

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**  
**NOVEMBER 16, 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. CONSENT AGENDA**
  - A. Resolution – **R2023-66** Minutes for Approval
  - B. Resolution – **R2023-40C** FY24 Budget Adoption Correction
  - C. Resolution – **R2023-41C** FY24 Budget Appropriation Correction
  - D. Resolution – **R2023-67** FY24 Budget Amendment
- IV. PROCLAMATION – NOVEMBER 26, 2023 ARTISTS SUNDAY (P2023-04)**
- V. EMERGENCY ORDINANCE 2023-01– BURN BAN**
- VI. PRESENTATIONS**
  - A. VDOT Report
  - B. Proposed Solar Development – Savion, LLC (Jeannine Johnson)
- VII. NEW & UNFINISHED BUSINESS**
  - A. Interest Free Loan Request – Rockfish Valley Volunteer Fire and Rescue (**R2023-69**)
  - B. Authorization for Public Hearing on Amendment to Tax Relief for Elderly and Disabled (**R2023-70**)
  - C. PMA Architecture Proposal - DSS Building Design, Bid, and Construction Administration (**R2023-71**)
  - D. State Compensation Board 2% Employee Compensation Adjustment and Funding
    1. Consideration of 2% Salary Increase for All Employees Effective December 1, 2023 (**R2023-72**)
- VIII. REPORTS, APPOINTMENTS, DIRECTIVES AND CORRESPONDENCE**
  - A. Reports
    1. County Administrator’s Report
    2. Board Reports
  - B. Appointments
  - C. Correspondence
  - D. Directives

**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. 2024 LEGISLATIVE PROGRAM – DAVID BLOUNT (R2023-68)**
- IV. REGIONAL JAIL RENOVATION PROJECT INTERIM FINANCING (R2023-73)**
- V. PUBLIC HEARINGS**

**A. Special Use Permit #1050 - Campground**

Consideration of a Special Use Permit application requesting County approval to allow a Campground (twenty 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.

- VI. OTHER BUSINESS (AS PRESENTED)**
- VII. ADJOURNMENT**



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**RESOLUTION R2023-66  
NELSON COUNTY BOARD OF SUPERVISORS  
APPROVAL OF MINUTES  
(May 9, 2023, May 17, 2023 and May 24, 2023)**

**RESOLVED**, by the Nelson County Board of Supervisors that the minutes of said Board meetings conducted on **May 9, 2023, May 17, 2023 and May 24, 2023** be and hereby are approved and authorized for entry into the official record of the Board of Supervisors meetings.

Approved: November 16, 2023

Attest: \_\_\_\_\_, Clerk  
Nelson County Board of Supervisors

May 9, 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

**I. CALL TO ORDER**

Mr. Rutherford called the regular meeting to order at 2:02 p.m. with four (4) Supervisors present to establish a quorum and Mr. Harvey arrived shortly after.

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

**II. PUBLIC COMMENTS**

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

**III. CONSENT AGENDA**

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

- A. Resolution – **R2023-28** Minutes for Approval

**RESOLUTION R2023-28  
NELSON COUNTY BOARD OF SUPERVISORS  
APPROVAL OF MINUTES  
(January 10, 2023 and January 18, 2023)**

**RESOLVED**, by the Nelson County Board of Supervisors that the minutes of said Board meetings conducted on **January 10, 2023 and January 18, 2023** be and hereby are approved and authorized for entry into the official record of the Board of Supervisors meetings.

- B. Resolution – **R2023-29** Budget Amendment



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**RESOLUTION R2023-29  
NELSON COUNTY BOARD OF SUPERVISORS  
AMENDMENT OF FISCAL YEAR 2022-2023 BUDGET  
May 9, 2023**

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

<u>Amount</u>	<u>Revenue Account (-)</u>	<u>Expenditure Account (+)</u>
\$ 7,689.60	3-100-002404-0006	4-100-022010-5419
\$ 3,257.00	3-100-002404-0001	4-100-031020-5419
\$ 17,088.00	3-100-002404-0001	4-100-031020-5419
\$ 20,000.00	3-100-002404-0060	4-100-081020-7058
<b>\$ 48,034.60</b>		

**IV. PROCLAMATION - MAY IS OLDER AMERICANS MONTH (P2023-02)**

Mr. Rutherford noted that Ms. Tish Blackwell was present to accept the proclamation for Older Americans Month. Ms. Blackwell reported that she was from the Jefferson Area Board for Aging (JABA). She thanked the Board for adopting the proclamation for Older American Month. She also thanked the Board for their support to JABA.

Mr. Barton read aloud and moved to adopt **Proclamation P2023-03** and Mr. Reed seconded the motion. There being no further discussion, Supervisors approved the motion unanimously (5-0) by roll call vote, and the following proclamation was adopted:

**PROCLAMATION P2023-02  
NELSON COUNTY BOARD OF SUPERVISORS  
MAY 2023 IS OLDER AMERICANS MONTH**

**WHEREAS**, Nelson County includes a growing number of older Americans, with 28.8 percent of the population, who contribute their time, wisdom, and experience to our community; and

**WHEREAS**, communities benefit when people of all ages, abilities, and backgrounds have the opportunity to participate and live independently; and

**WHEREAS**, the theme of Older Americans’ Month is “Aging Unbound”, recognizing the importance of:

- Not limiting our thinking about aging,
- Exploring and combating stereotypes,
- Emphasizing the many positive aspects of aging,
- Inspiring older adults to push past traditional boundaries, and
- Embracing our community’s diversity; and

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**WHEREAS**, Nelson County recognizes the need to create a community that offers the services and support older adults may need in order to make choices about how they age.

**NOW, THEREFORE**, the Nelson County Board of Supervisors does hereby proclaim May 2023 to be Older Americans Month. The Nelson County Board of Supervisors urges every resident to celebrate our older citizens, help to create an inclusive society, and accept the challenge of flexible thinking around aging.

**V. RESOLUTION - RECOGNITION OF ANGELA ROSE (R2023-30)**

Mr. Rutherford reported that Ms. Angela Rose was retiring. He noted that Ms. Rose was present and the Board was excited to recognize her and her service to the community. Mr. Parr told Ms. Rose that it had been an honor to serve with her on the Social Services Board. He expressed his appreciation to Ms. Rose for her service to the County.

Mr. Parr read aloud and moved to adopt **Resolution R2023-30** and Mr. Reed seconded the motion. There being no further discussion, Supervisors unanimously approved the motion by roll call vote (5-0) and the following resolution was adopted:

**RESOLUTION R2023-30  
NELSON COUNTY BOARD OF SUPERVISORS  
RESOLUTION RECOGNIZING THE COUNTY SERVICE OF  
ANGELA A. ROSE**

**WHEREAS**, Mrs. Angela A. Rose, Director of the Department of Social Services, is retiring as of June 1, 2023 after having tirelessly served the citizens of Nelson County for approximately forty (40) years; and

**WHEREAS**, Mrs. Rose began her employment with the Nelson County Social Services Department in 1983, and was promoted to director of the department in 2014; and

**WHEREAS**, during her tenure with the Nelson County Social Services Department, Mrs. Rose worked in all areas of family services, from working in child protective services, adult protective services and adult services, as well as directing foster care and a childcare program; and

**WHEREAS**, Mrs. Rose has dedicated her career to improving the lives of the families and children of Nelson County; and

**WHEREAS**, Mrs. Rose is highly regarded as a consummate professional in her field, her public service has served to greatly enhance the Nelson County Community and beyond, and she has been an esteemed colleague and friend;

**NOW, THEREFORE, BE IT RESOLVED**, that the Nelson County Board of Supervisors does hereby honor Mrs. Angela Rose with great appreciation for her dedicated and steadfast service to Nelson County and its citizens throughout her tenure, and

**BE IT FURTHER RESOLVED**, that Mrs. Rose will be missed both personally and professionally and the Board wishes her and her family continued health, happiness, and prosperity upon her well-deserved retirement.

**VI. PRESENTATIONS**

**A. VDOT Report**

Ms. Spivey reminded Mr. Rutherford that staff would take comments from the Board for VDOT. She noted that Mr. Robert Brown of VDOT would be present that evening for the public hearing.

Mr. Barton:

Mr. Barton reported that on Cedar Creek Road, there was a place where water crossed the road into private property. He explained that the property owner was under the assumption that VDOT was responsible for any damage done and would need to fix it. He felt that it would be expensive to fix. He noted that according to statutes and laws, VDOT should be responsible to fix the problem.

Mr. Harvey:

Mr. Harvey had no VDOT issues to discuss.

Mr. Parr:

Mr. Parr had no VDOT issues to discuss.

Mr. Reed:

Mr. Reed had no VDOT issues to discuss.

Mr. Rutherford:

Mr. Rutherford indicated that he would reach out directly to Robert Brown on his VDOT issues.

**VII. NEW & UNFINISHED BUSINESS**

**A. Gladstone Depot TAP Grant Memorandum of Agreement (R2023-31)**

Ms. McGarry reported that Jay Brown of VDOT, as well Joanne Absher and other members of Friends of Gladstone Depot, were present for the meeting to provide support and answer any questions. Ms. McGarry explained that the Board had been apprised of the Gladstone Depot TAP Grant since the grant funds were awarded by VDOT in 2021. She noted that the TAP funds were awarded June 2022 and the County was notified of the award in September 2022. She reported that County staff had been working with the Lynchburg District VDOT staff, Friends of Gladstone Depot, and VDOT – Central Office to draft an agreement for acceptance of the funds. She showed Appendix A of the draft agreement, which outlined the project financing for the first phase of the project. She noted that the Phase 1 Transportation Alternatives funds were \$733,708. She reported that the remaining total project amount was \$2,461,151. She indicated that the 20 percent local match of Phase 1 was \$146,742. Ms. McGarry explained that Appendix A was the financial aspect of the agreement and noted that the other parts of the agreement outlined how the County and VDOT would work together on the project, with VDOT providing the administration.

Ms. McGarry provided a revised chart based on new information provided by VDOT. She explained that VDOT was considering a \$2.5 million project cap for all TAP grant funded projects. She noted that cap was on the federal funds. She reviewed Project Phase 1, which had been award. She explained that Phase 1 included NEPA, engineering/design work for the new foundation, site preparation, development of architectural and structural plans, and placement of the pier footings. She reported that the current cost

estimate was \$3,194,859 and noted that the estimate was a few years old. She indicated that escalation was expected on the estimate as construction costs had increased. She reported that the Phase 1 TAP allocation was \$733,708 and noted that the 20 percent local share was \$146,742 while the Federal funds were \$586,966. Ms. McGarry noted that they may be able to use the \$85,000 value of the Depot building and land for an in-kind local match. She indicated that if they were able to do that, the local cash match would be \$61,742. She noted that vertical projects were different from normal linear VDOT projects like trails, because the applicant is asked to commit to the total project funding. She reported that there was an unfunded project balance of \$2,461,151 in Phase 1.

Ms. McGarry indicated that the 2023 TAP grant application round was upcoming and noted that staff had been advised by Mr. Jay Brown that there should be some significant funding available with the likelihood that the County could get funding in the next round. She noted that Phase 2 would be construction, which would entail depot building restoration and construction of the parking lot area. She indicated that the current project estimate would be submitted with the pre-application, and then a refined estimate would be submitted with a final application. Ms. McGarry reiterated that the possible funding cap was \$2.5 million in federal funds. She reported that the pre-application would open on May 15<sup>th</sup> and pre-applications would then be due by June 30<sup>th</sup>. She noted that full applications, for those pre-applications that made it through the screening process, would be due by October 2<sup>nd</sup>. She explained that the Phase 2 TAP allocation could be a maximum of \$2,391,293. She noted that the 20 percent local share of Phase 2 would be \$478,259 and the federal funding amount would be \$1,913,034. Ms. McGarry indicated that left an unfunded project balance of \$69,859.

Ms. McGarry explained that if they looked at the project in whole, the total TAP project amount would be 3,125,000 which included a required 20 percent local match of \$625,000 and \$2,500,000 in federal funding. She reiterated the current project estimate of \$3.1 million and after deducting the maximum federal funding of \$2.5 million and the 20 percent local match of \$625,000 there would be a balance of \$69,859 to be funded. Ms. McGarry reported that the total potential local cost of entire project, based on the current project estimate would be \$694,859. She indicated that if they took into account the \$85,000 in-kind contribution, the total potential local costs would be reduced to \$609,859. She noted that her understanding was that they would need to get under construction within four (4) years from the date of the TAP award allocation. Mr. Jay Brown noted that the four (4) years started from date of first allocation. Ms. McGarry indicated that the clock had been ticking. She explained that she wanted to provide the Board with the maximum financial exposure based on the information and estimates they currently had for the project. She noted that the costs could escalate.

Mr. Reed asked why the determination of cost could not be determined sooner. Ms. McGarry noted that part of VDOT's work on the project would be to get a revised estimate together as part of the second TAP application. She was not sure it could be done any sooner. Mr. Reed commented that if they had the opportunity to revise the costs before next round, noting it could be to the County's benefit as it would increase the costs, but also the matching costs. Mr. Jay Brown commented that until the agreement was signed, they could not get a design team on board to complete the estimate. He noted they could look at the original estimate and consider what the escalated costs may be. He explained that they could use the current estimate with the pre-application and then work to submit the revised costs with the final application.

Mr. Barton noted that there were risks but there was real potential for VDOT to contribute more money and potential for other entities to contribute to the project. He commented that the cost could be less than what was presented. Mr. Rutherford agreed that there was risk, and they needed to understand that the County would be on the hook to finish. Mr. Rutherford noted they had three to four years to start, but asked if completion could be later. Mr. Brown noted there was wiggle room, but yes, they had four years from the initial allocation to get under construction. He noted it was important to understand the financial risk

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associated with the project. He noted the financial commitment for vertical construction, and commented that they would be on the hook for the full dollar amount. He indicated that the project was not seen as complete, until the final phase was finished.

Mr. Barton commented that the benefits of the project were worth the risk.

Ms. McGarry noted that without the grant funding, it was very likely that the depot would be demolished. She indicated that if the depot was not moved and restored, CSX would take it down. Ms. McGarry explained that staff had a resolution for the Board to consider that outlined the commitment in accepting the grant agreement and authorizing her as County Administrator to sign the agreement. She noted that it outlined the County's local match commitment and the commitment to the total project cost.

