other assessing officer shall be authorized, in his discretion, and for good cause shown and without fault on the part of the member, to accept a certification after the January 31 deadline;

21. Until the first to occur of June 30, 2029, or the date that a special improvements tax is no longer levied under § 15.2-4607 on property within a Multicounty Transportation Improvement

District created pursuant to Chapter 46 (§ [15.2-4600](#) et seq.) of Title 15.2, tangible personal property that is used in manufacturing, testing, or operating satellites within a Multicounty Transportation Improvement District, provided that such business personal property is put into service within the District on or after July 1, 1999;

22. Motor vehicles which use clean special fuels as defined in § [46.2-749.3](#), which shall not include any vehicle described in subdivision 38 or 40;

23. Wild or exotic animals kept for public exhibition in an indoor or outdoor facility that is properly licensed by the federal government, the Commonwealth, or both, and that is properly zoned for such use. "Wild animals" means any animals that are found in the wild, or in a wild state, within the boundaries of the United States, its territories or possessions. "Exotic animals" means any animals that are found in the wild, or in a wild state, and are native to a foreign country;

24. Furniture, office, and maintenance equipment, exclusive of motor vehicles, that are owned and used by an organization whose real property is assessed in accordance with § [58.1-3284.1](#) and that is used by that organization for the purpose of maintaining or using the open or common space within a residential development;

25. Motor vehicles, trailers, and semitrailers with a gross vehicle weight of 10,000 pounds or more used to transport property or passengers for hire by a motor carrier engaged in interstate commerce;

26. All tangible personal property employed in a trade or business other than that described in subdivisions A 1 through A 20, except for subdivision A 18, of § [58.1-3503](#);

27. Programmable computer equipment and peripherals employed in a trade or business;

28. Privately owned pleasure boats and watercraft, motorized and under 18 feet, used for recreational purposes only;

29. Privately owned pleasure boats and watercraft, nonmotorized and under 18 feet, used for recreational purposes only;

30. Privately owned motor homes as defined in § [46.2-100](#) that are used for recreational purposes only;

31. Tangible personal property used in the provision of Internet services. For purposes of this subdivision, "Internet service" means a service, including an Internet Web-hosting service, that enables users to access content, information, electronic mail, and the Internet as part of a package of services sold to customers;

32. Motor vehicles (i) owned by persons who serve as auxiliary, reserve, volunteer, or special deputy sheriffs or (ii) leased by persons who serve as auxiliary, reserve, volunteer, or special deputy sheriffs if the person is obligated by the terms of the lease to pay tangible personal property tax on the motor vehicle. For purposes of this subdivision, the term "auxiliary deputy sheriff" means auxiliary, reserve, volunteer, or special deputy sheriff. One motor vehicle that is regularly used by each auxiliary deputy sheriff to respond to auxiliary deputy sheriff duties may be specially classified under this section. In order to qualify for such classification, any auxiliary deputy sheriff who applies for such classification shall identify the vehicle for which this classification is sought, and shall furnish the commissioner of revenue or other assessing officer

with a certification from the governing body that has appointed such auxiliary deputy sheriff or from the official who has appointed such auxiliary deputy sheriff. That certification shall state that the applicant is an auxiliary deputy sheriff who regularly uses a motor vehicle to respond to such auxiliary duties, and it shall state that the vehicle for which the classification is sought is the vehicle that is regularly used for that purpose. The certification shall be submitted by January 31 of each year to the commissioner of revenue or other assessing officer; however, the commissioner of revenue or other assessing officer shall be authorized, in his discretion, and for good cause shown and without fault on the part of the member, to accept a certification after the January 31 deadline;

33. Forest harvesting and silvicultural activity equipment, except as exempted under § [58.1-3505](#);

34. Equipment used primarily for research, development, production, or provision of biotechnology for the purpose of developing or providing products or processes for specific commercial or public purposes, including medical, pharmaceutical, nutritional, and other health-related purposes; agricultural purposes; or environmental purposes but not for human cloning purposes as defined in § [32.1-162.21](#) or for products or purposes related to human embryo stem cells. For purposes of this section, biotechnology equipment means equipment directly used in activities associated with the science of living things;

35. Boats or watercraft weighing less than five tons, used for business purposes only;

36. Boats or watercraft weighing five tons or more, used for business purposes only;

37. Tangible personal property which is owned and operated by a service provider who is not a CMRS provider and is not licensed by the FCC used to provide, for a fee, wireless broadband Internet service. For purposes of this subdivision, "wireless broadband Internet service" means a service that enables customers to access, through a wireless connection at an upload or download bit rate of more than one megabyte per second, Internet service, as defined in § [58.1-602](#), as part of a package of services sold to customers;

38. Low-speed vehicles as defined in § [46.2-100](#);

39. Motor vehicles with a seating capacity of not less than 30 persons, including the driver;

40. Motor vehicles powered solely by electricity;

41. Tangible personal property designed and used primarily for the purpose of manufacturing a product from renewable energy as defined in § [56-576](#);

42. Motor vehicles leased by a county, city, town, or constitutional officer if the locality or constitutional officer is obligated by the terms of the lease to pay tangible personal property tax on the motor vehicle;

43. Computer equipment and peripherals used in a data center. For purposes of this subdivision, "data center" means a facility whose primary services are the storage, management, and processing of digital data and is used to house (i) computer and network systems, including associated components such as servers, network equipment and appliances, telecommunications, and data storage systems; (ii) systems for monitoring and managing infrastructure performance; (iii) equipment used for the transformation, transmission, distribution, or management of at least one megawatt of capacity of electrical power and cooling, including substations, uninterruptible power supply systems, all electrical plant equipment, and associated air

handlers; (iv) Internet-related equipment and services; (v) data communications connections; (vi) environmental controls; (vii) fire protection systems; and (viii) security systems and services;

44. Motor vehicles (i) owned by persons who serve as uniformed members of the Virginia Defense Force pursuant to Article 4.2 (§ 44-54.4 et seq.) of Chapter 1 of Title 44 or (ii) leased by persons who serve as uniformed members of the Virginia Defense Force pursuant to Article 4.2 (§ 44-54.4 et seq.) of Chapter 1 of Title 44 if the person is obligated by the terms of the lease to pay tangible personal property tax on the motor vehicle. One motor vehicle that is regularly used by a uniformed member of the Virginia Defense Force to respond to his official duties may be specially classified under this section. In order to qualify for such classification, any person who applies for such classification shall identify the vehicle for which the classification is sought and shall furnish to the commissioner of the revenue or other assessing officer a certification from the Adjutant General of the Department of Military Affairs under § 44-11. That certification shall state that (a) the applicant is a uniformed member of the Virginia Defense Force who regularly uses a motor vehicle to respond to his official duties, and (b) the vehicle for which the classification is sought is the vehicle that is regularly used for that purpose. The certification shall be submitted by January 31 of each year to the commissioner of the revenue or other assessing officer; however, the commissioner of revenue or other assessing officer shall be authorized, in his discretion, and for good cause shown and without fault on the part of the member, to accept a certification after the January 31 deadline;

45. If a locality has adopted an ordinance pursuant to subsection D of § 58.1-3703, tangible personal property of a business that qualifies under such ordinance for the first two tax years in which the business is subject to tax upon its personal property pursuant to this chapter. If a locality has not adopted such ordinance, this classification shall apply to the tangible personal property for such first two tax years of a business that otherwise meets the requirements of subsection D of § 58.1-3703;

46. Miscellaneous and incidental tangible personal property employed in a trade or business that is not classified as machinery and tools pursuant to Article 2 (§ 58.1-3507 et seq.), merchants' capital pursuant to Article 3 (§ 58.1-3509 et seq.), or short-term rental property pursuant to Article 3.1 (§ 58.1-3510.4 et seq.), and has an original cost of less than \$500. A county, city, or town shall allow a taxpayer to provide an aggregate estimate of the total cost of all such property owned by the taxpayer that qualifies under this subdivision, in lieu of a specific, itemized list;

47. Commercial fishing vessels and property permanently attached to such vessels; and

48. The following classifications of vehicles:

a. Automobiles as described in subdivision A 3 of § 58.1-3503;

b. Trucks of less than two tons as described in subdivision A 4 of § 58.1-3503;

c. Trucks and other vehicles as described in subdivision A 5 of § 58.1-3503;

d. Motor vehicles with specially designed equipment for use by individuals with disabilities as described in subdivision A 9 of § 58.1-3503;and

e. Motorcycles, mopeds, all-terrain vehicles, off-road motorcycles, campers, and other recreational vehicles as described in subdivision A 10 of § 58.1-3503.

B. The governing body of any county, city, or town may levy a tax on the property enumerated in

subsection A at different rates from the tax levied on other tangible personal property. The rates of tax and the rates of assessment shall (i) for purposes of subdivisions A 1, 2, 3, 4, 5, 6, 8, 11 through 20, 22 through 24, and 26 through 47, not exceed that applicable to the general class of tangible personal property, (ii) for purposes of subdivisions A 7, 9, 21, and 25, not exceed that applicable to machinery and tools, and (iii) for purposes of subdivision A 10, equal that applicable to real property. If an item of personal property is included in multiple classifications under subsection A, then the rate of tax shall be the lowest rate assigned to such classifications.

C. Notwithstanding any other provision of this section, for any qualifying vehicle, as such term is defined in § 58.1-3523, (i) included in any separate class of property in subsection A and (ii) assessed for tangible personal property taxes by a county, city, or town receiving a payment from the Commonwealth under Chapter 35.1 (§ 58.1-3523 et seq.) for providing tangible personal property tax relief, the county, city, or town may levy the tangible personal property tax on such qualifying vehicle at a rate not to exceed the rates of tax and rates of assessment required under such chapter.

Code 1950, §§ 58-829.2:1, 58-829.3, 58-829.5 to 58-829.9, 58-831.01; 1960, c. 418; 1970, c. 655; 1976, c. 567; 1978, c. 155; 1979, cc. 351, 576; 1980, c. 412; 1981, cc. 236, 445; 1982, c. 633; 1984, c. 675; 1985, c. 220; 1986, c. 195; 1988, c. 822; 1989, cc. 80, 694; 1990, cc. 677, 693; 1991, cc. 247, 330, 478; 1992, cc. 642, 680; 1993, c. 100; 1994, cc. 171, 221, 266, 631; 1995, c. 142; 1996, cc. 537, 603, 605; 1997, cc. 244, 250, 433, 457; 1999, cc. 289, 358; 2000, cc. 409, 413, 441, 442, 604; 2001, cc. 41, 447; 2002, cc. 6, 63, 148, 337; 2003, cc. 657, 670; 2004, cc. 4, 556, 591; 2004, Sp. Sess. I, c. 1; 2005, cc. 271, 325, 357; 2006, cc. 200, 231, 400; 2007, cc. 88, 322, 609; 2008, cc. 26, 94, 143; 2009, cc. 40, 44; 2010, cc. 264, 849; 2012, cc. 97, 288; 2013, cc. 39, 271, 287, 393, 652; 2014, cc. 50, 409; 2015, cc. 487, 502, 503, 593, 615; 2016, c. 483; 2017, cc. 116, 447; 2018, cc. 28, 292; 2020, cc. 64, 247, 251; 2021, Sp. Sess. I, c. 347; 2022, cc. 30, 578; 2023, cc. 148, 149.

The chapters of the acts of assembly referenced in the historical citation at the end of this section(s) may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.



BOARD OF
SUPERVISORS

THOMAS D. HARVEY
North District

ERNIE Q. REED
Central District

JESSE N. RUTHERFORD
East District

ROBERT G. BARTON, JR.
South District

J. DAVID PARR
West District

CANDICE W. MCGARRY
County Administrator

AMANDA B. SPIVEY
Administrative Assistant/
Deputy Clerk

LINDA K. STATON
Director of Finance and
Human Resources

RESOLUTION R2023-79
NELSON COUNTY BOARD OF SUPERVISORS
AUTHORIZATION TO CONTRACT WITH BLUE LINE SOLUTIONS FOR
AUTOMATED SPEED ENFORCEMENT

WHEREAS, on September 12, 2023 the Nelson County Board of Supervisors conducted a public hearing to consider the implementation of a photo speed enforcement program to help reduce speeding through the school zones located within Nelson County; and,

WHEREAS, Nelson County wishes to enter into an agreement between Blue Line Solutions and the Nelson County Sheriff's Office, for the services of automated speed enforcement;

NOW, THEREFORE, BE IT RESOLVED, by the Nelson County Board of Supervisors that the County Administrator be and hereby is authorized to execute all related program agreement documents upon review and approval by the County Attorney.

Approved: _____

Attest: _____, Clerk
Nelson County Board of Supervisors

AN AGREEMENT BETWEEN

**BLUE LINE SOLUTIONS, LLC.
AND
NELSON COUNTY VIRGINIA**



TRUEBLUETM
SPEED ENFORCEMENT | SCHOOL ZONE



AUTOMATED SPEED ENFORCEMENT SYSTEM AGREEMENT

THIS AGREEMENT is made this _____ day of _____, 2023, by and between *Blue Line Solutions, LLC* (herein "BLS"), and the *County of Nelson* (herein "Municipality"), within the Commonwealth of Virginia.

RECITATIONS

WHEREAS, the General Assembly of the Commonwealth of Virginia has authorized localities to enact ordinances to monitor, enforce and penalize violations of school zone and highway construction zone speed limits; and

WHEREAS, BLS has the legal possession and processes referred to collectively as the "Automated Speed Enforcement System" (herein "ASE" or "ASE System") and the "Manned Photo Laser System" (herein "MPL" or "MPL System"); and

WHEREAS, Municipality desires to use the ASE and MPL Systems to monitor excessive speeding infractions and other potential traffic violations, issue traffic notices of violations and evaluate traffic movement and safety, affirms it has no other such equipment or service provider, and has the right, power and authority to execute this Agreement; and

WHEREAS, Municipality has no authority to conduct speed enforcement and traffic safety activities on its own, but relies on its duly-elected or appointed Chief or Sheriff for law enforcement functions, including speed and traffic enforcement, to include school zones and highway construction safety zones; and

WHEREAS, the Municipality has been a party to researching and instituting this additional enforcement and is included as a party to this agreement due to its role as the Municipality agency authorized to enforce this state code and Municipality ordinance;

NOW THEREFORE, the parties agree:

As used in this Agreement, the following words and terms shall apply:

"Agency" means national, federal, state or local law enforcement agency within the municipality charged with its law enforcement functions. This includes, but is not limited to any: Police Office or Department, Sheriff's Office or Department, Department of Public Safety, State Police Department, Highway Patrol, Ranger, etc.

"ASE System" or "APSE System" means Automated, Stationary Photo Speed Enforcement System, described as photographic traffic monitoring devices capable of accurately detecting a traffic infraction and recording such date with images of such vehicle.



"MPL System" means Manned Photo Laser System, described as photographic traffic monitoring equipment capable of accurately detecting a traffic infraction and recording such date with images of such vehicle.

"Municipality" means, any form of self-governing body or jurisdiction, incorporated or unincorporated, charged with the execution of duties for a specific locality as granted by national and/or regional laws within the United States. These include, but are not limited to a: hamlet; village; borough (boro), town, township, city, precinct, district, parish, county, or state.

"Notice of Liability" means a written notification or summons to the registered owner of a motor vehicle that is issued by a competent state or authorized law enforcement agency or by a court of competent jurisdiction relating to a violation that involves the motor vehicle owned by that registered owner as evidenced by the ASE and MPL System.

"Person" or "Persons" means any individual, partnership, joint venture, corporation, trust, unincorporated association, governmental authority or political subdivision thereof or any other form of entity.

"Violation" means failure to obey an applicable traffic law or regulation, including, without limitation, operating a motor vehicle in excess of the posted speed limit.

1. BLS AGREES TO PROVIDE:

The scope of work identified in **Exhibit A**.

2. MUNICIPALITY AGREES TO PROVIDE:

The scope of work identified in **Exhibit B**.

3. TERM AND TERMINATION

- a. The term of this Agreement shall be for 2 (two) years beginning on the date of the first notice of a liability is issued and payable and may be automatically extended for additional 2 (two) year periods at the sole option of Municipality. Either party may terminate this Agreement at the expiration of any term providing written notice of its intent not to extend the Agreement at least thirty (30) days prior to the expiration of the current term.

Either party shall have the right to terminate this Agreement by written notice:



- i) At any time during the term of this Agreement without cause with 30-day notice, provided however, (a) if the Municipality terminates the Agreement prior to the expiration of any term, the Municipality shall pay the applicable costs set forth in Exhibit C; and (b) the Municipality shall not terminate this Agreement without cause in the first year of the term;
 - ii) If applicable law is changed so as to prohibit or substantially interfere with the operation or feasibility of either the ASE or MPL Systems or the parties' obligations under this Agreement;
 - iii) For cause, by either party where the other party fails in any material way to perform its obligations under this Agreement. Termination under this subsection may occur if the terminating party notifies the other party of its intent to terminate, stating the specific grounds therefore, and the other party fails to cure the default within sixty (60) days after receiving notice.
- b. Upon any termination of this Agreement, the parties recognize that BLS and Agency will use best efforts to continue to process any and all pending and legitimate traffic law Violations. Accordingly, the parties shall have the following obligations which continue during the termination process: Municipality shall cease using the ASE and MPL Systems, shall allow BLS to retrieve all equipment to BLS within a reasonable time not to exceed 60 days, and shall not generate further images to be processed. Unless reasonably agreed upon otherwise by both parties, BLS and the Agency shall continue to process all images and Violations that occurred before termination in accordance with this Agreement and BLS shall be entitled to all Fees (as described in **Exhibit C**) specified in the Agreement as if the Agreement were still in effect.
- c. Notwithstanding any provision to the contrary this Agreement terminates automatically upon a determination by any Court of jurisdiction, State or Federal, that the ASE and MPL Systems or the underlying infractions are unconstitutional, illegal, or otherwise prohibited. Any legislative act, State or Federal, which prohibits the use of the ASE and MPL Systems or the enforcement of the underlying infractions, shall also automatically terminate this agreement.
- d. Notwithstanding any provision to the contrary this Agreement terminates automatically upon a determination by any Court of jurisdiction, State or Federal, that the ASE System or the underlying Infraction are unconstitutional, illegal or otherwise prohibited. Any legislative act, State or Federal, which prohibits the use of the ASE System or the enforcement of the underlying infraction, shall also automatically terminate this agreement.



4. ASSIGNMENT AND EFFECT OF AGREEMENT

Neither party may assign all or any portion of this Agreement without the prior written consent of the other, which consent shall not be unreasonably withheld or delayed; provided, however, the Municipality hereby acknowledges that the performance of BLS's equipment and obligations pursuant to this Agreement require a significant investment by BLS, and that, in order to finance such investment, BLS may be required to enter into certain agreements or arrangements with financial institutions or other similar entities. The Municipality hereby agrees that BLS shall have the right to assign or pledge its rights under this Agreement in connection with any financing subject to the Municipality's prior written approval, which approval shall not be unreasonably withheld or delayed. The Municipality further agrees that in the event BLS provides written notice to the Municipality that it intends to assign or pledge its rights pursuant to this Agreement, and in the event that the Municipality fails to provide such approval or fails to object within thirty (30) days after its receipt of such notice from BLS, then BLS shall be free to effect such transaction.

This Agreement shall inure to the benefit of and be binding upon all of the parties hereto and their respective executors, administrators, successors and assigns as permitted by law.

5. FEES AND PAYMENT

The Municipality shall pay BLS for all equipment, services and maintenance based on the Service Fee schedule indicated in **Exhibit C**.

BLS shall collect and accumulate all payments to Municipality on a monthly basis and provide proper payment to Municipality on or before the 15th day of the following month. The Municipality shall defer all payments to BLS in order to provide a transparent audit process for all payment collected.

6. AVAILABILITY OF INFORMATION

BLS agrees that all relevant information obtained by BLS through operation of the ASE and MPL Systems shall be made available to the Municipality at any time during BLS's normal working hours upon reasonable notice, excluding trade secrets and other confidential or proprietary information not reasonably necessary for the prosecution of Notices of Liability or the fulfillment of BLS's obligations to Municipality under this Agreement.

7. CONFIDENTIAL INFORMATION

No information provided by BLS to Municipality will be of a confidential nature, unless specifically designated in writing as proprietary and confidential by BLS; however, nothing in this paragraph shall be construed contrary to the terms and provisions of any the "Virginia Freedom of Information Act" or similar laws, insofar as they may be applicable.

8. OWNERSHIP OF SYSTEM

It is understood by the Municipality that the ASE and MPL Systems and all associated hardware and software being provided by BLS is, and shall remain, the sole property of BLS, unless separately



procured by Municipality. The ASE and MPL Systems are being provided to Municipality only pursuant to the terms of this Agreement. Municipality agrees that it shall not make any modifications to BLS's equipment, nor disassemble or perform any type or reverse engineering to the ASE and MPL Systems, nor infringe on any property or patent rights, nor cause or allow any other Person to do any of the foregoing. The parties agree that upon termination of this Agreement for any reason, BLS shall have the right, but not the obligation, to remove any equipment provided.

9. LEGAL COMPLIANCE

Municipality shall at all times comply with all federal, state, and local laws, ordinances, and regulations. Municipality acknowledges that, based on representations by BLS, it reasonably believes that the ASE and MPL Systems and associated summons procedures comply with federal, state, and local laws and ordinances.

10. INDEMNIFICATION

The Municipality shall at all times comply with all federal, state and local laws, ordinances and regulations. The Municipality acknowledges that they reasonably believe the ASE System and associated citation procedures comply with federal, state, and local laws and ordinances. The Municipality shall comply with the maintenance procedures and manufacturer recommendations for operation of the ASE System equipment.

The Municipality shall indemnify and hold harmless BLS against any claims arising from:

- a. Violation of any federal, state and local laws, ordinances and regulations;
- b. Any claims arising from violations that are not the result of BLS's failure to follow proper maintenance procedures and manufacturer recommendations for operation of the equipment;
- c. Any claims as a result of the negligence or willful misconduct of the Municipality, its officers and directors, agents, attorneys, and employees, but excluding any employees or agents of BLS.

BLS shall indemnify and hold harmless the Municipality against any claims arising from negligence or willful misconduct of BLS, its officers and directors, agents, attorneys, and employees.

11. LIMITED LIABILITY

Notwithstanding anything to the contrary in this Agreement, neither party shall be liable to the other, by reason of any representation or express or implied warranty, condition or other term or any duty at common or civil law, for any indirect, incidental, special, lost profits or consequential damages, however caused and on any theory of liability arising out of or relating to this Agreement.



12. FORCE MAJEURE

Neither party will be liable to the other or be deemed to be in breach of this Agreement for any failure or delay in rendering performance arising out of causes beyond its reasonable control. Such causes may include but are not limited to, acts of God or the public enemy, terrorism, significant fires, floods, earthquakes, unusually severe weather, epidemics, strikes, or governmental authority approval delays or denials. The party whose performance is affected agrees to notify the other promptly of the existence and nature of any delay.

13. CORRESPONDENCE BETWEEN PARTIES

All notices required to be given under this Agreement shall be deemed provided upon the date postmarked when mailed by first class mail, or by registered mail, and addressed to the proper party at the address set forth in Section 21 below.

14. DISPUTE RESOLUTION

Both parties desire all disputes arising out of or in connection with this Agreement to be resolved through good-faith negotiations between the parties, and to be followed, if necessary, by professionally assisted mediation within 45 days. Any such mediator must be acceptable to each party. The mediation will be conducted as specified by the mediator and agreed upon by the parties. The parties agree to attempt to reach an amicable resolution of the dispute. The mediation will be treated as a settlement discussion and remain confidential. Each party will bear its own costs in the mediation and will equally share the fees and expenses of the mediator.

15. ADDITIONAL SERVICES

Additional systems and services provided by BLS may be added to this Agreement by mutual consent of the parties. In the event the Municipality agrees to contract for other services provided by BLS or companies owned by Blue Line Holdings, LLC whether or not associated with the program herein, Municipality authorize BLS to withdraw invoiced amounts on a one-time basis, or monthly basis, whichever is chosen by the Municipality, as payment for products/services, subject to review and approval by the Municipality. Such services may include but are not limited to Automated License Plate Recognition Systems, Surveillance Cameras, Video Management Systems, or other related technologies.

16. VALIDITY AND CONSTRUCTION OF TERMS

In case any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision and all remaining provisions of this Agreement shall remain in full force and effect.



17. ENTIRE AGREEMENT

This Agreement replaces any previous agreements and discussions and constitutes the entire agreement between the parties with respect to the subject matters herein. No amendments, modifications, or alterations of the terms herein shall be binding unless the same is in writing and duly executed by the parties.

18. AUDIT RIGHTS

Each party shall have the right to audit the records of the other party pertaining to the Summons issued pursuant to this Agreement solely for the purpose of verifying the accuracy of payments, if any, payable pursuant to this Agreement. Any such audit shall be conducted upon not less than forty-eight hours' notice, at mutually convenient times. The cost of any such audit shall be borne by the party requesting the audit.

19. COVENANT OF FURTHER ASSURANCES

All parties to this Agreement shall, upon request, perform any and all acts and execute and deliver any and all certificates, instruments, and other documents that may be necessary or appropriate to carry out any of the terms, conditions, and provisions hereto or to carry out the intent of this Agreement.

20. NO AGENCY

The relationship between the parties shall be that of independent contractors, and the employees, agents and servants of either party shall in no event be considered to be employees, agents, or servants of the other party. This Agreement shall not create an agency relationship between BLS and Municipality and neither party may incur any debts or liabilities or obligations on behalf of the other party, except as specifically provided herein.

21. NOTICES

Any notices or demand which under the terms of this Agreement or under any law shall be in writing shall be made by personal service, first class mail, or by certified or registered mail to the parties at the following address:

Notices to Blue Line Solutions:

Mark Hutchinson, CEO
4411 Oakwood Dr.
Chattanooga, TN 37416

Notices to the County of Nelson

Candy McGarry – County
Administrator, and/or
Sheriff - David Hill
84 Courthouse Square
Lovingston, VA. 22949



22. COMPLIANCE WITH LAWS

Nothing contained in this Agreement shall be construed to require the commission of any act contrary to law, and whenever there is a conflict between any term, condition or provision of this Agreement and any present or future statute, law, ordinance or regulation contrary to which the parties have no legal right to contract, the latter shall prevail, but in such event shall be curtailed and limited only to the extent necessary to bring it within the requirements of the law, provided it is consistent with the intent of the parties as expressed in this Agreement.

23. PUBLIC INFORMATION & EDUCATION (PI&E)

BLS agrees to work with the Municipality toward implementation of a public information & education program preceding any enforcement. Such efforts will include press releases for TV, radio, newspaper, and internet, social media posts (content), & dissemination of information through the Municipality School System.

24. COOPERATIVE PROCUREMENT AGREEMENT

This agreement follows notice of cooperative procurement advertised by Wythe County, Virginia. Other Virginia local governments (counties, cities, towns) may, at their option, enter into agreement with *Blue Line Solutions, LLC* under the terms of this contract, which may be modified to the unique circumstances of each local government.

COOPERATIVE PROCUREMENT NOTICE: This solicitation is a cooperative procurement. Pursuant to Virginia Code Section §2.2-4304, any resultant contract from this solicitation may be extended to any public agency or body in the Commonwealth of Virginia to permit those public agencies or bodies to purchase at contract prices, in accordance with the terms and conditions and specifications of this solicitation.



25. STATE LAW TO APPLY

This Agreement shall be construed under and in accordance with the laws of the Commonwealth of Virginia.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date accepted by the Customer.

Blue Line Solutions, LLC.

By: _____

County of Nelson
Commonwealth of Virginia
Candy McGarry, County Administrator

Authorized Signature (*Municipality*)

Approved and authorized this _____ day of _____, 2023.

County of Nelson
Commonwealth of Virginia
David Hill, Sheriff

Authorized Signature

Approved and authorized this _____ day of _____, 2023.



Exhibit A

BLS Obligations and Scope of Work

1. BLS at the request of Municipality shall perform an analysis on selected roadways to determine potential Violation rates and assess the most suitable locations for the ASE and MPL System equipment.
2. BLS shall provide the quantities of ASE and MPL System equipment as indicated on Exhibit D. From time to time, the parties may agree to add or subtract the number of ASE and MPL Systems to be provided and may modify the location(s) without penalty or additional cost to the Municipality if the parties agree in writing.
3. BLS shall provide an automated, web-based processing program for all valid Notices of Liability including image processing, mailing of the initial Notice and a reminder Notice, printing and mailing costs. The program shall be conducted in a timely manner to comply with any applicable statute of limitation for filing Notices of Liability. Subject to the approval and authorization from Municipality, each Notice shall be delivered by First Class mail to the registered owner within the agreed or statutory period. Subsequent Notices or collections notifications may be delivered by First Class, Certified Mail-Return Receipt Requested, or by process servers for additional compensation to BLS as agreed by parties.
4. BLS shall provide reasonably available vehicle registration information necessary to issue Notices of Liability resulting from the ASE and MPL Systems, assuming BLS is authorized to receive such registration data, at no additional cost to the Municipality.
5. BLS shall provide the Agency with an Evidence Package to include a set of images with related documentation for each notice of violation contested.
6. BLS shall provide necessary training for persons designated by the Municipality and the Agency, and provide reasonable public relations resources to Municipality.
7. BLS shall maintain files with regular updates of specific Notices of Liability issued and shall update the status of all accounts based on the disposition information provided by General District Court, indicating payments received, Notices of Liability outstanding, and cases otherwise closed, dismissed or resolved.
8. BLS shall provide to Municipality and the Agency a monthly report of ASE and MPL Systems results within fifteen days of the end of each calendar month. The report shall include the following information:
 - a. Total number of Violation events.
 - b. Total number of actionable Violation events.
 - c. Total number of Notices of Liability issued.



- d. Total number of Notices of Liability paid.
- e. Such reports on ongoing operations as are required, or such other reports and documents as are mutually agreed upon between BLS and the Municipality.

BLS shall also provide a copy of the bank statement each month as part of the monthly reporting to Agency.

- 9. BLS shall provide all routine maintenance of ASE and MPL Systems equipment and timely respond to equipment repairs.
- 10. BLS will provide services and data for public information & education (PI&E) campaigns prior to the deployment of any school zone and/or construction zone enforcement program. BLS will continue to assist the agency with ongoing PI&E through the life of the program.
- 11. BLS will provide one (1) Thirty-Day warning period at no charge to municipality as part of this agreement. Additional warning periods, as requested by municipality, will be subject to the fees per **Exhibit C**.
- 12. BLS will provide data and reporting information as required by Virginia Code § 46.2-882.1.B.9. for filing the report to the Department of State Police by January 15 of each year.



Exhibit B

Municipality Obligations and Scope of Work

1. The Agency shall ensure the programs and their enforcement procedures comply with all applicable law, and/or policies.
2. The Municipality agrees to direct its Agencies and departments to work with BLS with respect to required system and program implementation to the best of their ability and provide reasonable access to Municipality's personnel and facilities in order to permit BLS and the Municipality to fulfill the obligations under this Agreement.
3. The Municipality agrees to use due diligence in working with BLS in securing all necessary permits or other documentation necessary to operate ASE and MPL Systems under its control. Further, if ASE systems are operated in school zones or construction zones. Municipality shall also assist BLS in obtaining any other permits or authorizations from the appropriate school district, Department of Transportation, Municipality or other government agency, as applicable, for operation in such locations. Municipality shall provide any necessary permits at no cost to BLS.
4. The Municipality will make available to BLS their Public Works Department, Electricians, or other staff to determine locations of poles, placement of poles, gaining access to electricity hookup, etc. needed. Municipality will obtain all Municipality, state, and Municipality or special permits needed for placement of poles, electricity or any other service needed for the installation and usage of the ASE System.
5. The Municipality shall issue a letter to BLS showing its authorized use for pole identified for ASE System to be mounted.
6. The Agency shall ensure that each ASE and MPL System shall be in place and operating each month in areas of speed safety concern, barring unusual downtime for maintenance, weather, act of God or court order.
7. The Agency shall diligently prosecute each valid Notice of Liability and collect all fines. Further, the Municipality shall automatically transmit an electronic file in an agreed format to BLS with monthly updates of all Notice of Liability disposition information provided by the Municipality indicating payments received or cases otherwise closed, dismissed or resolved for contested violations.
8. The Municipality and/or Agency shall cause an authorized officer of the agency to carefully review each potential Violation captured by the ASE and MPL System and shall transmit an electronic signature to each Notice of Liability approved by Municipality.
9. The Municipality hereby acknowledges and agrees that the decision to issue a Notice of Liability shall be the sole, unilateral and exclusive decision of the authorized officer in such officer's sole



discretion, and in no event shall BLS have the ability or authorization to make a Notice of Liability decision.