Mr. Barton moved to approve **Resolution R2023-31** and Mr. Reed seconded the motion. Mr. Reed noted as long as he had been on the Board, they had not had a great opportunity to invest in Gladstone or southern end of the County, and it was worth the risk. There being no further discussion, Supervisors unanimously approved the motion (5-0) by roll call vote and the following resolution was adopted:

**RESOLUTION R2023-31  
NELSON COUNTY BOARD OF SUPERVISORS  
AUTHORIZATION TO ENTER INTO AGREEMENT WITH VDOT  
TO ACCEPT FY23/24 TRANSPORTATION ALTERNATIVES PROGRAM  
GRANT FUNDING FOR THE GLADSTONE DEPOT RESTORATION PROJECT**

**WHEREAS**, Nelson County sponsored a project application on behalf of the Friends of Gladstone Depot to request federal funding to assist in relocating and restoring the Historic Gladstone Train Depot; and

**WHEREAS**, the Commonwealth Transportation Board awarded \$586,966 in funding to Nelson County for the Historic Gladstone Train Depot as part of the Transportation Alternatives Program; and

**WHEREAS**, during the grant application process, the Friends of Gladstone Depot and Nelson County indicated a commitment to provide the required 20% local match through cash and/or in-kind contributions; and

**WHEREAS**, the required 20% local cash and/or in-kind match for this award is \$146,742 and the Transportation Alternative Program grant provisions require a local commitment of completion of the entire project; including the balance of estimated project costs currently \$2,461,15; and

**WHEREAS**, the County desires to have VDOT administer the project;

**NOW, THEREFORE, BE IT RESOLVED**, that Nelson County hereby agrees to enter into the attached Project Administration Agreement with the Virginia Department of Transportation to administer the Gladstone Depot Restoration project; providing oversight that ensures the project is developed in accordance with all state and federal requirements for design and construction of a federally funded transportation project, to commit to the provision of the required 20% local cash and/or in-kind match and completion of the entire project, and that if Nelson County subsequently elects to cancel this project, the County agrees to reimburse the Virginia Department of Transportation for the total amount of costs expended by the Department through the date the Department is notified of such cancellation. Nelson County also agrees to repay any funds previously reimbursed that are later deemed ineligible by the Federal Highway Administration; and

**BE IT FURTHER RESOLVED**, by the Nelson County Board of Supervisors that said Board hereby

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authorizes the County Administrator to execute the attached Project Administration Agreement by and between Nelson County and the Virginia Department of Transportation for the Gladstone Depot Restoration project.

Ms. McGarry thanked the Board and indicated that they would be returning to the Board with a resolution endorsing the application in June.

**B. Authorization for Public Hearing on Real Property Tax Exemptions for Veterans (R2023-32)**

Ms. McGarry explained that this was an authorization for public hearing. She noted that during the budget work sessions, it was discovered that the tax relief was being offered, but it was not included in the County ordinance. She indicated that they needed to make sure it was included. She explained that the proposed additions mirrored the State Code language. She noted that the ordinance created a new section, Division 4 Exemptions for Veterans and/or Surviving Spouse. She reported that Section 11-68 would provide for real property tax relief for the surviving spouse of any United States armed forces member killed in action, and also provide for application for that relief. She noted that Section 11-70 would provide an exemption for disabled veterans and their surviving spouse. She noted that the application for that relief was provided for in Section 11-71.

Ms. McGarry indicated that the public hearing was proposed to be held on July 11, 2023 at 7:00 p.m. She noted that the Board could approve the authorization with the adoption of Resolution R2023-32.

Mr. Reed moved to approve **Resolution R2023-32** and Mr. Parr seconded the motion. There being no further discussion, Supervisors unanimously approved the motion (5-0) by roll call vote and the following resolution was adopted:

**RESOLUTION R2023-32  
NELSON COUNTY BOARD OF SUPERVISORS  
AUTHORIZATION FOR PUBLIC HEARING  
AMENDMENT OF THE CODE OF NELSON COUNTY, VIRGINIA  
CHAPTER 11, TAXATION, ARTICLE II REAL PROPERTY TAX**

**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 **July 11, 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 Real Property Tax. Proposed new section 11-68 would provide for real property tax relief for the surviving spouse of any United States armed forces member killed in action. Proposed new section 11-69 provides for the method of making an application for the exemption in proposed new section 11-68. Proposed new section 11-70 would provide for real property tax relief for any veteran who has a 100 percent service-connected, permanent and total disability, and would also allow a surviving spouse to be eligible to qualify for the exemption. Proposed new section 11-71 provides the method for application of exemption for disabled veterans or their surviving spouse. These provisions have been enabled by State Code; however, have not been provided for in the County Code.

**C. Juneteenth Celebration Committee Funding Request**

Ms. Edith Napier of Arrington, was present to speak to the Board regarding Juneteenth. On behalf of the Nelson County Department of Social Services, Ms. Napier thanked the Board for their resolution

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recognizing Ms. Angela Rose for her years of service to the citizens of Nelson County. She also thanked Ms. Rose for her service.

Ms. Napier reported that she was to represent the Nelson County Juneteenth Celebration Committee. She explained that the group consisted of a diverse group of citizens and named Elizabeth Knight, Emma Wardlaw, Susan Greene, Dee Shaver, Stephanie Gross, Johnette Burdette, Karen Blackburn, Rev. Rodney Sandidge, Larry Stopper, Rev. James Rose, and herself, Edith Napier.

Ms. Napier noted that Nelson hosted first Juneteenth celebration last year. She reported that the event was a resounding success and the theme was “Commemorate, Educate, and Celebrate.” She noted that it was an outstanding event of acknowledging the past, with hope for the future. She explained that Nelson churches and individual citizens supported last year’s event. Ms. Napier reported that this year’s Juneteenth celebration would be on June 18, 2023 at the Nelson Heritage Center. She noted that although the event was taking place at the Nelson Heritage Center, it was sponsored by group of citizens who comprise the Juneteenth Celebrate Committee. She indicated that the Nelson Heritage Center Board was gracious enough to host the celebration, but it was not a Heritage Center event. She explained that the event would be called “Discovering Our Roots” and would consist of art exhibits – Portraits of Dignity, Style and Racial Uplift from the Holsinger Collection done in collaboration with the University of Virginia, photographs and stories from a local family, and a history of Nelson County School Integration on display. She noted that there would also be children’s activities and picnics on the lawn, along with desserts for sale.

Ms. Napier requested that the County support the annual Juneteenth event with a \$5,000 and also asked that the Board consider this to be a regular line item in the budget going forward.

Mr. Barton commented on the Pledge of Allegiance, and the July Fourth declaration which stated that all men were created equal. He noted that the end of slavery was an incredibly important event to the United States of America. He stated that they needed to commemorate the event and recognize that slavery was part of our heritage but it was over now and we needed to celebrate that.

Mr. Reed reported that he had attended last year's event. He noted that the program was fabulous, the food delicious, and he was very much in support of it.

Mr. Barton moved to contribute \$5,000 to the Juneteenth Celebration Committee and the motion was seconded. There being no further discussion, Supervisors unanimously approved the motion (5-0) by roll call vote.

#### D. 4<sup>th</sup> of July Event Proposal

Mr. Rutherford noted they would discuss the Fourth of July Event proposal at the beginning of the evening session. He explained that the stakeholders with the Lovingston Fire Department were not able to attend the afternoon session. He noted that they would be discussing fireworks in Lovingston.

### **VIII. REPORTS, APPOINTMENTS, DIRECTIVES AND CORRESPONDENCE**

#### A. Reports

##### 1. County Administrator’s Report

Ms. McGarry presented the following:

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- A. **Comprehensive Plan:** The project website is [www.Nelson2042.com](http://www.Nelson2042.com). The last of four scheduled joint work sessions of the Board of Supervisors and Planning Commission will be held on May 17, 2023 at 6:30 PM and will entail review of draft chapters pertaining to Land Use and Transportation.
- B. **Real Estate Tax Bills:** Due to a glitch in the tax bill printing vendor's programming, 2023 Real Estate tax bills that are normally paid by lenders, were inadvertently mailed out to taxpayers. Citizens that received their 2023 Real Estate tax bill which is typically paid by their lender should disregard the bill and not pay it.

Mr. Barton asked what would happen if an elderly person were to go ahead and pay their bill. He asked if it would be caught and the money returned. Ms. McGarry commented that she thought if it were paid in duplicate, it would be caught by the Treasurer's office and a refund could be issued.

- C. **Nelson 151 Corridor Study:** The first of two public engagement sessions was held on April 18<sup>th</sup> at the Rockfish Valley Community Center. It was well attended and attendees had the opportunity to review VDOT provided corridor study data and to participate in a question and answer session with VDOT staff and the project consultant. The second session is TBD.
- D. **FY23 Budget Status:** Most expenditures are tracking as expected with a few exceptions that are higher than budgeted: County Attorney Fees, Gas, Oil, and Grease, Children's Services Act (CSA), and Juvenile Detention Services. These increased costs will be covered by remaining contingency funds and greater than expected realized local revenues, if needed, in the following categories: Meals and Lodging Tax, Court Fines and Forfeitures, and Interest on Investments. Greater CSA expenses will be offset by greater revenue from the State providing for their percentage share. Real Estate and Personal Property Taxes are expected to hit or exceed budgeted estimates, primarily due to the receipt of higher than anticipated taxes paid for prior years. Other local revenues in total are currently tracking approximately 8.4% ahead of budget estimates.
- E. **FY24 Budget:** The Board will conduct a public hearing on the proposed FY24 Budget for all funds at the evening session and there must be at least a seven (7) day lapse between the public hearing and budget adoption. 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.
- F. **NC Adult Drug Court:** Pursuant to Virginia State Code §18.2-254.1 the Drug Court Advisory Committee and Drug Court Team has been established. While not an official public body, subject to the Freedom of Information Act, the Advisory Committee is working to create its bylaws and adopt a Drug Court operations manual. An employment offer has been made for the Drug Court Coordinator position and it is anticipated that the Court will begin its docket in early June. Drug Court will be conducted weekly on Tuesdays from noon to 1pm in Circuit Court.
- G. **Opioid Abatement Authority Application:** 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 submitted by Albemarle County to the OAA by the May 5<sup>th</sup> deadline. All six (6) localities served by Region Ten agreed to be part of the Cooperative Agreement. The proposal would use these grant funds to expand Region Ten Crisis Response services, CITAC services, and Community Outreach services that are currently available to its members. A decision on grant award is anticipated sometime prior to July 1, 2023.



**H. Central VA Partnership for Economic Development:** At the April 28<sup>th</sup> zoom meeting, the Board voted to hire Resource Development Group to conduct a fundraising feasibility study on behalf of the CVPED to gauge the capacity for new private sector investment that could be raised from a formal fundraising campaign. Additionally, results of a study by UVA's Weldon Cooper Center on the economic impact of the defense industry in the study region of Albemarle, Charlottesville, and Greene, were shared and the information will help CVPED better showcase defense as one of the region's very important target industries. The region's defense industry as studied is comprised of Rivanna Station, which houses the National Ground Intelligence Center (NGIC), Defense Intelligence Agency (DIA), and The National Geospatial-Intelligence Agency (NGA), the Judge Advocate General's Legal Center and School, Military Veterans, Department of Defense Contracts, the University of Virginia, Reserves and National Guard, and Other Sources. The full study results are available upon request.

***Excerpt from Executive Summary:*** "Economic impact results indicate that the defense industry directly accounts for 3,972 jobs, \$421 million in labor income, \$501 million in value-added, and \$642 million in output. When indirect and induced impacts stemming from this activity are accounted for, **the total regional economic impact is 7,347 jobs, \$618 million in labor income, \$831 million in value-added and \$1.2 billion in output.** This represents 5.9 percent of the Charlottesville region employment, 7.5 percent of labor income, 6.2 percent of value-added, and 5.7 percent of output. "

**I. Regional Library Agreement Review:** Every five (5) years the members of the Regional Library are tasked with reviewing the regional agreement. The paramount consideration is keeping or not the out of area (OA) fee and its impact on member library costs; which primarily impacts Charlottesville and Albemarle. **This analysis was provided by JMRL Executive Director Plunkett for the committee's review and discussion, however any further consideration has been delayed by work on member locality's budgets.** Any proposed amendment to the agreement will need approval by each of the Member governing bodies.

**J. New Office Building: No Change from the April Report.** PMA provided us with a timeline from Timmons for the geotech work and reporting for the DSS Callohill site as follows: The drilling is scheduled for 4/21 which should take approximately 3-4 days. Within 7-10 days after that, Timmons should have some preliminary boring logs. The full report would follow later on, after the Geotech fully analyzes the results. Based on this, I estimate drilling work done by 4/25 and preliminary boring logs by around May 5<sup>th</sup> with the full report to follow. I am thinking that the report would likely be finalized and provided to us sometime in late May or early June but that is TBD.

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

Mr. Parr asked about the DSS office building and what the ending was with the other potential location. He asked if the County just walked away from it, or whether they would have someone else look at it. Ms. McGarry noted it was her understanding that the other potential location would not be suitable for that particular purpose.

Mr. Rutherford reported that he had spoken with David Blount, who indicated that the State budget would most likely be completed in the last week of June. Mr. Rutherford noted that meant the Board needed to be cognizant of what that means. He pointed out that if the County passed their budget, it could be based off of inaccurate numbers, which may mean more or less State funding would be available. Ms. McGarry indicated that the School Division was basing their budget off of the House version of the State budget.

2. Board Reports

Mr. Barton:

Mr. Barton reported that the Jail Board did not have a meeting last month.

Mr. Harvey:

Mr. Harvey had no report.

Mr. Reed:

Mr. Reed reported that the Nelson County Service Authority was going to hold a public hearing on Thursday, May 18<sup>th</sup> at 8:30 a.m., regarding a proposed rate increase of 10 percent for water and 15 percent for sewer. He indicated that the increase was required to meet the Virginia Resources Authority (VRA) threshold for future financing. He also reported that the Service Authority was moving forward on a long term upgrade to the sewer line in Lovingson. He noted that the rate increase would help make the upgrade possible.

Mr. Parr:

Mr. Parr reported that the EMS council met on April 18<sup>th</sup>. He noted that a few years ago, the Board had supported the purchase of an extractor, which was like an industrial washing machine, that was placed at NEMS. He reported that they were now looking to move it because most of the firefighters who wanted to use it, wanted to use it in the evening. He explained that the NEMS crew went to bed at 9 p.m. and they are worried that where it is currently located, use of the extractor could wake up the NEMS crew. He noted they were looking to consider other locations. Mr. Parr asked if Ms. McGarry had any discussions regarding the extractor. Ms. McGarry noted that she had a few conversations but they thought they could work out where it was already located and establish times it would be available for use. She thought they would be able to work it out. Mr. Parr hoped they would be able to work it out. He noted that accommodations had been made for the initial installation of the extractor. Mr. Parr asked if there was a list of items eligible for reimbursement to the departments. Ms. McGarry asked if that was in terms of the EMS Councils budget request. She noted that the budget request was a compilation of all agencies expenditures from the previous fiscal year. She further explained that in FY24, the allocated amount was based on FY23 expenditures. She then noted that the agencies got a base amount of funding that was dependent on whether the agency was a standalone or combined agency. She indicated that combined agencies received a little more funding than a standalone agency. Mr. Parr did not think that was the request, rather, they wanted to know what qualified to be in the list of expenditures eligible for reimbursement. Ms. McGarry was not aware whether the County had any criteria for reimbursement, she noted that it was mostly operational costs.

Mr. Parr reported that there was a helicopter out of Chesterfield that the County had access to called HART. He noted that it was basically on standby when an extraction was needed. Ms. McGarry noted that she understood that the helicopter could be out quick and lift a lot of people in the basket at one time.

Mr. Rutherford:

Mr. Rutherford reported that the TJPDC was looking at doing another housing study to see where things were post COVID. HE noted that TJPDC's Regional Housing Partnership was planning to engage consultants on that. He commented that Nelson County was becoming a less and less affordable place to

live. He noted that people who had bought homes pre-2017, would have to pay about 50 percent more now for the exact same if they were to buy it now. He reported that if the blue collar community and lower income families, as well as aging demographics, tried to infiltrate the market in Nelson, their incomes would be one-third of what was needed to infiltrate the low end of the market. He indicated that with high speed internet available, more housing stock was being bought up. He noted that there were not a lot of low-end or starter homes being built. He commented that if they put a teacher's wage and a deputy's wage together, they could not afford the cheapest home on the market in Nelson County currently.

Ms. McGarry clarified that the public hearing on the Nelson County Service Authority rates was changed to June 15<sup>th</sup> at 8:30 a.m. due to a publishing issue of the public hearing notice.

## B. Appointments

### Agricultural and Forestal District Advisory Committee

Ms. Spivey reported that all of the individuals currently serving, wished to continue serving. She explained that the Commissioner of Revenue served as a staff person. She also noted that Mr. Barton had been the Board member serving on the committee and they could appoint another Board member if someone else wished to serve. Mr. Reed commented that he was currently listed as a Producer on the committee but he could move to the Board member position to allow a citizen the opportunity to be a Producer. He noted that he desired to stay on the committee in one capacity or another. Mr. Barton was in agreement to have Mr. Reed serve as the Board member. Mr. Rutherford noted that Ms. Spivey would advertise for the open Producer spot.

Mr. Reed moved to reappoint Andy Wright, Billy Newman, Susan McSwain, Joyce Burton, Charlotte Rea, Mary Cunningham, and the Commissioner of Revenue to the Agricultural and Forestal District Advisory Committee. Mr. Parr seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

Ms. Spivey reported that they were in the process of advertising several positions on committees. She noted that the expiring terms were to be advertised in the upcoming edition of the Nelson County Times and also indicated that they were already posted on the County website.

### Economic Development Authority

Ms. Spivey reported that Mr. Larry Saunders and Mr. John Bruguire had terms set to expire. She noted that both Mr. Saunders and Mr. Bruguire were interested in serving again.

### Thomas Jefferson Area Community Criminal Justice Board

Ms. Spivey reported that Mr. Jim Hall was not interested in serving another term on the Criminal Justice Board. She noted that he had served six terms, but had indicated that he could serve again if another candidate was not found.

### Nelson County Library Advisory Committee

Ms. Spivey reported that Ms. Jane Strauss was the Central District representative and she was waiting to hear back on whether she was interested in serving another term.

### Nelson County Social Services Board

Ms. Spivey reported that Ms. Claudia Van Koba was fulfilling an unexpired term. She noted she was waiting to hear back from Ms. Van Koba as to whether she wished to serve again.

JABA Board of Directors

Ms. Spivey reported that Ms. Quillen was completing her first term and had indicated that she was interested in serving again.

C. Correspondence

Mr. Rutherford noted that he had received some correspondence relating to the TOT but they would be discussing that more at the evening session during the public hearing.

D. Directives

The Board had no directives. Mr. Rutherford and Mr. Barton wished each other a happy birthday.

**IX. ADJOURN AND CONTINUE – EVENING SESSION AT 7PM**

At 3:00 p.m., Mr. Parr moved to adjourn and continue to the evening session at 7:00 p.m. Mr. Harvey seconded the motion. There being no further discussion, Supervisors approved the motion by vote of acclamation and the meeting adjourned.

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

**I. CALL TO ORDER**

Mr. Rutherford called the evening session to order at 7:01 p.m. with five (5) Supervisors present to establish a quorum. He reported that they had a slight change to the agenda as they would be bringing the subject of the Fourth of July fireworks with the Lovingston Fire Department up following public comments.

**II. PUBLIC COMMENTS**

*Margaret Clair – Faber, Virginia*

Ms. Clair asked the Board to approve the two (2) percent Transient Occupancy Tax (TOT) increase so they could fully fund the schools and also be able to provide the additional two (2) percent salary increase to County staff.

There were no other persons wishing to be recognized during public comments.

Fourth of July Fireworks in Lovingston

Ms. Jade Ashley Bunner was present to represent the Lovingston Volunteer Fire Department. She noted they were requesting \$10,000 for a Fourth of July fireworks show. She explained that the fireworks technician they plan to use, Michael Durbin, was the same individual who did the fireworks for the high school graduation. She noted that Mr. Durbin was from Francisco Display Fireworks of Virginia Skypainters. She reported that the original quote was \$8,000 for his time, the materials and insurance, but the quote was over 30 days old, which was why they were requesting \$10,000. She noted that the committee

was in agreement to return any unused funds to the Board immediately following the event. She explained that they were looking at a 20-minute show, with use of three (3) to six (6) inch mortars. She noted that they were currently working to determine a location for fireworks. She indicated that the Sheriff's office suggested keeping the fireworks in Lovington and possibly use the County owned property on Callohill. She noted that the fireworks technician preferred the high school's location because he already had the site mapped out for the graduation fireworks. Ms. Bunner noted that the Fire Department's main concern was safety, so if fireworks were approved, the Fire Department would utilize social media and their committee members to provide detailed information to citizens on the event to make them aware of the noise and tips to keep their pets safe. Mr. Rutherford explained that Lovington Fire Department wished to bring back fireworks similar to those that were at the Lion's Field. He noted that it was also a great opportunity to bring some attention to that side of 29 and hopefully encourage some businesses to take part in the event.

Mr. Parr asked what the determining factor was between the Callohill site and the high school. Ms. Bunner noted that it would ultimately be up to the fireworks technician, but she felt that when he visited the Callohill site, he would not want to have the fireworks in that location. She pointed out that there was no way to ensure safety with two gas stations, the Lovington apartments, and Food Lion being in close proximity. She noted that the fire department would be on site and prepared but it would be much easier to manage at the high school location.

Ms. Bunner indicated that they hope to have the technician view the Callohill area when he came out to the high school graduation. Mr. Parr commented that it would be nice to have the fireworks following the Fourth of July parade in Lovington since people would already be there. Ms. Bunner agreed, noting that it would be nice if the businesses in the Village kept their businesses open later to fill in the lag time between the parade and fireworks.

Mr. Reed moved to allocate \$10,000 to Lovington Fire Department and Mr. Parr seconded the motion. Mr. Parr asked about how the logistics of the money would take place and who would pay the invoice. Mr. Reed amended his motion that the County be invoiced for the fireworks for an amount up to \$10,000. Mr. Parr amended his second. There being no further discussion, Supervisors approved the amended motion by vote of acclamation.

### **III. PUBLIC HEARINGS**

#### **A. FY24-29 Secondary Six-Year Road Plan (R2023-33)**

Mr. Brown was present to discuss the Secondary Six-Year Road Plan. He displayed the draft Rural Rustic Priority List.

Nelson County  
Rural Rustic Priority List FY23/28

Draft 04/11/2023

ROUTE	NAME	FROM	TO	LENGTH	TC - VPD	NOTES
646	Hunting Lodge Road	Rte 604	Rte 645	2.00 Mi	50	\$400,000
674	Jennys Creek Rd	Rte 56	Rte 151	1.2 Mi	60	\$250,000
606	Buffalo Station	Rte 626	1.4 Mi East	1.4 Mi	60	\$260,000
667	Fork Mt	1.29 Mi North Rt 56	2.29 Mi N	1.00 Mi	130	\$225,000
629	Gullysville Lane	Rte 634	Dead End	1.27 Mi	60	\$200,000
613	Berry Hill Rd	Rte 788	1.10 Mi S	1.00 Mi	60	\$200,000
640	Wheelers Cove Rd	Rte 620	1.50 Mi	1.5 Mi	80	\$300,000
764	Walk Around Ln	RTE 628	Dead End	0.60 Mi	50	\$150,000
721	Green Field Dr	.70 Mi N RTE 626	2.8 Mi N	2.1 Mi	70	\$450,000

Mr. Rutherford noted that there was one addition to the list displayed on the screen to include Eagle Mountain Drive (Route 703, 0.5 mile) at the bottom of the list.

Mr. Robert Brown of VDOT was present to discuss the Secondary Six-year Road Plan. He reviewed the Construction Program Estimated Allocations for Nelson County. He explained that the first page included the proposed allocations for the next six years. He noted there were two lines, one for Telefees, and the other for Unpaved Road District grant money. He indicated that Nelson County still received a good amount of unpaved road money because there were approximately 120 miles of unpaved roads left in Nelson. He explained that in the third year of the plan (FY26) there would be a reduction in the amount of funds due to the success of paving roads. He explained that in the first two years of the plan, the County would receive a little over \$600,000 per year for unpaved roads. He noted in the third year, the amount would drop to around \$450,000.

He reviewed the second page of the plan and noted that Wilson Road, Campbell’s Mountain Road and North Fork Road were completed in the last year and VDOT was waiting to close them out financially. He explained that they had to remain in the plan until they were closed out.

Mr. Brown reported that the roads listed on page three would be completed in the current year, which included: Jacks Hill Road (Route 666), Cedar Creek Road (Route 654), Ball Mountain Road (Route 643), Honey Suckle Lane (Route 765) and Cow Hollow Road (Route 674). He reported that they were currently working on Cedar Creek and Jacks Hill. He noted that Cedar Creek was nearly complete. He indicated that a large drainage structure was going to be installed on Jacks Hill. He explained that once those two roads were complete, they would move on to Ball Mountain, Honeysuckle Lane and Cow Hollow. He commented that if there were any balances left from those road projects, they could possibly be able to transfer those funds to complete Davis Creek Road (Route 623) in the current year.

Mr. Brown noted the line on page four title “Nelson Countywide – Transportation Services” and commented that was a pot of money from the Telefees allocations. He explained that those funds were used for special projects for secondary roads like projects requested by the Board of Supervisors, or the installation of new signs on secondary roads. He pointed out that the funds could also be used to supplement unpaved roads.

May 9, 2023

Mr. Brown discussed the “Nelson County Unpaved Road Funding” line, noting that it did not have a balance listed. He explained that if there were a situation where they were unable to allocate all of the funding for projects, that funding line would act as a balance entry account.

Mr. Brown commented that they were making good progress and noted that the projects included in the construction plan had worked their way up the priority list shown on the screen.

Mr. Rutherford was curious to know the percentage of paved roads in Nelson County. Mr. Brown noted he did not have the total mileage with him, but he could provide that information later.

Mr. Reed asked about making a change to the Rural Rustic List. Mr. Brown noted they could discuss it. He indicated that the Rural Rustic List was not actually part of the Six Year Plan. He explained that VDOT did like to have the Rural Rustic List as it had input from the Board and constituents. Mr. Brown reviewed the current list of roads as prioritized by the Board during their previous work session.

1. Hunting Lodge Road
2. Jennys Creek Road
3. Buffalo Station
4. Fork Mountain
5. Gulleysville Lane
6. Berry Hill Road
7. Wheelers Cove Road
8. Walk Around Lane
9. Green Field Drive

He noted that Eagle Mountain Drive had been added but not prioritized.

Mr. Reed suggested moving Gulleysville and Berry Hill down the list below Wheelers Cove Road. He noted that Wheelers Cove was a much longer road with a lot more traffic. Mr. Brown confirmed that they would swap Gulleysville Road with Wheelers Cove, and Berry Hill would remain in its current place on the list.

Mr. Rutherford opened the public hearing.

*Thomas Bruguire - Roseland, VA*

Mr. Bruguire requested that if a road was over budget and they were not able to complete it in that year, that they return the following year to complete the road.

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

Mr. Brown suggested that the Board could approve the Six-Year Plan as presented and, if they chose, they could approve the Rural Rustic Priority List as amended.

Mr. Reed moved to approve **Resolution R2023-33** FY24-FY29 Secondary Six-Year Road Plan and FY23/24 Construction Priority List as amended. Mr. Parr seconded the motion. There being no further discussion, Supervisors unanimously approved the motion (5-0) by roll call vote and the following resolution was adopted:

May 9, 2023

**RESOLUTION R2023-33  
NELSON COUNTY BOARD OF SUPERVISORS  
APPROVAL OF FY24-FY29 SECONDARY SIX-YEAR ROAD PLAN  
AND FY23/24 CONSTRUCTION PRIORITY LIST**

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

**WHEREAS**, this Board had previously agreed to assist in the preparation of this Plan, in accordance with the Virginia Department of Transportation policies and procedures, and participated in a public hearing on the proposed Plan (2023/24 through 2028/29) as well as the Construction Priority List (2023/24) on May 9, 2023 after duly advertised so that all citizens of the County had the opportunity to participate in said hearing and to make comments and recommendations concerning the proposed Plan and Priority List, and

**WHEREAS**, Staff of the Virginia Department of Transportation, appeared before the Board and recommended approval of the Six-Year Plan for Secondary Roads (2023/24 through 2028/29) and the Construction Priority List (2023/24) for Nelson County,

**NOW THEREFORE BE IT RESOLVED**, that said Board finds the Plan(s) to be in the best interests of the Secondary Road System in Nelson County and of the citizens residing on the Secondary System, and as such said Secondary Six-Year Plan (2023/24 through 2028/29) and Construction Priority List (2023/24) are hereby approved, as amended if applicable.