10. The Municipality shall provide a judge or hearing officer and court facilities to schedule and hear disputed citations.
11. The Municipality shall provide customary fine collection services for all final dispositions for contested violations. The Municipality agrees to reasonably pursue payments of valid Notices of Liability with service of follow-up letters or summons as required for contested violations.
12. The Municipality shall complete and sign any necessary letters to NLETS authorizing BLS to retrieve vehicle data records for processing.
13. As necessary, Municipality shall provide assistance to BLS in obtaining access to vehicle ownership records data, and if requested, provide a letter and support for BLS to use with appropriate licensing bureau agencies indicating that BLS is acting as an authorized agent of Municipality for the purposes of accessing vehicle ownership information on behalf of Municipality.
14. If the Agency operates the ASE systems in school zones, Municipality shall supply BLS with appropriate school schedules and times for pre and ongoing programming of cameras and other system equipment for use, as provided by the school system. The Municipality and/or the Agency shall also notify BLS of any unscheduled school closings or disruptions in normal schedule. This includes early dismissals, snow days, school cancellations, etc. BLS shall wait one business day to process any violations received, so as to ensure adequate time is given for any potential such notification. To the extent permitted by law, the Municipality shall indemnify and hold harmless BLS against all liabilities and expenses arising from Municipality's failure to notify BLS of any closings or changes in school schedules.
15. The Municipality shall promptly reimburse BLS for negligent or intentional damage to the ASE and MPL System caused by Municipality, its employees, or authorized agents.
16. The Municipality shall provide a project manager or other designated individual with authority to execute Municipality's responsibilities under the Agreement.
17. The Municipality shall be responsible for reporting unpaid citations to the Department of Revenue in accordance with statutory requirements, if applicable. BLS will assume this responsibility with written authority provided by the Municipality.
18. The Municipality agrees to be responsible for notifying BLS of any resignations or terminations of their personnel for removal from all applicable systems. This is required to maintain CJIS access and compliance.
19. The Municipality agrees to operate all ASE systems as per **Exhibit E**.
20. The Municipality agrees to provide and maintain current all information requested on **Attachment A**.



Exhibit C

Virginia Service Fees

Virginia Code authorizes collection of a civil penalty up to \$100 for speeding violations of 11 miles-per-hour or more in school and construction zones. The Municipality agrees to pay BLS a fee of \$25.00 per processed speeding summons which will be subtracted from the Municipality's gross receipts of paid summonses. ***Fee(s) as itemized below include:***

1. Blue Line Solutions, turn-key Automated Speed Enforcement System for all ASE and MPL Systems equipment, including;
 - a. Installation, infrastructure including; Communications and wireless integration
 - b. Ongoing service and maintenance
 - c. All website and Call Center Support.
 - d. Citation issuance and mailing; first mailed notice, second reminder mailed notice.
 - e. Processing Services
 - i. BLS shall provide processing services, which will include the following:
 1. Summons processing of speeding violations
 2. Agency summons approval process
 3. Summons Mailing
 4. Returned Mail
 5. Change of Address (COA) lookup
 6. COA Summons Reissue
 - ii. Affidavit process as defined in §46.2-882.1, Section 3
 - iii. Affidavit process as defined in §46.2-882.1, Section 5 "a notice of (i) the summoned person's ability to rebut the presumption that he was the operator of the vehicle at the time of the alleged violation through the filing of an affidavit as provided in subdivision 3"
 - iv. Reports as required by §46.2-882., Section 9
 - v. Payment Services for collections of summons payments
 1. Call Center Support



2. Mail Center Support
 3. Web Payment Support
- vi. Court Liaison Services
1. Evidential case information on each contested summons
 2. Assistance with establishment of court process

2. Costs associated with the ASE System installation, infrastructure, development, and implementation are recovered/amortized equally and monthly by BLS over the initial term of this agreement from net revenue generated and apportioned to BLS under this revenue sharing agreement. In the event the agreement is terminated by the Municipality as allowed by Section 3.a.(i), prior to the end of the initial term of this agreement and, hence, the full recovery/amortization of above stated costs by BLS, the Municipality will be responsible for the balance.

The parties agree the cost of installation, infrastructure, development, and implementation of the ASE System is *\$75,000* per installed ASE System zone(s), and upon early termination under Section 3.a.(i) prior to the end of the initial term of this agreement. Full payment of all such costs will be due within 30 days after the date of termination.

3. Additional Warning Periods

BLS will provide one (1) Thirty-Day warning period at no charge to Municipality as part of this agreement. The fee for additional warnings shall be \$25.00 per processed warning and shall be subtracted from the Municipality's gross receipts of paid summonses.

4. Additional & Special Reporting Requests (replace above until legal review)

Additional requests for special reports or additional information beyond the scope of this agreement may be subject to additional fees.

5. Violation Information Sheet

Optional: BLS will make available a Violation Information Sheet (VIS) for mailing with Violations. The VIS will include general information about the automated speed enforcement program, the varying methods in which it is administered and traffic related statistics to validate the need for the program. The fee for this service will be \$2.50 per mailed Violation and shall be subtracted from the Municipality's gross receipts. [] **Place X in box if declined.**

6. Fees Charged to Violators

A credit card convenience fee of \$5.90 to be charged to the violator using a credit card (unless prohibited by state statute) for Violation payment processed manually for phone payments. Such



convenience fees shall be collected by BLS during payment of Violation and shall not be shared with Municipality or included in Municipality's share of Revenue.

7. Pricing Alteration

This pricing may be changed by agreement of both parties in the event the General Assembly changes allowable charges by statute.



Exhibit D

Number and Locations of ASE and MPL System Equipment

1. The number of ASE and MPL Systems, as well as the locations for equipment installation will be determined after a careful analysis by the Municipality, the Agency and BLS personnel, considering traffic dynamics, volume, and safety assessments on the Municipality's roadways.

2. Automated License Plate Recognition (ALPR) Cameras

BLS may choose to provide Automated License Plate Recognition (ALPR) cameras with an ASE Systems under this agreement, as long as this agreement remains in effect, and provided that Municipality operates each ASE system for the maximum time and at the minimum enforceable speed as allowed by law. Such ALPR cameras must be installed as part of the ASE infrastructure. Additional ALPR systems may be purchased as described in Section 15 of this agreement.

3. Expert Witness

BLS shall provide an expert witness as reasonably necessary to establish judicial notice for contested Violations to establish the accuracy and technical operations of the ASE and MPL Systems.



Exhibit E

Automated Speed Enforcement (ASE) System Operations

1. Operating Times

Municipality agrees to operate ASE Systems in designated areas for the maximum time permitted by law. As provided by the Municipality in Attachment A.

2. Operating Speeds

Municipality agrees to operate ASE Systems in areas at the minimum enforceable speed limit permitted by law. As provided by the Municipality in Attachment A.

3. School Zone Flasher Schedule

Municipality agrees to provide active school zone flasher times to BLS, and maintain the schedule, updating each semester or as needed. Municipality will ensure that the Flasher programming matches the school zone flasher schedule.

Agreed to this date: _____

Authorized Signature (*Municipality*)

Date

Signature

Date

Blue Line Solutions, LLC
4411 Oakwood Dr.
Chattanooga, TN 37416



Attachment A

School Zone Verification Form



BLUE LINE SOLUTIONS, LLC
3903 VOLUNTEER DR, SUITE 400
CHATTANOOGA, TN 37416

December 20, 2022

On behalf of Blue Line Solutions, LLC. I would like to thank you for reviewing our Automated School Zone enforcement program. The TrueBlue™ Single Beam per-lane LIDAR system contains multiple features using proprietary technologies, processes, and analytics not available from any other company. The LIDAR (laser) is manufactured in the United States and all citation processing is completed in Chattanooga, TN. As described in the below Sole Source Information, there are ten (10) distinct elements that no other system contains or has access to for purchase.

If you have any questions, please contact me. I can be reached at 267.671.2613 or by email at jason@bluelinesolutions.org

Sincerely,

A handwritten signature in black ink, appearing to read "Jason Friedberg".

Jason Friedberg
Vice President, Sales & Marketing

Sole Source Justification

LIDAR Automated Photo Enforcement System

The True Blue™ Single Beam Per Lane (SBPL) LIDAR automated speed enforcement system is the only technology on the market that combines automated photo speed enforcement, Automated License Plate Recognition (ALPR), and investigative and predictive analytic tools into one complete program. Combining True Blue™ automated speed enforcement, ALPR, and the associated data analytic tools, the technology exceeds all other capabilities in the law enforcement community. Through the technologies described below, the True Blue™ LIDAR system is a sole source item and the only system of its kind.

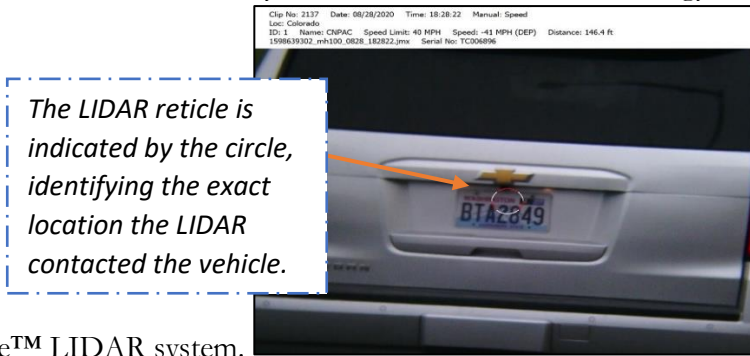
1. **Dedicated, Single Beam Per Lane LIDAR (SBPL) - (Laser)**

The TrueBlue™ (TB) Light Detection and Ranging (LIDAR) system utilizes a proprietary true time-of-flight pulsed laser technology, dedicated per lane to ensure accurate measurement of speed. The system calculates hundreds of measurement points per second as the vehicle travels through the beam. This provides a more accurate speed calculation and ensures that only one vehicle is captured at a time. Other systems use radar or scanning laser, capturing multiple vehicles, which requires a determination of which vehicle was speeding, a determination that can be challenged in court.

This differentiator is a monumental distinction between the True Blue™ program and every other on the market. Single beam LIDAR is the same technology used by law enforcement officers for decades in handheld LIDAR devices and upheld by VA courts, providing police agencies with more defensible citations, as many Judges and Magistrates understand the principles of LIDAR, its capabilities, and dependability.

2. **High-Definition Photos with Blue Vision™ Reticle**

Because the TrueBlue™ LIDAR uses a single-beam laser to calculate speed, it identifies the exact point at which the laser contacted the vehicle, allowing a definitive determination of which vehicle was captured and its speed. The reticle is indisputable evidence that can be used in court for the certainty of identification. This technology is available only with the



TrueBlue™ LIDAR system.

3. TrueBlue™ Investigative ALPR

The TrueBlue™ system is the only program that includes Automated License Plate Recognition (ALPR) cameras at a 1:1 ratio of automated school zone speed enforcement cameras at no cost as a part of an integrated program. Since VA law requires that automated speed enforcement camera video/photos only be used for that purpose, BLS (Blue Line Solutions) has designed a separate proprietary ALPR system that exceeds VA code standards.

A. 911 to ALPR Analytics

TrueBlue™ Investigative ALPR is the only system on the market that utilizes 911 to ALPR analytic technology for integration with a police agency records management system (RMS) or Computer Aided Dispatch (CAD) to add vehicles to an ALPR “hot list”. This technology is unique, and not offered by any other ALPR provider in the industry. The advantages are:

1. ALL other ALPR systems require manual entry of vehicle information into a “hot list” for ALPR cameras to begin “looking” for a particular vehicle.
 - a. 911 call comes into dispatch
 - b. 911 Operator obtains information about the vehicle/crime in question
 - c. Dispatch notifies an officer of the call via radio/CAD
 - d. Officer responds to the call
 - e. Officer obtains information on the vehicle/crime in question
 - f. Officer enters data into an RMS system
 - g. Officer or 911 Operator enters the vehicle information manually into the ALPR system hot list

2. Since the TrueBlue™ system integrates with the CAD / RMS system, the vehicle information is added to a hot list organically as part of the 911 Operator workflow:
 - a. 911 call comes into dispatch
 - b. 911 Operator obtains information about the vehicle/crime in question
 - c. As the 911 Operator types the information into the CAD system, the data automatically populates the data into the Criminal Intelligence Network’s (C.I.N.) 911 to ALPR module.
 - d. The system generates a geofence of a predetermined radius around the crime scene address and notifies all ALPR cameras within the geofence to begin logging all vehicles and searching for the vehicle in question. (No manual entry into a hot list is needed)

The TrueBlue™ system allows the vehicle to be captured within seconds, in contrast to every other system which requires manual entry, taking minutes or hours to achieve. This technological advancement in ALPR means vehicles can now be located in near real-time and is unique to ONLY the TrueBlue™ ALPR system.

4. **Criminal Intelligence Network (C.I.N.)**

All ALPR cameras provided through the TrueBlue™ system, serve as a dual source of data for Blue Line's proprietary CJIS-compliant Criminal Intelligence Network (C.I.N.). The platform can ingest multiple data sources such as ALPR, RMS, Pawn Shop Lists, etc., for aggregation and comparisons. The proprietary analytical functions identify criminal patterns, and activity, and solve crimes with minimal investigative effort. This technology is a sole source item, offered only by BLS, and an organic technology offered as part of the School Zone Safety Program.

5. **TrueBlue™ Programmable Logic Controller (PLC)**

Automated school zone speed enforcement programs are unique, in that they rely on flashing lights to warn drivers of the speed limit change during specific school zone hours. Since speed limits reduce during “flashing light times,” courts often require evidence that the lights were flashing at the time that a citation was issued. For this purpose, BLS integrates a programmable logic controller (PLC) into the system that creates a log each time the flashers come on and go off. If a citizen, member of the media, or court requests proof that the flashers were in operation during a specific period, a log can be provided that indicates when the flashers came on and went off, as associated with the time of day.

- The PLC monitors each pulse of energy that goes to each light head, creating a log of each time a bulb comes on and goes off.
- The PLC sends logs back to BLS via wireless connectivity for an archive of data logs

BLS is the only company that includes a PLC for integration into the school zone flashers, providing a more court-defendable program. The use of this module also reduces the number of complaints that “the lights weren’t flashing,” after the community is made aware through the PI&E (Public Information, Education, & Enforcement) efforts that the technology is in use.

6. **New Guard Program Behavioral Response Reporting - (NG)**

The TrueBlue™ stationary LIDAR system includes data analysis through New Guard (NG), a proprietary analytic tool that measures the effectiveness of the program and changes in driving behaviors. The system generates reports and graphs for the user based on date ranges, citation data, location, etc., providing complex calculations of mass data with no human data input and is designed to track the effectiveness of the program. The TrueBlue™ system is the only system that definitively captures every vehicle (and the data), despite its speed, due to the capabilities of the single beam LIDAR, making report management available to the user in real-time.

7. **High Speed, Multi-Image, Exposure Technology**

The TrueBlue™ LIDAR system captures a minimum of two and a maximum of five images with varying image exposures utilizing IR illumination, eliminating the need for a photo flash. Each image will vary in illumination type, providing multiple images readable in low light or daytime.

8. **Solar-Powered Blue Vision™ Camera**

The TrueBlue™ LIDAR system provided by BLS is the only single-beam LIDAR unit that can be powered completely by solar panels & batteries. All other competitive systems utilize AC power and may have an option for solar power, but not both...and none using LIDAR. This LIDAR, camera combination may be powered by either AC or dedicated solar power, providing more options regarding placement in school zones that may not contain power poles in the geographical area.

9. **TrueBlue Quick Start Program**

The TrueBlue™ LIDAR system is the only device on the market that can be powered by solar power during the installation and permitting process. This option allows for the powering of the LIDAR system while waiting on a power permit or during outages, thus enabling the program to start sooner and maintain operations without AC power.

10. **Radar Feed Back Signs**

The TrueBlue™ School Zone Automated Enforcement Program is the ONLY program in the industry that combines Radar Feedback Signs into the program.



The radar feedback signs, in conjunction with the above-mentioned public information & education program, are designed to provide education and transparency to the community.

1st Warning: State Required Warning Sign

2nd Warning: Radar Feedback sign displaying the vehicle's speed

3rd Warning: School Zone Flashers

11. **TrueBlue™ Assure**

TrueBlue™ Assure removes the worry over continual operation by providing a dedicated, Industry-leading service and maintenance program. TrueBlue™ Assure includes:

- a. TrueBlue™ is the ONLY program in the industry that assures the jurisdiction that they will NEVER receive an invoice for BLS TrueBlue™ automated speed enforcement services if the generated revenue received by the jurisdiction through the program does not supply enough funding for such services. The Assure complies with VA code.

- b. All ongoing maintenance costs, parts, and services, throughout the life of the program.
- c. A seamless, integrated, and automated traffic program (hardware, software, programming, and technical support) that meets and exceeds all state DOT (Department of Transportation) program goals and requirements.
- d. Continuous achievement of reduced traffic speeds.
- e. Dedicated, American-based, Blue Line Solutions-owned, NLETS (National Law Enforcement Telecommunications System) Certified processing center where all detections are identified in a secure facility.

12. **Public Information & Education Program**

The TrueBlue™ School Zone Automated Enforcement Program is the only program in the law enforcement industry that utilizes a five (5) phase Public Information & Education program before implementation. The five phases are:

- a. Phase 1: **Pre-Program Survey** (Initial speed study conducted before the implementation of the program to determine the severity of the speeding problem)
- b. Phase 2: **Public Information & Education (PI&E) Survey** (5-day survey conducted at the beginning of the warning period to measure the effectiveness of the PI&E campaign)
- c. Phase 3: **Warning Survey** (5-day survey conducted after the warning period has concluded to measure the effectiveness of the warning period)
- d. Phase 4: **Initial Enforcement Survey** (5-day survey conducted approximately 5 weeks into enforcement to measure the effectiveness of weeks 1-4 of the enforcement period)
- e. Phase 5: **Post Implementation Survey** (Conducted 3 months from the phase 4 program to measure the effectiveness of the ongoing program after the initial enforcement phase.

TRUEBLUE™
SPEED ENFORCEMENT | SCHOOL ZONE

ARTICLE VIII. - STATE TRAFFIC LAWS

Sec. 7-148. - Adoption of state law by reference.

Pursuant to the authority of Sections 46.2-1313 and 46.2-1300 of the Code of Virginia, 1950, as amended, all of the provisions and requirements of the highway and motor vehicle laws of the state contained in the provisions of the Code of Virginia, Title 46.2 and Article 2 (Section 18.2-266 et seq.) of Chapter 7 of Title 18.2 of the Code of Virginia, 1950, as amended, as in force and effect on the 1st day of January, 1995, and as amended in the future, except those provisions and requirements the violation of which constitutes a felony, and except those provisions and requirements which by their very nature can have no application to or within the county, are hereby adopted and incorporated in this section by reference and made applicable within the county. References to "highways of the state" contained in such provisions and requirements hereby adopted shall be deemed to refer to the streets, highways and other public ways within the county. Such provisions and requirements are hereby adopted, mutatis mutandis, and made a part of this section as fully as though set forth at length herein, and it shall be unlawful for any person, within the county, to violate, or fail, neglect or refuse to comply with any provision of Title 46.2 or Article 2 (Section 18.2-266 et seq.) of Chapter 7 of Title 18.2 of the Code of Virginia, 1950, as amended, which is adopted by this section; the penalty imposed for the violation of any provision or requirement hereby adopted shall be the penalty imposed for the same offense under Title 46.2 or Article 2 (Section 18.2-266 et seq.) of Chapter 7 of Title 18.2 of the Code of Virginia, 1950, as amended.

(Ord. of 11-8-94; Res. of 7-8-03)

§ 46.2-882.1. Use of photo speed monitoring devices in highway work zones and school crossing zones; civil penalty

A. For the purposes of this section:

"Highway work zone" has the same meaning ascribed to it in § [46.2-878.1](#).

"Photo speed monitoring device" means equipment that uses radar or LIDAR-based speed detection and produces one or more photographs, microphotographs, videotapes, or other recorded images of vehicles.

"School crossing zone" has the same meaning ascribed to it in § [46.2-873](#).

B. A state or local law-enforcement agency may place and operate a photo speed monitoring device in school crossing zones for the purposes of recording violations of § [46.2-873](#) and in highway work zones for the purposes of recording violations of § [46.2-878.1](#).

1. The operator of a vehicle shall be liable for a monetary civil penalty imposed pursuant to this section if such vehicle is found, as evidenced by information obtained from a photo speed monitoring device, to be traveling at speeds of at least 10 miles per hour above the posted school crossing zone or highway work zone speed limit within such school crossing zone or highway work zone. Such civil penalty shall not exceed \$100, and any prosecution shall be instituted and conducted in the same manner as prosecution for traffic infractions. Civil penalties collected under this section resulting from a summons issued by a local law-enforcement officer shall be paid to the locality in which such violation occurred. Civil penalties collected under this section resulting from a summons issued by a law-enforcement officer employed by the Department of State Police shall be paid into the Literary Fund.

2. If a photo speed monitoring device is used, proof of a violation of § [46.2-873](#) or [46.2-878.1](#) shall be evidenced by information obtained from such device. A certificate, or a facsimile thereof, sworn to or affirmed by a law-enforcement officer, based upon inspection of photographs, microphotographs, videotapes, or other recorded images produced by a photo speed monitoring device, shall be prima facie evidence of the facts contained therein. Any photographs, microphotographs, videotapes, or other recorded images evidencing such a violation shall be available for inspection in any proceeding to adjudicate the liability for such violation of § [46.2-873](#) or [46.2-878.1](#).

3. In the prosecution for a violation of § [46.2-873](#) or [46.2-878.1](#) in which a summons was issued by mail, prima facie evidence that the vehicle described in the summons issued pursuant to this section was operated in violation of § [46.2-873](#) or [46.2-878.1](#), together with proof that the defendant was at the time of such violation the owner, lessee, or renter of the vehicle, shall constitute in evidence a rebuttable presumption that such owner, lessee, or renter of the vehicle was the person who committed the violation. Such presumption shall be rebutted if the owner, lessee, or renter of the vehicle (i) files an affidavit by regular mail with the clerk of the general

district court that he was not the operator of the vehicle at the time of the alleged violation and provides the name and address of the person who was operating the vehicle at the time of the alleged violation or (ii) testifies in open court under oath that he was not the operator of the vehicle at the time of the alleged violation and provides the name and address of the person who was operating the vehicle at the time of the alleged violation. Such presumption shall also be rebutted if a certified copy of a police report, showing that the vehicle had been reported to the police as stolen prior to the time of the alleged violation of § 46.2-873 or 46.2-878.1, is presented, prior to the return date established on the summons issued pursuant to this section, to the court adjudicating the alleged violation.

4. Imposition of a penalty pursuant to this section by mailing a summons shall not be deemed a conviction as an operator and shall not be made part of the operating record of the person upon whom such liability is imposed, nor shall it be used for insurance purposes in the provision of motor vehicle insurance coverage. However, if a law-enforcement officer uses a photo speed monitoring device to record a violation of § 46.2-873 or 46.2-878.1 and personally issues a summons at the time of the violation, the conviction that results shall be made a part of such driver's driving record and used for insurance purposes in the provision of motor vehicle insurance coverage.

5. A summons for a violation of § 46.2-873 or 46.2-878.1 issued by mail pursuant to this section may be executed pursuant to § 19.2-76.2. Notwithstanding the provisions of § 19.2-76, a summons issued by mail pursuant to this section may be executed by mailing by first-class mail a copy thereof to the owner, lessee, or renter of the vehicle. In the case of a vehicle owner, the copy shall be mailed to the address contained in the records of or accessible to the Department. In the case of a vehicle lessee or renter, the copy shall be mailed to the address contained in the records of the lessor or renter. Every such mailing shall include, in addition to the summons, a notice of (i) the summoned person's ability to rebut the presumption that he was the operator of the vehicle at the time of the alleged violation through the filing of an affidavit as provided in subdivision 3 and (ii) instructions for filing such affidavit, including the address to which the affidavit is to be sent. If the summoned person fails to appear on the date of return set out in the summons mailed pursuant to this section, the summons shall be executed in the manner set out in § 19.2-76.3. No proceedings for contempt or arrest of a person summoned by mailing shall be instituted for failure to appear on the return date of the summons. If the summons is issued to an owner, lessee, or renter of a vehicle with a registration outside the Commonwealth and such person fails to appear on the date of return set out in the summons mailed pursuant to this section, the summons will be eligible for all legal collections activities. Any summons executed for a violation of § 46.2-873 or 46.2-878.1 issued pursuant to this section shall provide to the person summoned at least 30 days from the mailing of the summons to inspect information collected by a photo speed monitoring device in connection with the violation. If the law-enforcement agency that was operating the photo speed monitoring device does not execute a summons for a violation of § 46.2-873 or 46.2-878.1 issued pursuant to this section within 30 days from the date of the violation, all information collected pertaining to that suspected violation shall be purged within 60 days from the date of the violation.

6. A private vendor may enter into an agreement with a law-enforcement agency to be compensated for providing a photo speed monitoring device and all related support services, including consulting, operations, and administration. However, only a law-enforcement officer may swear to or affirm the certificate required by this subsection. Any such agreement for compensation shall be based on the value of the goods and services provided, not on the number

of violations paid or monetary penalties imposed. Any private vendor contracting with a law-enforcement agency pursuant to this section may enter into an agreement with the Department, in accordance with the provisions of subdivision B 31 of § 46.2-208, to obtain vehicle owner information regarding the registered owners of vehicles that committed a violation of § 46.2-873 or 46.2-878.1. Any such information provided to such private vendor shall be protected in a database.

7. Information collected by a photo speed monitoring device operated pursuant to this section shall be limited exclusively to that information that is necessary for the enforcement of school crossing zone and highway work zone speeding violations. Information provided to the operator of a photo speed monitoring device shall be protected in a database and used only for enforcement against individuals who violate the provisions of this section or § 46.2-873 or 46.2-878.1. Notwithstanding any other provision of law, all photographs, microphotographs, videotapes, or other recorded images collected by a photo speed monitoring device shall be used exclusively for enforcing school crossing zone and highway work zone speed limits and shall not be (i) open to the public; (ii) sold or used for sales, solicitation, or marketing purposes; (iii) disclosed to any other entity except as may be necessary for the enforcement of school crossing zone and highway work zone speed limits or to a vehicle owner or operator as part of a challenge to the violation; or (iv) used in a court in a pending action or proceeding unless the action or proceeding relates to a violation of this section or § 46.2-873 or 46.2-878.1, or such information is requested upon order from a court of competent jurisdiction. Information collected under this section pertaining to a specific violation shall be purged and not retained later than 60 days after the collection of any civil penalties. Any law-enforcement agency using photo speed monitoring devices shall annually certify compliance with this section and make all records pertaining to such system available for inspection and audit by the Commissioner of Highways or the Commissioner of the Department of Motor Vehicles or his designee. Any person who discloses personal information in violation of the provisions of this subdivision shall be subject to a civil penalty of \$1,000 per disclosure.

8. A conspicuous sign shall be placed within 1,000 feet of any school crossing zone or highway work zone at which a photo speed monitoring device is used, indicating the use of the device. There shall be a rebuttable presumption that such sign was in place at the time of the commission of the speed limit violation.

9. Any state or local law-enforcement agency that places and operates a photo speed monitoring device pursuant to the provisions of this section shall report to the Department of State Police, in a format to be determined by the Department of State Police, by January 15 of each year on the number of traffic violations prosecuted, the number of successful prosecutions, and the total amount of monetary civil penalties collected. The Department of State Police shall aggregate such information and report it to the General Assembly by February 15 of each year.

2020, c. 1232.

The chapters of the acts of assembly referenced in the historical citation at the end of this section(s) may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.



Blue Line Solutions, LLC

3903 Volunteer Dr. - Suite 400, Chattanooga, TN 37416

Tel: (855) 252-0086 Fax: (423) 803-1500

www.bluelinesolutions.org

Nelson County Middle & High School

Nelson County, VA: Thomas Nelson Hwy

Times: (7:30 AM - 8:30 AM), (8:30 AM - 3:15 PM), (3:15 PM - 4:00 PM)

Blue Line Solutions, LLC (BLS) conducted speed studies at Nelson County Middle & High School on Thomas Nelson Hwy during the periods and times listed below.

This report was completed given the speed and time limit parameters of:

Regular Speed Limit: 60 MPH

School Zone Speed Limit: 35 MPH

Dates of Study:

Tuesday	9/27/2022 :	(7:30 AM - 8:30 AM), (8:30 AM - 3:15 PM), (3:15 PM - 4:00 PM)
Wednesday	9/28/2022 :	(7:30 AM - 8:30 AM), (8:30 AM - 3:15 PM), (3:15 PM - 4:00 PM)
Thursday	9/29/2022 :	(7:30 AM - 8:30 AM), (8:30 AM - 3:15 PM), (3:15 PM - 4:00 PM)
Friday	9/30/2022 :	(7:30 AM - 8:30 AM), (8:30 AM - 3:15 PM), (3:15 PM - 4:00 PM)
Monday	10/3/2022 :	(7:30 AM - 8:30 AM), (8:30 AM - 3:15 PM), (3:15 PM - 4:00 PM)

The following report only reflects dates and times listed in the dates above. During the specified dates and time periods, the traffic counts were as follows:

Date	(7:30 AM - 8:30 AM)			(8:30 AM - 3:15 PM)			(3:15 PM - 4:00 PM)		
	<u>Vehicle Count</u>	<u>Speeders</u>	<u>% Speeding</u>	<u>Vehicle Count</u>	<u>Speeders</u>	<u>% Speeding</u>	<u>Vehicle Count</u>	<u>Speeders</u>	<u>% Speeding</u>
9/27/2022	1,044	396	37.9%	6,754	174	2.6%	810	476	58.8%
9/28/2022	1,069	376	35.2%	6,850	149	2.2%	893	508	56.9%
9/29/2022	979	380	38.8%	7,331	158	2.2%	1,092	647	59.2%
9/30/2022	1,024	365	35.6%	7,988	209	2.6%	863	440	51.0%
10/3/2022	878	344	39.2%	6,847	181	2.6%	860	511	59.4%
Totals:	4,994	1,861	37.3%	35,770	871	2.4%	4,518	2,582	57.1%

5 Day Total Vehicle Count:

45,282

5 Day Total Speeding Violations Recorded:

5,314

Note: Speeding is defined as any recorded speed more than 10MPH over the designated speed limit.



Blue Line Solutions, LLC

3903 Volunteer Dr. - Suite 400, Chattanooga, TN 37416

Tel: (855) 252-0086 Fax: (423) 803-1500

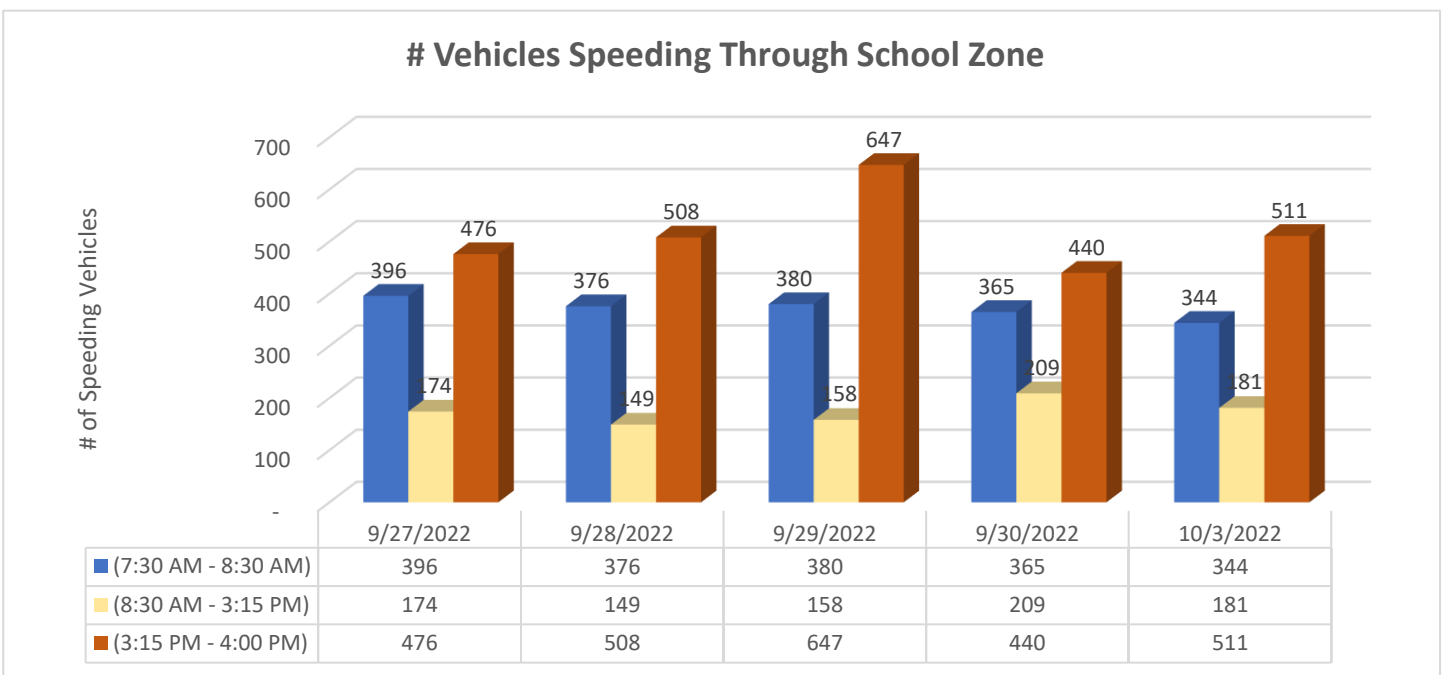
www.bluelinesolutions.org

Nelson County Middle & High School

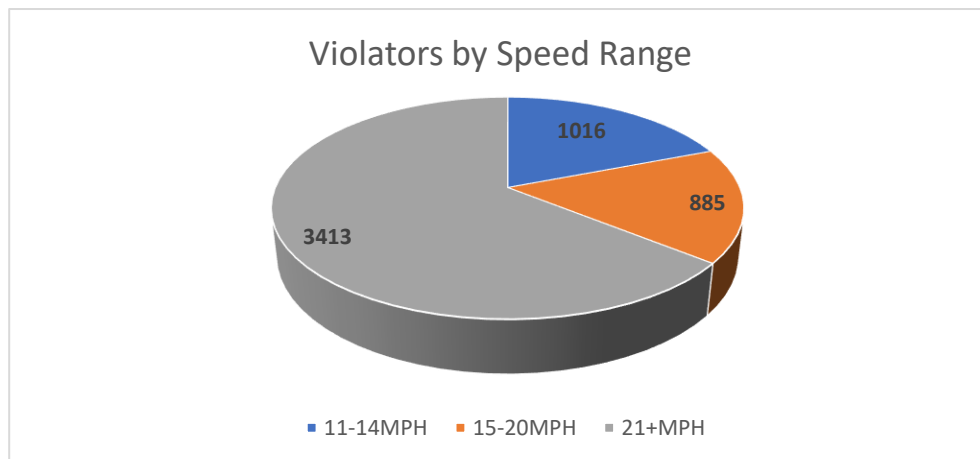
Nelson County, VA: Thomas Nelson Hwy

Times: (7:30 AM - 8:30 AM), (8:30 AM - 3:15 PM), (3:15 PM - 4:00 PM)

The below graph indicates the number of vehicles speeding through the zone at 11 MPH+ during the times of (7:30 AM - 8:30 AM), (8:30 AM - 3:15 PM), (3:15 PM - 4:00 PM).