Nelson County							Approved 5/9/23
Rural Rustic Priority List FY23/28							
PRIORITY	ROUTE	NAME	FROM	TO	LENGTH	TC - VPD	NOTES
1	646	Hunting Lodge Road	Rte 604	Rte 645	2.00 Mi	50	\$400,000
2	674	Jennys Creek Rd	Rte 56	Rte 151	1.2 Mi	60	\$250,000
3	606	Buffalo Station	Rte 626	1.4 Mi East	1.4 Mi	60	\$260,000
4	667	Fork Mt	1.29 Mi North Rt 56	2.29 Mi N	1.00 Mi	130	\$225,000
5	640	Wheelers Cove Rd	Rte 620	1.50 Mi	1.5 Mi	80	\$200,000
6	613	Berry Hill Rd	Rte 788	1.10 Mi S	1.00 Mi	60	\$200,000
7	629	Gullysville Lane	Rte 634	Dead End	1.27 Mi	60	\$300,000
8	764	Walk Around Ln	RTE 628	Dead End	0.60 Mi	50	\$150,000
9	721	Green Field Dr	.70 Mi N RTE 626	2.8 Mi N	2.1 Mi	70	\$450,000
10	648	Eagle Mtn Dr	Rte 703	Rte 56	0.5	70	\$150,000
							<b>\$2,585,000</b>
		Estimates based on \$200,000- \$250,000 per mile					

**B. Proposed Transient Occupancy Tax Rate Increase (O2023-02)**

Ms. McGarry provided a presentation on the proposed Transient Occupancy Tax (TOT) Rate increase. She explained that the tax rate was set by ordinance, which required a public hearing. She reported that on April



28, 2022, a public hearing was held by the Board of Supervisors on a proposed rate increase from 5 percent to 10 percent. She indicated that no action was taken on the proposed ordinance amendment and the subject was deferred until the May 10, 2022 regular Board of Supervisors meeting. She then noted that the proposed ordinance amendment was re-considered at the May 10, 2022 meeting. She reported that while no action was taken on the ordinance amendment, the Board created a committee to review tax payment enforcement efforts. She noted that the committee met several times throughout the year and short term rental education and enforcement improvements were implemented. Ms. McGarry indicated that since no action on the previous ordinance was taken by the Board, a new public hearing was not required by statute. She reported that the Board of Supervisors authorized a second public hearing at their April 18, 2023 continued meeting, to allow for public input.

Ms. McGarry noted that pursuant to Code of Virginia §58.1-3007, a seven-day notice period prior to a tax levy increase and public hearing, was required. She also noted that §15.2-1427(F) required that a public hearing notice be published for two successive weeks, at least seven days apart. Ms. McGarry reported that 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 and May 4, 2023, meeting the notice requirement of State Code Section §15.2-1427(F). She noted that the County's public hearing notice was also posted on the County's website under News and Announcements on April 27, 2023. Ms. McGarry indicated that the proposed tax rate increase, if adopted immediately or sometime thereafter, would be at least seven (7) days following the public notice, complying with Code of Virginia §58.1-3007. Ms. McGarry then reviewed the authorizing State Statute §58.1-3819 Transient Occupancy Tax.

Ms. McGarry explained that the proposed amendment to the Code of Nelson County, Chapter 11, Taxation, Article VI Transient Occupancy Tax would increase the tax rate 2 percent from five (5) percent to seven (7) percent. She noted that this was the equivalent of a 40 percent tax increase. She provided an example, noting that a \$500 bill taxed at 5 percent equaled \$25 in TOT, and a \$500 bill taxed at 7 percent equaled \$35 in TOT. She noted that the increase was 2 percent, or \$10; but the rate of change between paying \$25 and \$35 was 40 percent. She reported that the proposed effective date was January 1, 2024.

Ms. McGarry commented that based on FY24 Estimated Revenues of \$1.8 million at the current 5 percent rate, the estimated additional revenue generated from an approved TOT rate increase from 5 percent to 7 percent would be \$720,000 for a full fiscal year, or \$360,000 for FY24. She noted that was the prorated amount based on the January 1, 2024 effective date. She indicated that the \$720,000 for a full fiscal year was equivalent to 2.27 cents in the Real Estate Tax rate. She further added that six months would be equivalent to 1.14 cents.

Ms. McGarry explained that the Board would conduct the public hearing that evening. She then noted that the Board may consider ordinance adoption immediately following the public hearing or sometime thereafter. She indicated that the proposed ordinance **O2023-02** had been included for consideration by the Board.

Mr. Rutherford noted that the Board did not have to take action on the proposed ordinance that evening. He commented that they could take action at a later date and have further discussion. The Board had no questions for Ms. McGarry.

Mr. Rutherford opened the public hearing.

*Beth Ann Driskill - Tyro, VA*

Ms. Driskill pointed out that tourism was one of the largest, if not the largest, industries in Nelson County. She commented that as a County, they should be promoting it, rather than creating barriers to it. She

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suggested that maintaining the current TOT could make Nelson County a more attractive destination to tourists and boost the local economy. Ms. Driskill commented that when travelers paid less for lodging, they were more likely to visit, stay longer and spend more money on other goods and services in the area. She noted that could help create jobs and revenue for local businesses, as well as help offset the local tax revenue with the increase to local economic activity. She commented that by maintaining a 5 percent TOT, the County would be supporting small family owned businesses. She noted that a lower TOT rate could help businesses attract more visitors, especially during the offseason. She noted that the County was seeking funding for the School Division and commented that the TOT was not a reliable funding source to provide that funding. She pointed out that the demand for short term rentals was dependent on the economy, popularity of the destination and availability of other lodging options. Ms. Driskill commented that 2021 and 2022 were record years for short term rentals. She noted that as the world returned to normal after COVID, short term rentals were seeing a drop in reservations. She suggested that more reliable and equitable fund sources be used to support the schools. She noted that when the TOT was considered last year, a new collection system was created and it had not been in effect long enough to see if it was effective. She suggested that if the TOT were increased, a portion of that tax increase should go to tourism to help continue to grow the industry.

*Will Fenton - Roseland, VA*

Mr. Fenton stated that he was against any increase for same reasons as Ms. Driskill. He noted that his business was tourism and they wanted tourists to be drawn to Nelson. He was concerned that over taxing could take business away. He noted the warm winter weather had affected Wintergreen's ski season. He wanted to keep tourism coming instead of discouraging it. He referenced prior conversations on gas sales in the past, commenting that Hickman's only made 2 off of the sale of gas, and if that 2 percent was taken, they would not have anything left. He pointed out that they were also paying state and federal taxes, real estate taxes, payroll taxes as well as other taxes. He commented that they had experienced a downturn in business in 2023, citing that part of that may be related to the ski season or the economy. He reiterated that he did not want to deter tourists from visiting the area.

*Jill Averitt - Nellysford, VA*

Ms. Averitt commented that she was in favor of the tax increase. She noted that as a traveler herself, she was not looking at the taxes when choosing to stay somewhere. She felt that it was a small increase and did not think it would deter people from coming to Nelson. She thought that the addition of new Airbnb's in the area would affect the demand. She felt that collecting tax from people visiting the County to support the kids was a great thing. She felt that the short term rentals did not add to the communities, rather, they made it harder on communities when they were inserted into neighborhoods. She thought that until they could get the issue under control, they could take some of the money and give it to the Schools to support teachers and kids. She commented that her two children and four exchange students who all had fabulous school experiences in Nelson because the teachers are great. She pointed out that a lot of the teachers cannot afford to buy a house in Nelson County anymore and they were driving from an hour away to school. She thought that the teachers should get a raise and be paid for what they were worth.

*Thomas Bruguiere - Roseland, VA*

Mr. Bruguiere understood that the TOT was a pass through tax that most people in Nelson would not pay. He commented that 40 percent was a big increase, and they needed to watch the bottom line as there was a potential recession on the way. He commented that they needed to keep the tourists coming because that is what paid the bills. He said that they should not increase the tax rates unless it was truly necessary. He did not think the 2 percent just going into the General Fund was a good idea. He said they needed to have a special project if they were going to institute the increase.

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

Mr. Rutherford noted that the Board did not have to take action right away and they could discuss it at a later time. He commented that the budget public hearing was to take place and felt that it may be wise to have further discussion and wait until June if they wished to take any action. Mr. Reed commented that they should schedule a work session, the public would have an opportunity to hear the Board's comments at that time. Mr. Rutherford suggested that no actions take place at work session, rather they wait until the June meeting.

The Board took no action on the proposed Transient Occupancy Tax increase and it was decided that they would look at dates to hold a work session on the subject.

### **C. FY23-24 County Budget, All Funds**

Ms. Staton provided a presentation on the FY23-24 County Budget. She commented that the presented FY24 budget was based upon budgetary information at the time of the advertisement. She reported that State budgetary decisions were still pending, and pointed out that would affect the final General Fund budget, and the School Division operating budget presented for the Board's approval. She noted that the School Division budget presented was based upon the House of Representatives' budget proposal.

Ms. Staton reported that all 2023 tax rates were levied per \$100 of assessed value, with the exception of the Transient Occupancy Tax. She noted that the Real Estate and Mobile Home tax rate was \$0.65 per \$100 of assessed value, which was unchanged from 2022. She reported that the per penny tax rate equivalent was based on FY24 projected real estate tax revenue of \$20,604,678 divided by 65 cents, which equaled \$316,995 per penny. Ms. Staton noted that the Tangible Personal Property Tax rate remained unchanged from 2022 at \$2.79 per \$100 of assessed value. She reported that the anticipated revenue from Personal Property taxes was \$6,085,699 for FY24, which was an anticipated decrease of 1.9 percent below the FY23 amended budget. She noted that the decrease was due largely to a decrease in vehicle values over the last year. She further noted that the Machinery and Tools tax rate remained unchanged at \$1.25 per \$100 of assessed value.

Ms. Staton explained that the advertised budget for public hearing contained Transient Occupancy Tax revenue based upon the current rate of 5 percent. She noted that also advertised for public hearing was the proposed 2 percent increase in the Transient Occupancy Tax pending final decision by the Board of Supervisors at a later date.

Ms. Staton explained that the County's fund accounting system tracked budgetary and financial activity. She noted that the Board was considering proposed budgets for the General Operating Fund, School Operating Fund, Textbook Fund, Cafeteria Fund, Debt Service Fund, Capital Fund, and the Piney River Water/Sewer Enterprise Fund. She indicated that they would briefly overview the two largest of those funds – the General Fund and the School Fund. Ms. Staton pointed out that the Piney River Water and Sewer operation was an example of an enterprise fund within the total budget.

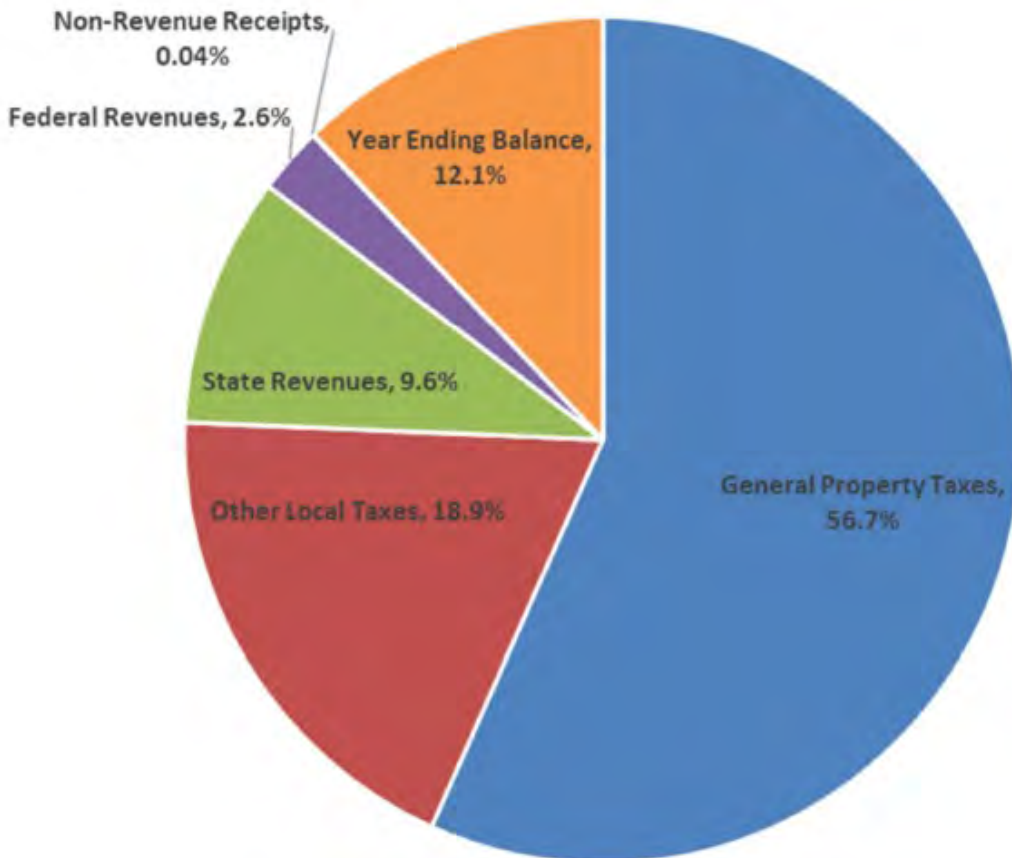
Ms. Staton reported that the FY23-24 budget, compared to the current year budget as amended through February 2023, reflected a decrease of (\$2,713,379), or -4.18 percent. She noted that the budgetary decreases from FY23 to FY24 were primarily due to budget reductions in Capital Outlay, Capital Projects, and recurring and non-recurring Contingency reserves.

**FY23-24 GENERAL FUND BUDGET  
COMPARED TO FY22-23 AMENDED  
BUDGET AS OF FEBRUARY 2023**

▶ FY22-23	\$52,935,713
▶ FY23-24	<u>\$50,222,334</u>
Decrease	(\$ 2,713,379)

**% Change - 4.18%**

Ms. Staton reported that the F24 Proposed Revenues were \$50,222,334. She showed a pie chart that represented the FY24 Proposed Revenues by major category.



She noted that local revenue consisting of General Property taxes and other Local taxes made up 75.7 percent of the overall budgeted revenue. She reported that the total anticipated local revenues were \$37,994,562. She then noted that the State revenues accounted for 9.6 percent of the revenues, at

\$4,825,215. Ms. Staton reported that Federal revenues accounted for 2.56 percent of the budgeted revenue at \$1,286,560.

Ms. Staton explained that the Non-revenue receipts of \$20,000 were 0.04 percent of the total, and \$6,095,997 in Year Ending Balance made up 12.1 percent of the total. She further explained that the Year Ending Balance was comprised of \$3,723,268 in FY23 Carryover funds which included \$2,894,977 in ARPA funds not spent, \$828,291 in General Expenditure savings, a net increase in FY23 revenues of \$2,212,813, in addition to a \$159,916 decline in Debt Service Fund year ending balance.

Ms. Staton reported that the FY24 local revenue made up about 75.7 percent of the total General Fund budget of \$50,222,334 at just under \$38 million. She noted that there was a 5.19 percent increase (or \$1,873,084) between the FY23 budget and the FY24 estimates. She then reported that the general property taxes of \$28,484,240 accounted for 75 percent of all local revenue. She noted that of all local revenues, personal property, mobile home tax, recordation tax, and other recovered costs were anticipated to decrease in FY24 while most other revenue categories anticipated increases. Ms. Staton reported that the FY24 interest on investments was projected at \$500,000, an increase of 1900 percent over FY23, largely due to increased interest rates.

Ms. Staton reviewed the significant local revenue factors. She reported that an increase of \$565,652 in General Property tax revenue projection was due to an increase in real estate and public service taxes.

## Significant Local Revenue Factors

### **General Property Taxes: + \$565,652**

- ▶ **Real Estate Taxes: + \$478,259**
- ▶ **Public Service Taxes: + \$205,826**
- ▶ **Personal Property Taxes: (\$118,433)**
- ▶ **Machinery & Tools: + \$0**

### **Other Local Revenue: + \$1,307,432**

- ▶ **Local Sales & Use Taxes: + \$158,800**
- ▶ **Recordation Taxes: (\$161,080)**
- ▶ **Meals & Lodging: + \$829,476**
- ▶ **Permit Fees: + \$36,598**
- ▶ **Court Fines & Forfeitures: + \$40,000**
- ▶ **Interest on Investments: + \$475,000**
- ▶ **Miscellaneous (Net): (\$71,362)**

She noted that personal property tax projections were estimated to decrease due to an 11.8 percent decrease (\$118,433) in vehicle values over last year. She reviewed other local revenues noting that Local Sales and Use Taxes (including utility and bank franchise taxes, business and motor vehicle licenses) were expected

to increase by \$158,800 overall from last fiscal year. She indicated that recordation taxes had been decreasing due to increased interest rates on borrowing. Ms. Staton noted that meals tax revenue was expected to increase by about 15 percent while lodging tax was anticipated to generate an increased 56.5 percent in revenue for FY24 projecting an \$829,476 overall increase. She reported that permit fees and miscellaneous revenue were expected to increase by \$36,598. She noted that these increases were expected to offset a \$71,362 decline in overall miscellaneous revenues. She reported that interest on investments was expected to increase by \$475,000 over last fiscal year. She explained that investment interest projections were directly affected by and fluctuate with the economy.

Ms. Staton reviewed the State revenues. She commented that the FY23 Budget for State Revenue was \$4,922,584 while the FY24 Estimate was \$4,825,215 which meant an overall decrease of (\$97,369) or a -1.98 percent change.

State Revenue	
▶ FY23 Budget	\$4,922,584
▶ FY24 Estimates	<u>\$4,825,215</u>
Overall Decrease	(\$ 97,369)
Percent Change	- 1.98%

She explained that the estimated state revenue was currently 9.6 percent of the total General Fund budget in FY23. She noted that the General Assembly was still completing their work on the State budget which affected revenues that the County received from the State. She noted that the proposed budget contained best estimates and may be adjusted once the State finished its work. Ms. Staton explained that the overall decrease was primarily due to a -54.6 percent (\$394,942) decrease in Other Categorical State Aid, which primarily consisted of grant funds. She noted that FY24 State Grant funds would be appropriated as they were received in FY24. She reported that this included Asset Forfeiture proceeds, Four for Life Grant funds, Fire Program Funds, and various other grants. She indicated that the budget included State reimbursements of shared local expenses for constitutional offices reflecting the state's share of a 5 percent salary increase that had been proposed for those offices.

Ms. Staton discussed Federal Revenues. She reported that FY23 Budget had \$1,231,901 in Federal Revenues while the FY24 Estimates showed \$1,286,560, which was an overall increase of \$54,659 or 4.4 percent. She indicated that Federal revenue made up 2.6 percent of the total FY24 General Fund budget. She noted that federal sources generally included social services funding, Children's Services Act funding, the payment in lieu of taxes relative to national forestland located in Nelson (from the U.S. Bureau of Land Management) and various federal grants. She explained that the increase reflected is primarily due to the addition of the Adult Drug Court Grant funding of \$172,000 revenues beginning FY24 through the Department of Justice (DOJ) for services over a four (4) year grant period. She noted that the overall Drug Court grant amount for the four (4) year period was \$699,000.



## All Sources of FY24 Revenue

▶ Local	\$37,994,562
▶ State	\$ 4,825,215
▶ Federal	\$ 1,286,560
▶ Non-Revenue Sources	\$ 20,000
▶ Year Ending Balance	<u>\$ 6,095,997</u>
Total	\$50,222,334

Ms. Staton noted that the local, state, and federal revenues, and non-revenue sources together with the prior year ending balance made up all projected revenue supporting the FY24 proposed General Fund expenditures. She indicated that the FY24 Non-Revenue sources included \$20,000 in anticipated insurance recoveries.

She explained that the year ending balance fund of \$6,095,997 for FY23 included: FY23 Revenues exceeding FY23 expectations by \$2,212,813, FY23 expenditure savings of \$3,723,268 (which included unspent ARPA funds of \$2,894,977 earmarked for the high school roof project), and a decline of \$159,916 in Debt Service revenue. Ms. Staton pointed out that the \$610,000 originally planned as part of the County's annual debt capacity strategy in order to finance capital projects for the County and School Division, was put on "hold" for the budget cycle in order to allow funding for other immediate budgetary needs in FY24.

Ms. Staton reported that they had a balanced budget, noting that FY24 General Fund expenditures matched revenues at \$50,222,334. She noted that in comparison to the current year budget as amended (through 2/23), the proposed FY24 General Fund budget reflected a decrease of (\$2,713,379) or -4.18 percent. She explained that the change was primarily due to FY24 budget reductions in Capital Outlay, Capital Projects (such as the Larkin property purchase at \$2.6 million in FY23), and changes to recurring and non-recurring Contingency reserves.

Ms. Staton discussed the FY24 Proposed Expenditures by Major Category.

## FY24 Expenditures By Major Category (% of Total Budget)

▶ School Division- Operations (36.9%)	\$18,544,772
▶ Public Safety (15.5%)	\$ 7,762,319
▶ Governmental Operations (14.7%)	\$ 7,396,032
▶ Health and Welfare (9.3%)	\$ 4,647,361
▶ Agency & Non-Departmental (including PVCC) (9.3%)	\$ 4,693,920
▶ Capital Outlay (5.3%)	\$ 2,641,454
▶ Capital Projects (0.5%)	\$ 249,570
▶ Refunds & Unallocated Reserve (1.9%)	\$ 961,622
▶ Debt Service (6.6%)	<u>\$ 3,325,284</u>
<b>Total</b>	<b>\$50,222,334</b>

She noted that the largest category of expenditures shown on the chart was Education at 37 percent representing \$18,962,138 in addition to debt service payments of \$1,972,858 for a total of \$20,934,996. She noted that total did not include funding for four (4) School Resource Officers (SRO), which was included in the Public Safety category of the County's General Fund budget. She indicated that the approximate cost of salaries and benefits for the SRO positions was \$280,000. Ms. Staton noted that the expenditures had increased by 26.1 percent over FY23, due to the increases in salary scales as well as increases in the cost of benefits.

Ms. Staton commented that Public Safety operations would cost \$7.7 million, or about 15.5 percent of the total budget. She noted that the next major category was Government Operations at just under \$7.4 million, or 14.7 percent of the budget. She explained that this category included General Government and Judicial Administration, Public Works, Parks and Recreation, and Community Development. Ms. Staton then discussed Health and Welfare, and Agency and Non-Departmental, which were both 9.3 percent of the budget each. She reported that Agency and Non-Departmental included the 2021-2022 COVID-19 American Rescue Plan funding of \$2,894,977 carryover expenditure funds slated for use in combination with the School Division funding to repair the failing roof at the High School.



Ms. Staton reported that Capital Outlay was budgeted at 5.3 percent, or \$2,641,454 and would be covered by some of the FY23 year-ending balance. She noted that the budget included refunds and an unallocated Contingency Reserve of \$961,622 or 1.9 percent of the budget. She explained that the Capital Projects allocation of \$249,570 was for anticipated A&E (architectural and engineering) fees related to the planned new office building for the Department of Social Services and Building Inspections/Planning and Zoning departments. Ms. Staton noted that a Debt Service transfer of \$3.3 million would be used to cover Debt Service expenditures and to accelerate and increase the County's debt capacity for financing additional capital projects for the County and School Division. She explained that the \$3.3 million transfer would cover all debt payments due in FY24 and add \$159,916 of FY23 declining debt to the reserve fund, increasing future debt capacity for capital projects for the County and Schools.

Ms. Staton provided some expenditure highlights. She reported that a comprehensive pay study was completed by Management Advisory Group in FY23. She noted that staff was in the final steps of vetting study results prior to final Board review and approval. Ms. Staton explained that the proposed FY24 budget addressed an across-the-board salary increase to all employees at 5 percent. She noted thereafter, if any employee was below the minimum pay range on the pay study scale for their position, they would receive additional pay to be raised to meet that minimum (pending Board approval of the proposed pay scales from the pay study). Ms. Staton indicated that new positions were also included in FY24: a full-time Chief Deputy Registrar, a full-time Sheriff's Department Office Assistant/Evidence Technician, a full-time Building Inspections/Planning and Zoning Administrative Assistant, a full-time Animal Control Shelter Manager, and a part-time Recreation aid. Ms. Staton also noted that the Board picked up the 9.9 percent increase in Health Insurance premiums for County employees. She also highlighted the four (4) full-time School Resource Officers (includes one State SRO position).

Ms. Staton reported that Public Safety and Emergency Services had a 17.95 percent increase in Regional Jail costs due to higher utilization. She explained that Albemarle-Charlottesville Regional Jail (ACRJ) used a 5-year average prisoner population to help smooth out any annual increases. She pointed out that with annual utilization on the rise, average annual costs would also increase. Ms. Staton noted that plans to renovate the existing jail and begin financing steps were anticipated within the next fiscal year. She indicated that Nelson County's obligation for FY24 was anticipated to be interest only with construction costs to begin by FY25. Ms. Staton also reported that the budget included operational funding to provide an ambulance and equipment to Nelson EMS, Emergency Communication Center VESTA Next Generation (NG) 911 and Call Handling upgrades, replacement of the Emergency Communication Center's 911 and Tower UPS units. She noted that upgrading the County/EMS radios was slated for completion in FY24 at \$1.4 million as well as purchasing 3 Sheriff's vehicles and equipment. Ms. Staton pointed out that all of the aforementioned costs continued to increase sharply while deliveries are being delayed.

Ms. Staton noted other budget highlights which included increases to some Agency contributions going to the Nelson County Health Department, Nelson Local EMS Council, Nelson County Extension Service, Piedmont Virginia Community College (PVCC) Foothills Child Advocacy Center, JABA, JAUNT, Shelter for Help in Emergency, Jefferson Madison Regional Library, MACAA, OAR/Community Corrections, and Thomas Jefferson Planning District Commission. She noted that the listed agencies were all receiving increases over their FY23 allocations.

She noted that \$249,570 in carry over funds was budgeted for A&E expenses related to the planned office building to house the Department of Social Services and Building Inspections/Planning and Zoning. She reported that Miscellaneous Capital Outlay aside from those included for Public Safety and Emergency Services mentioned previously included continuance of the Comprehensive Plan update and Sturt Park development. She reported that total Capital Outlay funding was \$2,641,454.

Ms. Staton discussed transfers. She explained that transfers were the transfer of General Fund monies for other purposes, such as funding set aside for the next reassessment, for the Department of Social Services (VPA Fund), for School Nurses and School Operations, for the Debt Service fund, etc. totaling \$24,066,135. She noted that the Transfer to Debt Services included \$159,916 in declining debt savings from the County VRA Radio project loan payments completed in FY23.

Ms. Staton reported that the budget also included Contingency Reserves of \$909,622 with \$509,702 generated from recurring revenue and \$399,920 from non-recurring revenue (carry-over). She explained that the non-recurring contingency funds were best used for one-time expenditures, while recurring contingency funds could be used for one-time expenditures without impacting future operations.

Ms. Staton reported that \$34,694,395 was set aside in the FY24 budget for the schools. She noted that this was a decrease of \$2.2 million from the FY23 budget, which was \$36.9 million. She further noted that this was a -6.2 percent change. Ms. Staton explained that the approved FY23 School Fund budget was based upon an enrollment of 1,454 students, and compared to the FY24 advertised budget based on an enrollment of 1,396 students, reflected an overall decrease of (\$2,292,540) or -6.2 percent. She noted that the decrease was largely due to a \$1.17 million decrease in state, federal, and other funding sources. She reported that in FY22, the state had also included \$1.2 million in one-time funding for School facilities. She noted that in FY23, \$1 million of those funds would be used for the NCHS roof repairs.

Ms. Staton noted that increase school expenditures included a 5 percent pay increase for all school employees, including a 0.5 percent for step increases. She reported that the requested additional local funds requested by the schools for FY24 was \$1,582,639. She noted that of that amount, \$1,243,150 was included in the total local funding proposed for FY24 which was 78.5 percent of the total difference requested. She indicated that the total did not include the portion of the \$2,894,977 in County ARPA carryover funds from FY23 obligated for NCHS roof repair costs to be expensed in FY24.