The following graph depicts the speed range breakdown of violators.





Blue Line Solutions, LLC

3903 Volunteer Dr. - Suite 400, Chattanooga, TN 37416

Tel: (855) 252-0086 Fax: (423) 803-1500

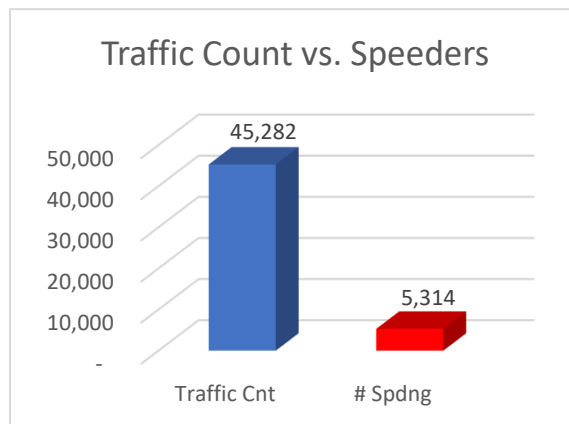
www.bluelinesolutions.org

Nelson County Middle & High School

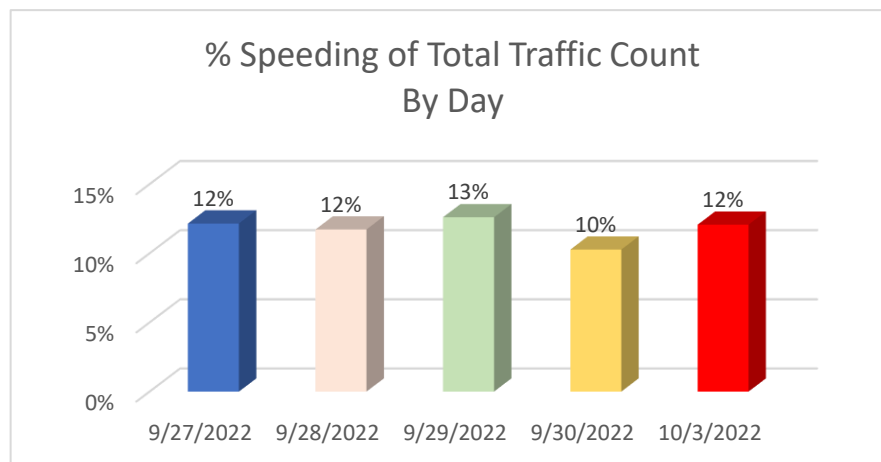
Nelson County, VA: Thomas Nelson Hwy

Times: (7:30 AM - 8:30 AM), (8:30 AM - 3:15 PM), (3:15 PM - 4:00 PM)

The total traffic count during the hours (7:30 AM - 4:00 PM) was 45,282. Of those, 5,314 (12%) were speeding at 11 MPH+ above the speed limit.



Data indicates a percentage range of 10% - 13% of vehicles traveling through the zone during the hours of (7:30 AM - 4:00 PM) were speeding in excess of 11 MPH+ throughout the week.



IMPORTANT NOTE

*This report is based off the raw data of time and speeds captured from:
9/27/2022 - 10/3/2022.*

**All data recorded with Houston Radar Armadillo Tracker may differ from future results due to public education and information efforts, deployment of radar speed signs upon entrance to the speed zone, and use of L.I.D.A.R (Light Detection and Ranging) Laser enforcement systems.*



Blue Line Solutions, LLC

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www.bluelinesolutions.org

Tye River Elementary School

Nelson County, VA: Thomas Nelson Hwy

Times: (7:20 AM - 8:00 AM), (8:00 AM - 2:45 PM), (2:45 PM - 3:30 PM)

Blue Line Solutions, LLC (BLS) conducted speed studies at Tye River Elementary School on Thomas Nelson Hwy during the periods and times listed below.

This report was completed given the speed and time limit parameters of:

Regular Speed Limit: 60 MPH

School Zone Speed Limit: 35 MPH

Dates of Study:

Tuesday	9/27/2022 :	(7:20 AM - 8:00 AM), (8:00 AM - 2:45 PM), (2:45 PM - 3:30 PM)
Wednesday	9/28/2022 :	(7:20 AM - 8:00 AM), (8:00 AM - 2:45 PM), (2:45 PM - 3:30 PM)
Thursday	9/29/2022 :	(7:20 AM - 8:00 AM), (8:00 AM - 2:45 PM), (2:45 PM - 3:30 PM)
Friday	9/30/2022 :	(7:20 AM - 8:00 AM), (8:00 AM - 2:45 PM), (2:45 PM - 3:30 PM)
Monday	10/3/2022 :	(7:20 AM - 8:00 AM), (8:00 AM - 2:45 PM), (2:45 PM - 3:30 PM)

The following report only reflects dates and times listed in the dates above. During the specified dates and time periods, the traffic counts were as follows:

Date	(7:20 AM - 8:00 AM)			(8:00 AM - 2:45 PM)			(2:45 PM - 3:30 PM)		
	<u>Vehicle Count</u>	<u>Speeders</u>	<u>% Speeding</u>	<u>Vehicle Count</u>	<u>Speeders</u>	<u>% Speeding</u>	<u>Vehicle Count</u>	<u>Speeders</u>	<u>% Speeding</u>
9/27/2022	767	95	12.4%	7,384	338	4.6%	910	257	28.2%
9/28/2022	896	145	16.2%	7,530	362	4.8%	928	273	29.4%
9/29/2022	885	105	11.9%	7,937	397	5.0%	1,073	374	34.9%
9/30/2022	828	107	12.9%	8,805	519	5.9%	1,010	389	38.5%
10/3/2022	858	102	11.9%	7,595	431	5.7%	945	309	32.7%
Totals:	4,234	554	13.1%	39,251	2,047	5.2%	4,866	1,602	32.9%

5 Day Total Vehicle Count:

48,351

5 Day Total Speeding Violations Recorded:

4,203

Note: Speeding is defined as any recorded speed more than 10MPH over the designated speed limit.



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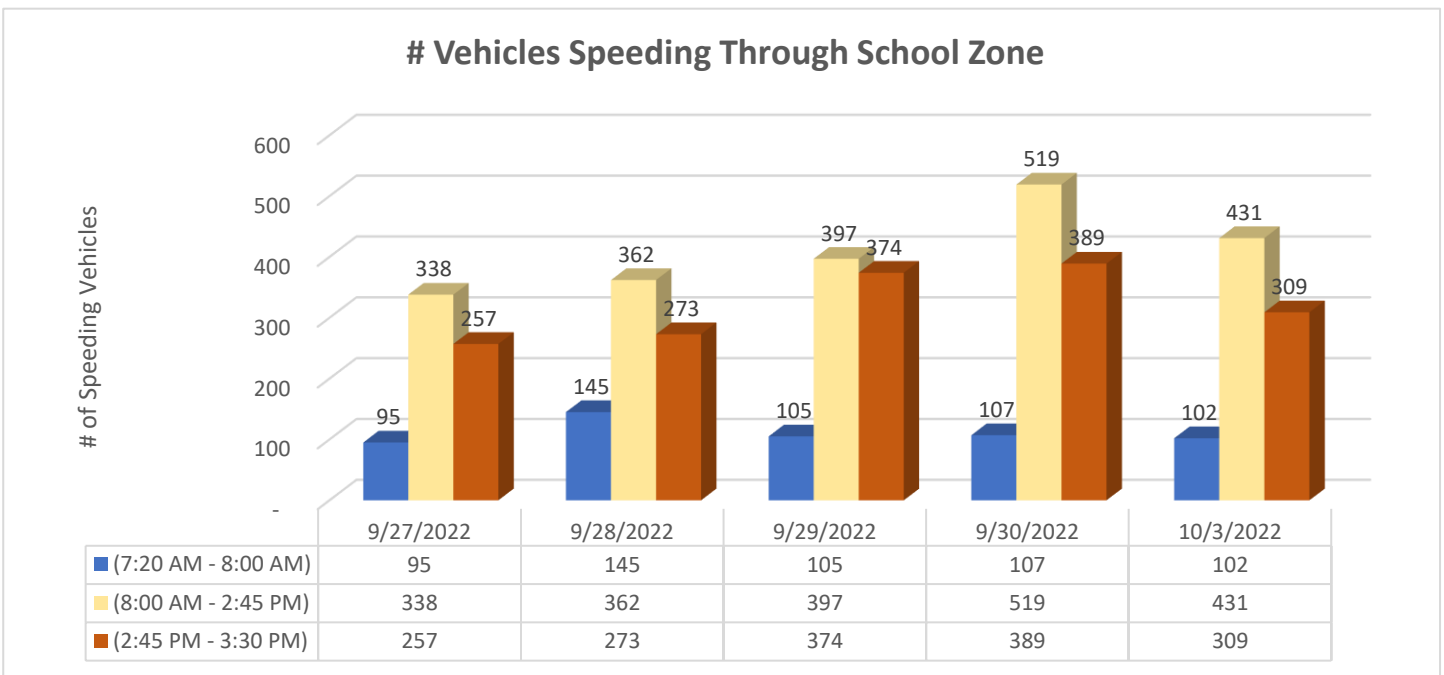
www.bluelinesolutions.org

Tye River Elementary School

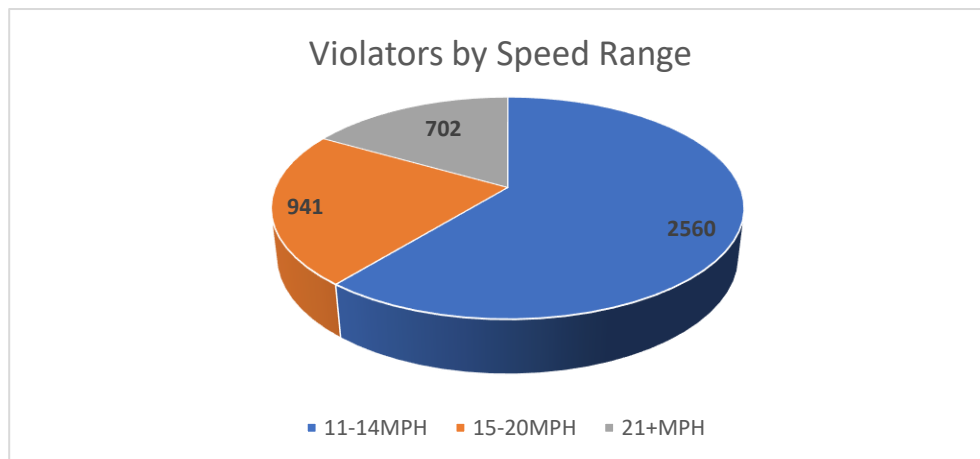
Nelson County, VA: Thomas Nelson Hwy

Times: (7:20 AM - 8:00 AM), (8:00 AM - 2:45 PM), (2:45 PM - 3:30 PM)

The below graph indicates the number of vehicles speeding through the zone at 11 MPH+ during the times of (7:20 AM - 8:00 AM), (8:00 AM - 2:45 PM), (2:45 PM - 3:30 PM).



The following graph depicts the speed range breakdown of violators.





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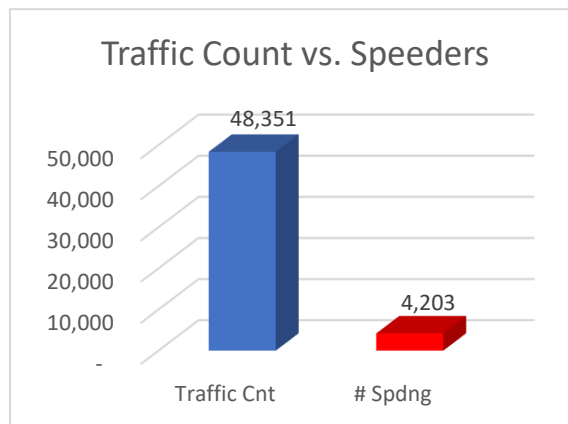
www.bluelinesolutions.org

Tye River Elementary School

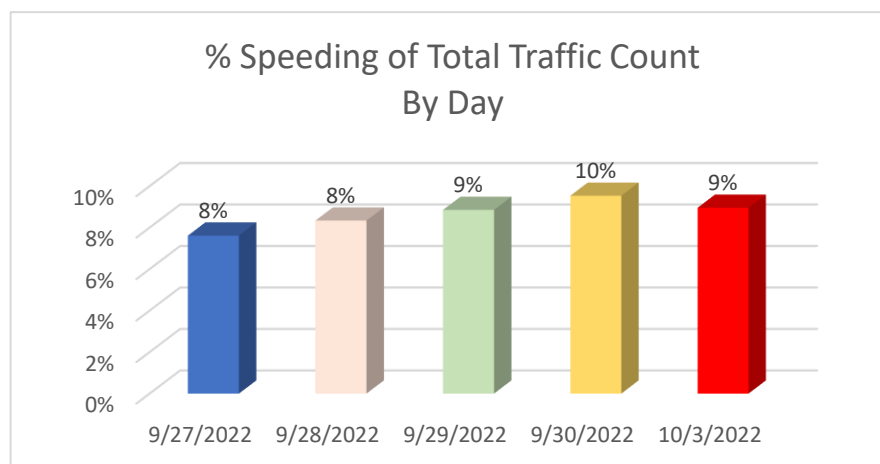
Nelson County, VA: Thomas Nelson Hwy

Times: (7:20 AM - 8:00 AM), (8:00 AM - 2:45 PM), (2:45 PM - 3:30 PM)

The total traffic count during the hours (7:20 AM - 3:30 PM) was 48,351. Of those, 4,203 (9%) were speeding at 11 MPH+ above the speed limit.



Data indicates a percentage range of 8% - 10% of vehicles traveling through the zone during the hours of (7:20 AM - 3:30 PM) were speeding in excess of 11 MPH+ throughout the week.



IMPORTANT NOTE

*This report is based off the raw data of time and speeds captured from:
9/27/2022 - 10/3/2022.*

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Rockfish Elementary School

Nelson County, VA: Chapel Hollow Rd

Times: (7:20 AM - 8:00 AM), (8:00 AM - 2:45 PM), (2:45 PM - 3:30 PM)

Blue Line Solutions, LLC (BLS) conducted speed studies at Rockfish Elementary School on Chapel Hollow Rd during the periods and times listed below.

This report was completed given the speed and time limit parameters of:

Regular Speed Limit: 45 MPH

School Zone Speed Limit: 35 MPH

Dates of Study:

Tuesday	9/27/2022 :	(7:20 AM - 8:00 AM), (8:00 AM - 2:45 PM), (2:45 PM - 3:30 PM)
Wednesday	9/28/2022 :	(7:20 AM - 8:00 AM), (8:00 AM - 2:45 PM), (2:45 PM - 3:30 PM)
Thursday	9/29/2022 :	(7:20 AM - 8:00 AM), (8:00 AM - 2:45 PM), (2:45 PM - 3:30 PM)
Friday	9/30/2022 :	(7:20 AM - 8:00 AM), (8:00 AM - 2:45 PM), (2:45 PM - 3:30 PM)
Monday	10/3/2022 :	(7:20 AM - 8:00 AM), (8:00 AM - 2:45 PM), (2:45 PM - 3:30 PM)

The following report only reflects dates and times listed in the dates above. During the specified dates and time periods, the traffic counts were as follows:

Date	(7:20 AM - 8:00 AM)			(8:00 AM - 2:45 PM)			(2:45 PM - 3:30 PM)		
	<u>Vehicle Count</u>	<u>Speeders</u>	<u>% Speeding</u>	<u>Vehicle Count</u>	<u>Speeders</u>	<u>% Speeding</u>	<u>Vehicle Count</u>	<u>Speeders</u>	<u>% Speeding</u>
9/27/2022	393	28	7.1%	3,266	346	10.6%	423	70	16.5%
9/28/2022	444	40	9.0%	3,661	357	9.8%	467	87	18.6%
9/29/2022	420	26	6.2%	4,026	334	8.3%	585	105	17.9%
9/30/2022	429	15	3.5%	4,364	317	7.3%	509	76	14.9%
10/3/2022	386	12	3.1%	3,554	381	10.7%	460	47	10.2%
Totals:	2,072	121	5.8%	18,871	1,735	9.2%	2,444	385	15.8%

5 Day Total Vehicle Count:

23,387

5 Day Total Speeding Violations Recorded:

2,241

Note: Speeding is defined as any recorded speed more than 10MPH over the designated speed limit.



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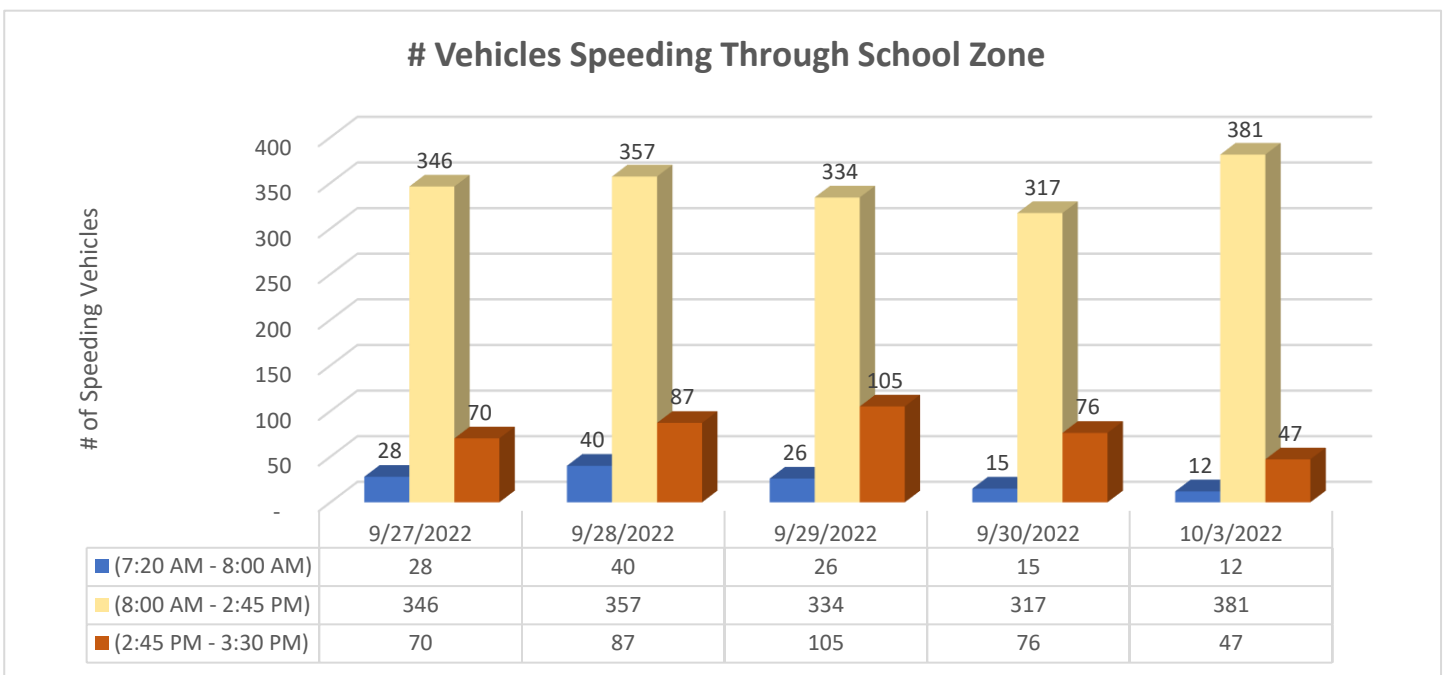
www.bluelinesolutions.org

Rockfish Elementary School

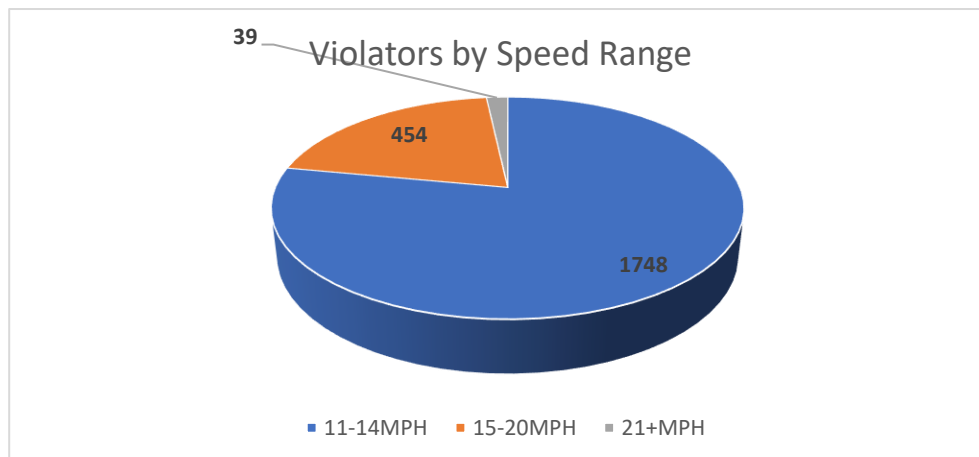
Nelson County, VA: Chapel Hollow Rd

Times: (7:20 AM - 8:00 AM), (8:00 AM - 2:45 PM), (2:45 PM - 3:30 PM)

The below graph indicates the number of vehicles speeding through the zone at 11 MPH+ during the times of (7:20 AM - 8:00 AM), (8:00 AM - 2:45 PM), (2:45 PM - 3:30 PM).



The following graph depicts the speed range breakdown of violators.





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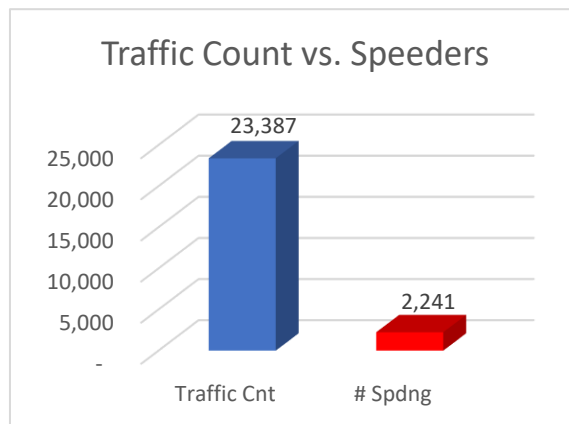
www.bluelinesolutions.org

Rockfish Elementary School

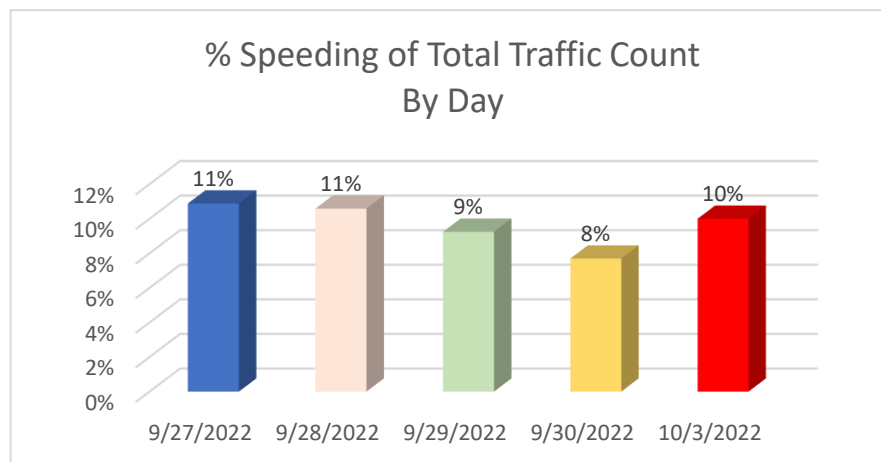
Nelson County, VA: Chapel Hollow Rd

Times: (7:20 AM - 8:00 AM), (8:00 AM - 2:45 PM), (2:45 PM - 3:30 PM)

The total traffic count during the hours (7:20 AM - 3:30 PM) was 23,387. Of those, 2,241 (10%) were speeding at 11 MPH+ above the speed limit.



Data indicates a percentage range of 8% - 11% of vehicles traveling through the zone during the hours of (7:20 AM - 3:30 PM) were speeding in excess of 11 MPH+ throughout the week.



IMPORTANT NOTE

*This report is based off the raw data of time and speeds captured from:
9/27/2022 - 10/3/2022.*

**All data recorded with Houston Radar Armadillo Tracker may differ from future results due to public education and information efforts, deployment of radar speed signs upon entrance to the speed zone, and use of L.I.D.A.R (Light Detection and Ranging) Laser enforcement systems.*

DATE: December 4, 2023

RE: December 12, 2023 Agenda Summary Item VI D. Transient Occupancy Tax (TOT) Rate Increase (O2023-02)

Timeline Update:

- The public hearing on Ordinance O2023-02 increasing the TOT from 5% to 7% was held on May 9, 2023 and action was deferred. 7% is the maximum rate that can be considered.
- The Ordinance was considered at the July 11, 2023 regular Board of Supervisors meeting, a vote was taken and the motion to adopt the Ordinance O2023-02 failed on a tie vote with Mr. Parr being absent. As later advised by Mr. Payne, with no Motion to Reconsider having been made by a member of the prevailing party (in this case those voting no) at that meeting; then any member regardless of the prior vote may again at a subsequent meeting, move the adoption of the Ordinance on the same subject.
- At the November 16, 2023 rescheduled regular Board meeting, Supervisors directed consideration of Ordinance O2023-02 be included on the December 12, 2023 meeting agenda.

Annual Rate/Revenue Comparison:

	<u>Current 5% Rate</u>	<u>6% Rate = 20% Increase</u>	<u>7% Rate = 40% Increase</u>	<u>1% Increase in Rate = 20% Increase</u>
FY24 Estimated TOT	\$ 1,800,000	\$360,000	\$720,000	\$360,000

Per State Code Section 58.1-3819, 3% of the first 5% (60%) must go towards tourism, with the excess over 5% being unrestricted. (See Included Code Section)

<u>CURRENT TOT RATE</u>	<u>5%</u>
FY24 Estimated TOT Revenue	\$ 1,800,000
60% Restricted For Tourism (3%)	\$ 1,080,000
Unrestricted Revenue	\$ 720,000

	<u>6% Rate</u>	<u>7% Rate</u>
Total Annual Revenue	\$ 2,160,000	\$ 2,520,000
Revenue at 5% Rate	\$ 1,800,000	\$ 1,800,000
New Revenue	\$ 360,000	\$ 720,000
Restricted Revenue	\$ 1,080,000	\$ 1,080,000
Total Unrestricted Annual Revenue	\$ 1,080,000	\$ 1,440,000

Area Transient Occupancy Tax Rates – July 1, 2023 (VA Dept. of Taxation)

[transient-occupancy-tax-rate-chart_10.xlsx \(live.com\)](#)

<u>Locality</u>	<u>Rate</u>	<u>Additional Fees</u>
Nelson County - 2002	5%	
Albemarle County - 1985	8%	
Appomattox County - 2021	2%	
Amherst County - 2017	5%	
Lynchburg -2021	6.5%	\$1.00 per night
Campbell County -2012	2%	
Augusta County - 2021	6%	
Rockbridge County -2020	10%	
Buckingham County -2012	2%	
Fluvanna – 2023	5%	

Commissioner of Revenue Recommendation:

The Commissioner recommends making any changes to this rate effective in the month of January; each November the Commissioner’s Office gets the Transient Occupancy Tax package together to be mailed out in December.

Effective Date and State Code Compliance: §58.1-210.1 Publication of local transient occupancy taxes:

State Code Section §58.1-210.1 Publication of local transient occupancy taxes requires “**tax assessing officers to provide the Department of Taxation with at least 30 days’ notice prior to the effective date of any change in such rate. Any change in the rate of any local transient occupancy tax shall become effective no earlier than the first day of the calendar quarter following the calendar quarter in which the change in such rate is enacted**”. **Therefore, if O2023-02 is enacted on December 12th, the soonest it could be effective would be February 1, 2024 given immediate notice by the Commissioner of Revenue to the State Department of Taxation. This date would provide 30 days’ notice and is also after the first day of the calendar quarter following enactment, which is January 1, 2024.** (See Included Code Sections)

Several months lead time in implementing a change would allow for the Commissioner’s Office to re-vamp their forms and tax package for distribution and provide for ample notification to the State Department of Taxation pursuant to §58.1 -210.1, taxpayers, and third party intermediaries such as Airbnb and Vrbo.

Conflict of Interest Provisions:

State Code Section 2.2-3112 B (3) Prohibited conduct concerning personal interest in a transaction; exceptions states:

B. An officer or employee of any state or local government or advisory agency who has a personal interest in a transaction may participate in the transaction:

3. If it affects the public generally, even though his personal interest, as a member of the public, may also be affected by that transaction.



BOARD OF SUPERVISORS

THOMAS D. HARVEY
North District

ERNIE Q. REED
Central District

JESSE N. RUTHERFORD
East District

ROBERT G. BARTON, JR.
South District

J. DAVID PARR
West District

CANDICE W. MCGARRY
County Administrator

AMANDA B. SPIVEY
Administrative Assistant/
Deputy Clerk

LINDA K. STATON
Director of Finance and
Human Resources

DRAFT

**ORDINANCE 2023-02
NELSON COUNTY BOARD OF SUPERVISORS
AMENDMENT OF THE CODE OF NELSON COUNTY, VIRGINIA
CHAPTER 11, TAXATION, ARTICLE VI TRANSIENT OCCUPANCY TAX**

BE IT HEREBY ORDAINED, by the Nelson County Board of Supervisors that the Code of Nelson County, Virginia, Chapter 11, Taxation, Article VI is hereby amended as follows:

Amend

Sec. 11-131. Levy of tax on transient room rentals; collection generally.

There is hereby imposed and levied upon every transient obtaining or occupying lodging within the county, in addition to all other taxes and fees of every kind now imposed by law, a tax equivalent to *seven (7) five (5)* percent of the amount charged for such lodging. The tax shall be collected from transients in the manner and at the time provided for in this article.

BE IT FURTHER ORDAINED, that this ordinance becomes effective _____.

Adopted: _____

Attest: _____, Clerk
Nelson County Board of Supervisors

Please publish Thurs. April 27th and May 4th in The Nelson County Times:

**LEGAL NOTICE
NOTICE OF PUBLIC HEARING
NELSON COUNTY BOARD OF SUPERVISORS**

In accordance with Volume 3A, Title 15.2, Counties, Cities and Towns, of the Code of Virginia, 1950, as amended, and pursuant to §58.1-3007, §58.1-3819, §15.2-1427, and §15.2-107, the Nelson County Board of Supervisors hereby gives notice that a Public Hearing will start at **7:00 p.m., Tuesday, May 9, 2023** in the **General District Courtroom** on the third floor of the Nelson County Courthouse located at 84 Courthouse Square, Lovingston, to receive public input for the following proposed ordinance which increases the Transient Occupancy Tax rate from five (5) percent to seven (7) percent; the equivalent of a 40% increase in rate:

**NELSON COUNTY BOARD OF SUPERVISORS
AMENDMENT OF THE CODE OF NELSON COUNTY, VIRGINIA
CHAPTER 11, TAXATION, ARTICLE VI TRANSIENT OCCUPANCY TAX**

BE IT HEREBY ORDAINED, by the Nelson County Board of Supervisors that the Code of Nelson County, Virginia, Chapter 11, Taxation, Article VI is hereby amended as follows:

Amend

Sec. 11-131. Levy of tax on transient room rentals; collection generally.