## FY24 School Fund Revenue

▶ Local:	\$18,544,772 +\$1.2M
▶ State:	\$ 9,445,763 - \$1.1M
▶ *Federal:	\$ 6,286,494 - \$ 64K
▶ Other:	<u>\$ 417,366</u>
<b>Total School Fund</b>	<b>\$34,694,395</b>

**\* Federal Funding includes \$3.8 Million in Covid-19 Stimulus Funding Carried Over from FY23**

Ms. Staton reviewed the FY24 School Fund Revenue sources. She noted that in addition to local operational funding of \$18,544,722, and an increase of \$1.2 million over FY23, the School Division also received revenues from State, Federal, and Other sources. She noted that the Other Funds were comprised of reimbursements for field trips, dual enrollment, and telecommunications rebates, etc. projected at \$417,366. She reported that the State funding of \$9,445,763 reflected an anticipated decrease of \$1.1 million and was based upon the House recommended budget with an anticipated student enrollment of 1,396. She then noted that the regular Federal funding of \$6,286,494 was a decrease of about \$64,000 from FY23. She pointed out that the federal funding also included \$3.8 million in COVID-19 stimulus funds carried forward from FY23.

Ms. Staton provided further detail on the FY24 Local Contribution to the Schools.

## FY24 Local Contribution to Schools

▶ School Operations	\$18,379,837	+ \$1.2M
▶ School Nurses	\$164,935	no change
▶ 4 SRO's (General Fund)	\$280,000	+ \$72K
▶ Reserve for Capital	\$ 0.00	no change
▶ Transfer to School Capital	\$ 0.00	no change
<b>Total Contribution</b>	<b>\$18,824,772</b>	
▶ School Debt	<u>\$ 1,972,858</u>	
<b>* TOTAL SUPPORT</b>	<b>\$20,797,630</b>	

She reiterated her earlier comment that one of the largest components of the General Fund budget was the local contribution to the schools. She reported that including debt, about 54.7 percent of local funds within the General Fund budget were allocated to the Schools, which equated to 41.4 percent of the total General Fund budget. She explained that that local contributions to School Operations and the School Nurses for FY24 was presently funded at \$1.2 million more than in FY23, versus the School Division's request of \$1.5 million in new local funding. She reported that four (4) School Resource Officers were funded at \$280,000 which was \$73,000 about the FY23 amount allocated within the General Fund budget. She noted that the Board also authorized the transfer of FY22 School Division year ending balance of \$264,402 to the FY23 School Capital fund for the School Division's use. She reported that the County also funded \$1,972,858 in school related debt.

Ms. Staton explained that given the total contribution, not including debt, approximately 91.4 percent or \$0.59 cents out of every \$0.65 cents in the Real Estate tax rate supported the Schools. She then noted that including School Debt, the percentage increased to 100 percent of the Real Estate tax, or \$0.65 cents out of every \$0.65 cents in the Real Estate tax rate plus an additional \$193,000 from other tax revenue. Ms. Staton stated that with an estimated FY24 school enrollment of 1,396 students, this level of funding provided a per pupil local expenditure amount of \$13,485. She then noted that FY24 Local Funding of \$20,797,630

coupled with State, Federal and Other Funding for schools of \$16,149,623 yielded a total expenditure amount of \$36,947,253 or \$26,467 per pupil.

Ms. Staton reported that throughout the year, the Board considered requests for additional funding for school related needs. She noted that in recent years, additional funding had been provided for the replacement of the NCHS tennis courts and track, 4 School Resource Officers, FFA national competition travel and championship jackets/rings, the maintenance of 12 month contracts for NMS and NCHS FFA Teaching/Advising positions, Elementary School Destination Imagination Team travel expenses to the national completion, and matching funds for School grants. She also noted that in recent history, the Board had allowed the School Division to use end of year savings for its capital needs.

Ms. Staton reported that the required local contribution to the Schools was based on enrollment of 1,396 and the House of Representatives' budget. She explained that the Local Composite Index (LCI) was the State's formula for determining a locality's ability to pay. She noted that the higher the index, the lower the amount of funds received from the state. She further noted that a LCI of 0.5888 meant that Nelson County paid 58.88 percent and the State share was 41.12 percent for Standards of Quality (SOQ) Programs, Incentive Programs, Categorical Programs, and Lottery-Funded Programs. She pointed out that enrollment also contributed to the amount of total funds received, noting that from FY17 to FY24, enrollment had declined by 403 students; with the largest drop being at the elementary school level.

Ms. Staton commented that Nelson County Schools continued to be well funded, despite the decrease in State funding that has occurred over time. She reported that operational funding for the Schools, including the Nurses Program was proposed at \$18,544,772 (\$18,379,837 for operations and \$164,935 for nurses). She explained that for a student enrollment of 1,396, this exceeded the required Virginia Department of Education (VDOE) funding (required Local share) of \$8,929,570 by \$9,615,202 or 107.7 percent, which equated to \$30.3 cents in Real Estate taxes.

Ms. Staton explained that while the Board of Supervisors provided the local contribution to the School Division; the School Board and School Administration decided how those funds were allocated for expenditure within the School Division budget.

Ms. Staton reviewed the Proposed School Fund Expenditures by Major Category as Requested to show the funding requested by the School Division. She noted that the major categories of expenditures shown were based upon State funding as provided for in the House of Representatives' recommended budget. She reported that it was an overall increase of \$411,191 or 1.34 percent above the FY23 budget of \$30,738,394 with an increase of \$1,582,639 in local funding requested. Ms. Staton also noted that the School Division had provided a list of Immediate Capital Improvement Concerns to the Board of Supervisors, which totaled \$26,885,632 with the recommendation that those improvements be completed during the next three (3) years.

## Proposed School Fund Expenditures by Major Category As Requested

▶ Instruction	\$20,339,023	+ \$1,416,488
▶ Administration	\$1,623,578	+ \$105,764
▶ Transportation	\$3,036,066	- \$790
▶ Maintenance	\$2,983,197	+ \$20,248
▶ Food Services	\$1,320,929	+ \$75,762
▶ Facilities	\$ 0	- \$1,235,686
▶ Debt Service	\$192,182	+ \$5,598
▶ Technology	\$1,469,807	+ \$31,484
▶ Fund Transfer	\$184,803	- \$7,678
<b>*Total:</b>	<b>\$31,149,585</b>	<b>+ \$411,191 +1.34%</b>

**\* Excludes \$3,884,299 in Covid-19 Stimulus Funding**

Ms. Staton reported that the General Assembly had not yet finished its work on the FY24 State budget and to date, the Board of Supervisors had allocated \$1.2 million in new local funding for School Division operations. She noted that capital funding had been designated by the Board to assist the School Division in covering the most immediate need which was the roof replacement and building envelope repair at the High School, at an estimated cost of \$5.5 million. Ms. Staton reminded the Board that the County's ARPA (American Rescue Plan Act) carryover funds of \$2,894,977 were slated for that purpose.

Ms. Staton then provided a summary by fund. She noted that all of the funds that made up the County budget as denoted in the summary slide provided below, totaled about \$93 million. She explained that per State Code, the Board must wait a minimum of seven (7) dates following the public hearing before adopting the budget.



■ <b>General Fund</b>	<b>\$50,222,334</b>
■ <b>School Fund</b>	<b>\$34,694,395</b>
■ Textbook Fund	\$595,000
■ Cafeteria Fund	\$299,280
■ Capital Fund	\$705,251
■ Piney River Water/Sewer	\$194,908
■ Debt Service Fund	<u>\$6,341,318</u>
	<b>\$93,052,486</b>

Mr. Rutherford reminded the Board that they would not take any actions on the budget that evening as they had to wait minimum of seven (7) days. He noted that the Board was looking to have an additional work session during the last full week of May.

Mr. Rutherford opened public hearing.

*Wisteria Johnson - Shipman, VA*

Ms. Johnson commented that she understood what Ms. Staton was talking about and thanked her for her work.

*Thomas Bruguere - Roseland, VA*

Mr. Bruguere noted that Ms. Staton showed that the amount of local funding going to the Schools was above and beyond what the County was required to pay to support the schools. He commented that a lot of localities in the area did not pay anywhere near that amount in additional funding. He felt that the additional \$1.2 million in new money was more than generous with the declining school population. He commented that he did not understand why the Nurses Program was not included in the Schools' budget. He also noted that Ms. Staton did a great job.

*Philip Purvis - Shipman, VA*

Mr. Purvis commented that the budget was a little overwhelming, especially the school budget. He understood that they needed to take care of the children, but asked at what point would the school system be unsustainable. He indicated that he had looked at private schools, and a high school senior could go to Lynchburg Christian Academy for \$7,000 per year. He pointed out that was a significant difference in the cost to educate a child in Nelson County. He noted he was not trying to say that we should not have good schools for kids, but the cost to educate children was through the roof. He noted that it was taking all of the Real Estate tax to educate children. He commented that the number of students was declining enrollment but the cost to educate them continued to increase. He noted that the Board and School Board

would have to deal with it at some point. He noted that a lot of the people in Nelson were retired and a lot of them did not even get \$18,000 per year in social security.

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

Mr. Rutherford noted that the Board would have another work session coming up and another regular meeting to discuss the budget further. The Board had no questions for staff regarding the budget.

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

Mr. Rutherford noted there were two ladies present who had wished to speak under public comments and he noted that he would give them each three (3) minutes to speak.

*Christine DeJong - Afton, VA*

Ms. DeJong commented that she had attended the VDOT meeting regarding the six-year plan for 151 improvements. She noted that the meeting was very informative and helpful, but six years was a long time to wait for changes to happen. She commented that trucks were a big issue in the stretch of 151 that VDOT was looking at. She commented that they needed to discourage truck traffic on residential roads. She suggested lowering the speed limit to 45 on all of 151, reducing the maximum rig size from 65 feet to 50 feet, and prohibiting compression braking (jake braking). She commented that part of the problem with trucks, was that it was difficult to turn off of 29 to 64 in Albemarle, so the trucks were traveling up 151 instead. She asked that if possible, something be done sooner than six years to address the problem.

*Paige Clemmens – Afton, VA*

Ms. Clemmens commented that she agreed with Ms. DeJong's comments. She understood that truckers were on a time schedule. She noted that 151 was a pretty hilly road. She explained that to get on Falling Springs Drive, you had to travel on Pounding Branch Road. She noted that coming northbound on 151 from the Rockfish Community Center, you travel downhill and take a left onto Pounding Branch Road. She indicated that a lot of trucks travel fast through that stretch and even though she provides ample warning to make the turn, there had been a close call with the car behind her and the truck following that car. Ms. Clemmens noted that she understood why some of the trucks traveled that route, but she felt there should be a way to reduce the truck traffic. She thanked the Board for allowing time for her to speak after the public hearings.

The Board had no other business to discuss.

Mr. Rutherford noted that the Board needed to choose a date to talk more about the budget. The Board selected May 24, 2023 at 3:00 p.m. to hold a budget work session.

#### **V. ADJOURN AND CONTINUE TO MAY 17, 2023 AT 6:30 P.M. FOR A JOINT COMPREHENSIVE PLAN WORK SESSION WITH THE PLANNING COMMISSION.**

At 8:35 p.m., Mr. Parr made a motion to adjourn and continue to May 17, 2023 at 6:30 p.m. Mr. Barton seconded the motion. There being no further discussion, Supervisors approved the motion by vote of acclamation.



Nelson County Joint Planning Commission/Board of Supervisors  
Meeting Minutes  
May 17<sup>th</sup>, 2023



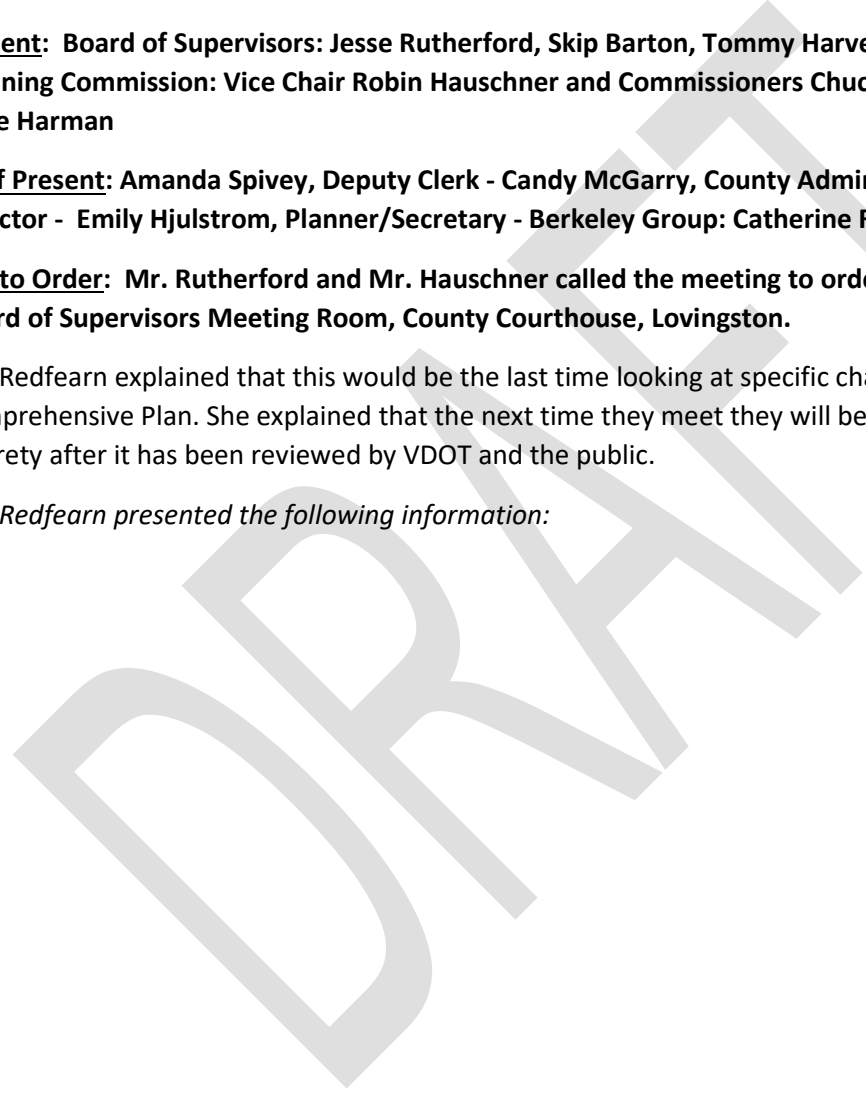
**Present:** Board of Supervisors: Jesse Rutherford, Skip Barton, Tommy Harvey, and Ernie Reed -  
Planning Commission: Vice Chair Robin Hauschner and Commissioners Chuck Amante, Phil Proulx and  
Mike Harman

**Staff Present:** Amanda Spivey, Deputy Clerk - Candy McGarry, County Administrator - Dylan Bishop,  
Director - Emily Hjulstrom, Planner/Secretary - Berkeley Group: Catherine Redfearn and Chris Musso

**Call to Order:** Mr. Rutherford and Mr. Hauschner called the meeting to order at 6:30 PM in the Old  
Board of Supervisors Meeting Room, County Courthouse, Lovingston.

Ms. Redfearn explained that this would be the last time looking at specific chapters of the  
Comprehensive Plan. She explained that the next time they meet they will be looking at the plan in its  
entirety after it has been reviewed by VDOT and the public.

*Ms. Redfearn presented the following information:*





# NELSON COUNTY, VA

## Comprehensive Plan Update



Joint Worksession #4 | May 16, 2023



## Meeting Objectives

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1. Schedule & Progress Update
2. Chapter 5 Outstanding Comments
3. Chapter 3: Shaping Character & Development(Content Review)
4. Chapter 4: Connecting People & Places(Content Review)
5. Next Steps



# Schedule & Progress Update

## Project Schedule



## Meetings & Events

### **4 Joint Worksessions**

October – Chapter 1 & 2

January – Natural & Cultural Resources;  
Community Facilities

March – Housing; Economy

May – Transportation; Land Use

### **County-Led Focus Groups**

(December, February, April)

### **Final Review Worksession**

(Summer 2023)

### **Review by VDOT** (Summer 2023)

### **Public Open House** (Summer 2023)

### **Joint Public Hearing & Adoption** (Fall 2023)

She added that the results of the focus group in April are incorporated into the draft. She added that after this joint work session they will be incorporating additional comments into the final chapters and then compiling them into the plan.

Mr. Rutherford asked about timing for recommendations for zoning and subdivision ordinances. Ms. Redfearn noted that it would be about a month or two after the Comprehensive Plan is adopted. Mr. Reed asked when they will see a draft of the implementation matrix. Mr. Musso noted that they already have them except for chapters 3 and 4 which they will be reviewing at this meeting.

*Ms. Redfearn presented the following:*





## Chapter 5 and 7 Policy Comments

- Ch.5 New Strategy:
  - “Pursue the creation of low-cost or sliding scale cost home maintenance services.”
- Ch.5, Strategy 2 clarification: “Consider allowing accessory dwelling units by right through zoning changes that can allow affordable rental options that benefit renters and homeowners.”
  - Policy for accessory dwelling units as rental options in the County; short-term and long-term?

Ms. Redfearn noted that there are two small outstanding issues from Chapter 5 - Housing.

New strategy:

Ms. Redfearn noted that they had a recommendation to add, “Pursue the creation of low-cost or sliding scale cost home maintenance services” as a strategy in Chapter 5. Mr. Hauschner questioned what

home maintenance services entail. Ms. Redfearn explained that this was in the context of home rehabilitation. Mr. Rutherford noted that it would likely be for the typical mechanicals of the home such as HVAC, plumbing, and electrical. Mr. Rutherford added that older housing stock is abundant so many (approximately 60% of housing inventory) would qualify for this. He explained that this might be too broad for a strategy. Ms. Redfearn recalled that at their last session, the group wanted spot blight and property maintenance strategies removed. Consensus was to not include this strategy in the plan.

#### Strategy 2 clarification:

Ms. Redfearn asked if this strategy should also apply to short-term rentals, long-term rentals, or both. Mr. Rutherford noted that accessory dwelling units (ADUs) are more often seen in urban and more populated areas. He added that they have a long-term rental aspect to them for the aging community and their use as mother-in-law suites, starter homes, etc. Ms. Proulx noted that they should restrict short-term rentals from ADUs. Ms. Redfearn confirmed that they are in agreement that ADUs should be for occupied or long-term rentals only.

Mr. Hauschner noted that current issues with short-term rentals are not just new structures being built but existing structures being taken away from a long-term market. He added that in order to cap the number of short-term rentals they should not allow short-term rentals for ADUs. Mr. Barton noted that they want to allow ADUs but do not want to encourage their short-term rental. Mr. Rutherford noted that allowing ADUs as short-term rentals could allow for existing housing stock to return to the long-term rental market. Mr. Hauschner noted that he does not see new construction as the issue. Ms. Bishop clarified that ADUs were not an addition on to an existing dwelling but a separate structure that would be accessory to the main dwelling. Mr. Hauschner asked if it would be an ADU if it was attached but with no internal access. Ms. Proulx noted that vacation homes being by right is an issue due to them not always being desirable.

Mr. Rutherford predicted that they would not see a lot of ADUs. He added that people with enough land were more likely to construct a separate dwelling that is not accessory. He added that they could allow ADUs if the main dwelling is a permanent residence. Ms. Proulx noted that she would be ok with that.

Ms. McGarry questioned whether they could remove “that can allow affordable rental options that benefit renters and homeowners.” from the strategy. Ms. Redfearn explained that what they’ve been discussing so far is a zoning issue but that in the context of the Comprehensive Plan they need to be more specific about what kind of rental this would be for.

Mr. Rutherford noted that they don’t want to limit the ability to build additional long-term rentals. He added that if you don’t have a permanent residence there and you build an ADU then it must be a long-term rental.

Mr. Harman recommended removing “by right” from strategy 2 to allow for more flexibility. Ms. Bishop recommended leaving “by right” but adding “with appropriate parameters” or similar. Mr. Rutherford noted that he was fine with the sentence as is as long as it contains “consider.” Mr. Rutherford noted that if they leave the word “consider” he is fine with the strategy as is. Mr. Reed added that if they want to remove “by right” then they should remove the strategy entirely. The consensus was to remove “by right” from strategy 2.

## Chapter 3 - Shaping Character and Development

Ms. Redfearn presented the following:



## Chapter 3 Shaping Character & Development

### Chapter Goal

*Nelson County will preserve and enhance its rural character and natural resources by creating opportunities for strategic growth to create a stronger, more vibrant, and prosperous community.*

Ms. Redfearn explained that this is the land use chapter and is quite possibly the most important chapter in the plan.

Ms. McGarry recommended changing the wording of the goal to “strong, vibrant, and prosperous community.” Ms. Redfearn noted that they would make this change.

Ms. Redfearn explained that the land use and transportation chapters are unique from others due to having an existing conditions section as well as additional sections (future land use framework and transportation). She added that the focus areas for the land use chapter are to create a coordinated framework for growth and to protect the rural character and environment.

*Ms. Redfearn presented the following:*

## Focus Areas

- 1. Create a Coordinated Framework for Growth**
  - a) Existing Land Use Tools & Development Patterns
  - b) Development Constraints
  - c) Land Use & Infrastructure
  - d) Regional Planning & Coordination
- 2. Protect Rural Character & the Environment**
  - a) Rural Character
  - b) Sustainable Design & Development

Mr. Amante noted that in the existing Comprehensive Plan there is a map of prime agricultural land. He asked if there was one included in the current plan. Mr. Musso noted that it is in the natural and cultural resources chapter.



Table 3.2 Development Assets & Constraints.



Table 3.2 Development Assets & Constraints

Place Name	Lovington	Nellysford	Colleen	Piney River	Gladstone	Schuyler	Shipman	Faber	Afton	Massies Mill	Montebello	Roseland	Arrington	Wingina	Tyro	Rockfish
Development Assets																
Water Service	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>									
Sewer Service	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>										
Potential for UDA Designation	<input type="checkbox"/>	<input type="checkbox"/>														
Primary Transportation Corridor Proximity	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	
Community Center and/or School	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>						
Fire / EMS Facility	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
Recreation Amenities and/or access	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Existing Residential Development	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Existing Commercial Development	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
Existing Industrial or Business Development	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>												
Development Constraints (See Diagram 3.1)*																
Steep Slopes	<input type="checkbox"/>								<input type="checkbox"/>	<input type="checkbox"/>					<input type="checkbox"/>	
Floodplain		<input type="checkbox"/>						<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>
Limited or Untested Septic Suitability	<input type="checkbox"/>			<input type="checkbox"/>			<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>	
Protected Landscapes						<input type="checkbox"/>				<input type="checkbox"/>	<input type="checkbox"/>				<input type="checkbox"/>	<input type="checkbox"/>

Route 29, Corridor of Statewide Significance     Asset in close proximity



Ms. Redfearn explained that this chart is looking at development assets that either catalyze development or encourage development as well as areas that they want to protect or have constraints to development. She added that the county has no incorporated towns but that there are places with unique identities. She asked if the areas shown (Lovingston, Nellysford, Colleen, Piney River, Gladstone, Schuyler, Shipman, Faber, Afton, Massie's Mill, Montebello, Roseland, Arrington, Wingina, Tyro, and Rockfish) do in fact have unique identities that they should consider in the future land use conversations. Mr. Rutherford stated that Schuyler deserves to be bumped up on the list because historically there have been businesses and industries and there is capacity for development with water and sewer, as well as proximity to a transportation network. Mr. Barton added that the same could be said for Gladstone. Mr. Rutherford pointed out that Schuyler's proximity to Routes 6 and 29 provides more opportunity for growth.

Ms. Proulx questioned if Afton's location on the map was representative of all of Afton and stated that it isn't inclusive of the school or community center. Ms. Redfearn stated that what they are asking is, what is the future potential of these areas and what do we want to happen in these areas? Mr. Barton asked what recreation is available in these areas. Ms. Redfearn pointed out the Blue Ridge Tunnel in Afton. Ms. Proulx pointed out the community center. Mr. Barton asked specifically about Faber, and Ms. Redfearn explained that there is a trail system. Mr. Musso added that you'd have a hard time finding an area in the county without recreation.

Mr. Hauschner noted that Colleen is the only one on the chart that doesn't have substantial residential development listed, he questioned whether they should include a goal to direct residential development to Colleen. Mr. Barton explained that it's almost impossible to be able to identify these areas. Ms. Redfearn explained that if this chart is not useful to the Comprehensive Plan they don't have to include it. She added that they do want to explore the Future Land Use map and the associated charts. Mr. Reed noted that they are trying to fit areas into boxes and that each place is unique and needs its own paragraph.

*Ms. Redfearn presented the following:*



**Conservation & Rural Areas**

Conservation Areas & Natural Corridors	
<b>Description</b>	<i>Natural Corridors and Conservation Areas</i> are areas with significant environmental sensitivity and/or those areas that are currently protected from development through permanent conservation or recreation use. They are established to minimize detrimental impacts to the environment, maximize groundwater recharge capacity, and protect key natural resources. Examples include steep slopes, flood inundation zones, sensitive environmental corridors, and federal and state lands.
<b>Core Concept</b>	<b>Protect natural areas to maximize environmental services, economic potential, and recreation opportunities for the community.</b>
<b>Primary Future Land Use Types</b>	<ul style="list-style-type: none"> <li>• Conservation</li> <li>• Parks, recreation, and trails</li> <li>• Low-impact agriculture and other resource-based uses</li> </ul>
<b>Planning Guidelines</b>	<b>Supporting Strategies (See Implementation Matrix)</b>
<ul style="list-style-type: none"> <li>• Incorporate cluster and/or conservation development principles in areas within or adjacent to this planning area to protect open space, productive land, views, and sensitive resources.</li> <li>• Improve and mitigate negative environmental impacts with conservation design, alternative wastewater systems, and low impact development for filtration or runoff protection.</li> </ul>	<i>EDITOR'S NOTE: To be completed at end of drafting.</i>

She explained that their intent is to have an associated description for each area and that they will need to have a conversation in order to draft those paragraphs.

Mr. Barton noted that they should move Arrington from Rural Destination to Rural Village due to its similarity to Shipman. Mr. Reed stated that you can't group these areas together in this way and that each needs its own description to show their true character. Ms. Redfearn explained that the intention is to have individual descriptions but clarified that Mr. Reed is saying this overarching framework does not work. Mr. Amante referenced that there is a paragraph to describe each land use category and that they need some type of grouping for the areas. Mr. Musso stated that they should try to think less about how they are grouped together now and more about what they want for these areas in the future.

Mr. Hauschner noted that he liked the chart and noted that they should have some sort of protected landscape in Shipman and Wingina. He asked about septic suitability for residential development in Colleen. Mr. Musso stated that Colleen is shown as having more availability for septic. Mr. Rutherford asked how many square miles of floodplain there are in the county. He explained that floodplain is a major inhibitor.

*Ms. Redfearn presented the following for land use recommendations:*



**Create a Coordinated Framework for Growth**

**Existing Land Use Tools & Development Patterns**

**Existing Development Patterns**

As a rural community, most of the land in Nelson County is being used for rural purposes such as agriculture, recreation, and preservation of open space. Development in the County is primarily concentrated along the Route 29 corridor and the northern portion of the County in and around Nellysford. Historically developed areas, such as Shipman and Schuyler, continue today as rural villages with clusters of denser housing. Existing development patterns form the backbone of the Future Land Use Framework and Development Assets are catalogued in Table 3.2.

**Current Land Use Tools & Zoning Regulations**

Nelson County's Zoning Ordinance and Map regulate new development in the County. Zoning controls the types of uses permitted on the land, the density of development, and requirements for minimum lot sizes, lot widths, and building setbacks, among other criteria.

The Zoning Ordinance includes districts designated for conservation, agricultural, residential, commercial, and industrial uses. Nelson County has nine primary zoning districts. The A-1 Agricultural District is the predominant zoning district, covering over X% of the county.

It is important to note that the zoning map and future land use map are not always the same. Future land use designations and maps in this Plan have no immediate effect on an individual parcel of land but are used to guide future zoning changes. Future zoning changes should conform with established future land use designations and maps. That said, the two maps must work in tandem. The Zoning Ordinance and Map should be reviewed to ensure compliance with the goals the Nelson 2042 Comprehensive Plan.

Table 3.1 Zoning Districts

Nelson County Zoning Districts			
C-1	Conservation District	B-1	Business District
A-1	Agricultural District	B-2	Business District
R-1	Residential District	SE-1	Service Enterprise District
R-2	Residential District	M-2	Industrial District
RPC	Residential Planned Community District		

Mr. Hauschner noted that there is an opportunity for alternative building styles for environmental protection in areas classified in the plan as unbuildable conservation areas. Mr. Rutherford noted that

building on steep slopes is costly and that building code would be a limiting factor. He added that they need to establish what the gradient of steep slopes should be. Ms. Redfearn noted that it is typically 15-25%. She added that they can still identify them as conservation areas but include alternative building methods in the planning guidelines. Mr. Rutherford noted that most of Wintergreen is a steep slope. Ms. Redfearn asked if Wintergreen is beholden to the Zoning Ordinance. Ms. Proulx explained that they have their own zone within the Zoning Ordinance.