There is hereby imposed and levied upon every transient obtaining or occupying lodging within the county, in addition to all other taxes and fees of every kind now imposed by law, a tax equivalent to *seven (7)* ~~five (5)~~ percent of the amount charged for such lodging. The tax shall be collected from transients in the manner and at the time provided for in this article.

BE IT FURTHER ORDAINED, that this ordinance becomes effective January 1, 2024.

This publication contains the full text of the proposed ordinance. Copies of the above files are available for review in the Office of the County Administrator, 84 Courthouse Square, Lovingston, Virginia, Monday through Friday, 9:00 a.m. to 5:00 p.m. For more information, call the County Administrator's Office at (434) 263-7000. EOE.

BY AUTHORITY OF NELSON COUNTY BOARD OF SUPERVISORS

TRANSIENT OCCUPANCY TAX (TOT)
RATE INCREASE
PUBLIC HEARING
MAY 9, 2023

*TAX RATE IS SET BY ORDINANCE WHICH REQUIRES A PUBLIC HEARING

BACKGROUND ON BOARD OF SUPERVISOR'S PREVIOUS CONSIDERATION OF INCREASING THE TRANSIENT OCCUPANCY TAX RATE:

* **ON APRIL 28, 2022**, A PUBLIC HEARING WAS HELD BY THE BOARD OF SUPERVISORS ON A PROPOSED RATE INCREASE FROM 5% TO 10%. NO ACTION WAS TAKEN ON THE PROPOSED ORDINANCE AMENDMENT, WHICH WAS DEFERRED UNTIL THE MAY 10, 2022 REGULAR BOARD MEETING.

* **ON MAY 10, 2022**, THE PROPOSED ORDINANCE AMENDMENT WAS RE-CONSIDERED WITH NO ACTION TAKEN AND A COMMITTEE CREATED TO REVIEW TAX PAYMENT ENFORCEMENT EFFORTS.

* THE COMMITTEE MET SEVERAL TIMES THROUGHOUT THE YEAR AND SHORT TERM RENTAL EDUCATION AND ENFORCEMENT IMPROVEMENTS WERE IMPLEMENTED.

* BECAUSE NO ACTION ON THE PREVIOUS ORDINANCE WAS TAKEN BY THE BOARD, A NEW PUBLIC HEARING IS NOT REQUIRED BY STATUTE; HOWEVER, THE BOARD OF SUPERVISORS AUTHORIZED A SECOND PUBLIC HEARING AT THEIR APRIL 18, 2023 CONTINUED MEETING, IN ORDER TO HEAR THE PUBLIC'S INPUT.

PURSUANT TO CODE OF VIRGINIA §58.1-3007 NOTICE PRIOR TO INCREASE OF LOCAL TAX LEVY; HEARING:

BEFORE ANY LOCAL TAX LEVY SHALL BE INCREASED IN ANY COUNTY, CITY, TOWN, OR DISTRICT, SUCH PROPOSED INCREASE SHALL BE PUBLISHED IN A NEWSPAPER HAVING GENERAL CIRCULATION IN THE LOCALITY AFFECTED AREA AT LEAST SEVEN DAYS BEFORE THE INCREASED LEVY IS MADE AND THE CITIZENS OF THE LOCALITY SHALL BE GIVEN AN OPPORTUNITY TO APPEAR BEFORE, AND BE HEARD BY, THE LOCAL GOVERNING BODY ON THE SUBJECT OF SUCH INCREASE.

PURSUANT TO CODE OF VIRGINIA §15.2-1427(F) ADOPTION OF ORDINANCES AND RESOLUTIONS GENERALLY; AMENDING OR REPEALING ORDINANCES:

F. IN COUNTIES, EXCEPT AS OTHERWISE AUTHORIZED BY LAW, NO ORDINANCE SHALL BE PASSED UNTIL AFTER DESCRIPTIVE NOTICE OF AN INTENTION TO PROPOSE THE ORDINANCE FOR PASSAGE HAS BEEN PUBLISHED ONCE A WEEK FOR TWO SUCCESSIVE WEEKS PRIOR TO ITS PASSAGE IN A NEWSPAPER HAVING A GENERAL CIRCULATION IN THE COUNTY. THE SECOND PUBLICATION SHALL NOT BE SOONER THAN ONE CALENDAR WEEK AFTER THE FIRST PUBLICATION.

PUBLIC HEARING NOTICE & CODE COMPLIANCE:

* THE COUNTY'S PUBLIC HEARING NOTICE TO AMEND CHAPTER 11, TAXATION, ARTICLE VI TRANSIENT OCCUPANCY TAX, WAS PUBLISHED IN THE NELSON COUNTY TIMES ON **APRIL 27, 2023 & MAY 4, 2023** MEETING THE NOTICE REQUIREMENTS OF STATE CODE SECTION **§15.2-1427(F)**.

* THE COUNTY'S PUBLIC HEARING NOTICE WAS ALSO POSTED ON THE COUNTY'S WEBSITE UNDER NEWS AND ANNOUNCEMENTS ON **APRIL 27, 2023**.

* THE PROPOSED TAX RATE INCREASE (LEVY), IF ADOPTED IMMEDIATELY OR SOMETIME THEREAFTER, WOULD BE AT LEAST SEVEN (7) DAYS FOLLOWING PUBLIC NOTICE, COMPLYING WITH CODE OF VIRGINIA **§58.1-3007**.

**THE AUTHORIZING STATE STATUTE IS § 58.1-3819. TRANSIENT
OCCUPANCY TAX**

A.1. ANY COUNTY, BY DULY ADOPTED ORDINANCE, MAY LEVY A TRANSIENT OCCUPANCY TAX ON HOTELS, MOTELS, BOARDING HOUSES, TRAVEL CAMPGROUNDS, AND OTHER FACILITIES OFFERING GUEST ROOMS RENTED OUT FOR CONTINUOUS OCCUPANCY FOR FEWER THAN 30 CONSECUTIVE DAYS. THE TAX SHALL BE IMPOSED ON THE TOTAL PRICE PAID BY THE CUSTOMER FOR THE USE OR POSSESSION OF THE ROOM OR SPACE OCCUPIED IN A RETAIL SALE. SUCH TAX SHALL BE IN SUCH AMOUNT AND ON SUCH TERMS AS THE GOVERNING BODY MAY, BY ORDINANCE, PRESCRIBE.

**PROPOSED AMENDMENT TO CODE OF NELSON COUNTY, CHAPTER 11,
TAXATION, ARTICLE VI TRANSIENT OCCUPANCY TAX:**

**SEC. 11-131. LEVY OF TAX ON TRANSIENT ROOM RENTALS; COLLECTION
GENERALLY.**

THERE IS HEREBY IMPOSED AND LEVIED UPON EVERY TRANSIENT OBTAINING OR OCCUPYING LODGING WITHIN THE COUNTY, IN ADDITION TO ALL OTHER TAXES AND FEES OF EVERY KIND NOW IMPOSED BY LAW, A TAX EQUIVALENT TO SEVEN (7) ~~FIVE (5)~~ PERCENT OF THE AMOUNT CHARGED FOR SUCH LODGING. THE TAX SHALL BE COLLECTED FROM TRANSIENTS IN THE MANNER AND AT THE TIME PROVIDED FOR IN THIS ARTICLE.

THE PROPOSED ORDINANCE:

- * INCREASES THE TAX RATE 2% FROM FIVE (5) PERCENT TO SEVEN (7) PERCENT
- * IS THE EQUIVALENT OF A 40% TAX INCREASE

A \$500 BILL TAXED AT 5% = \$25 IN TOT TAX
A \$500 BILL TAXED AT 7% = \$35 IN TOT TAX

THE INCREASE IS 2% OR \$10; BUT THE RATE OF CHANGE BETWEEN PAYING \$25 AND \$35 IS 40%.

- * PROPOSED EFFECTIVE DATE IS JANUARY 1, 2024

**ESTIMATED ADDITIONAL REVENUE FROM THE PROPOSED INCREASE IN
TRANSIENT OCCUPANCY TAX RATE:**

BASED UPON FY24 ESTIMATED REVENUES OF \$1,800,000 AT THE CURRENT 5% RATE, THE ESTIMATED ADDITIONAL REVENUE GENERATED FROM AN APPROVED TRANSIENT OCCUPANCY TAX RATE INCREASE FROM 5% TO 7% IS AS FOLLOWS:

***\$720,000 FOR A FULL FISCAL YEAR**

***\$360,000 FOR FY24 - A PRORATED AMOUNT BASED ON THE JANUARY 1, 2024 EFFECTIVE DATE**

NEXT STEPS:

* BOARD OF SUPERVISORS CONDUCTS THE PUBLIC HEARING

* BOARD OF SUPERVISORS MAY CONSIDER ORDINANCE ADOPTION IMMEDIATELY FOLLOWING THE PUBLIC HEARING OR SOMETIME THEREAFTER

Code of Virginia

Title 15.2. Counties, Cities and Towns

Subtitle I. General Provisions; Charters; Other Forms and Organization of Counties

Chapter 1. General Provisions

§ 15.2-107. Advertisement and enactment of certain fees and levies

All levies and fees imposed or increased by a locality pursuant to the provisions of Chapters 21 (§ 15.2-2100 et seq.) or 22 (§ 15.2-2200 et seq.) shall be adopted by ordinance. The advertising requirements of subsection F of § 15.2-1427, or § 15.2-2204, as appropriate, shall apply, except as modified in this section.

The advertisement shall include the following:

1. The time, date, and place of the public hearing.
2. The actual dollar amount or percentage change, if any, of the proposed levy, fee or increase.
3. A specific reference to the Code of Virginia section or other legal authority granting the legal authority for enactment of such proposed levy, fee, or increase.
4. A designation of the place or places where the complete ordinance, and information concerning the documentation for the proposed fee, levy or increase are available for examination by the public no later than the time of the first publication.

1987, c. 389, § 15.1-29.14; 1997, c. 587; 2005, c. 72.

The chapters of the acts of assembly referenced in the historical citation at the end of this section(s) may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

Code of Virginia

Title 15.2. Counties, Cities and Towns

Subtitle II. Powers of Local Government

Chapter 14. Governing Bodies of Localities

Article 4. Ordinances and Other Actions by the Local Governing Body

§ 15.2-1427. Adoption of ordinances and resolutions generally; amending or repealing ordinances

A. Unless otherwise specifically provided for by the Constitution or by other general or special law, an ordinance may be adopted by majority vote of those present and voting at any lawful meeting.

B. On final vote on any ordinance or resolution, the name of each member of the governing body voting and how he voted shall be recorded; however, votes on all ordinances and resolutions adopted prior to February 27, 1998, in which an unanimous vote of the governing body was recorded, shall be deemed to have been validly recorded. The governing body may adopt an ordinance or resolution by a recorded voice vote unless otherwise provided by law, or any member calls for a roll call vote. An ordinance shall become effective upon adoption or upon a date fixed by the governing body.

C. All ordinances or resolutions heretofore adopted by a governing body shall be deemed to have been validly adopted, unless some provision of the Constitution of Virginia or the Constitution of the United States has been violated in such adoption.

D. An ordinance may be amended or repealed in the same manner, or by the same procedure, in which, or by which, ordinances are adopted.

E. An amendment or repeal of an ordinance shall be in the form of an ordinance which shall become effective upon adoption or upon a date fixed by the governing body, but, if no effective date is specified, then such ordinance shall become effective upon adoption.

F. In counties, except as otherwise authorized by law, no ordinance shall be passed until after descriptive notice of an intention to propose the ordinance for passage has been published once a week for two successive weeks prior to its passage in a newspaper having a general circulation in the county. The second publication shall not be sooner than one calendar week after the first publication. The publication shall include a statement either that the publication contains the full text of the ordinance or that a copy of the full text of the ordinance is on file in the clerk's office of the circuit court of the county or in the office of the county administrator; or in the case of any county organized under the form of government set out in Chapter 5, 7 or 8 of this title, a statement that a copy of the full text of the ordinance is on file in the office of the clerk of the county board. Even if the publication contains the full text of the ordinance, a complete copy shall be available for public inspection in the offices named herein.

In counties, emergency ordinances may be adopted without prior notice; however, no such ordinance shall be enforced for more than sixty days unless readopted in conformity with the provisions of this Code.

G. In towns, no tax shall be imposed except by a two-thirds vote of the council members.

Code 1950, §§ 15-8, 15-10; 1950, p. 113; 1954, c. 529; 1956, cc. 218, 664; 1956, Ex. Sess., c. 40;

1958, cc. 190, 279; 1960, c. 606; 1962, c. 623, § 15.1-504; 1966, cc. 405, 612; 1968, c. 625; 1970, c. 581; 1972, cc. 41, 837; 1973, c. 380; 1978, c. 235; 1983, c. 11; 1997, c. 587; 1998, c. [823](#); 2000, c. [895](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section(s) may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

Code of Virginia
Title 58.1. Taxation
Subtitle III. Local Taxes
Chapter 30. General Provisions

§ 58.1-3007. Notice prior to increase of local tax levy; hearing

Before any local tax levy shall be increased in any county, city, town, or district, such proposed increase shall be published in a newspaper having general circulation in the locality affected at least seven days before the increased levy is made and the citizens of the locality shall be given an opportunity to appear before, and be heard by, the local governing body on the subject of such increase.

Code 1950, §§ 58-846.1, 58-851; 1954, c. 465; 1959, Ex. Sess., c. 52; 1966, c. 231; 1970, c. 325; 1975, cc. 47, 48, 541; 1976, c. 567; 1979, c. 576; 1981, c. 143; 1984, c. 675.

The chapters of the acts of assembly referenced in the historical citation at the end of this section(s) may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 58.1-3819. Transient occupancy tax

A. 1. Any county, by duly adopted ordinance, may levy a transient occupancy tax on hotels, motels, boarding houses, travel campgrounds, and other facilities offering guest rooms rented out for continuous occupancy for fewer than 30 consecutive days. The tax shall be imposed on the total price paid by the customer for the use or possession of the room or space occupied in a retail sale. Such tax shall be in such amount and on such terms as the governing body may, by ordinance, prescribe.

2. Unless otherwise provided in this article, any county that imposes a transient occupancy tax at a rate greater than two percent shall, by ordinance, provide that (i) any excess from a rate over two percent shall be designated and spent solely for such purpose as was authorized under this article prior to January 1, 2020, or (ii) if clause (i) is inapplicable, any excess from a rate over two percent but not exceeding five percent shall be designated and spent solely for tourism and travel, marketing of tourism or initiatives that, as determined after consultation with the local tourism industry organizations, including representatives of lodging properties located in the county, attract travelers to the locality, increase occupancy at lodging properties, and generate tourism revenues in the locality. Unless otherwise provided in this article, for any county that imposes a transient occupancy tax pursuant to this section or an additional transient occupancy tax pursuant to another provision of this article, any excess over five percent, combining the rates of all taxes imposed pursuant to this article, shall not be restricted in its use and may be spent in the same manner as general revenues. If any locality has enacted an additional transient occupancy tax pursuant to subsection C of § 58.1-3823, then the governing body of the locality shall be deemed to have complied with the requirement that it consult with local tourism industry organizations, including lodging properties. If there are no local tourism industry organizations in the locality, the governing body shall hold a public hearing prior to making any determination relating to how to attract travelers to the locality and generate tourism revenues in the locality.

B. The tax imposed hereunder shall not apply to rooms or spaces rented and continuously occupied by the same individual or same group of individuals for 30 or more days in hotels, motels, boarding houses, travel campgrounds, and other facilities offering guest rooms. In addition, that portion of any tax imposed hereunder in excess of two percent shall not apply to travel campgrounds in Stafford County.

C. Nothing herein contained shall affect any authority heretofore granted to any county, city or town to levy such a transient occupancy tax. The county tax limitations imposed pursuant to § 58.1-3711 shall apply to any tax levied under this section, mutatis mutandis.

D. Any county, city or town that requires local hotel and motel businesses, or any class thereof, to collect, account for and remit to such locality a local tax imposed on the consumer may allow such businesses a commission for such service in the form of a deduction from the tax remitted. Such commission shall be provided for by ordinance, which shall set the rate thereof at no less

than three percent and not to exceed five percent of the amount of tax due and accounted for. No commission shall be allowed if the amount due was delinquent.

E. All transient occupancy tax collections shall be deemed to be held in trust for the county, city or town imposing the tax.

Code 1950, § 76.1; 1970, c. 443; 1971, Ex. Sess., c. 214; 1973, c. 433; 1974, c. 614; 1983, c. 313; 1984, c. 675; 1985, c. 556; 1992, cc. 263, 834; 1996, c. 833; 1997, cc. 757, 764; 1998, cc. 729, 733; 1999, cc. 233, 234, 241, 253, 260; 2000, c. 470; 2001, cc. 571, 585; 2003, c. 939; 2004, cc. 7, 610; 2005, cc. 76, 915; 2006, cc. 67, 376; 2007, cc. 86, 596, 767; 2008, c. 230; 2009, cc. 13, 31, 116, 497, 513, 524; 2010, c. 505; 2011, cc. 385, 606; 2012, c. 290; 2013, cc. 19, 200, 319, 378; 2014, c. 188; 2015, cc. 57, 78, 98; 2016, c. 51; 2017, c. 23; 2018, c. 293; 2020, cc. 330, 1214, 1263; 2021, Sp. Sess. I, c. 383.

This section has more than one version with varying effective dates. Scroll down to see all versions.

The chapters of the acts of assembly referenced in the historical citation at the end of this section(s) may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

Code of Virginia

Title 58.1. Taxation

Subtitle I. Taxes Administered by the Department of Taxation

Chapter 2. Department of Taxation

§ 58.1-210.1. Publication of local transient occupancy taxes

The Department shall annually publish on its website the current rate of the transient occupancy tax imposed in each locality. Every tax-assessing officer of a county, city, or town shall send to the Department, in a manner prescribed by the Department, the information as to his county, city, or town necessary to enable the Department to publish such information. Such information shall be so furnished by such tax-assessing officers as soon as it is available after request by the Department or with at least 30 days' notice prior to the effective date of any change in such rate. Any change in the rate of any local transient occupancy tax shall become effective no earlier than the first day of the calendar quarter following the calendar quarter in which the change in such rate is enacted. Failure to provide notice pursuant to this section shall require the county, city, or town to apply the preceding effective tax rate until 30 days after notification of such change is provided to the Department. If any such tax-assessing officer fails, without good cause, to furnish the same to the Department on demand, he is guilty of nonfeasance in office.

2023, c. 410.

The chapters of the acts of assembly referenced in the historical citation at the end of this section(s) may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

THOMAS JEFFERSON WATER RESOURCES PROTECTION FOUNDATION
(TJSWCD COMMITTEE)

NAME, ADDRESS & PHONE

TERM - 4 YEARS

Andy Wright
1315 Dutch Creek Lane
Shipman, VA 22971
434-263-8938
dutchcreekfarm@aol.com

January 1, 2020-December 2023 (T4)

Walter E. Morgan (TJSWCD Appointee)

Establishment: Established by the TJSWCD and endorsed by the Board of Supervisors in May 2002. Consists of Twelve Members -2 representatives from each participating County, one Board of Supervisors appointed and one appointed by the TJSWCD.

Term(s) of Office: 4 years: January-December

Summary of Duties: To administer the Conservation Easement program of the TJSWCD by educating the public as to the benefits of for water resources protection through such easements.

Meetings: Meetings are on the last Wednesday of every month. Members serve on a voluntary basis. (434) 975-0224

Closed Session Form Motion

1. Motion to Convene in Closed Session

FORM MOTION FOR COVENING CLOSED MEETING

“I move 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)(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.” ; and,

(A)(8) - "Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter."

2. Conduct Closed Session

3. Motion to Reconvene in Public Session

4. Motion to Certify Closed Session

**CERTIFICATION MOTION AFTER RECONVENING IN PUBLIC
SESSION:**

(Requires recorded roll call vote)

“I move, 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.”

Please publish Thurs. November 30th and December 7th in The Nelson County Times:

**LEGAL NOTICE
NOTICE OF PUBLIC HEARING
NELSON COUNTY BOARD OF SUPERVISORS**

In accordance with Volume 3A, Title 15.2, Counties, Cities and Towns, of the Code of Virginia, 1950, as amended, and pursuant to §15.2-107, §15.2-2204, §15.2-2285, §15.2-2310 and §15.2-4307, the Nelson County Board of Supervisors hereby gives notice that a Public Hearing will start at **7:00 p.m., Tuesday, December 12, 2023** in the **General District Courtroom** on the third floor of the Nelson County Courthouse located at 84 Courthouse Square, Lovingston.

Public Hearing(s):

1. Special Use Permit #1050 - Campground

Consideration of a Special Use Permit application requesting County approval to allow a Campground (six sites) on property zoned A-1 Agricultural. The subject property is located at Tax Map Parcel #16-A-17 at 6973 North Fork Rd in Montebello. The subject property is 100.196 acres and is owned by Lacy Montebello LLC.

Copies of the above files are available for review in the Dept. of Planning & Zoning office, 80 Front Street, Lovingston, Virginia, Monday through Friday, 8:00 a.m. to 4:00 p.m., or the Office of the County Administrator, 84 Courthouse Square, Monday through Friday, 9:00 a.m. to 5:00 p.m. For more information, call the County Administrator's Office at (434) 263-7000. EOE.

BY AUTHORITY OF NELSON COUNTY BOARD OF SUPERVISORS

Nelson County Board of Supervisors

To: Board of Supervisors

From: Dylan M. Bishop, Director of Planning & Zoning *DMB*

Date: December 12, 2023

Re: SUP #1050 – ‘North Fork Luxury Campsites’ – Campground (6 sites) –
6973 North Fork Road

BACKGROUND: This is a request for a special use permit for a campground use (6 sites) on property zoned A-1 Agriculture.

Location / Election District: 6973 North Fork Road / West District

Tax Map Number(s) / Total Acreage: 16-A-17 / 100.2 +/- total

Engineer Information: Shimp Engineering, P.C. (Justin Shimp), 912 East High Street, Charlottesville, VA 22902, 434-227-5140, justin@shimp-engineering.com

Owner/Applicant Information: Lacy Montebello LLC (Jerry Bowman), 130 W Plume Street, Norfolk, VA 23510, 757-243-1270, jbowman@evalaw.net

Comments: This property is primarily a wooded lot with an existing dwelling that is occupied by the property’s general manager. The applicant and owner is proposing to develop a portion of the property to be utilized for up to six (6) campsites. This number is reduced from the twenty (20) that were requested in the original application.

Major Site Plan #742 for nine (9) cabins (by-right vacation houses) was approved by the Planning Commission on February 22, 2023, and was finalized on April 5, 2023. Currently, four (4) cabins have been constructed. This project is in a different location, although on the same property. These “luxury campsites” are proposed to be tents on deck platforms with access to utilities, accompanied by a bathhouse.

DISCUSSION:

Land Use / Floodplain: This area is residential and agricultural in nature; the majority of this area is wooded and mountainous. Zoning in the vicinity is A-1 Agriculture. There is some floodplain located on the property, although this site is not located within these bounds.

Access / Traffic / Parking: The property is proposed to be accessed by an existing entrance from North Fork Road. VDOT comments indicate that they have no concerns and will focus on the design of the entrance, which would likely fit a low volume or moderate volume commercial entrance. The existing cabins site is accessed by a separate entrance closer to Zinks Mill School Road.

Utilities: The campsites are proposed to have access to water and electricity, with a centrally located bathhouse. According to the narrative, each campsite is assigned one private stall in the bathhouse. Comments from the Health Department indicate they will require engineered design plans for well and septic.

Erosion & Sediment Control: Total disturbed area for this project is shown to be 1.74 acres. This requires an Erosion & Sediment Control Plan to be approved by the Building Inspections Department, and a Stormwater Management Plan to be approved by the Department of Environmental Quality (DEQ). To accommodate an often lengthy DEQ review process, the applicant is requesting an additional year to diligently pursue construction should the request be approved (total of two years from approval date).

Comprehensive Plan: This property is located in an area designated Rural and Farming on the Future Land Use Map, 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. Protection of usable farmland should be encouraged. Clustering of any new development in areas of a site without prime or productive soils will enhance the protection of prime or productive soils for future agricultural uses.”

Recommendation: At their meeting on October 25, 2023, the Planning Commission voted unanimously (6-0) to recommend denial of SUP #1050 for a campground.

Should the Board of Supervisors consider approval of this SUP request, staff recommends discussion of the following conditions:

1. There shall be no more than six (6) sites.
2. The owner shall have an additional year to establish the use (two years from date of approval).

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

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

Attachments:

Application – Revised 11/2/23

Narrative – Revised 11/2/23

Site Plan – Revised 11/2/23

Color Rendering

Zoning

Public Comments



PERMIT APPLICATION:

Nelson County Department of Planning & Zoning

TO THE ZONING ADMINISTRATOR: _____ # _____
application type *application number*

1. The undersigned hereby petitions the Planning Commission and/or Board of Supervisors for approval of the following (check appropriate box):

- | | |
|---|--|
| <input type="checkbox"/> Special Use Permit | <input type="checkbox"/> Subdivision |
| <input type="checkbox"/> Rezoning from _____ to _____ | <input type="checkbox"/> Site Plan – Minor |
| <input type="checkbox"/> Conditional Rezoning from _____ to _____ | <input type="checkbox"/> Site Plan – Major |
| <input type="checkbox"/> Other: _____ | |

Reason(s) for request:

(Please use reverse or attach additional sheet if more space is needed.)

2. Applicant(s) and Property Owner(s):

(Please provide names of applicants and property owners and indicate applicable title; if applicant is not the property owner, please show relationship, i.e. lessee, contract purchaser, etc.)

Applicant Property Owner Name: Lacy Montebello LLC manager: Jerry Bowman

Mailing Address: 130 W Plume Street Norfolk, VA 23510

Telephone #: (757)243-1270 Email Address: jbowman@evalaw.net

Relationship (if applicable): _____

Applicant Property Owner Name: Shimp Engineering P.C. Contact: Justin Shimp

Mailing Address: 912 E. High St, Charlottesville

Telephone #: (434)227-5140 Email Address: Justin@shimp-engineering.com

Relationship (if applicable): _____

(Please attach additional sheet if more space is needed for applicant(s) / property owner(s) info.)

3. Location and Characteristics of Subject Property:

a. Address of Property (specific location, route numbers, street names, voting district, etc.):
On Route 687 North Fork Road, adjacent to Route 686 Zinks Mill School Road.

b. Official tax map number: TM 16-A-17

c. Acreage of property: 100.196 Acres

d. Present use: an existing homesite, (9) vacation cabins which are under construction

e. Present zoning classification: A-1

f. Zoning classification of surrounding properties: A-1

4. Affidavit: The undersigned applicant(s) and/or property owner(s) certifies that this application and the foregoing answers, statements, and other information herewith submitted are, in all respects, true and correct to the best of their knowledge and belief. Also, the applicant(s) and/or property owner(s) gives permission for members of the Planning Commission, Board of Supervisors, and County Staff to visit and view the subject property.

DocuSigned by:
Signature: Jerry L. Bowman Printed Name: Jerry Bowman, owner

Signature: _____ Printed Name: _____

(Please attach additional sheet if more space is needed for applicant(s) / property owner(s) signatures.)

5. Additional information: *(Please attach separate sheet for additional details, explanations, etc.)*

6. Please note: In the event of cancellation or postponement at your request after the initial newspaper advertisement for this application, an additional fee will apply for re-advertisement (determined by the actual cost of the ad). This fee will not apply in cases of Planning Commission or Board of Supervisors deferment.

-----**TO BE COMPLETED BY PLANNING & ZONING STAFF**-----

Pursuant to Article _____, Section _____ of the Nelson County Zoning Ordinance.
Pursuant to Section _____, Subsection _____ of the Nelson County Subdivision Ordinance.

- Completed application and fee (\$ _____) received on _____
- Hearing Notice published on _____
- Planning Commission action: Date of Meeting / Hearing: _____
Recommendation: _____
- Board of Supervisors action: Date of Hearing: _____ Date of Decision: _____
Action: _____

Nelson County Planning & Zoning Department

(Mailing Address) P.O. Box 558, Lovingson, Virginia 22949 | *(Physical Address)* 80 Front Street, Lovingson, Virginia 22949
(Telephone Number) 434 263-7090 or Toll Free 888 662-9400, selections 4 & 1 | *(Fax Number)* 434 263-7086
<http://www.nelsoncounty-va.gov/departments/planning-zoning/>

LACY MONTEBELLO LLC

130 W. Plume Street
Norfolk, VA 23510

November 2, 2023

Nelson County Planning
& Zoning Department
80 Front Street
Lovingston, VA 22949

Re Application for Special Use Permit for
Lacy Montebello Luxury Campsites

Dear Director:

We are requesting a special use permit to allow the development of up to six luxury campsites (sometimes called "glamping sites") on property owned by Lacy Montebello LLC with the address of 6973 North Fork Road, Montebello, Virginia. This is a revised application from the one submitted to the Planning Commission. We have reduced the number of proposed sites from 20 to 6.

Our property comprises 100 acres that currently has one house (occupied by Chris Bowman, one of the owners of Lacy Montebello and the general manager of the property) and four rental cabins. The current site plan for the cabins permit 9 cabins of which 4 have been built. We anticipate completing the cabins that are shown on the currently approved site plan in 2024. The house and cabins are on approximately nine acres of relatively flat land with the remaining 91 acres of the property consisting of mountainous terrain that is serviced by a road that generally transverses about two thirds of the mountain.

The campsites will be as one project built at one time as shown on the attached Exhibit A. As part of this proposed site plan we will also build two additional cabins (which are not part of the SUP application).

Luxury campsites are somewhat upscale camping sites that are often built on a deck with a tent affixed to the deck. The guests do not bring their own tent. The tent is portable and can be removed from the deck. It is our expectation that for much of a year the tent would be up but during some portion of the year it may either be removed or taken down.

The size of the deck would be approximately 14-16 feet by 26-30 feet and would be raised above approximately 2-3 feet above adjacent ground level. The tents would be recessed 6-8 feet from the front of the deck which would provide a "porch" area for guests to sit outside. The quality of the tents will be very good with heavy duty canvas. On a personal note I stayed at

LACY MONTEBELLO LLC

130 W. Plume Street
Norfolk, VA 23510

similar sites when I visited the Serengeti in Tanzania. They provide wonderful accommodations with minimal impact on the environment.

Each tent would have running water and electricity. A separate bath house would be nearby for each tenant. When a guest is occupying a tent there will be a dedicated private bath room with shower, sink and toilet facilities that are locked and only available to that guest.

The site will be approximately 800 feet up the mountain and approximately a third of a mile from North Fork Road. The nearest residence (other than the house that Chris Bowman lives in on the Property) will be approximately one half a mile away.

We believe that this project is consistent with the comprehensive plan. This project will generate additional tax revenues for Nelson County with very little expense to the County associated with it. In addition, there is a significant demand for short term lodging in Nelson County. That demand is being met today by short term rental of housing that would be better used to provide long term, affordable housing to the citizens of Nelson County. Today there is a great shortage of affordable long term housing in Nelson County. By providing a short term rental resource such as these glamping sites will provide there will be less demand on the permanent housing in Nelson County

This Project is not near any other property and will have little or no effect on the surrounding properties. The site on the mountain will not provide any likelihood of interference with other land owners. We will have an owner on site to manage the Project and to ensure that we do not have disturbances that would affect adjacent land owners.

We do not anticipate any significant traffic concerns to be generated by this Project. Our Property is located at the intersection of Zincs Mill School Road and North Fork Road. Guest will have three ways to get to the Project: From (1) the intersection of North Fork Road and Route 56, (2) the intersection of Zincs Mill School Road and Route 56 and ((3) Spider Run Gap Road at the Blue Ridge Parkway then down a separate portion of Zincs Mill Road to the Project.

We do not anticipate more than 2 trips a day (each one in and out) which would be divided among the three ways to enter the property. Even those 24 trips will be further reduced by the occupancy of the campsites. Neither Zincs s Mill nor North Fork Road are heavily traveled. The small additional traffic can be accommodated without any problem.

Although issues were raised at the Planning Commission hearing about fire risk, the risk of a fire truck being blocked so that it could not access North Fork Road is quite remote. The volunteer fire department in Montebello would come up Zinc's Mill School Road to North Fork Road. The distance from that intersection to where guest would turn off to go up the mountain is

LACY MONTEBELLO LLC

130 W. Plume Street
Norfolk, VA 23510

less than a quarter of a mile. In addition between the turn off up to the tent sites to Zincs Mill Road there is an additional turn off for our cabins. As a result of that the maximum distance that anyone would have to back up if a fire truck was turning onto North Fork Road would be approximately 600 feet. The likelihood of a car owned by a guest being in that area when a fire truck would be there would be very unlikely.

In summary, I hope you will be able to support this Project. It will provide employment to a number of Nelson County residents, will provide tax revenues to the County, will increase tourism in the County and will somewhat reduce the pressure on affordable housing which is now being depleted by short term rentals. I look forward to meeting with you to further explore this Project.

Respectfully,

Jerry L. Bowman
Manager



MINOR SITE PLAN

NORTH FORK LUXURY CAMPSITE

TAX MAP 16 - A, PARCEL 17
NELSON COUNTY, VIRGINIA

LEGEND	EXISTING	NEW	DESCRIPTION
			BOUNDARIES
			BENCHMARK
			SITE PROPERTY LINE
			ADJACENT PROPERTY LINE
			BUILDING SETBACK
			PARKING SETBACK
			SITE TEXT
			PARKING COUNT
			TOPOGRAPHY
			INDEX CONTOUR
			INTERVAL CONTOUR
			SPOT ELEVATION
			TOP OF CURB ELEVATION
			TOP OF WALL ELEVATION
			BOTTOM OF WALL ELEVATION
			STREAM
			STREAM BUFFER
			100 YEAR FLOODPLAIN
			BUILDING
			BUILDING
			RETAINING WALL
			STAIRS
			EDGE OF PAVEMENT
			ROAD CENTERLINE
			FRONT OF CURB
			BACK OF CURB
			CG-12 TRUNCATED DOME
			SIDEWALK
			BIKE PARKING
			HANDICAP ACCESSIBLE AISLE
			HANDICAP PARKING
			MATERIAL
			CONCRETE
			RIPRAP
			ASPHALT
			EC-2 MATTING
			EC-3 MATTING
			WETLAND
			TREELINE
			FENCE
			UTILITY
			UTILITY POLE
			GUY WIRE
			OVERHEAD UTILITY
			UNDERGROUND UTILITY
			STORM
			STORM MANHOLE
			DROP INLET
			STORM SEWER
			ROOF DRAIN
			SANITARY
			SANITARY MANHOLE
			SANITARY SEWER MAIN
			SANITARY SEWER LATERAL
			WATER
			WATER LINE
			WATER METER
			WATER METER VAULT
			FIRE HYDRANT
			FIRE DEPARTMENT CONNECTION
			GAS
			GAS LINE
			EASEMENTS
			CONSTRUCTION
			GRADING
			ACCESS
			SIGHT DISTANCE
			UTILITY
			STORMWATER FACILITY MAINTENANCE
			STORMWATER ACCESS
			DRAINAGE
			SANITARY
			WATERLINE
			GASLINE

OWNER/DEVELOPER
 Owner: Lacy Montebello LLC
 Address: 130 W Plume Street
 Norfolk, VA 23510
 Email address: jbowman@evalaw.net
 Phone number: (757) 243-1270

PLAN PREPARATION
 Shimp Engineering, P.C.
 912 East high street
 Charlottesville, VA 22902
 (434) 227-5140

ZONING
 Existing: A-1 Agricultural
SOURCE OF TITLE
 D.B. 461-197
 INST 202200730

SOURCE OF BOUNDARY AND TOPOGRAPHY
 Sight Distance topography provided by Old Dominion Map Company, Dated July 21, 2023.
 Additional topography from 2018 VGIN LIDAR data - 2' contour intervals.

FLOODZONE
 FEMA flood insurance rate map (community panel 51125C0075B), Effective date June 18, 2010 shows this property lines is located within a Zone A 100-year Floodplain.

WATERSHED
 This site is within the North Fork Tye River - South Fork Tye River watershed (020802030501).

BENCHMARK
 Horizontal: NAD 83 (Virginia State Plane Coordinate system - South zone)
 Vertical: NAVD 88

WATER & SANITARY SERVICES
 Site is served by private well and septic.

EXISTING USE
 Mostly wooded lot with one (1) existing homesite and nine (9) vacation cabins. Cabins are under construction.
 Total Property Area: 100.196 Ac

PROPOSED USE
 Luxury camping which includes six (6) new luxury camping sites (requires special use permit), one (1) existing homesite (existing by-right use), and vacation cabins (by-right use).
 This site plan proposes a luxury campground project which includes:
 (2) new 16' x 32' vacation cabins
 (6) Luxury camping tent platforms
 (1) bathroom with six private full bathrooms
 Estimated Disturbed Area: 1.74 Acres
 Entrance Location : Lat: 42.589980°, Long: -45.583972°

BUILDING HEIGHT
 Allowable Height: The maximum height of any building shall be thirty-five (35) feet from grade.
 Proposed: 1- story cabins and 1-story platforms
 Proposed Max Height: 20'

SETBACKS
 Minimum front setback: Seven-Five feet (75') From the center of the road.
 Minimum side setback Lots greater than 5 acres in size: Twenty feet (20') from the property line.
 Minimum rear Setback lots greater than 5 acres in size: fifty Feet (50') from the rear property line.

PARKING SCHEDULE
Provided Parking:
 2 spaces for each campsite.
Required Parking:
 8 Sites * 2 Parking spaces = 16 parking spaces.

Parking space Dimensions:
 All parking spaces shall be a minimum of eighteen (18) feet in length and nine (9) feet in width.

ITE Trip Generation

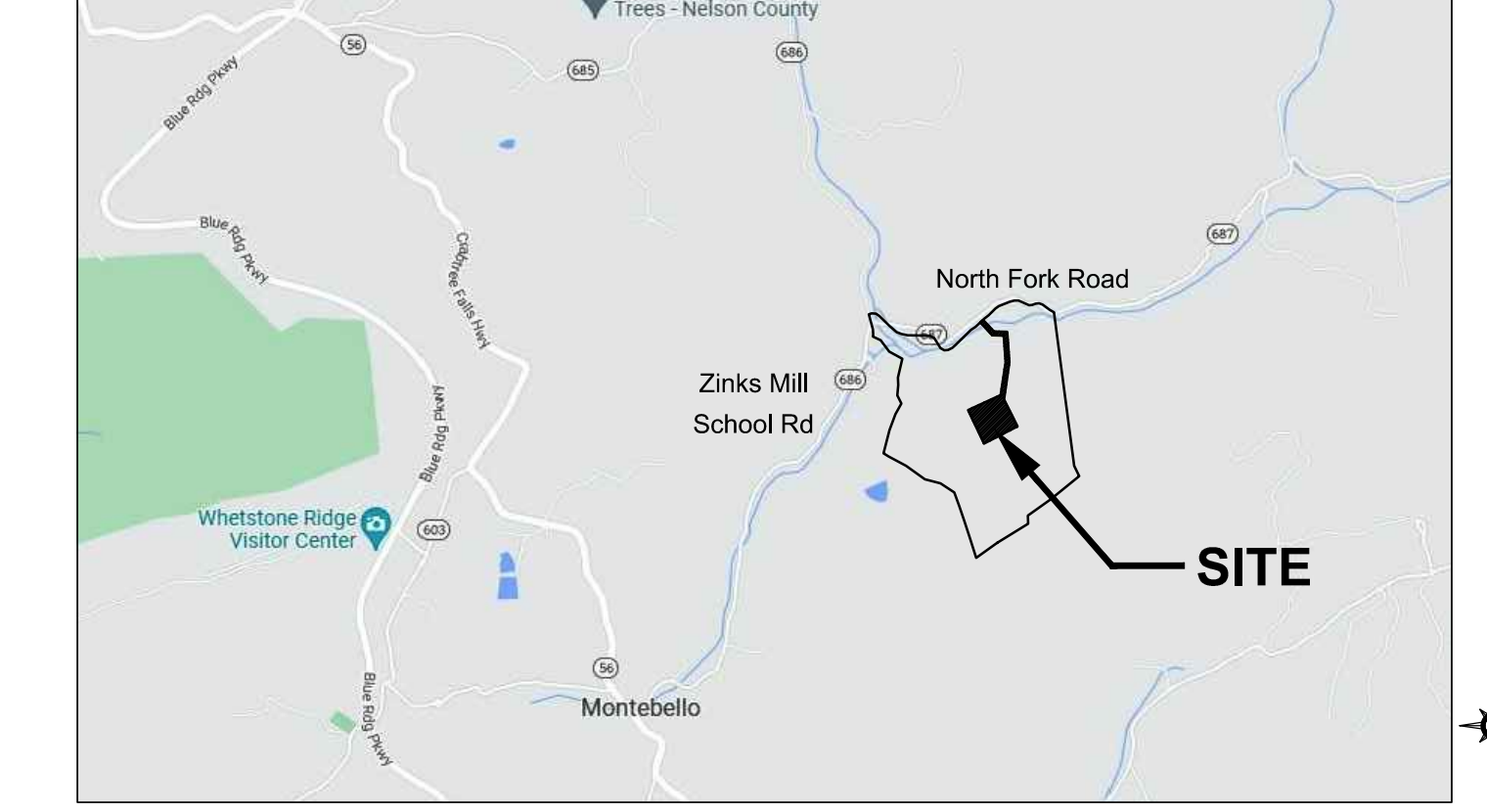
Use Description	ITE	Occupied Campsites	WEEKDAY AM			WEEKDAY PM			Daily		
			In	Out	Total	In	Out	Total	In	Out	Total
Campground	416	8	1	2	3	2	1	3	16	16	32

Trip Generation reflects AM and PM peak hours and weekday traffic as well. This estimate covers traffic from 6 luxury camping sites and 2 vacation cabins.
 ITE Trip generation provided per 11th Edition.
 Based on the calculated average daily trips, this site qualifies for a low-volume commercial entrance.

NARRATIVE
 This is a proposed development of a luxury campsite. The campsite will contain six (6) 20'x30' luxury camping platforms upon which tents shall be placed.
 This also includes the constructions of two (2) rental cabins and a bathroom. The bathroom contains six (6) private bathrooms, each of which will serve an individual camping site. This project includes the necessary water, sewer, parking and electric infrastructure.

This use requires a special use permit which the owner is applying for at the time of first submittal. This project requires a VSMP plan which will be submitted pending SUP approval.

VICINITY MAP SCALE : 1"=2000'



Map provided by Google.com

SHEET INDEX

- C1 COVER SHEET
- C2 EXISTING CONDITIONS
- C3 SITE PLAN
- C4 EXISTING ENTRANCE SIGHT DISTANCE



MINOR SITE PLAN
NORTH FORK LUXURY CAMPSITE
 NELSON COUNTY, VIRGINIA

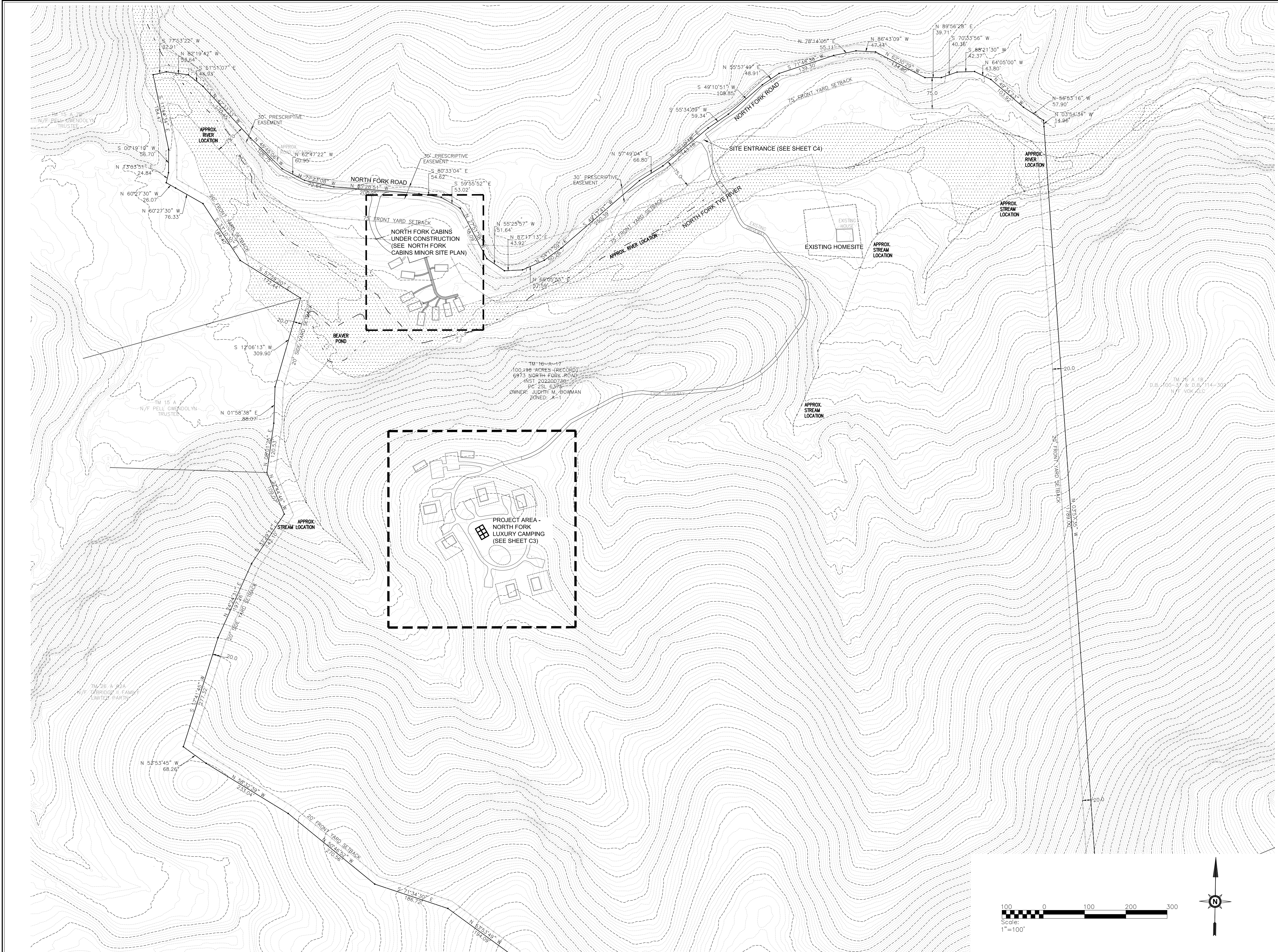
SUBMISSION:
 08.17.2023
REVISION:
 1) 10.09.2023
 2) 11.02.2023

APPROVALS

_____	Date
Nelson County Planning & Zoning Director	
_____	Date
Virginia Department of Transportation	
_____	Date
Virginia Department of Health	
_____	Date
Erosion and Sediment Control Administrator	

FILE NO. 23.015

COVER SHEET
C1



LEGEND:

- FEMA 100-YR FLOODPLAIN
- SETBACK LINE
- RIVER/STREAM CENTERLINE

SHIMP ENGINEERING
 LAND PLANNING - PROJECT MANAGEMENT

912 E. HIGH ST. CHARLOTTEVILLE VA. 22902 434.227.5140 JUSTIN@SHIMP-ENGINEERING.COM



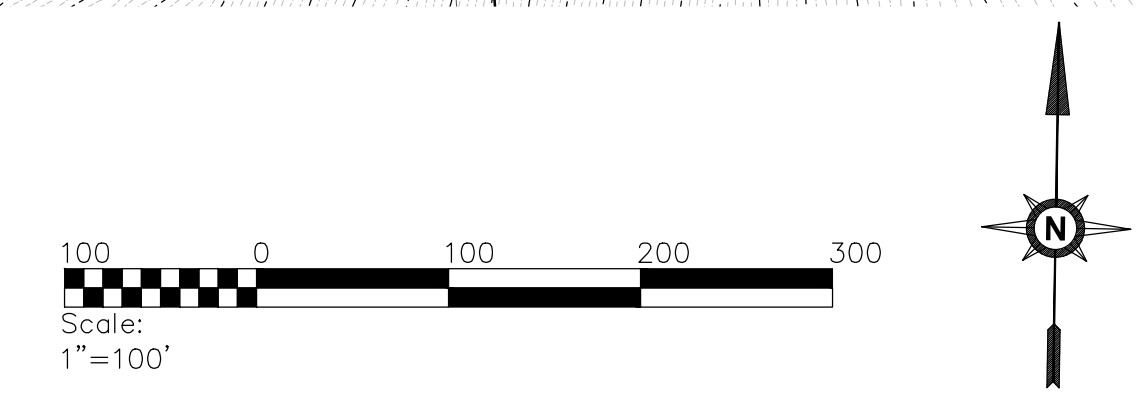
MINOR SITE PLAN

NORTH FORK LUXURY CAMPSITE

NELSON COUNTY, VIRGINIA

SUBMISSION:
08.17.2023

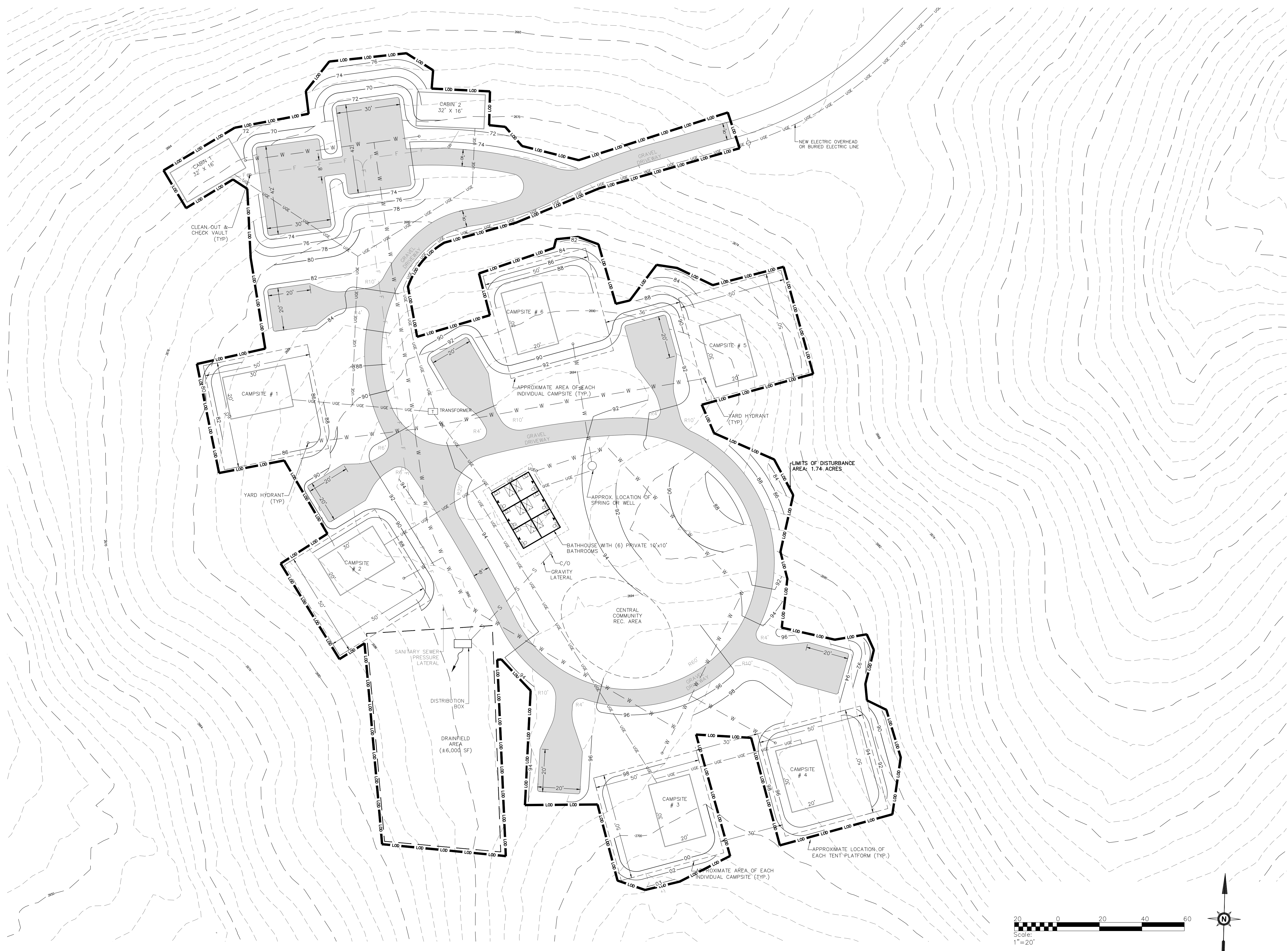
REVISION:
1) 10.09.2023
2) 11.02.2023



FILE NO. 23.015

EX. CONDITIONS

C2



SHIMP ENGINEERING
 LAND PLANNING - PROJECT MANAGEMENT

912 E. HIGH ST. CHARLOTTEVILLE VA, 22902 434.227.5140
 JUSTIN@SHIMP-ENGINEERING.COM JUSTIN@SHIMP-ENGINEERING.COM



MINOR SITE PLAN

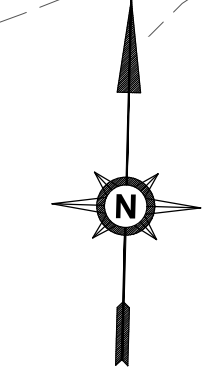
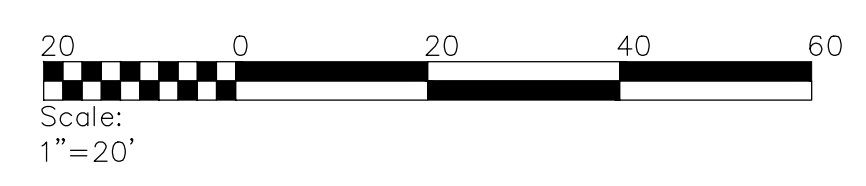
NORTH FORK LUXURY CAMPSITE

NELSON COUNTY, VIRGINIA

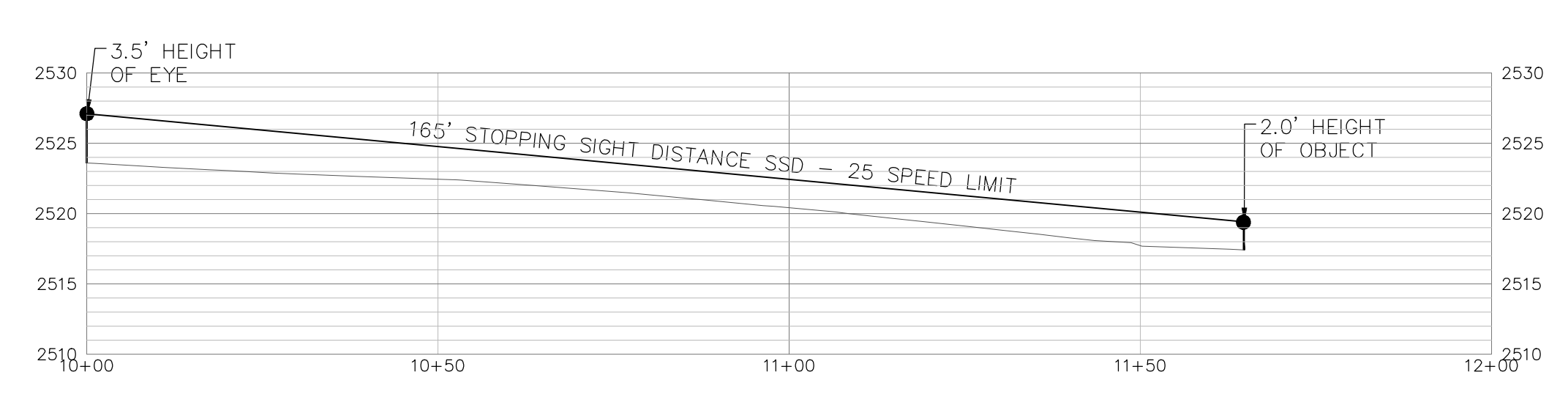
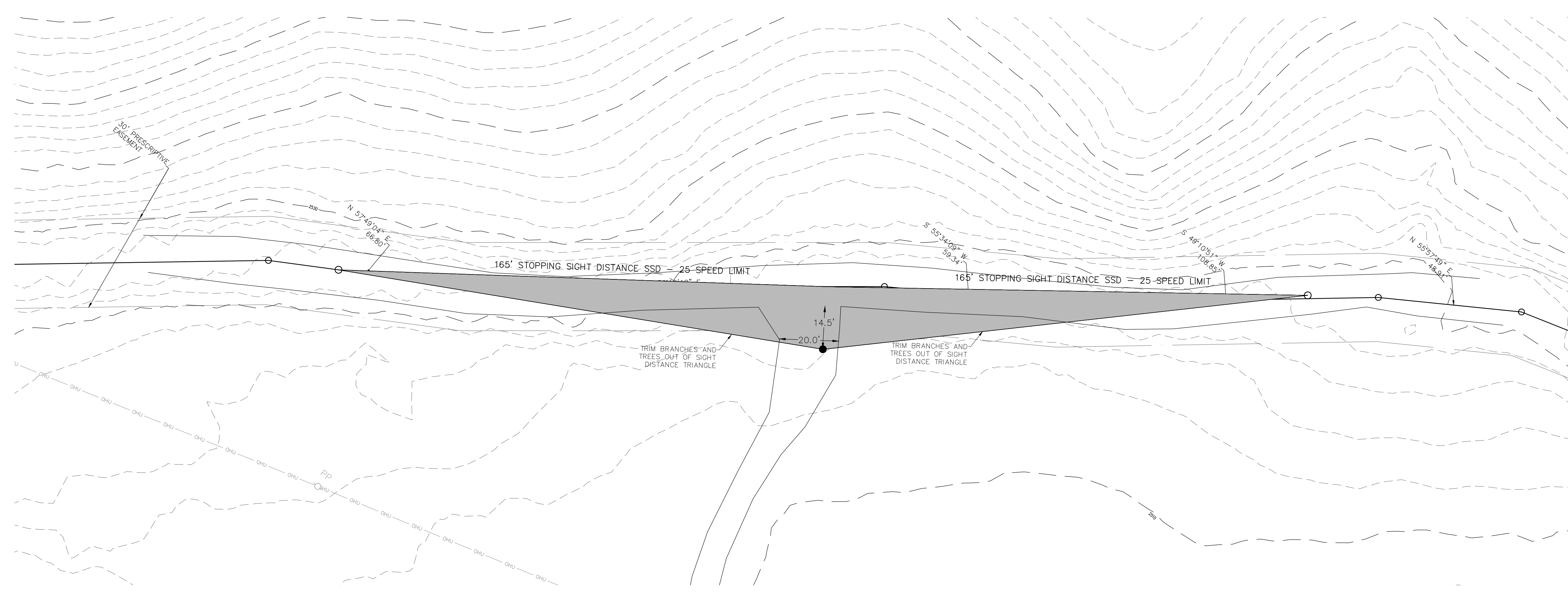
SUBMISSION: 08.17.2023
 REVISION:
 1) 10.09.2023
 2) 11.02.2023

FILE NO. 23.015

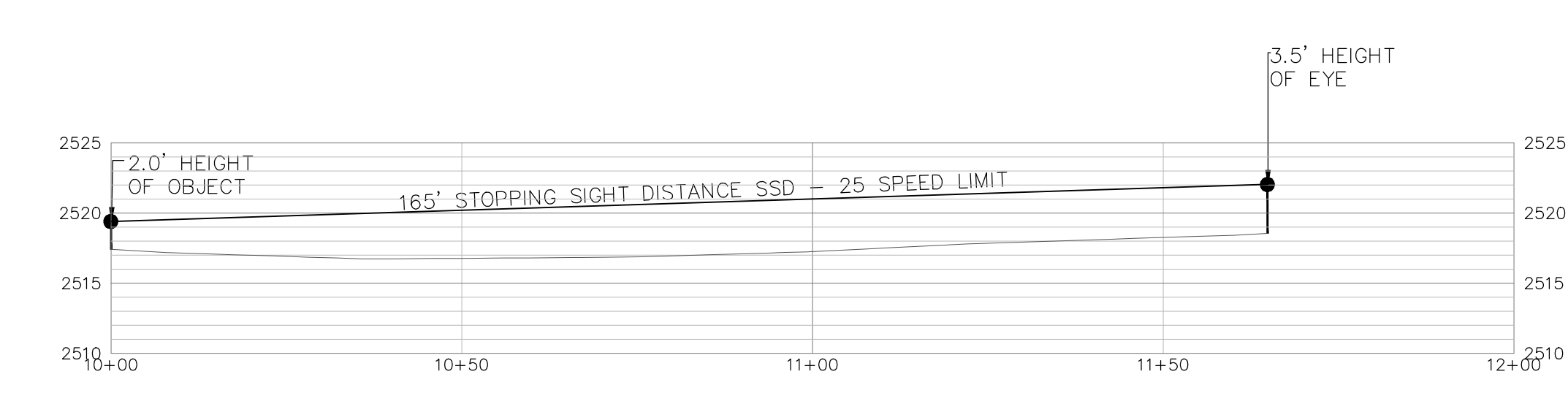
SITE PLAN



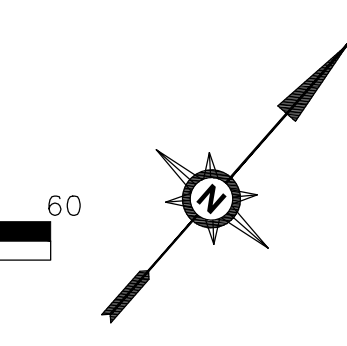
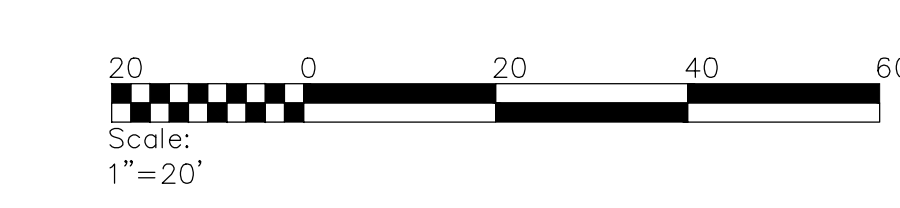
C3



STOPPING SIGHT DISTANCE PROFILE (SSD L)



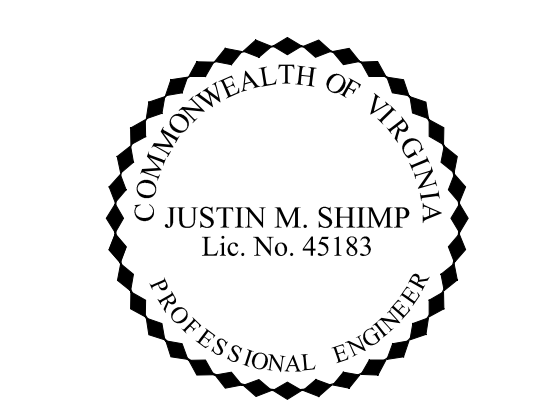
STOPPING SIGHT DISTANCE PROFILE (SSD R)



SHIMP ENGINEERING
 LAND PLANNING - PROJECT MANAGEMENT

912 E. HIGH ST.
 CHARLOTTEVILLE VA, 22902

434.227.5140
 JUSTIN@SHIMP-ENGINEERING.COM



MINOR SITE PLAN

NORTH FORK LUXURY CAMPSITE

NELSON COUNTY, VIRGINIA

SUBMISSION:
 08.17.2023

REVISION:
 1) 10.09.2023
 2) 11.02.2023

FILE NO. 23.015

EXISTING ENTRANCE SIGHT DISTANCE

C4

North Fork Luxury Camping Concept Plan



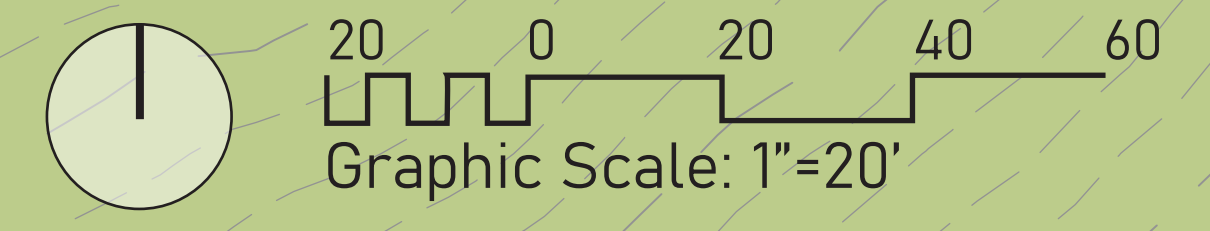
Elevated platform deck for luxury tents

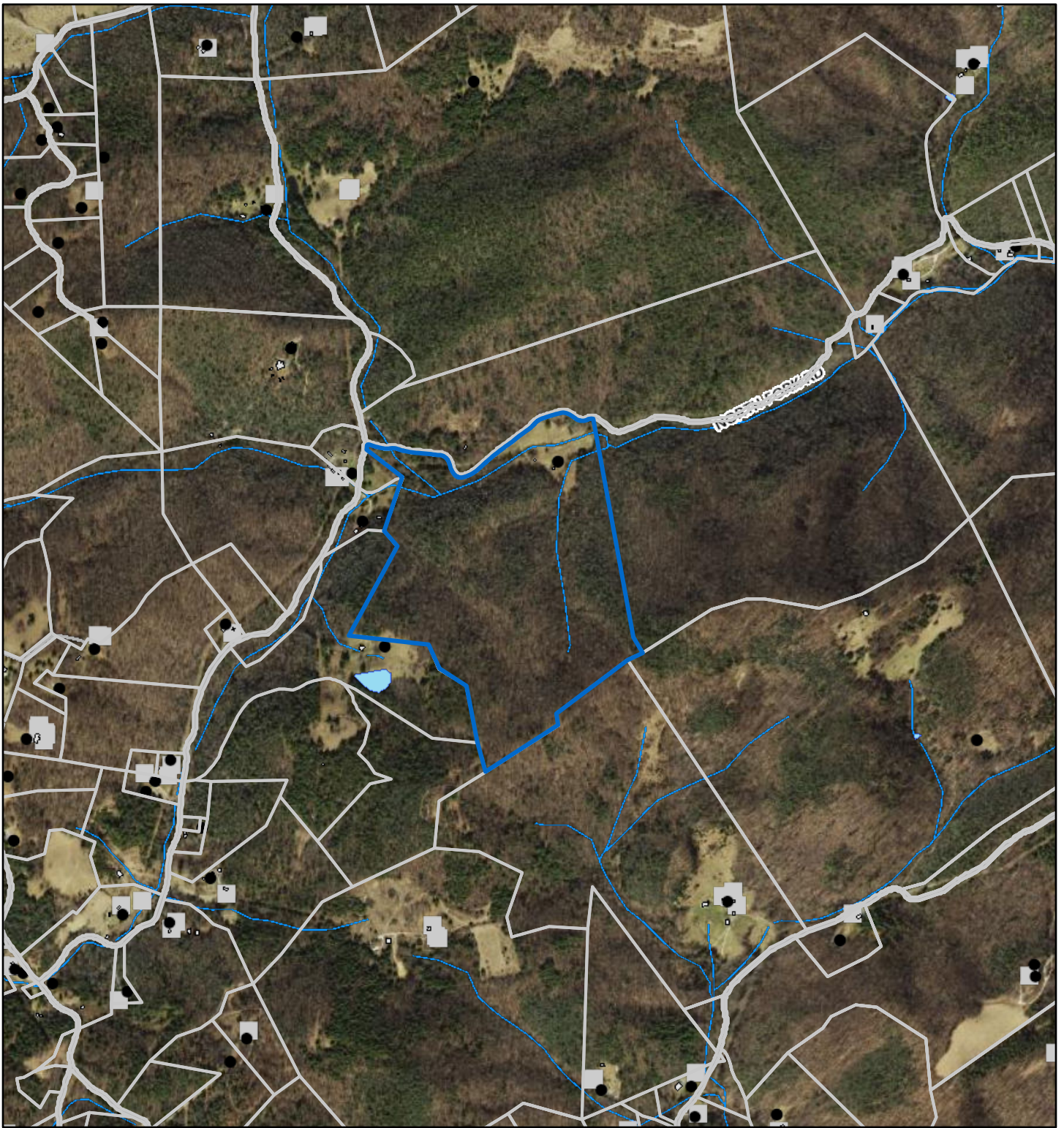
Approximate area of each campsite

Private
bathrooms

Central
community
area

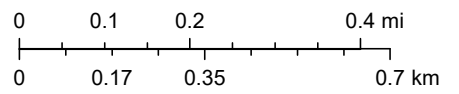
Drainfield
area





October 16, 2023

1:18,056



Emily Hjulstrom

From: Juliana Piedra
Sent: Thursday, November 9, 2023 10:39 AM
To: Jesse Rutherford; David Parr; Ernie Reed; Tommy Harvey; Robert G. Barton
Cc: Candy McGarry; Amanda Spivey; Emily Hjulstrom; Dylan Bishop
Subject: FW: special use permit for campground on N Fork Rd, Montebello

Please see the below email/comments on SUP #1050.

Thanks,
Juliana

From: Paulette Albright [mailto:britemtn2013@gmail.com]
Sent: Thursday, November 9, 2023 10:05 AM
To: Juliana Piedra <jpiedra@nelsoncounty.org>
Subject: special use permit for campground on N Fork Rd, Montebello

Dear David,

We are writing in opposition to the special use permit (SUP #1050) for a campground/cabin facility on North Fork Rd. in Montebello.

Our opposition in brief is for the following reasons:

- The location is on a road that is too narrow for cars to pass in several locations with blind curves, and no guard rails. It is a favorite route for cyclists, motorcycles, and bear hunters.
- The infrastructure needed will stress the water resources, and threaten the Tye River.
- The risk of forest fires increases.
- NC transports their solid waste to facilities out of the county. There will be an additional burden on the taxpayers to accommodate the increase in seasonal trash.
- Emergency Medical Services are miles away, and cell service is unreliable.
- There are already 2 campgrounds and several cabin rentals that do not operate at full capacity except for a few weekends a year.

Everyone understands that the natural beauty of our county draws visitors, and it might be financially beneficial to exploit that attraction. By monetizing our natural resources, however,

we will destroy the very thing that attracts people. Although people think they want to spend time in nature, when they get here they want electricity, air conditioning, a bountiful supply of water, internet service, and all the infrastructure they enjoy at home. The citizens of Montebello should not be asked to provide those comforts at the expense of compromising our pristine community.

Paulette and Lee Albright

375 Seaman Lane

Montebello, Va 24464Spec



Dear David,

We are writing in opposition to the special use permit (SUP #1050) for a campground/cabin facility on North Fork Rd. in Montebello.

Our opposition in brief is for the following reasons:

- The location is on a road that is too narrow for cars to pass in several locations with blind curves, and no guard rails. It is a favorite route for cyclists, motorcycles, and bear hunters.
- The infrastructure needed will stress the water resources, and threaten the Tye River.
- The risk of forest fires increases.

- NC transports their solid waste to facilities out of the county. There will be an additional burden on the taxpayers to accommodate the increase in seasonal trash.
- Emergency Medical Services are miles away, and cell service is unreliable.
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Everyone understands that the natural beauty of our county draws visitors, and it might be financially beneficial to exploit that attraction. By monetizing our natural resources, however, we will destroy the very thing that attracts people. Although people think they want to spend time in nature, when they get here they want electricity, air conditioning, a bountiful supply of water, internet service, and all the infrastructure they enjoy at home. The citizens of Montebello should not be asked to provide those comforts at the expense of compromising our pristine community.



Compose:

New Message

Compose:

New Message

October 16, 2023

Dylan M. Bishop
Nelson County Planning & Zoning Director
P. O. Box 558
80 Front Street
Lovingston, VA 22949

Ref: Special Use Permit # 1050

Dear Mr. Bishop,

Thank you for the October 6, 2023, notice about a proposed special use permit on land adjacent to my property (Tax Map Parcel #26 A 62C). We have several concerns about this commercial development. To begin, this project began about 1 year ago and clearing up to my property line has already been done! I will divide my concerns into 3 categories: general, infrastructure and personal.

General:

1. Current zoning is agricultural/residential not commercial.
2. Construction has preceded county reviews/permits.
3. Forest fire risk will increase with 20 additional dwellings.
4. Subject property is on the steep side of a mountain.

Infrastructure:

1. Route 687 is a single lane road; it is very difficult to turn around or pass. Firetruck access and evacuation routes are limited.
2. Adding 20 additional living units will challenge the rescue squad.
3. Route 686 is a slightly wider road, but an additional 20 living units will add some maintenance and safety considerations.
4. Electrical lines may not be sufficient for this additional demand.

Personal:

- 1. Personal safety: With a dwelling within 100 feet of my property line there is a risk that loose dogs will defend this dwelling and attack me on my property.**
- 2. Hunting safety: My land is posted. Enforcing this posting is likely to be an issue. Hunter density is a concern. Bullets travel a long distance.**

For all these concerns, we oppose this special use permit.

Sincerely,

Robert M Bennett

Robert M Bennett
160 West Square Place
Richmond, VA 23238

RECEIVED

OCT 23 2023

Mary B. Boynton
845 Fork Mountain Lane
Montebello, VA 24464

November 13, 2023

Nelson County Board of Supervisors

Jesse Rutherford (Chair, East District)
David Parr (West District - Montebello)
Tommy D. Harvey (North District)
Ernie Reed (Central District)
Robert G. Barton (South District)

C/O Juliana Piedra
Lovingston Courthouse
84 Courthouse Square
Lovingston, VA 22949

RE: Special Use Permit #1050 Campground

Please be advised that I am unwaveringly opposed to the approval of SUP #1050 for campgrounds.

For years this pristine area has offered benefits and gifts beyond anything monetary gain can ever provide. This investor has already developed part of this area, when is enough, enough?

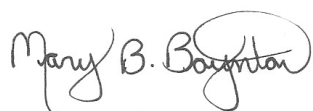
When Covid surfaced fear was of contracting the virus for which, in the beginning there was no known treatment. The virus fears and concerns brought forth a realization of the importance for clean fresh air to breath, a place where individuals and families could be outside, hike, enjoy nature, destress, hear their own thoughts, a place where there are not traffic jams or filled with other concerns one finds in city life. They gravitated to a place of peace in nature because it is what we all long for. They discovered Montebello.

Since Covid there are numerous places in Montebello that have been bought and are now Air B&B's, rentals, campgrounds, etc and the owners live elsewhere. Is their investment in the community or in their rental property?

Our winding gravel roads are narrow, our fire department does not have an EMS service and our fire rescue volunteers are minimal. We accept the lack of services and respect what our community does and does not offer. We chose to live here; we are not visitors. We support one another in our needs, we are here because of our love for this mountain and greed is not a part of our why.

What will be the attraction once all has been cleared, developed, rented, explored and tourist are no longer interested? What then?

Sincerely,



Mary B. Boynton

Brian and Amy Brown
Tye River Property, LLC
4101 Welby Drive, Midlothian, VA 23113
5851 North Fork Road, Montebello, VA 24464
1887 Fork Mountain Lane, Montebello, VA 24464
brian.brown@avepoint.com

November 12, 2023

Nelson County Board of Supervisors
PO Box 336
Lovington, VA 22949

RE: Special Use Permit #1050 Campground

Dear Nelson County Board of Supervisors:

This is to advise the Board of Supervisors that we are strongly opposed to approval of SUP #1050 for campgrounds with 20 permanent glamping tents on North Fork Road near Montebello.

We own three parcels on North Fork Road (Parcel ID 27 A 5; 16 A 20; and 16 A 21A) near the proposed campground. We purchased these parcels at significant cost totaling more than 180 acres specifically to preserve and appreciate the rural nature of the property and being fully aware and reliant on the current zoning of the surrounding properties. We actively use our property in the valley and have relied on this zoning to maintain the character and nature of the surrounding parcels in the area. This zoning is critically important to us.

In other valleys where camping has been allowed, there has been a marked increase in crime, including robbery, conversion, theft, vandalism and trespass. ***This is a known detriment and burden on the surrounding properties which cannot be emphasized enough.*** The petitioner has not provided any evidence or support for how these items would be addressed to ensure the safety and wellbeing of their neighbors or protecting the character of this valley.

Secondly, SUP #1050 estimates that up to 80 trips per day could be going to the campground on North Fork Rd. Although access to the campsite is from two directions on North Fork Rd, this would be a significant increase in traffic by our property. Significant sections of North Fork Rd from its intersection with Rt 56 at Nash are only wide enough for ONE vehicle to pass and, the road in its current size and condition cannot support 80 trips per day. There are many hairpin

turns that accommodate only one vehicle passage on the size of cliffs that drop off hundreds of feet. If a vehicle is met going the opposite direction, one vehicle must back up until a place wide enough to pass is found, and even then the vehicle's outside mirrors sometimes barely clear. This condition is further complicated if one or both vehicles are wide, or towing a trailer. The road routinely develops potholes and washboards which require frequent repair by VDOT. We do not believe the road is well suited for the estimated additional traffic, nor is widening the road practical in the many one-lane sections.

With development on North Fork Rd and surrounding areas, we would be concerned about the additional demand on the Montebello Volunteer Fire Department. Since they no longer provide EMS, other Nelson County emergency response facilities will have to respond to medical calls in that area as campground population increases.

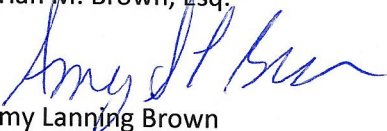
Finally, this type development does not appear to be aligned with the County's vision in the draft Nelson County Comprehensive Plan, and it would set the precedence for future over-growth in the North Fork Tye River valley and that portion of Nelson County.

We enjoy our place on the North Fork Valley because it is remote and peaceful. Development of campgrounds in the valley would significantly and irreversibly change that environment and we are strongly opposed to this variance.

Regards,



Brian M. Brown, Esq.



Amy Lanning Brown

*Brian and Amy Brown
Tye River Property, LLC
4101 Welby Drive, Midlothian, VA 23113
5851 North Fork Road, Montebello, VA 24464
1887 Fork Mountain Lane, Montebello, VA 24464
brian.brown@avepoint.com*

October 20, 2023

Nelson County Planning and Zoning Department
PO Box 558
Lovington, VA 22949

RE: Special Use Permit #1050 Campground

Director;

Greetings. This letter is to advise the Department that we are strongly opposed to the approval of SUP #1050 for campgrounds.

We own three parcels on North Fork Road (Parcel ID 27 A 5; 16 A 20; and 16 A 21A) near the proposed campground. We purchased these parcels at significant cost totaling more than 180 acres specifically to preserve and appreciate the rural nature of the property and being fully aware and reliant on the current zoning of the surrounding properties. We actively use our property in the valley and have relied on this zoning to maintain the character and nature of the surrounding parcels in the area. This zoning is critically important to us.

SUP #1050 estimates that up to 80 trips per day could be going to the campground on North Fork Rd. Although access to the campsite is from two directions on North Fork Rd, this would be a significant increase in traffic by our property. Significant sections of North Fork Rd from its intersection with Rt 56 at Nash are only wide enough for ONE vehicle to pass and, the road in its current size and condition cannot support 80 trips per day. There are many hairpin turns that accommodate only one vehicle passage on the size of cliffs that drop off hundreds of feet. If a vehicle is met going the opposite direction, one vehicle must back up until a place wide enough to pass is found, and even then the vehicle's outside mirrors sometimes barely clear. This condition is further complicated if one or both vehicles are wide, or towing a trailer. The road routinely develops potholes and washboards which require frequent repair by VDOT. We do not believe the road is well suited for the estimated additional traffic, nor is widening the road practical in the many one-lane sections.

With development on North Fork Rd and surrounding areas, we would be concerned about the additional demand on the Montebello Volunteer Fire Department. Since they no longer provide EMS, other Nelson

County emergency response facilities will have to respond to medical calls in that area as campground population increases.

Finally but as equally important, in other valleys where camping has been allowed, there has been a marked increase in crime, including robbery, conversion, theft, vandalism and trespass. This is a known detriment and burden on the surrounding properties which cannot be underscored. The petitioner has not provided any evidence or support for how these items would be addressed to ensure the safety and wellbeing of their neighbors or protecting the character of this valley.

We enjoy our place on the North Fork Valley because it is remote and peaceful. Development of campgrounds in the valley would significantly and irreversibly change that environment and we are strongly opposed to this variance.

Regards,



Brian M. Brown, Esq.



Amy Lanning Brown

Emily Hjulstrom

From: Juliana Piedra
Sent: Tuesday, November 14, 2023 9:58 AM
To: Jesse Rutherford; Ernie Reed; David Parr; Tommy Harvey; Robert G. Barton
Cc: Candy McGarry; Amanda Spivey; Emily Hjulstrom; Dylan Bishop
Subject: FW: Against Special Use Permit #1050

Thanks,
Juliana

From: William Brown [mailto:bbrowniii2001@yahoo.com]
Sent: Monday, November 13, 2023 8:22 PM
To: Juliana Piedra <jpiedra@nelsoncounty.org>
Cc: jaynehoff@gmail.com
Subject: Against Special Use Permit #1050



IRONSCALES couldn't recognize this email as this is the first time you received an email from this sender bbrowniii2001@yahoo.com

Sir/Ma'am,

We are strongly opposed to granting approval for Special Use Permit #1050. This area is very rural and needs to remain that way. There are areas in the vicinity that offer lodging at Crabtree Falls and the Montebello General Store Campground and we do not need to be adding to the number of people traveling in and around our area. We are already dealing with all the additional traffic with the development at the 12 Ridges Winery development - and wish you all could see what it is like. We are being run off the road daily by the trucks driving in and out of their development. When we have stopped them to talk about driving slower they have been nasty and vulgar about it and continue to drive down Bradley Rd which is dirt/gravel. The ruts and damage to the roads is growing at a rate that has not been seen before and we will continue to see it when the development is completed as people will have to use Bradley Rd during the winter months as they will not be able to access it from the Blue Ridge Parkway.

Where the proposed permit is set for on Zink Mills Road, the roads are the same as Bradley Rd and it will add to the use dramatically. We do not need to additional 'stress' added to roads already in place. The roads are all gravel/dirt and will not do well with additional traffic. It is normally quiet but if you look back over the past 60 days there has been 2 incidents on Zink Mills Road without any development including a traffic accident and someone being hit by a car. The roads around this area are just not designed for more vehicles.

I hope you will not just approve the request. There are a lot of impacts and the way things are in this area now will just not support what is being asked - it will already be stressed by the 12 Ridges development and if this is approved it will be even worse.

Thank you
Bill and Sandra Brown
147 Parkway View Dr

Emily Hjulstrom

From: Richard Christy <rchristy.964@gmail.com>
Sent: Monday, November 6, 2023 6:26 PM
To: Emily Hjulstrom
Subject: SUP#1050

Follow Up Flag: Follow up
Flag Status: Flagged



IRONSCALES couldn't recognize this email as this is the first time you received an email from this sender rchristy.964@gmail.com

Good afternoon Emily Hjustrom I apologize for not being able to write and mail this letter so as to arrive before the deadline. Please see that the following email letter is presented to the appropriate government bodies. I sincerely thank you for your assistance in this extremely important matter.

Kindest Regards.

Richard Christy 540-377-6467

November 6, 2023

Dear Mr. Bishop, members of the planning commission and Board of supervisors. Subject: Special Use Permit #1050 I am writing in regards to the proposed SUP#1050 campground located at 6973 North Folk Rd. Montebello, Va. As adjacent landowners on two fronts since 2002. We are concerned that by granting this use permit would open a pandora's dox of problems for our community. We are landowners with two physical addresses on Zinks Mill School Rd.

Address: 964 (15A 7) and (15A 7B)
1141 (15A 8A) and (26A 2A)

Properties are in my wife's name
Gwendolyn L. Pell (trustee)
C/O myself Richard Christy

To limit my concerns in writing. I will say that I have read in its entirety the packet from your October 25, 2023 meeting. I have also read every letter of concern submitted to you in the packet from my neighbors as well. I believe that each letter provides adequate reasons to deny this permit.

One letter that stood out was submitted by Don and Claire Forsyth dated October 15, 2023. Our concerns mirror Mr. Forsyth and all of our concerned residents. They to are adjacent landowners to our property and the proposed SUP location. I agree with every letter submitted to this office.

In addition to everyone's concerns I would like to add that we already lack adequate Fire and EMS Services as well as law enforcement. We as a community are low keyed and neighbors respect each other and the need for law enforcement is minimal. This influx would require more law enforcement presence. More traffic, people and campfires will put at risk our community, our own woodlands and surrounding National Forests and the ability of Law Enforcement and Fire & Rescue to adequately serve and protect the residents of Montebello.

We as a community invested in our pristine properties to live in a rural undeveloped landscape. We love our quiet lives and neighbors and do not look forward to developments that ruin the environment for profit. It's already getting out of hand with the development of the Christmas tree farm now 12 Ridges Winery and now this proposed property which has already been granted with numerous cabins and now proposed campground.

By granting SUP #1050 will put undo stress on our roads which are too narrow for an influx of traffic. The influx of people will stress our already weak electric grid and water supply demands and force the county to

provide more law enforcement. That being said we ask that the planning commission recommend the denial of this use permit to the Board of Supervisors. Listen to your residents do what's right for the community and help preserve our Montebello which translates to Beautiful Mountain.

Sincerely,
Richard Christy
Gwendolyn L. Pell (trustee)

Emily Hjulstrom

From: Juliana Piedra
Sent: Monday, November 13, 2023 11:11 AM
To: Jesse Rutherford; Ernie Reed; David Parr; Tommy Harvey; Robert G. Barton; Emily Hjulstrom; Dylan Bishop
Cc: Amanda Spivey; Candy McGarry
Subject: FW: Board of Supervisors Nelson Co.

Follow Up Flag: Follow up
Flag Status: Flagged

From: IAN CODDINGTON [mailto:icoddington@msn.com]
Sent: Monday, November 13, 2023 10:59 AM
To: Juliana Piedra <jpiedra@nelsoncounty.org>
Cc: Hoffman, Jayne <jaynehoff@gmail.com>; WADE LANNING <wblanning@comcast.net>
Subject: Board of Supervisors Nelson Co.



IRONSCALES couldn't recognize this email as this is the first time you received an email from this sender
icoddington@msn.com

Ian M. Coddington
779 Cedar Run Trail Manakin Sabot, VA 23103
1056 North Fork Road, Montebello, VA 24464

November 13, 2023

Board of Supervisors
Nelson County, Virginia

Jesse Rutherford (Chair, East District)
David Parr (West District - Montebello)
Tommy D. Harvey (North District)
Ernie Reed (Central District)
Robert G. Barton (South District)

RE: Special Use Permit #1050 Campground

I am adamantly opposed to the approval of **SUP #1050** for campgrounds on the North Fork of the Tye River. I own one parcel at 1056 North Fork Road (16-A-29) 38.96 acres. That has been in my family for over 55 years.

Housing Increase:

The number of "homes" that have been established has led to a mini "metropolis from the bottom of Rt. 687 and Rt. 56 at Nash up to the hairpin turn in the road at White Rock on the North Fork of the Tye River. One only has to visit the area from the bottom of Rt. 687 at Nash and ride up the road to White Rock to envision and realize what will happen to the increased volume of houses and traffic from White Rock to the top of Rt. 687 at the intersection of Rt. 686.

Vehicular Traffic:

The increase in homes has led to people riding up and down the road “exploring” the area. The very narrow wooden bridge at White Rock has been damaged numerous times by vehicular traffic, including ATVs and similar type vehicles.

Safety:

No posted speed limit.

State route 687 is a small dirt road barely passable in areas for only one vehicle. There is no posted speed limit anywhere on the road. Many times, I have been run off the road by vehicles exceeding a safe speed limit for travel. I have been bumped by one vehicle sliding into me when going around a curve.

Fishing and Hunting:

My house is just off the road along the North Fork of the Tye River. I constantly have people stopping to investigate my property. My property is the first allowable resupply point for Trout on Route 687 from the Montebello Fish Hatchery. This has increased the number of fishermen “trespassing” to fish along with all the trash they leave.

FIRE:

The Montebello Fire Department is understaffed and under-equipped to support the area. Any fire in the area would be catastrophic. I go no further that the current 3,000 plus acres on fire in the Shenandoah National Forest in Madison County.

The applicants are being very disingenuous with their application. It is written in “flowery” terms of the wonderfulness of what it will do for the area to enhance the passage of the permit. All it will do is increase traffic issues, fire hazards, trash, and heavily impact the area environmentally.

Respectfully submitted,
Ian Coddington

Ian M. Coddington
779 Cedar Run Trail Manakin Sabot, VA 23103
1056 North Fork Road, Montebello, VA 24464

October 24, 2023

Nelson County Planning and Zoning Department
PO Box 558
Lovingsston, VA 22949

RE: Special Use Permit #1050 Campground

Director:

This is to advise the Department that I am adamantly opposed to approval of SUP #1050 for campgrounds.

I own one parcel at 1065 North Fork Road (16-A-29) 38.96 acres. This residence has been my family for over 55 years.

Over the years with the advent of electricity running the length of North Fork Road, there has been a significant increase in the number of houses built along the road running from the intersection of North Fork Road Rt. 687 and Zink Mills Road 686 all the way down to the intersection of Route 56 at Nash.

Over the years the increase in vehicular traffic due to “home” building has been immense. Traffic has increased due to people riding up and down the road “exploring” the area. State route 687 is a small dirt road barely passable in areas for only one vehicle. There is no posted speed limit anywhere on the road. Many times, I have been run off the road by vehicles exceeding a safe speed limit for travel. In meeting a vehicle while moving at a “safe” speed going around the many curves on the road, one will slide along the road when applying the brakes. I have been bumped by one vehicle sliding into me when going around a curve.

My house is just off the road along the North Fork of the Tye River. I constantly have people stopping to investigate my property. My property is also the first allowable resupply point of Trout on the NF Tye from the Montebello Fish Hatchery along with the first fishable section of the upper NF Tye River. This has increased the number of fishermen “trespassing” to fish along with all the trash they leave.

Allowing the increase in multiple dwellings will only increase traffic and people meandering to “investigate” the area.

I read with interest the request for special zoning to include sites for platforms for special tents. Being an avid hiker and backpacker, I have vast experience with tents. I believe that special tents mean “Yurts” and not the type of tents one would use for established camping. I think the applicants are being very disingenuous with their application. It is written in “flowery” terms to enhance the passage of the permit. What is does not address is, trash, car traffic, trespassing, as well use of random firearms shooting.

Respectfully submitted,

Ian Coddington

Kenneth and Karen Cowen
34 Little Mountain Lane, PO Box 155
Montebello, Va 24464

November 14, 2023

Nelson County Board of Supervisors
Attn: Jesse Rutherford, David Parr, Tommy D. Harvey, Ernie Reed, and Robert G. Barton

Dear Nelson County Board members:

We would like to express our opposition to SUP #1050 for reasons you have probably read on multiple letters, so we will keep our reasons very brief. We are concerned about this proposal due to the increased potential for local forest fires and pollution to the vulnerable North Fork River. Also, though we do not live on Zinks Mill School Rd and are not directly affected, we are concerned for our neighbors who are directly affected and have already seen changes in the quality of life there, with the potential for more. They are all worried about an increase in traffic, noise, crime, litter and potentially dangerous egress in the event of a fire emergency.

While we recognize that areas change and progress, development, and population increase are inevitable, SUP #1050 is not our only concern, and is being watched by others who have similar plans. We have seen an upsurge in this area of land speculation and land converted from the usual residential and agricultural to transient housing/money generating properties. We are not sure of the rules on this, but it is on the rise here and a big concern to people who have lived here for generations and to those of us who have come more recently and wish to keep Montebello the beautiful and neighborly place that it is. We hope that the Board of Supervisors will work to protect now and in the future the West region's amazing resources, resources that bring many to our area. I think most of us really like the campgrounds that house our many visitors. The reason for this is they are well planned, on flatter ground and on larger roads for egress, with trees for erosion control left in place. They are also well staffed and work with the community to prevent issues with traffic, noise, and fire risk.

Thank you for taking the time to read this.

Sincerely,

Ken and Karen Cowen

Emily Hjulstrom

From: Gary Evans <foltsfolly@gmail.com>
Sent: Wednesday, October 25, 2023 12:53 PM
To: Emily Hjulstrom
Subject: Special Use Permit #1050 - Campground



IRONSCALES couldn't recognize this email as this is the first time you received an email from this sender foltsfolly@gmail.com

We would like to register an objection to this project on the grounds that it will further impact the traffic and road conditions on North Fork Road. North Fork is a one lane gravel road that serves residents, hunters, and tourists and is hazardous in many places especially in inclement weather and beside ravines. The road is very curvy and narrow in places that we have to back up when we meet other vehicles, large trucks such as propane trucks, construction vehicles, and trucks pulling trailers. Additionally, during hunting seasons including bear chase season, the traffic increases significantly. The road gets severely rutted and "cord-a-royed" at times and maintenance depends on VDOT or neighbors to repair and remove trees. I have not seen anything in the request that says the requester has offered to improve the road to alleviate conditions. We therefore object to the project for the above reasons.

Charles G. and Marilyn F. Evans
6005 North Fork Road
Montebello, Va. 24464

Emily Hjulstrom

From: Juliana Piedra
Sent: Thursday, November 2, 2023 3:39 PM
To: Emily Hjulstrom; Dylan Bishop
Cc: Jesse Rutherford; David Parr; Ernie Reed; Tommy Harvey; Amanda Spivey; Candy McGarry; Robert G. Barton
Subject: FW: SUP 1050

Hi All,

Please see below an email from Charles and Marilyn Evans regarding the Special Use Permit #1050 Campground.

Thanks,
Juliana Piedra

From: Gary Evans [mailto:foltsfolly@gmail.com]
Sent: Thursday, November 2, 2023 2:53 PM
To: Juliana Piedra <jpiedra@nelsoncounty.org>
Subject: SUP 1050



IRONSCALES couldn't recognize this email as this is the first time you received an email from this sender foltsfolly@gmail.com

We would like to file our objection to this project. We have a cabin at 6005 North Fork road that has been in the family since the early 19660's. We have been permanent residents there for the last 12 years. The roads on North Fork Road are very narrow, sometimes severely rutted with occasional trees across the road. Most places are one lane and usually someone has to back up. The road is used for residents, tourists during leaf season, and hunters during hunting season. Additionally, hunters and repairmen use the road pulling trailers and driving large trucks. We also have propane trucks, Fedex and UPS almost daily. To turn this road over to people who are not used to driving in these conditions would be hazardous to them and to residents who have to travel off the mountain for shopping and Medical appointments as well as emergencies. If we have a fire in the area, it would be problematic for our small fire department to navigate in traffic unfamiliar with the area. The addition of 20 campsites with people burning outdoor fires increases the chances of forest fires which all of us up here fear the most. Additionally, to bring in a commercial operation into our pristine valley would change the environment and tranquility here. For these these reasons, we strongly object to this project and urge you to decline this request.

Charles G. Evans
Marilyn F. Evans

Emily Hjulstrom

From: Juliana Piedra
Sent: Wednesday, November 15, 2023 3:55 PM
To: Jesse Rutherford; David Parr; Ernie Reed; Tommy Harvey; Robert G. Barton
Cc: Candy McGarry; Amanda Spivey; Emily Hjulstrom; Dylan Bishop
Subject: FW: SUP 1050

From: marie firth [mailto:mfoxh292@gmail.com]
Sent: Wednesday, November 15, 2023 1:05 PM
To: Juliana Piedra <jpiedra@nelsoncounty.org>
Subject: SUP 1050



IRONSCALES couldn't recognize this email as this is the first time you received an email from this sender mfoxh292@gmail.com

To: Nelson County Board of Supervisors

Jesse Rutherford
David Parr
Tommy D. Harvey
Ernie Reed
Robert G. Barton

Dear board members,

We are writing in opposition to special use permit #1050 campground on North Fork Rd. We live on Zinks Mill School Rd, having purchased the property in 2004 for the exact reasons that our neighbors have voiced in their letters — mainly that Nelson County had heretofore protected the pristine natural environment that encompasses the Montebello area. While the area includes sections of national forest, our neighbors themselves have all protected their properties by not developing wild lands. The value of this land lies not only in its personal interest to us, but in the common good for keeping wild lands wild. The Montebello area is home to a breathtaking array of natural flora and fauna; hunters, fishermen, hikers and other wildlife enthusiasts recognize the area for the natural state that supports this life. To carve apart this environment; put pressure on natural water resources; and add light, noise and traffic pollution would actually detract from the natural beauty of the area.

Need we state that the climate is changing, and that our eastern forests are and will be at increased risk of fire and erosion damage due to less rain. Mountain soils are more friable and rocky; they do not retain the moisture that flatland soils might. Wind events are increasing, adding to fire concerns. Those of us who live here in Montebello value the presence of our volunteer fire department and our volunteer responders. Increased development, especially on a ridge as in SUP #1050, may tax our resources and put lives at risk.

Traffic on our unpaved, narrow county roads — roads unfamiliar to visitors who drive faster, already en route to the winery down the road — has been adequately addressed in our neighbors' letters.

We encourage you, as stewards of Nelson County's wild lands, to consider this request to deny this permit, as well as to consider permanent protection for this area. Visitors who truly value these natural resources and landscapes will ultimately thank you, and Nelson County will continue to be a destination.

Thank you for your consideration of this letter.

Marie and Alan Firth
292 Zinks Mill School Road
Montebello, VA

Sent from my iPad

Emily Hjulstrom

From: Alan Firth <otbass@gmail.com>
Sent: Wednesday, October 25, 2023 11:24 AM
To: Dylan Bishop; Emily Hjulstrom
Subject: Sup # 1050 North Fork Cabins



IRONSCALES couldn't recognize this email as this is the first time you received an email from this sender otbass@gmail.com

Dear Dylan Bishop, Director and Emily Hjulstrom, Planner

I wish to object to a zoning change to allow for a campground to be built on tax map 16-A-17/ 100.2 +/- acres. 6973 North Fork Road.

We are a small rural community. Our roads are not designed for heavy traffic and our Fire Department is not equipped to handle multiple fires of the potential of the 20 campsites planned.

My homeowner's insurance is high enough as it is without adding to the burden of the already stretched capacity of our Fire Department. We have no EMS in our area.

Again, I wish to object to this reckless plan for development in an area that is not equipped to handle such development.

Sincerely,

Alan and Marie Firth
292 Zinks Mill School Road
Montebello, VA 24464
Tax Map 26-A-60

Dylan M. Bishop
Zoning and Planning Director, Nelson County
PO Box 558
Lovingsston, VA 22949

October 15, 2023

Dear Mr. Bishop and Members of the Planning Commission and Board of Zoning Appeals:

We are writing to convey our concerns regarding the proposed granting of a Special Use Permit (#1050) for a parcel located at 6973 North Fork Rd in Montebello. As adjacent landowners, we ask that the Planning Commission recommend the denial of the permit to the BOS. We are not able to be present at the planning commission meeting but hope that the points listed here can be considered by the commission as it makes its determination.

Our primary argument against the granting of a special use permit for a commercial campground in an agricultural zone is that we believe it is important to preserve agricultural land, and thereby protect the environment while maintaining the rural character and quality of life in Montebello. The proposed site of the commercial campground is a beautiful unpaved country road dotted by farmhouses, fields, and forests. A commercial campground is inconsistent with the area's bucolic natural state and could also lead to the gradual loss of valuable farmland in the Montebello area. In addition:

Land Use: We believe that a commercial campground of the scope proposed would be better suited to zones designed for recreational or commercial purposes, rather than encroaching on the limited amount of agricultural land still available in the area. Unlike existing camps in the area, which are separated from roadways by forest and field buffers, the proposed camps would be located along the side of North Fork Rd.

Impact on the Environment: Campgrounds typically require clearing land, construction, and infrastructure development. This can result in habitat destruction, increased water usage, and potential pollution of local water bodies. It may also disrupt local ecosystems and wildlife.

Increased Traffic and Noise: A commercial campground is likely to attract a significant number of visitors, leading to increased traffic in the area. This can disturb the tranquility of the rural environment, create noise pollution, and disrupt the normal flow of agricultural activities.

Strain on Infrastructure: Developing a commercial campground in an agricultural zone may strain local infrastructure such as roads, sewage systems, and utilities, potentially leading to increased maintenance costs and a burden on local taxpayers.

Decreased Property Values: Nearby property values, including ours, might be negatively affected by the presence of a commercial campground due to the changes in the character of the area, the potential noise, and the perceived loss of the rural ambiance, which can harm property owners' investments.

Potential for Conflicts: Residential and agricultural activities (for example, early morning or late-night work, exercising hunting dogs, the movement of farm vehicles, horseback riding) can

conflict with the recreational aspects of a campground. This may lead to disputes between campers and permanent residents, creating an unpleasant living environment for both.

Regulatory Precedent: Granting a special use permit for a commercial campground in an agricultural zone could set a precedent for further developments that do not align with the original zoning intentions, making it difficult to maintain the integrity of agricultural zones in and around Montebello.

Inadequate Infrastructure for Emergency Services: Montebello has limited access to emergency services such as fire, police, and medical care. The development of this commercial campground could strain these services, potentially endangering the safety of both campers and the local community.

Overcrowding and Environmental Stress: The increased numbers of campers during peak seasons could cause overcrowding and overuse of the land, leading to environmental degradation and erosion of the natural landscape.

We have been landowners in Montebello for the past 25 years, but we don't presume to speak for our neighbors whose families have lived here in Montebello for generations. That said, every member of the community we have spoken to in Montebello about the matter has voiced opposition to the development of a commercial campground at the intersection of Zinks Mill School Road and North Fork Road. So, in conclusion, we ask that you recommend to the BOS that the Special Use Permit be denied.

Sincerely yours,



Claire and Don Forsyth, Residents of Montebello (Tybridge II Limited Partnership)

RECEIVED

OCT 23 2023

Jesse Rutherford, Chair
Board of Supervisors
84 Courthouse Square
P.O. Box 336
Lovingsston, VA 22949

November 3, 2023

Dear Mr. Rutherford and Members of the Board of Supervisors:

We are writing to convey our concerns regarding the proposed granting of a Special Use Permit (#1050) for a parcel located at 6973 North Fork Rd in Montebello. We ask that the Planning Commission deny the request. We are not able to be present at the Board Meeting but hope that the points listed here can be considered by the commission as it makes its determination.

Our negative recommendation is based on the criteria that must be met before a Special Use permit can be granted, including consistency with established development patterns, impact on neighboring properties and property owners, strain on services, and environmental harm. Specifically:

1. Developmental patterns

Because this area of Montebello is an established rural community, a commercial camping site is inconsistent with the region's character and development. The area is a mix of residences and family-owned farms and has been for generations. It is a rural area, due to both historical precedent and preference: People live and work here because the density is low, the land is either farmland or forest, and the complications that come with urban living are fewer. Granting a special use permit for a commercial campground could set a precedent for further developments that do not align with the established zoning and planning standards, making it difficult to maintain the integrity of the Montebello community.

2. Impact on neighboring properties and property owners

A campsite would not be in harmony with the uses permitted for this area—residential and agriculture—and if approved would adversely impact neighboring properties and the people living on those properties. Nearby property values, including ours, would be negatively affected by the presence of a commercial campground due to the changes in the character of the area, the potential noise, and the perceived loss of the rural ambiance. The campsite would also adversely affect the quality of life of the people who live near it. Residents of Montebello enjoy the benefits of rural living, including peace and quiet, space and privacy, close community connections, lower crime rates, outdoor activities, and self-sufficiency. A commercial campground could undo all the advantages residents currently enjoy. Residential and agricultural activities (for example, early morning or late-night work, exercising hunting dogs, the movement of farm vehicles, horseback riding, hunting) can conflict with the recreational aspects of a campground. This may lead to disputes between campers and permanent residents, creating an unpleasant living environment for both. We believe a commercial campground of the scope proposed would be better suited to zones designed for recreational or commercial purposes.

3. Services

A campground of this size will strain local infrastructure such as roads, streams, utilities, and services, potentially leading to increased maintenance costs and a burden on local taxpayers. Montebello has limited access to emergency services such as fire, police, and medical care. North Folk is an unpaved road that can be a challenge to drive and was never designed to carry nonlocal traffic. The risk of fire would also be substantially elevated by an increased number of campsites. Given the terrain, any services—including medical services and firefighting—would be limited.

4. Ecological Impact

The proposed project will require clearing land, construction, and infrastructure development. This can result in habitat destruction, increased water usage, and potential pollution of local water bodies. It will disrupt local ecosystems and wildlife and cause an increase in noise and light pollution. The proposed sites would be located on extremely steep hillsides, which would be leveled to establish camping spaces. The increased numbers of campers during peak seasons could cause overcrowding and overuse of the land, leading to environmental degradation and erosion of the natural landscape.

We have been landowners in Montebello for the past 25 years, but we don't presume to speak for our neighbors whose families have lived here in Montebello for generations. That said, every member of the community we have spoken to in Montebello about the matter has voiced opposition to the development of a commercial campground at the intersection of Zinks Mill School Road and North Fork Road. So, in conclusion, we ask that the Special Use Permit be denied.

Sincerely yours,

Claire and Don Forsyth, Residents of Montebello (Tybridge II Limited Partnership)

Emily Hjulstrom

From: Carolyn Frahm <csfrahm@gmail.com>
Sent: Wednesday, November 15, 2023 1:12 PM
To: Dylan Bishop; Emily Hjulstrom
Cc: Amelia McCulley; Susan Luscomb
Subject: Campground Application



IRONSCALES couldn't recognize this email as this is the first time you received an email from this sender csfrahm@gmail.com

To the Nelson County Planning Commission:

I have been a member of Rockfish Presbyterian Church for sixteen years. This disturbing news of a proposed special use permit adjacent to the church's property is unacceptable for many reasons. Others have pointed out the fact that our church is an historical landmark designated by the Virginia Department of Historic Resources. A "primitive" campground with no well, septic, or electricity would directly impact our property. Not only will it affect the character of the area, but the district we are in is designed for farming, forestry and limited residential use.

The fact that there will be no one on the site is a huge risk to our property and the people attending the church. Campfires and lanterns are a potential fire hazard. Noise would disturb our outdoor activities.

Another significant concern is the traffic that could be using our same entryway.

The bottom line is that this application fails to meet the criteria in the Nelson County Zoning Ordinance.

Respectfully submitted,
Carolyn Frahm
144 Hearthstone Lane
Nellysford, VA
22958

Sent from my iPhone

Water is Life!

Darrin Grant
425 Zinks Mill School RD
208-317-4611
dtgcareer@gmail.com

**Board of Supervisors
84 Courthouse Square
P.O. Box 336
Lovington, VA 22949**

Dear Board members,

We are writing to the board concerning the proposed campgrounds and cabins in Montebello at location; **6973 N. Fork Rd.** Originally, we were going to write two letters; one from myself looking at things from an environmental /ecological standpoint, and one from my wife with her perspective as a mother and teacher who homeschools. However, we have three young children; our youngest being a little girl who has developmental delays, and complex medical needs which require 24hour care. Time is priceless, and like the wildness of the mountain; once it's gone you cannot get it back. Because of this, the two of us will both share our opinions in this letter together for the greater good.

We have only been living in Montebello four years, yet in that short time we've already seen significant change. The opening of the Twelve Ridges Winery has increased traffic on our road dramatically. The road itself has gotten progressively wider along our property frontage which has resulted in cars and trucks going much faster than needed. For the benefit and safety of our small children my husband purchased and installed road signs himself when we first moved in. However, people still seem to rush past both the signs and our property. We had an incident just a few months ago where a speeding jeep caused an equally fast-moving delivery van to run off the road just across from our mailbox! It seems people are always in a hurry, we moved here to slow down.

Our property has a creek that runs along the road, and our three children spend most days playing there. As homeschoolers we take the time to study the environment and it is amazing to us how many creatures exist and thrive in and around the water- so many

creatures we haven't even learned the names for all of them yet. We teach our children to be stewards of the land, and to protect the lives of those tiny mysterious creatures in order to maintain a healthy, balanced eco-system. We believe in and practice both water and land management and have partnered with the James River Association to improve our land and protect the watershed.

The idea of placing ten cabins as well as an entire campground in such close proximity to each other and to our watershed is appalling. It will bring even more traffic down our road where our children ride bikes and eagerly run down to check the mail - remember that our youngest child has global delays that impact her both physically and mentally and she may not respond as expected of a child her age. The last thing we want is to see more widening of the roadway which is already mere feet from the creek in some areas.

The presence of so many people staying in these cabins will also have significant impact on the native wildlife that is almost impossible to catalog it is so abundant. Although we would like to believe that everyone who comes to the mountains will be respectful of the native habitat, that does not often seem to be the reality. We have very real concerns that there could be irreparable damage done to the ecological vitality of the Tye River headwaters with so many humans existing in such close quarters.

As both a servicemember in the United States Army (20 years) and a Hotshot crewmember for the United States Forest Service (7 years) I will speak frankly and say that I have had the opportunity to see some amazing places. My wife and I chose Montebello for very specific reasons. We discovered the beauty of Nelson County 15 years ago when we were dating. We were drawn to the isolation, the water, and the air. There was a wildness, an untouched riparian forest that is so unique. We have traveled all over the US and abroad and Nelson County has some of the best water and air quality ever seen. Where else can you find lichen as big as your hand? Where else does spring water bubble up out of the ground that has less Parts Per Million in total dissolved solids than the Cascades or the Rockies'?

Larissa and I firmly believe that there needs to be stronger measures put in place for any development within Nelson County. However specifically within the ecologically unique Montebello area to keep the watershed/water-table safe for current and future residents, to sustain the current quality of life for the members of the community, and to ensure that sanitation and land resources are being managed properly. Without proper stewardship of this very special mountain, it will soon change forever.

Sincerely

Darrin and Larissa Grant

"In any moment of decision, the best thing you can do is the right thing. The worst thing you can do is nothing." Teddy Roosevelt

Robert and Teresa Guinter
16252 Crabtree Falls Hwy.
Montebello, VA (MP# 26 7 2)

November 13, 2023

Dear Nelson County Board of Supervisors:

We are writing to you today in opposition of the approval of SUP #1050 Campground. There are many concerns as outlined below, beginning with the ones we consider of greatest importance, ending with those in keeping with our personal considerations on the subject.

- The possible, yet probable, increased threat of fire from reckless behavior of persons who would be using our community as a playground for a short amount of time. For those of us who's only residence is in Montebello, we are at the greatest risk for loss of both life and property. Although we have Montebello Volunteer Fire Department as a resource, there could be issues that they would not be able to handle. No other fire departments are as close as they would need to be for quick response.
- Montebello does not have continual law enforcement patrolling this rural area. With the increase of what would be a revolving door of unvetted visitors, residents would not have any immediate help and support for criminal activity.
- Trespassing on private property by persons not respective of posted signage is currently a concern and could, or would increase, as well. Our home is close to the road on Rte. 56. We have recently had a marked increase of cars in our private driveway. This would only get worse as visitors do get lost. (Zinks Mill School Road is our nearest cross street.)
- There would be further loss of preservation of George Washington National Forest, of both environment and wildlife. We can find no redeeming qualities with this venture, especially since the land is not zoned commercial.

- Overuse of the narrow gravel roads involved and of course, the increase of trash on all roads in Montebello would be a negative factor.

In closing, we have owned our property here in Montebello for 17 years with the intention of building and living in our retirement home, which we did almost 4 years ago. We are still in awe of its peacefulness and beauty and are proponents of helping to maintain those qualities. To add yet another campground of the proposed nature would in our opinion, chip away at what is most valued in the first place. We look forward to defeating this campground proposal.

Sincerely,

Robert and Teresa Guinter

Emily Hjulstrom

From: Juliana Piedra
Sent: Tuesday, November 14, 2023 3:52 PM
To: Jesse Rutherford; David Parr; Ernie Reed; Tommy Harvey; Robert G. Barton
Cc: Candy McGarry; Amanda Spivey; Emily Hjulstrom; Dylan Bishop
Subject: FW: Board of Supervisors Nelson County

FYI

From: Mary Hill [mailto:mhill6104@gmail.com]
Sent: Tuesday, November 14, 2023 3:45 PM
To: Juliana Piedra <jpiedra@nelsoncounty.org>
Subject: FW: Board of Supervisors Nelson County



IRONSCALES couldn't recognize this email as this is the first time you received an email from this sender mhill6104@gmail.com

Roland G and Mary K Hill
6104 North Fork Road, Montebello, VA 24464

Board of Supervisors
Nelson County, Virginia

Jesse Rutherford (Chair, East District)
David Parr (West District - Montebello)
Tommy D . Harvey (North District)
Earnie Reed (Central District)
Robert G. Barton (South District)

RE: Special Use Permit #1050

We live on North Fork Road .7 of a mile from the entrance to this proposed campground. This campground has only one entrance and that is directly on North Fork Road. We have lived in Montebello at this property for the past 9 years and bought it for the same reason as almost all residents here - for the pristine beauty and healthy environment it provides. We are adamantly opposed to the approval of the proposed campgrounds (SUP#1050) on the North Fork of the Tye River for the following concerns:

Traffic:

I have traveled North Fork Road for the past 9 years, 5 of those while still working, going in and out twice a day. I intimately know the road and am quite aware of the blind curves, frequently fallen trees, flooding, steep drop offs into the river ravines and sections where only a single vehicle can travel without backing up if another vehicle is approaching. This road cannot support the additional traffic generated by this campground.

Fire Danger:

Montebello has a very small volunteer fire department. The added risk of campfires from 11 cabins and 6 tents is of great concern. Any fire that occurred would have a catastrophic effect on the whole community. The fire department would have great difficulty accessing this development.

Watershed/water table:

Can our water table support 17 cabins and tents, each with their own private bathroom? I see no difference in water usage with a 17 room hotel. How polluted is the North Fork of the Tye River? Will studies be done to determine the water purity before and after these cabins are complete? The current 4 cabins which are completed or near completed in this project are within feet of the river. Storm runoff seems inevitable.

Roland and Mary Hill

Charles Kaye and Sarah Rife Kaye
VOK, LLC
1454 Fork Mountain Lane
Montebello, VA 24464
540 799 2216
vectorlp@aol.com

Nelson County Board of Supervisors:

November 4, 2023

Jesse Rutherford (Chair, East District)
David Parr (West District - Montebello)
Tommy D. Harvey (North District)
Ernie Reed (Central District)
Robert G. Barton (South District)

RE: Special Use Permit #1050 Campground

We are writing to advise the Planning and Zoning Department that we are strongly opposed to the approval of SUP #1050 for campgrounds.

We own the parcel along North Fork Road immediately to the east (downstream) of the proposed campground, Parcel #16 A 18. We purchased this parcel in addition to our parcel #27 A 7 which is adjacent to the proposed campground parcel at its upper eastern corner. We are full time residents of a cabin on these 250 combined acres.

There are several reasons not to allow for the extension of visiting campers to the North Fork. One of the most serious to us is that they will likely be attracted by the river itself and follow it downstream onto our property. The river on our property is characterized by large boulders, steep slopes and dangerous falls as the river descends into a gorge. It is a very dangerous place and almost impossible to monitor for trespass. We fear an accident could easily occur when people unfamiliar with the dangers of the outdoors wander onto the property, perhaps with their children, or perhaps under the influence of recreational liquor or drugs.

The property we own has been left in a natural state and is the home to a great deal of wildlife, including deer, bear, and many other creatures, some dangerous, such as copperheads and rattlesnakes. In a conservation easement, the property is meant to remain wild and putting these cabins and a revolving group of visitors next door is both asking for accidents and disturbing the wild state of the river there.

We are aware that use of the property as a campground will significantly increase the traffic in the area of the North Fork and as you may know, the road is quite rural and in some places would not allow for two vehicles to pass each other. On our property there are very steep drops just off the road and any driver who came through who is not careful and respectful of the road could suffer a significant accident. Clearly, the road is not in a state to support additional traffic.

We are also aware that in areas with camping visitors there is an increase in property vandalism, destruction, robbery and the risk of fires, which could be devastating to the entire area. Though the

Montebello Volunteer Fire Department does a commendable job, this area is in a deep valley and fire spotters would likely not be able to respond in time to avoid a conflagration, particularly as winds are often fierce coming from the north and would push a fire vary quickly.

As for most residents in the area, the unspoiled nature of the North Fork is cherished and protected by us, and we hope to help preserve this unique natural resource for the future.

For these reasons we are strongly opposed to the zoning change to place cabins and change the character of the North Fork which is a haven for the local wildlife. Finally, there is not a need for this facility as there are other camping options available nearby, including the cabins at Crabtree Falls, the Montebello Country Store, Camp Blue Ridge and many AirBNB properties.

Sincerely,

Chares F. Kaye

Sarah J. Rife Kaye

Emily Hjulstrom

From: WADE LANNING <wblanning@comcast.net>
Sent: Tuesday, October 24, 2023 12:48 PM
To: Emily Hjulstrom
Subject: Re: Comments for SUP #1050

Hello Emily,

If not too late, I'd like to submit the following additional comment regarding the subject SUP.

Periodically there are running and cycling contests in the North Fork Tye River valley, including along North Fork Rd, Spy Run Gap Rd, Zink's Mill School Rd and Bradley Lane. Perhaps a hundred runners or cyclists are on the road during these events that last for hours. I believe the organizers use North Fork Rd and the other roads that feed into North Fork Rd mentioned above for the safety of the participants due to the very low traffic volume. They can run or ride on the road surface during these events with little vehicle interference. The extra traffic predicted in SUP #1050 could increase risk of serious injury to a runner or cyclist, whether during an organized event or impromptu activities.

Regards,
Wade Lanning

On 10/21/2023 7:38 PM EDT WADE LANNING <wblanning@comcast.net> wrote:

Hello Emily,

With reference to our conversation on October 20, 2023, please find attached our comments regarding SUP #1050.

Best regards,
Wade Lanning
cell/text 804-586-1023

Wade & Phyllis Lanning
8015 Driftwood Dr. Prince George, VA 23875
5297 North Fork Rd., Montebello, VA 24464

October 20, 2023

Nelson County Planning and Zoning Department
PO Box 558
Lovingston, VA 22949

RE: Special Use Permit #1050 Campground

Director;

This is to advise the Department that we are opposed to approval of SUP #1050 for campgrounds.

We own two parcels on North Fork Road (16-A-23 and 16-A-24) near the two proposed campgrounds. We have a residence on parcel 16-A-24, which has been in our family for 61 years. We have maintained that residence over the years and purchased parcel 16-A-23 relying on the character and nature of the zoning of the surrounding parcels in the area. Residences on much of upper North Fork Rd are sparse, resulting in quiet conditions with very little traffic. It's not uncommon that the only vehicle passing our house during a twenty-four hour period is the mail carrier. In SUP #1050, the applicant estimates that up to 80 trips on North Fork Rd per day could be going to or from the proposed campground. Although access to the site is from two directions on North Fork Rd, this is a potential significant increase in traffic by our property.

There are narrow sections of North Fork Rd from its intersection with Rt 56 at Nash that are only wide enough for one vehicle. If a vehicle is met going the opposite direction, one vehicle must back up until a place wide enough to pass is found, and even then vehicle outside mirrors sometimes barely clear. This condition is further complicated if one or both vehicles are wide, or towing a trailer. Although the traffic is currently light, since most of North Fork Rd is not paved, it routinely develops potholes and washboards which require frequent repair by VDOT. We do not believe the road is well suited for the wear and tear of the estimated additional traffic, nor is widening the narrow sections practical due to the steep, rocky terrain on both sides.

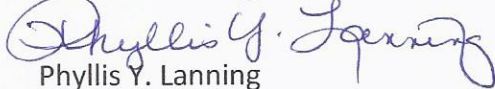
With this type development on North Fork Rd and surrounding areas, we are also concerned about the additional demand on the Montebello Volunteer Fire Department. Since they no longer provide EMS, other Nelson County emergency response facilities will have to respond to medical calls in that area as campground population increases.

We enjoy our place on the North Fork Valley because it is remote and peaceful. Development of the campgrounds proposed in SUP #1050 would change that character and perhaps set an undesirable precedence for more campgrounds in the valley.

Regards,



Wade B. Lanning



Phyllis Y. Lanning

Wade & Phyllis Lanning
8015 Driftwood Dr. Prince George, VA 23875
5297 North Fork Rd., Montebello, VA 24464

November 9, 2023

Nelson County Board of Supervisors
PO Box 336
Lovingston, VA 22949

RE: Special Use Permit #1050 Campground

This is to advise the Board of Supervisors that we are opposed to approval of SUP #1050 for campgrounds with 20 permanent glamping tents on North Fork Road near Montebello. Although there are numerous other reasons, we have three major concerns; road issues, Nelson County services and Nelson County vision as described in more detail below.

As background, we own two parcels on North Fork Road (16-A-23 and 16-A-24) near the proposed campgrounds. We have a residence on parcel 16-A-24, which has been in our family for 61 years, one of several long time family ownerships on North Fork Road. Four years ago, we purchased parcel 16-A-23, which has no structures, to help preserve the character and nature of the North Fork Valley.

Residences on much of upper North Fork Rd are sparse, resulting in quiet conditions with very little traffic. I estimate there are 40 residences on the seven mile long North Fork Road, a number of which are near the Nash entrance at Rt 56. Probably about half of those 40 residences are recreational homes and many of those are for personal use vs. rentals. By comparison, with the nine cabins already approved and the proposed 20 additional permanent glamping tents, a total of 29 dwellings are proposed by this applicant; over a 70% increase. The applicant estimates that this could result up to 80 trips on North Fork Rd per day going to or coming from the proposed campground. It's not uncommon that the only vehicle passing our house during a twenty-four hour period is the mail carrier. Although access to the proposed campground is from two directions on North Fork Rd, this is a potential significant increase in traffic on North Fork Road in either direction.

There are narrow sections of the dirt & gravel portion of North Fork Road that are only wide enough for one vehicle, requiring one vehicle to pull off the road surface to pass. In some sections, if a vehicle is met going the opposite direction, one vehicle must back up a significant

distance until a place wide enough to pass is found, and even then, vehicle outside mirrors sometimes barely clear. This condition is further complicated if it is after dark, during inclement weather, if one or both vehicles are wide, or one is towing a trailer. Also, there are several very sharp "blind" turns along North Fork Road. Myself and others have come very close to having accidents at those turns with vehicles coming the opposite direction. Although the traffic is currently light, since most of North Fork Rd is not paved, it routinely develops potholes and washboards which require frequent repair by VDOT.

Periodically there are organized running and cycling contests in this valley, including along North Fork Rd, Spy Run Gap Rd, Zink's Mill School Rd and Bradley Lane. Perhaps a hundred runners or cyclists are on these roads during these events that last for hours. I believe the organizers use North Fork Rd and the other roads that feed into North Fork Rd mentioned above for the safety of the participants due to the very low traffic volume. They can run or ride on the road surface for miles during these events with little vehicle interference. The extra traffic predicted in SUP #1050 could increase risk of serious injury to a runner or cyclist, whether during an organized event or impromptu activities.


For these reasons, we do not believe the road is well suited for the estimated additional traffic, nor is widening the narrow sections and straightening the blind turns practical due to the steep, rocky terrain.

With this type development on North Fork Rd and surrounding areas, we are also concerned about the additional demand on County services, especially the Montebello Volunteer Fire Department. Since they no longer provide EMS, other Nelson County emergency response facilities will have to respond to medical calls in that area as campground population increases. Other County services could be affected as well.

Perhaps just as, if not more important, this type development does not appear to be aligned with the County's vision in the draft Nelson County Comprehensive Plan, and it would set the precedence for future over-growth in the North Fork Tye River valley and that portion of Nelson County.

We enjoy our place on the North Fork Valley because it is remote and peaceful. Development of the campgrounds proposed in SUP #1050 would forever change the wonderful character.

Regards,


Wade B. Lanning


Phyllis Y. Lanning

Emily Hjulstrom

From: dlocks@comcast.net
Sent: Wednesday, October 25, 2023 4:02 PM
To: Emily Hjulstrom
Cc: Dave Locks
Subject: Proposed Campground on North Fork Road



IRONSCALES couldn't recognize this email as this is the first time you received an email from this sender dlocks@comcast.net

Good afternoon Ms. Hjulstrom,

My name is Dave Locks and we have a home on North Fork Road. It came to my attention about the proposed campground.

I, like just about all the home owners on North Fork, are strongly against such a place allowed to be approved.

We take great pride in maintaining the natural environment and would be saddened to see the destruction this would cause. Not to mention what would come after this?

Will this go to a vote so that the people that actually have homes and properties here can voice our concern?

I'm unable to make the meeting tonight but would like to know what else we can do to keep North Fork Road as it is.

Thank you

Dave Locks

Hemlock

ALLAN MASON SMITH

**1848 North Fork Road
Montebello, VA 24464-2449**

**540-377-6183
nutloaf3@gmail.com**

RECEIVED

**JESSE RUTHERFORD
84 Courthouse Square
Lovingston, VA 22949**

09 November 2023

NOV 13 2023

**COUNTY ADMINISTRATOR'S
OFFICE**

Dear Mr. Rutherford,

I have been a homeowner in Montebello since 1995, and am very concerned about the special use and possible rezoning prospects for our area.

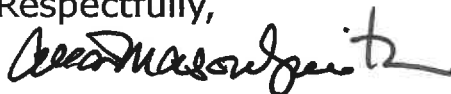
I am not in support of any of this.

Since no doubt you are already familiar with the assorted concerns, I'll not go into great detail, but among the consequences of commercialization include threats to water, land and air quality, solid waste disposal issues, environmental impacts including wildlife habitat destruction and noise/light pollution, increased traffic along roads not designed for it, increased danger of fire, and crime concerns including theft and vandalism. (Since 1995, I have been the victim of a number of thefts and incidents of vandalism as it is.)

The reason I located to this area was precisely because of its rural character, and it distresses me to see commercial enterprises threatening.

Thus, I'm urging you to consider this as you make decisions.

Respectfully,



Allan Mason Smith

Permit app #1050

Scott Wiley <yeocomico@aol.com>

Wed 12/6/2023 9:45 AM

To: Dylan Bishop <dbishop@nelsoncounty.org>

IRONSCALES couldn't recognize this email as this is the first time you received an email from this sender yeocomico@aol.com

Hi, I am writing regarding the upcoming BOS hearing next Tuesday for the application #1050 for campground spots. I believe you have received other feedback about this from fellow owners along North Fork. Our house is about 2 miles in from 56/Nash.

I believe others have pointed out concerns such as water quality, fire hazards, and National Forest impact. I would like to add my additional concern.

The North Fork from Nash/Evergreen Church at 56 as a road probably dates back to King's Grant Days. While it is a state maintained road now, there are numerous places that present navigation/safety challenges. Several spots have mirrors for blind curves, there are numerous "blind" hills where you cannot see over the crest, many places have steep drop offs, and on numerous occasions I have needed to back up to let someone pass since I am certain the road width does not meet county/state standards.

For those of us who live up there we know when and where to drive especially slowly. I know older residents along near us that will not go beyond White Rock because of safety issues.

In closing I would encourage anyone voting on this to take a drive up there, esp from down at Nash/Evergreen Church, since most visitors would be directed in that way when using GPS. At the very least if the permit is even being seriously considered in it's currently amended form (down from 20 to 6, along with 6 cabins) I would at a minimum suggest sending back to the Planning Commission.

(for summation purposes I would say that "North fork Rd does not currently safely support any increased traffic, and intensive development should be limited pending upgrades to the road")

Regards and thanks, Scott Wiley. 2235 North Fork Rd, Montebello.
Sent from my iPad

December 12, 2023 Public Hearing

Proposed Amendment to Chapter 11,
Taxation, Article II, Division 2
Exemptions for Elderly and Disabled

Virginia State Code Authority

- ▶ Title 58.1 Taxation, Subtitle III Local Taxes
Chapter 32. Real Property Tax
- ▶ Article 2 Exemptions for Elderly Individuals and Individuals with Disabilities.
 - ▶ §58.1-3210 Exemption or deferral of taxes on property of certain elderly individuals and individuals with disabilities
 - ▶ § 58.1-3212 Local restrictions and exemptions

Virginia State Code Authority

- ▶ §58.1-3210 Exemption or deferral of taxes on property of certain elderly individuals and individuals with disabilities.
 - ▶ Provides the ability for the governing body of any locality to provide such tax relief by local Ordinance. Such real estate shall be owned by, and be occupied as the sole dwelling of anyone at least 65 years of age or if provided in the ordinance, anyone found to be permanently and totally disabled as defined in § 58.1-3217. Such ordinance may provide for the exemption from or deferral of that portion of the tax which represents the increase in tax liability since the year such taxpayer reached the age of 65 or became disabled, or the year such ordinance became effective, whichever is later.

Virginia State Code Authority

- ▶ § 58.1-3212 Local restrictions and exemptions
 - ▶ Provides that pursuant to Article X, Section 6 (b) of the Constitution of Virginia, the General Assembly hereby authorizes the governing body of a county, city or town to establish by ordinance net financial worth or annual income limitations as a condition of eligibility for any exemption or deferral of tax allowed pursuant to this article.

Background

- ▶ In a letter dated October 19, 2023, Commissioner of Revenue Pam Campbell requested that the Board review the Real Estate tax exemptions for the Elderly and Disabled; noting that the rates had not been changed in 16 years, since 2007 while values have increased significantly.

Ms. Campbell recommends the following changes be effective for the 2024 tax year:

- ▶ Raising the maximum income threshold from \$50,000 per year to \$75,000 per year, and
- ▶ Raising the maximum net worth threshold from \$100,000 per year to \$125,000 per year.

Background Continued

Pursuant to State Code §15.2-1427 Adoption of ordinances and resolutions generally; amending or repealing ordinances:

- ▶ The Board of Supervisors authorized the public hearing on these proposed County Code amendments on November 16, 2023, via adoption of resolution R2023-70
- ▶ The Public Hearing Notice was published in the November 30, 2023 and December 7, 2023 edition of the NC Times in compliance with State Code §15.2-1427

Proposed County Code Amendments to Chapter 11, Taxation, Article II Division 2 Exemptions for Elderly and Disabled

- ▶ Sec. 11-43. - Restrictions and conditions. Any exemption from real estate taxes shall be subject to the following:
 - ▶ (3) The total combined income received from all sources during the preceding calendar year by:
 - ▶ a. Owners of the dwelling used as their principal residence; and
 - ▶ b. Owners' relatives who live in the dwelling shall not exceed ~~fifty thousand dollars (\$50,000.00)~~ **seventy-five thousand dollars (\$75,000)** provided, however, that the amount of six thousand dollars (\$6,000.00) of income of each relative who is not a spouse of the owner living in the dwelling and who does not qualify for the exemption provided in subsection (4) hereof shall not be included in the total combined income calculation, and further provided that the amount of six thousand dollars (\$6,000.00) income for an owner who is permanently disabled shall not be included in such total.

Proposed County Code Amendments to Chapter 11, Taxation, Article II Division 2 Exemptions for Elderly and Disabled

- ▶ Sec. 11-43. - Restrictions and conditions. Any exemption from real estate taxes shall be subject to the following:
 - ▶ (5) The net combined financial worth, including the present value of all equitable interest, as of December 31 of the immediately preceding calendar year, of the owners, and the spouse of any owner, excluding the value of the dwelling and not more than one (1) acre of land upon which it is situated, and the furniture, household appliances and other items typically used in a home, shall not exceed ~~one hundred thousand dollars (\$100,000.00)~~. One hundred and twenty-five thousand dollars (\$125,000).

Proposed County Code Amendments to Chapter 11, Taxation, Article II Division 2 Exemptions for Elderly and Disabled

► Sec. 11-48 - Determination of exemption:

The percentage of exemption available to an owner or owners qualified pursuant to section 11-43 shall be determined from the following table. The minimum exemption is ten (10) percent and the maximum, eighty (80) percent.

Current Table:

Income	Net Worth				
	0— 20,000	20,001— 40,000	40,001— 80,000	60,001— 80,000	80,001— 100,000
0—12,500	80%	70%	60%	50%	40%
12,501— 25,000	70%	60%	50%	40%	30%
25,001— 37,500	60%	50%	40%	30%	20%
37,501— 50,000	50%	40%	30%	20%	10%

Proposed County Code Amendments to Chapter 11, Taxation, Article II Division 2 Exemptions for Elderly and Disabled

► Sec. 11-48 - Determination of exemption:

The percentage of exemption available to an owner or owners qualified pursuant to section 11-43 shall be determined from the following table. The minimum exemption is ten (10) percent and the maximum, eighty (80) percent.

Proposed Table:

\$ Income	\$ Net Worth				
	0— 25,000	25,001— 50,000	50,001— 75,000	75,001— 100,000	100,001— 125,000
0—18,750	80%	70%	60%	50%	40%
18,751— 37,500	70%	60%	50%	40%	30%
37,501— 56,250	60%	50%	40%	30%	20%
56,251— 75,000	50%	40%	30%	20%	10%

Fiscal Impact of Proposed Changes

- ▶ The Current Tax Revenue Value of the existing tax exemption for the 2023 tax year is **\$123,262**.
- ▶ The financial impact of the proposed changes is uncertain as we have no way of knowing how they would impact citizen eligibility or how many eligible citizens would apply and be approved for relief.

Next Steps

- ▶ Conduct the public hearing to receive citizen input on the proposed Ordinance Amendment O2023-07
- ▶ Obtain Input from Staff if desired
- ▶ Consider Adoption of Ordinance O2023-07 Amendment of the Code of Nelson County, Virginia Chapter 11, Taxation, Article II, Division 2 Exemptions for Elderly and Disabled



BOARD OF
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AMANDA B. SPIVEY
Administrative Assistant/
Deputy Clerk

LINDA K. STATON
Director of Finance and
Human Resources

DRAFT

ORDINANCE O2023-07

**NELSON COUNTY BOARD OF SUPERVISORS
AMENDMENT OF THE CODE OF NELSON COUNTY, VIRGINIA
CHAPTER 11, TAXATION, ARTICLE II, DIVISION 2
EXEMPTIONS FOR ELDERLY AND DISABLED**

***DIVISION 2. EXEMPTIONS FOR ELDERLY
AND DISABLED¹***

Sec. 11-41. Authorization.

Pursuant to the provision of Section 58.1-3210 et seq. of the Code of Virginia the governing body for Nelson County hereby adopts this division for the exemption from taxation of real estate which is owned by and occupied as the sole dwelling of any person sixty-five (65) years of age or any person permanently and totally disabled as defined herein.

(Res. of 7-9-91)

Sec. 11-42. Administration.

The real estate tax exemption shall be administered by the Commissioner of Revenue for Nelson County according to the provisions of this division. The commissioner of revenue is hereby authorized and empowered to prescribe, adopt, promulgate and enforce such rules and regulations in conformance with the provisions of the Code of Virginia, Title 58.1, Chapter 32, including an affidavit setting forth (i) the names of the related persons occupying such real estate and (ii) that the total combined net worth, including equitable interest and a combined income from all sources of the person specified in section 11-43 do not exceed the limits prescribed herein. The commissioner may make other reasonable necessary inquiry of persons seeking such exemption, requiring answers under oath, to determine qualifications as Specified herein, including qualification as permanently and

¹Editor's note(s)—A resolution adopted July 9, 1991, deleted former Div. 2, §§ 11-41—11-45, relative to exemptions for elderly and disabled, and enacted a new Div. 2 to read as herein set out. The provision of former Div. 2 derived from §§ 1—5 of an ordinance adopted May 10, 1977, and resolutions adopted Feb. 8, 1983; Feb. 9, 1988; and May 9, 1989.

totally disable. The commissioner may request the applicant to submit certified tax returns to establish the income or financial worth of any application for tax relief.

(Res. of 7-9-91)

Amend

Sec. 11-43. Restrictions and conditions.

Any exemption from real estate taxes shall be subject to the following:

- (1) Such real estate shall be owned by, and be occupied as the sole dwelling of anyone (i) at least sixty-five (65) years of age or (ii) found to be permanently and totally disabled as defined below. A dwelling jointly held by a husband and wife, with no other joint owners, may qualify if either spouse is sixty-five (65) or over or is permanently and totally disabled. For purposes of this division, the term "permanently and totally disabled" shall mean unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment or deformity which can be expected to result in death or can be expected to last for the duration of such person's life.
- (2) For purposes of this division, the applicant must be (i) at least age sixty-five (65) as of May 15 of the taxable year for which an application is made or (ii) is permanently and totally disabled. Under subsection (1), real property owned and occupied as the sole dwelling of an eligible applicant includes real property (i) held by the applicant alone or in conjunction with his spouse as tenant or tenants for life or joint lives, (ii) held in a revocable inter vivos trust over which the applicant or the applicant and his spouse hold the power of revocation, or (iii) held in an irrevocable trust under which an applicant alone or in conjunction with his spouse possesses a life estate or an estate for joint lives or enjoys a continuing right of use or support. The exemption is not applicable to any interest held under a leasehold or term of years. For purposes of this division, any reference to real estate shall include manufactured homes.
- (3) The total combined income received from all sources during the preceding calendar year by:
 - a. Owners of the dwelling used as their principal residence; and
 - b. Owners' relatives who live in the dwelling shall not exceed ~~fifty thousand dollars (\$50,000.00)~~ **seventy-five thousand dollars (\$75,000)** provided, however, that the amount of six thousand dollars (\$6,000.00) of income of each relative who is not a spouse of the owner living in the dwelling and who does not qualify for the exemption provided in subsection (4) hereof shall not be included in the total combined income calculation, and further provided that the amount of six thousand dollars (\$6,000.00) income for an owner who is permanently disabled shall not be included in such total.
- (4) The income of owners' relatives living in the dwelling and providing bona fide caregiving services to the owner whether such relatives are compensated or not, shall not be counted towards the income limit set forth in the preceding subsection.
- (5) The net combined financial worth, including the present value of all equitable interest, as of December 31 of the immediately preceding calendar year, of the owners, and the spouse of any owner, excluding the value of the dwelling and not more than one (1) acre of land upon which it is situated, and the furniture, household appliances and other items typically used in a home, shall not exceed ~~one hundred thousand dollars (\$100,000.00)~~ **one hundred twenty-five thousand dollars (\$125,000)**.

(Res. of 7-9-91; Res. of 5-11-93; Ord. of 3-11-97; Ord. of 12-10-02; Ord. No. O2007-010, 11-15-07; Ord. No. O2016-07, 11-8-16)

Sec. 11-44. Application of exemption.

Application for exemption shall be filed between January 2 to February 15 of each year with the commissioner of revenue on forms supplied by that office which will include an affidavit setting forth, inter alia, (i) names of related persons occupying such real estate and a combined net worth, including equitable interest, and a combined income from all sources of the persons specified in section 11-43.

(Res. of 7-9-91; Ord. of 12-14-99)

Sec. 11-45. Absence from residence.

The fact that persons who are otherwise qualified for tax exemptions reside in hospitals, nursing homes, convalescent homes or other facilities for physical or mental care for extended periods of time shall not be construed to mean that the real estate for which tax exemption is sought does not continue to be the sole dwelling of such persons during such extended periods of other residence so long as such real estate is not used by or leased to others for consideration.

(Res. of 7-9-91)

Sec. 11-46. Notice.

The Treasurer of Nelson County is hereby directed to include written notice, in each real estate tax bill, of the terms and conditions of this local real estate tax exemption. In addition, the treasurer shall give notice by advertisement of the real estate tax exemption program for two (2) consecutive weeks in a newspaper having a general circulation in Nelson County.

(Res. of 7-9-91)

Sec. 11-47. Change in circumstances.

Changes in income, financial worth, ownership of property or other factors occurring during the taxable year for which an affidavit is filed and having the effect of exceeding or violating the limitations provided herein shall nullify the exemption for the remainder of current taxable year and the taxable year immediately following.

Any change in the ownership of real property to a spouse that results solely from the death of the qualifying individual, or the sale of such property, shall result in a proration of the exemption from the date of sale for the current taxable year. Such prorated portion shall be determined by multiplying the amount of the exemption by a fraction wherein the number of complete months of the years such property was properly eligible for exemption is the numerator and the number twelve (12) is the denominator.

(Res. of 7-9-91)

Amend

Sec. 11-48. Determination of exemption.

The percentage of exemption available to an owner or owners qualified pursuant to section 11-43 shall be determined from the following table. The minimum exemption is ten (10) percent and the maximum, eighty (80) percent.

\$ Income	\$ Net Worth				
	0—20,000	20,001—40,000	40,001—80,000	60,001—80,000	80,001—100,000
0—12,500	80%	70%	60%	50%	40%
12,501—25,000	70%	60%	50%	40%	30%
25,001—37,500	60%	50%	40%	30%	20%
37,501—50,000	50%	40%	30%	20%	10%

\$ Income	\$ Net Worth				
	0—25,000	25,001—50,000	50,001—75,000	75,001—100,000	100,001—125,000
0—18,750	80%	70%	60%	50%	40%
18,751—37,500	70%	60%	50%	40%	30%
37,501—56,250	60%	50%	40%	30%	20%
56,251—75,000	50%	40%	30%	20%	10%

(Ord. No. O2007-010, 11-15-07)

Secs. 11-49—11-60. Reserved.

BE IT FURTHER ORDAINED, that this ordinance becomes effective January 1, 2024.

Adopted: _____

Attest: _____, Clerk
Nelson County Board of Supervisors

Please publish Thurs. November 30th and Thurs. December 7th in The Nelson County Times:

**LEGAL NOTICE
NOTICE OF PUBLIC HEARING
NELSON COUNTY BOARD OF SUPERVISORS**

In accordance with Volume 3A, Title 15.2, Counties, Cities and Towns, of the Code of Virginia, 1950, as amended, and pursuant to §15.2-1427, the Nelson County Board of Supervisors hereby gives notice that a Public Hearing will start at **7:00 p.m., Tuesday, December 12, 2023** in the **General District Courtroom** on the third floor of the Nelson County Courthouse located at 84 Courthouse Square, Lovingston, Virginia.

The purpose of the public hearing is to receive public input on an Ordinance proposed for passage to amend Chapter 11, Taxation, Article II, Division 2 Exemptions for Elderly and Disabled. Proposed amendments to **Section 11-43 Restrictions and Conditions**, would increase the maximum owners' total combined income from \$50,000 to \$75,000; and the maximum owners' total net worth would increase from \$100,000 to \$125,000. The proposed amendments to **Section 11-48 Determination of exemption**, would update the income and net worth numbers to reflect the changes made to Section 11-43.

Copies of the full text of the proposed Ordinance amendment are available for review in the Office of the County Administrator, 84 Courthouse Square, Lovingston, Virginia, Monday through Friday, 9:00 a.m. to 5:00 p.m. For more information, call the County Administrator's Office at (434) 263-7000. EOE.

BY AUTHORITY OF NELSON COUNTY BOARD OF SUPERVISORS



BOARD OF
SUPERVISORS

THOMAS D. HARVEY
North District

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Central District

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Administrative Assistant/
Deputy Clerk

LINDA K. STATON
Director of Finance and
Human Resources

**RESOLUTION R2023-70
NELSON COUNTY BOARD OF SUPERVISORS
AUTHORIZATION FOR PUBLIC HEARING
AMENDMENT OF THE CODE OF NELSON COUNTY, VIRGINIA
CHAPTER 11, TAXATION, ARTICLE II, DIVISION 2
EXEMPTIONS FOR ELDERLY AND DISABLED**

BE IT RESOLVED, that pursuant to §15.2-1427 of the Code of Virginia 1950 as amended, the County Administrator is hereby authorized to advertise a public hearing to be held on **December 12, 2023 at 7:00 PM** in the General District Courtroom in the Courthouse in Lovingston, Virginia. The purpose of the public hearing is to receive public input on an Ordinance proposed for passage to amend Chapter 11, Taxation, Article II, Division 2 Exemptions for Elderly and Disabled. Proposed amendments to Section 11-43 Restrictions and Conditions, would increase the maximum owners' total combined income from \$50,000 to \$75,000; and the maximum owners' total net worth would increase from \$100,000 to \$125,000. The proposed amendments to Section 11-48 Determination of exemption, would update the income and net worth numbers to reflect the changes made to Section 11-43.

Approved: November 16, 2023

Attest:  Clerk
Nelson County Board of Supervisors

**COMMISSIONER OF REVENUE
P O BOX 246
LOVINGSTON, VA. 22949
PHONE (434)263-7070
FAX (434)263-7074**

October 19,2023

**Nelson County Board of Supervisors
Jesse Rutherford, Chairman
P O BOX 336
Lovington, VA 22949**

Dear Mr. Rutherford,

I am requesting that the Board look at the exemptions for the Elderly and Disabled. The rates have not been changed in 16 years. As you know the values on property both real and personal have increased over the past years. It is my suggestion that the Income increase from \$50,000 a year to \$ 75,000, and net worth from \$100,000 to \$125,000. I would appreciate any changes to these exemptions for the 2024 tax year.

Thank you for your time.

**Sincerely,

Pam Campbell, COR**

Article 2. Exemptions for Elderly Individuals and Individuals with Disabilities

§ 58.1-3210. Exemption or deferral of taxes on property of certain elderly individuals and individuals with disabilities

A. The governing body of any locality may, by ordinance, provide for the exemption from, deferral of, or a combination program of exemptions from and deferrals of taxation of real estate and manufactured homes as defined in § 36-85.3, or any portion thereof, and upon such conditions and in such amount as the ordinance may prescribe. Such real estate shall be owned by, and be occupied as the sole dwelling of anyone at least 65 years of age or if provided in the ordinance, anyone found to be permanently and totally disabled as defined in § 58.1-3217. Such ordinance may provide for the exemption from or deferral of that portion of the tax which represents the increase in tax liability since the year such taxpayer reached the age of 65 or became disabled, or the year such ordinance became effective, whichever is later. A dwelling jointly held by married individuals, with no other joint owners, may qualify if either spouse is 65 or over or is permanently and totally disabled, and the proration of the exemption or deferral under § 58.1-3211.1 shall not apply for such dwelling.

B. For purposes of this section, "eligible person" means a person who is at least age 65 or, if provided in the ordinance pursuant to subsection A, permanently and totally disabled. Under subsection A, real property owned and occupied as the sole dwelling of an eligible person includes real property (i) held by the eligible person alone or in conjunction with his spouse as tenant or tenants for life or joint lives, (ii) held in a revocable inter vivos trust over which the eligible person or the eligible person and his spouse hold the power of revocation, or (iii) held in an irrevocable trust under which an eligible person alone or in conjunction with his spouse possesses a life estate or an estate for joint lives or enjoys a continuing right of use or support. The term "eligible person" does not include any interest held under a leasehold or term of years.

C. For purposes of this article, any reference to:

"Dwelling" includes an improvement to real estate exempt pursuant to this article and the land upon which such improvement is situated so long as the improvement is used principally for other than a business purpose and is used to house or cover any motor vehicle classified pursuant to subdivisions A 3 through 10 of § 58.1-3503; household goods classified pursuant to subdivision A 14 of § 58.1-3503; or household goods exempted from personal property tax pursuant to § 58.1-3504.

"Real estate" includes manufactured homes.

Code 1950, § 58-760.1; 1971, Ex. Sess., c. 169; 1972, cc. 315, 616; 1973, c. 496; 1974, c. 427; 1976, c. 543; 1977, cc. 48, 453, 456; 1978, cc. 774, 776, 777, 780, 788, 790; 1979, cc. 543, 544, 545, 563; 1980, cc. 656, 666, 673; 1981, c. 434; 1982, cc. 123, 457; 1984, cc. 267, 675; 1993, c. 911; 2007, c. 357; 2014, c. 767; 2019, cc. 736, 737; 2020, c. 900; 2023, cc. 148, 149.

§ 58.1-3211. Repealed

Repealed by Acts 2011, cc. 438 and 496, cl. 4, effective March 24, 2011, and applicable to tax

years beginning on or after January 1, 2011.

§ 58.1-3211.1. Prorated tax exemption or deferral of tax

A. The governing body of the county, city, or town may, by ordinance, also provide for an exemption from or deferral of (or combination program thereof) real estate taxes for dwellings jointly held by two or more individuals not all of whom are at least age 65 or (if provided in the ordinance) permanently and totally disabled, provided that the dwelling is occupied as the sole dwelling by all such joint owners.

The tax exemption or deferral for the dwelling that otherwise would have been provided under the local ordinance shall be prorated by multiplying the amount of the exemption or deferral by a fraction that has as a numerator the percentage of ownership interest in the dwelling held by all such joint owners who are at least age 65 or (if provided in the ordinance) permanently and totally disabled, and as a denominator, 100 percent. As a condition of eligibility for such tax exemption or deferral, the joint owners of the dwelling shall be required to furnish to the relevant local officer sufficient evidence of each joint owner's ownership interest in the dwelling.

B. For purposes of this subsection, "eligible person" means a person who is at least age 65 or, if provided in the ordinance pursuant to subsection A, permanently and totally disabled. For purposes of the tax exemption pursuant to subsection A, real property that is a dwelling jointly held by two or more individuals includes real property (i) held by an eligible person in conjunction with one or more other people as tenant or tenants for life or joint lives, (ii) held in a revocable inter vivos trust over which an eligible person with one or more other people hold the power of revocation, or (iii) held in an irrevocable trust under which an eligible person in conjunction with one or more other people possesses a life estate or an estate for joint lives or enjoys a continuing right of use or support. The term "eligible person" does not include any interest held under a leasehold or term of years.

C. The provisions of this section shall not apply to dwellings jointly held by married individuals, with no other joint owners.

D. Nothing in this section shall be interpreted or construed to provide for an exemption from or deferral of tax for any dwelling jointly held by nonindividuals.

2007, c. 357;2008, cc. 298, 695;2011, cc. 438, 496;2014, c. 767;2020, c. 900.

§ 58.1-3212. Local restrictions and exemptions

Pursuant to Article X, Section 6 (b) of the Constitution of Virginia, the General Assembly hereby authorizes the governing body of a county, city or town to establish by ordinance net financial worth or annual income limitations as a condition of eligibility for any exemption or deferral of tax allowed pursuant to this article. If the governing body establishes an annual income limitation, the computation of annual income shall be based on adding together the income received during the preceding calendar year, without regard to whether a tax return is actually filed, by (i) owners of the dwelling who use it as their principal residence, (ii) owners' relatives who live in the dwelling, except for those relatives living in the dwelling and providing bona fide caregiving services to the owner whether such relatives are compensated or not, and (iii) at the option of each locality, nonrelatives of the owner who live in the dwelling except for bona fide tenants or bona fide caregivers of the owner, whether compensated or not. A locality may provide in its ordinance that, for the purpose of the computation of annual income, if an individual described in clause (ii) and (iii) is permanently and totally disabled, any disability income

received by such person shall not be included. If the governing body establishes a net financial worth limitation, net financial worth shall be based on adding together the net financial worth, including the present value of equitable interests, as of December 31 of the immediately preceding calendar year, of the owners, and of the spouse of any owner, of the dwelling.

Nothing in this section shall be construed or interpreted as to preclude or prohibit the governing body of a county, city or town from excluding certain sources of income, or a portion of the same, for purposes of its annual income limitation or excluding certain assets, or a portion of the same, for purposes of its net financial worth limitation.

Any county, city, or town that pursuant to this article provides for the exemption from, deferral of, or a combination program of exemptions from and deferrals of real property taxes may exempt or defer the real property taxes of the qualifying dwelling and the land, not exceeding ten acres, upon which it is situated.

No local ordinance shall require that a citizen reside in the jurisdiction for a designated period of time as a condition for qualifying for any real estate tax exemption or deferral program established pursuant to § 58.1-3210.

Code 1950, § 58-760.1; 1971, Ex. Sess., c. 169; 1972, cc. 315, 616; 1973, c. 496; 1974, c. 427; 1976, c. 543; 1977, cc. 48, 453, 456; 1978, cc. 774, 776, 777, 780, 788, 790; 1979, cc. 543, 544, 545, 563; 1980, cc. 656, 666, 673; 1981, c. 434; 1982, cc. 123, 457; 1984, cc. 267, 675; 1989, c. 568; 2011, cc. 438, 496; 2012, c. 299; 2014, c. 767; 2019, c. 16.

§ 58.1-3213. Application for exemption

A. The person claiming such exemption shall file annually with the commissioner of the revenue of the county, city or town assessing officer or such other officer as may be designated by the governing body in which such dwelling lies, on forms to be supplied by the county, city or town concerned, an affidavit or written statement setting forth (i) the names of the related persons occupying such real estate and (ii) that the total combined net worth including equitable interests and the combined income from all sources, of the persons specified in § 58.1-3212, does not exceed the limits, if any, prescribed in the local ordinance.

B. In lieu of the annual affidavit or written statement filing requirement, a county, city or town may prescribe by ordinance for the filing of the affidavit or written statement on a three-year cycle with an annual certification by the taxpayer that no information contained on the last preceding affidavit or written statement filed has changed to violate the limitations and conditions provided herein.

C. Notwithstanding the provisions of subsections A, B, and E, any county, city or town may, by local ordinance, prescribe the content of the affidavit or written statement described in subsection A, subject to the requirements established in §§ 58.1-3210, 58.1-3211.1, and 58.1-3212, and the local ordinance; the frequency with which an affidavit, written statement or certification as described in subsection B of this section must be filed; and a procedure for late filing of affidavits or written statements.

D. If such person is under 65 years of age, such form shall have attached thereto a certification by the Social Security Administration, the Department of Veterans Affairs or the Railroad Retirement Board, or if such person is not eligible for certification by any of these agencies, a sworn affidavit by two medical doctors who are either licensed to practice medicine in the Commonwealth or are military officers on active duty who practice medicine with the United

States Armed Forces, to the effect that the person is permanently and totally disabled, as defined in § 58.1-3217; however, a certification pursuant to 42 U.S.C. § 423 (d) by the Social Security Administration so long as the person remains eligible for such social security benefits shall be deemed to satisfy such definition in § 58.1-3217. The affidavit of at least one of the doctors shall be based upon a physical examination of the person by such doctor. The affidavit of one of the doctors may be based upon medical information contained in the records of the Civil Service Commission which is relevant to the standards for determining permanent and total disability as defined in § 58.1-3217.

E. Such affidavit, written statement or certification shall be filed after January 1 of each year, but before April 1, or such later date as may be fixed by ordinance. Such ordinance may include a procedure for late filing by first-time applicants or for hardship cases. Any locality may provide by ordinance that it shall accept such affidavits, written statements, or certifications on a rolling basis throughout the year.

F. The commissioner of the revenue or town assessing officer or another officer designated by the governing body of the county, city or town shall also make any other reasonably necessary inquiry of persons seeking such exemption, requiring answers under oath, to determine qualifications as specified herein, including qualification as permanently and totally disabled as defined in § 58.1-3217 and qualification for the exclusion of life insurance benefits paid upon the death of an owner of a dwelling, or as specified by county, city or town ordinance. The local governing body may, in addition, require the production of certified tax returns to establish the income or financial worth of any applicant for tax relief or deferral.

Code 1950, § 58-760.1; 1971, Ex. Sess., c. 169; 1972, cc. 315, 616; 1973, c. 496; 1974, c. 427; 1976, c. 543; 1977, cc. 48, 453, 456; 1978, cc. 774, 776, 777, 780, 788, 790; 1979, cc. 543, 544, 545, 563; 1980, cc. 656, 666, 673; 1981, c. 434; 1982, cc. 123, 457; 1984, cc. 267, 675; 1986, c. 214; 1988, c. 334; 1990, c. 158; 1991, c. 286; 1996, c. 480; 1997, c. 710; 2007, c. 357; 2011, cc. 438, 496; 2022, c. 631.

§ 58.1-3213.1. Notice of local real estate tax exemption or deferral program for elderly individuals and individuals with disabilities

The treasurer of any county, city, or town shall enclose written notice, in each real estate tax bill, of the terms and conditions of any local real estate tax exemption or deferral program established in the jurisdiction pursuant to § 58.1-3210. The treasurer shall also employ any other reasonable means necessary to notify residents of the county, city, or town about the terms and conditions of the real estate tax exemption or deferral program for elderly individuals and individuals with disabilities who reside in the county, city, or town.

1989, c. 568; 2023, cc. 148, 149.

§ 58.1-3214. Absence from residence

The fact that persons who are otherwise qualified for tax exemption or deferral by an ordinance promulgated pursuant to this article are residing in hospitals, nursing homes, convalescent homes or other facilities for physical or mental health care for extended periods of time shall not be construed to mean that the real estate for which tax exemption or deferral is sought does not continue to be the sole dwelling of such persons during such extended periods of other residence so long as such real estate is not used by or leased to others for consideration.

Code 1950, § 58-760.1; 1971, Ex. Sess., c. 169; 1972, cc. 315, 616; 1973, c. 496; 1974, c. 427; 1976,

c. 543; 1977, cc. 48, 453, 456; 1978, cc. 774, 776, 777, 780, 788, 790; 1979, cc. 543, 544, 545, 563; 1980, cc. 656, 666, 673; 1981, c. 434; 1982, cc. 123, 457; 1984, cc. 267, 675; 2012, cc. [476](#), [507](#).

§ 58.1-3215. Effective date; change in circumstances

A. An exemption or deferral enacted pursuant to § [58.1-3210](#) or [58.1-3211.1](#) may be granted for any year following the date that the qualifying individual occupying such dwelling and owning title or partial title thereto reaches the age of 65 years or for any year following the date the disability occurred. Changes in income, financial worth, ownership of property or other factors occurring during the taxable year for which an affidavit is filed and having the effect of exceeding or violating the limitations and conditions provided by county, city or town ordinance shall nullify any exemption or deferral for the remainder of the current taxable year and the taxable year immediately following. However, any locality may by ordinance provide a prorated exemption or deferral for the portion of the taxable year during which the taxpayer qualified for such exemption or deferral.

B. An ordinance enacted pursuant to this article may provide that a change in ownership to a spouse or a nonqualifying individual, when such change resulted solely from the death of the qualifying individual, or a sale of such property shall result in a prorated exemption or deferral for the then current taxable year. The proceeds of the sale which would result in the prorated exemption or deferral shall not be included in the computation of net worth or income as provided in subsection A. Such prorated portion shall be determined by multiplying the amount of the exemption or deferral by a fraction wherein the number of complete months of the year such property was properly eligible for such exemption or deferral is the numerator and the number 12 is the denominator.

C. An ordinance enacted pursuant to this article may provide that an individual who does not qualify for the exemption or deferral under this article based upon the previous year's income limitations and financial worth limitations, may nonetheless qualify for the current year by filing an affidavit that clearly shows a substantial change of circumstances, that was not volitional on the part of the individual to become eligible for the exemption or deferral, and will result in income and financial worth levels that are within the limitations of the ordinance. The ordinance may impose additional conditions and require other information under this subsection. The locality may prorate the exemption or deferral from the date the affidavit is submitted or any other date.

Any exemption or deferral under this subsection must be conditioned upon the individual filing another affidavit after the end of the year in which the exemption or deferral was granted, within a period of time specified by the locality, showing that the actual income and financial worth levels were within the limitations set by the ordinance. If the actual income and financial worth levels exceeded the limitations any exemption or deferral shall be nullified for the current taxable year and the taxable year immediately following.

Code 1950, § 58-760.1; 1971, Ex. Sess., c. 169; 1972, cc. 315, 616; 1973, c. 496; 1974, c. 427; 1976, c. 543; 1977, cc. 48, 453, 456; 1978, cc. 774, 776, 777, 780, 788, 790; 1979, cc. 543, 544, 545, 563; 1980, cc. 656, 666, 673; 1981, c. 434; 1982, cc. 123, 457; 1984, cc. 267, 675; 1987, cc. 525, 534; 1989, c. 40; 2007, c. [357](#); 2008, c. [208](#); 2011, cc. [438](#), [496](#).

§ 58.1-3216. Deferral programs; taxes to be lien on property

A. For purposes of this section:

"Nonqualified transfer" means a transfer in ownership of the real estate by gift or otherwise not for bona fide consideration, other than (i) a transfer by the qualified owner to a spouse, including without limitation a transfer creating a tenancy for life or joint lives; (ii) a transfer by the qualified owner or the qualified owner and his spouse to a revocable inter vivos trust over which the qualified owner, or the qualified owner and his spouse, hold the power of revocation; or (iii) a transfer to an irrevocable trust under which a qualified owner alone or in conjunction with his spouse possesses a life estate or an estate for joint lives, or enjoys a continuing right of use or support.

"Qualified owner" means the owner of the real property who qualifies for a tax deferral by county, city, or town ordinance.

B. In the event of a deferral of real estate taxes granted by ordinance, the accumulated amount of taxes deferred shall be paid to the county, city, or town concerned by the vendor, transferor, executor, or administrator: (i) upon the sale of the real estate; (ii) upon a nonqualified transfer of the real estate; or (iii) from the estate of the decedent within one year after the death of the last qualified owner thereof. Such deferred real estate taxes shall be paid without penalty, except that any ordinance establishing a combined program of exemptions and deferrals, or deferrals only, may provide for interest not to exceed eight percent per year on any amount so deferred, and such taxes and interest, if applicable, shall constitute a lien upon the said real estate as if it had been assessed without regard to the deferral permitted by this article. Any such lien shall, to the extent that it exceeds in the aggregate 10 percent of the price for which such real estate may be sold, be inferior to all other liens of record.

Code 1950, § 58-760.1; 1971, Ex. Sess., c. 169; 1972, cc. 315, 616; 1973, c. 496; 1974, c. 427; 1976, c. 543; 1977, cc. 48, 453, 456; 1978, cc. 774, 776, 777, 780, 788, 790; 1979, cc. 543, 544, 545, 563; 1980, cc. 656, 666, 673; 1981, c. 434; 1982, cc. 123, 457; 1984, cc. 267, 675; 2018, c. 291.

§ 58.1-3217. Permanently and totally disabled defined

For purposes of this article, the term "permanently and totally disabled" shall mean unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment or deformity which can be expected to result in death or can be expected to last for the duration of such person's life.

Code 1950, § 58-760.1; 1971, Ex. Sess., c. 169; 1972, cc. 315, 616; 1973, c. 496; 1974, c. 427; 1976, c. 543; 1977, cc. 48, 453, 456; 1978, cc. 774, 776, 777, 780, 788, 790; 1979, cc. 543, 544, 545, 563; 1980, cc. 656, 666, 673; 1981, c. 434; 1982, cc. 123, 457; 1984, cc. 267, 675.

§ 58.1-3218. Repealed

Repealed by Acts 2011, cc. 438 and 496, cl. 4, effective March 24, 2011, and applicable to tax years beginning on or after January 1, 2011.



BOARD OF
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LINDA K. STATON
Director of Finance and
Human Resources

**RESOLUTION R2023-74
NELSON COUNTY BOARD OF SUPERVISORS
DECLARATION OF LOCAL DROUGHT EMERGENCY
(NOVEMBER 16, 2023)**

WHEREAS, Pursuant to the Code of Nelson County, Virginia Chapter 2, Article III, Section 2-74, §44-146.21 and §15.2-922.1 of the State Code of Virginia 1950 as Amended, a local state of emergency due to drought and ban on open air outdoor burning in Nelson County is declared on this November 16, 2023; and

WHEREAS, the declaration of local drought emergency and ban on open air outdoor burning in Nelson County has been precipitated by dangerously dry conditions throughout the county that are favorable for rapid fire spread due to the lack of measurable rainfall, and

WHEREAS, the rainfall for the spring/summer growing season has been extremely low across most of Nelson County, and

WHEREAS, Virginia Cooperative Extension, investigating the effects of the drought on local agriculture, has determined that the lack of rainfall has caused significant yield losses for hay and livestock producers; and losses will continue to be seen during the winter months as hay and pasture stockpiles dwindle,

NOW THEREFORE BE IT RESOLVED, that the Nelson County Board of Supervisors does hereby declare a local emergency due to drought and hereby adopts attached Emergency Ordinance 2023-01 to enact a ban on open air outdoor burning; which will remain in effect until the sooner of sixty (60) days, unless re-adopted in conformity with the provisions of §15.2-1427(F) of the State Code of Virginia; or such time that the County receives significant rainfall that decreases fire risk and the Board, in its judgement, has deemed that all necessary emergency actions have been taken.

Adopted: November 16, 2023

Attest: , Clerk
Nelson County Board of Supervisors



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LINDA K. STATON
Director of Finance and
Human Resources

**EMERGENCY ORDINANCE 2023-01
NELSON COUNTY BOARD OF SUPERVISORS
LOCAL BURN BAN
(November 16, 2023)**

WHEREAS, there exist extremely dry conditions which create an immediate and substantial threat of fire; and,

WHEREAS, it is appropriate and necessary that an emergency ordinance be adopted banning open air burning;

NOW, THEREFORE, pursuant to Sections 15.2-1427 (F) and 15.2-922.1 of the Code of Virginia, **BE IT ENACTED:**

1. The making of fires in streets, alleys, and other public places and on private property is hereby prohibited.
2. Violation of this ordinance shall be punishable as a Class 2 misdemeanor.
3. This ordinance shall expire in sixty days unless readopted in conformity with the provisions of the Code of Virginia.
4. The provisions herein shall be effective upon adoption.

Approved: November 16, 2023

Attest: , Clerk
Nelson County Board of Supervisors