Mr. Musso asked if floodplain areas should be further restricted. Mr. Rutherford noted that there are a lot of places where people shouldn't build as well as areas that are in the floodplain but have never flooded. Mr. Barton noted that the county experienced a serious flood in 1969 and there is still visible evidence from it. Mr. Rutherford noted that there is a mechanism for owners to show that their property is not in the floodplain and have the FEMA maps amended. Mr. Reed explained that they adopted a fairly strong floodplain ordinance so that landowners can get insurance. Ms. Bishop noted that the Farm Bureau Board is concerned about flooding, they are interested in increased setbacks from river banks and accountability for damage downstream from flood events. Mr. Rutherford noted that floodplain areas are great agricultural opportunities. Ms. Redfearn asked if they want to add a strategy for additional flood restrictions. Mr. Rutherford explained that the floodplain ordinance is already strict. The consensus was not to add a strategy.

*Ms. Redfearn presented the land use framework:*





### HOW WE MOVE FORWARD

Nelson County is committed to a strategic framework for growth that prioritizes rural conservation and community character. The following Future Land Use Framework and strategies provide guidance for fostering sustainable development, economic growth, and enhanced quality of life in the County.

The guiding principles behind the Land Use Framework are to:

- Protect the County's rural character and sensitive natural and cultural resources.
- Provide a network of Corridors, Centers, and Villages to direct future investment and harness the economic potential of regional recreation, tourism, and industrial enterprises.
- Strategically accommodate growth around community centers and planned service extension areas to ensure efficient and sustainable development and the provision of a range of housing options.
- Encourage quality development and design that enhances quality of life and enjoyment for residents and visitors to the County.

### Future Land Use Framework

#### Development Assets & Constraints

The *Future Land Use Framework* establishes the backbone for Nelson County's physical growth and development. It provides direction and guidance on ideal development, conservation, and land use locations and compatibility. This section describes the recommended development patterns for the County over the next twenty years. The framework is derived from a coordinated analysis of the land use implications of each of the Plan Elements included in this plan. The following chart (Table 3.2) summarizes the assets or constraints to development in each of the Future Land Use Elements identified in the Future Land Use Plan. The location of each Future Land Use Element on the Future Land Use Map (See Map 3.1) is informed by environmental features, existing development patterns, existing and planned community services, and transportation networks. This analysis is supported by the data, information, and policies included in each of the following Plan Chapters.

She explained that the intent is not that these are the only types of land uses that can exist in these areas but that they are the primary land uses.

DRAFT

Conservation & Rural Areas



Conservation & Rural Areas

Conservation Areas & Natural Corridors	
<b>Description</b>	<i>Natural Corridors and Conservation Areas</i> are areas with significant environmental sensitivity and/or those areas that are currently protected from development through permanent conservation or recreation use. They are established to minimize detrimental impacts to the environment, maximize groundwater recharge capacity, and protect key natural resources. Examples include steep slopes, flood inundation zones, sensitive environmental corridors, and federal and state lands.
<b>Core Concept</b>	<b>Protect natural areas to maximize environmental services, economic potential, and recreation opportunities for the community.</b>
<b>Primary Future Land Use Types</b>	<ul style="list-style-type: none"> <li>• Conservation</li> <li>• Parks, recreation, and trails</li> <li>• Low-impact agriculture and other resource-based uses</li> </ul>
<b>Planning Guidelines</b>	<b>Supporting Strategies (See Implementation Matrix)</b>
<ul style="list-style-type: none"> <li>• Incorporate cluster and/or conservation development principles in areas within or adjacent to this planning area to protect open space, productive land, views, and sensitive resources.</li> <li>• Improve and mitigate negative environmental impacts with conservation design, alternative wastewater systems, and low impact development for filtration or runoff protection.</li> </ul>	<i>EDITOR'S NOTE: To be completed at end of drafting.</i>



# Nelson County Comprehensive Plan Update

## Draft Chapter 6: Protecting Natural & Cultural Resources

<b>Rural Areas</b>	
<b>Description</b>	The aspect of Nelson County valued most by the people who live and visit here is its rural character. <i>Rural Areas</i> comprise the majority of the County, aiming to protect rural character by maintaining natural areas and agricultural uses while allowing low density residential development that fits into the landscape. <i>Rural Areas</i> typify the historic and natural landscape of Nelson County that includes prime agricultural areas, forested mountains, and rural homesteads. The area also currently includes some low-density single-family subdivisions. Alterations and retrofits to these developments to enhance resiliency and conform to current health, environmental, zoning and subdivision standards is appropriate and encouraged; however, expanded, or new subdivisions is not the primary intent of this planning area. Any new residential development must be carefully planned for, taking into account slope, soil, and septic suitability, watershed protection, resource impact, and other factors.
<b>Core Concept</b>	<b>Ensure the protection of the County's rural landscape and economy by maintaining open space, scenic views and agricultural uses with compatible low density residential.</b>
<b>Primary Future Land Use Types</b>	<ul style="list-style-type: none"> <li>• Farms, agriculture, forestry.</li> <li>• Agritourism uses</li> <li>• Institutional uses</li> <li>• Solar installations (contingent on-site conditions)</li> <li>• Single-family detached residential</li> <li>• Single-family attached residential</li> <li>• Manufactured homes</li> <li>• Accessory dwelling units</li> <li>• Parks, recreation, and trails</li> </ul>
<b>Planning Guidelines</b>	<b>Supporting Strategies (See Implementation Matrix)</b>
<ul style="list-style-type: none"> <li>• Incorporate cluster and/or conservation development principles in areas within or adjacent to this planning area to protect open space, productive land, views, and sensitive resources.</li> <li>• Setback, screen, or locate development located along primary routes to minimize impact to views from these corridors.</li> <li>• Improve and mitigate negative environmental impacts with conservation design, alternative wastewater systems, and low impact development for filtration or runoff protection.</li> <li>• Buffer residences from more intense farming, forestry, or extraction-based uses.</li> <li>• Discourage development of prime agricultural soils.</li> <li>• Solar development should be sited to have minimal impact to scenic viewsheds and natural resources.</li> </ul>	<i>EDITOR'S NOTE: To be completed at end of drafting.</i>

Ms. Proulx asked what “low-impact agriculture” is. Ms. Redfearn explained that these would be agricultural uses that don’t require a large amount of tilling or high-impact to the landscape. Mr. Rutherford noted that they don’t have many farmers that till on a major scale anymore. He asked if livestock counts as low impact. Ms. Redfearn noted that it depends on the scale. Ms. Redfearn explained that they may not have high-impact agriculture now but the question is whether or not they want it in the future. Mr. Reed questioned if they should change the term to “small scale”? Mr. Rutherford noted that the term “low-impact” is appropriate. Ms. Redfearn explained that the conservation areas and natural corridors are not the prime agricultural areas. She added that a glossary will be included for terminology.

Mr. Rutherford noted that the state will be discussing solar and likely limiting local oversight. He asked how much more they will be discussing solar installations. Mr. Musso noted that it has been touched on in the Natural and Cultural Resources Chapter. Ms. Redfearn recalled that due to topography there really isn’t much capability for industrial scale. Mr. Barton asked what industrial scale is defined as. Mr. Musso noted that it would be anything over 5 MW/10 acres. Mr. Harman stated that the priority for solar should be on rooftops and not prime agricultural land. Mr. Barton added that there is a lot of interest in solar farms being placed within tree farms. Ms. Proulx noted that she read that solar projects can be placed on closed landfills. Mr. Rutherford noted that in the case of an industrial-scale farm it would need to be a Special Use Permit. Mr. Hauschner noted that he wants to tie in clean energy and



distribution with solar and EV stations next to development areas. Mr. Harman asked if a solar farm was a by right use. Ms. Bishop explained that solar farms under an acre are by right and over an acre is a Special Use Permit. Mr. Rutherford added that IRC code is soon to require 30 amps be installed in garages for EV charging. Ms. Redfearn noted that in chapter 6 there is a section on energy efficiency and renewable energy as well as a strategy to strengthen performance standards for ground-mounted solar energy systems. She added that there are complimentary strategies in chapter 3. Ms. McGarry asked what institutional uses were and Ms. Redfearn clarified that they are uses like community centers and schools.

## Rural Destinations



### Community Centers

Rural Destinations									
Area Name	Afton	Arrington	Massies Mill	Montebello	Roseland	Wingina	Tyro	Rockfish	
<b>Description</b>	Nelson County's <i>Rural Destinations</i> are places with distinct character and identity within the County's rural landscape. These places have specific place names and carry historic and cultural significance for the community but did not develop into larger villages. Today, these places are home to many of the cultural assets and recreation amenities that identify Nelson County. Because of the development constraints that limited and continue to limit development in these areas, focused development is not encouraged. Rather, investment should prioritize improving and expanding access to community centers and recreation assets that serve as the backbone for these Rural Destinations and help bolster economic growth throughout the County.								
<b>Core Concept</b>	<b>Maintain the existing character of and enhance amenities within the County's Rural Destinations to create places with a distinct identity that draw recreation and economic investment and improve quality of life for residents.</b>								
<b>Primary Future Land Use Types</b>	<ul style="list-style-type: none"> <li>Single-family detached residential</li> <li>Single-family attached residential</li> <li>Accessory dwelling units</li> <li>Neighborhood commercial (Cafes, shops)</li> </ul>				<ul style="list-style-type: none"> <li>Agritourism businesses</li> <li>Institutional uses</li> <li>Parks, recreation, and trails</li> </ul>				
<b>Planning Guidelines</b>	<ul style="list-style-type: none"> <li>Ensure materials, scale, and character of new buildings is compatible with existing structures in each Village.</li> <li>Enhance and protect cultural resources.</li> <li>Connect existing and establish new trails, bicycle routes, and other recreation amenities in and around Rural Destinations.</li> <li>Encourage shared open space or park space.</li> <li>Encourage infill development and retrofitting of existing buildings.</li> <li>Incorporate pedestrian connections and safety enhancements, such as stop bars and crosswalks.</li> <li>Encourage traffic calming, particularly along primary routes.</li> <li>Incorporate wayfinding and signage for Rural Destinations.</li> </ul>				<b>Supporting Strategies (See Implementation Matrix)</b>				
					<i>EDITOR'S NOTE: To be completed at end of drafting.</i>				

Ms. Redfearn explained that this is the first land use category where specific areas are identified and will each have their own description. Mr. Reed noted that "Community Centers" is confusing, and that it could be changed to "Community Areas." Ms. McGarry stated that Arrington could go into Rural Villages. Ms. Proulx stated that the planning guidelines do not make sense for all of these areas such as pedestrian connections. Mr. Rutherford recommended adding the language "as applicable." Mr. Hauschner asked if they should add grocers to the list of land use types. Mr. Rutherford referenced in article about rural areas and the effect of Dollar General. He explained that the Dollar General in Piney

River had a huge impact. Ms. Redfearn noted that they could add “markets” to the list under “neighborhood commercial (cafes, shops).” Ms. Bishop noted that the Zoning Ordinance refers to them as neighborhood retail stores. Mr. Barton explained that there has been a major loss of food stores in the past 30 years. He asked why Wingina was included and not Norwood. Ms. Redfearn noted that they could add it to the plan if they wanted it included. Mr. Rutherford noted that the population density in Norwood is likely less than in Wingina. Ms. McGarry added that they could include Wingina and Norwood together. Mr. Barton noted that the James River is an asset. Mr. Hauschner noted that it is a shared asset with other localities.

## Rural Villages



Rural Villages					
Area Name	Gladstone	Schuyler	Shipman	Piney River	Faber
<b>Description</b>	Nelson County's <i>Rural Villages</i> are reminders of the County's rail and rural heritage. These communities grew up along rail lines and near rural commercial enterprises and traditionally functioned and continue to function as community focal points and gathering places. These areas contain a higher concentration of development than in other rural areas of the County and are served by water and/or sewer infrastructure. In addition to a clustering of homes, villages often contain a post office, church, general store, or similar facility that serves residents of the immediate rural area. While they did not develop into larger towns, they have specific place names and carry historic and cultural significance for the community. Future investment and development of these communities should take cues from the historic qualities of the villages, ensuring a continued sense of place that provides economic vitality.				
<b>Core Concept</b>	<b>Focus investment and small-scale development within the County's Rural Villages to protect the rural landscape, ensure more efficient and effective provision of community services, create a sense of place to bolster economic development, and improve quality of life.</b>				
<b>Primary Future Land Use Types</b>	<ul style="list-style-type: none"> <li>• Single-family detached residential</li> <li>• Single-family attached residential</li> <li>• Accessory dwelling units</li> <li>• Duplexes, triplexes, fourplexes</li> <li>• Neighborhood commercial (Cafes, shops)</li> </ul>		<ul style="list-style-type: none"> <li>• Agritourism businesses</li> <li>• Small-scale business and employment uses</li> <li>• Parks, recreation, and trails</li> </ul>		
<b>Planning Guidelines</b>			<b>Supporting Strategies (See Implementation Matrix)</b>		
<ul style="list-style-type: none"> <li>• Preserve existing structures and traditional patterns of development while allowing for a mix of uses in a more compact village setting.</li> <li>• Ensure materials, scale, and character of new buildings is compatible with existing structures in each village.</li> <li>• Enhance design and development standards to ensure compatibility with traditional Village development patterns.</li> <li>• Enhance and protect cultural resources.</li> <li>• Foster the development of a variety of housing types, including affordable housing.</li> <li>• Orient new buildings toward the street.</li> <li>• Encourage infill development and retrofitting of existing buildings.</li> <li>• Incorporate pedestrian connections and safety enhancements, such as stop bars and crosswalks.</li> <li>• Encourage traffic calming, particularly along primary routes.</li> <li>• Incorporate wayfinding and signage for the Villages.</li> </ul>			<p><i>EDITOR'S NOTE: To be completed at end of drafting.</i></p>		



Nelson County Comprehensive Plan Update  
Draft Chapter 6: Protecting Natural & Cultural Resources

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| <ul style="list-style-type: none"><li>• Incorporate streetscape, planting, and amenities that contribute to the Village environment.</li><li>• Locate parking to the side and rear of buildings.</li><li>• Screen commercial parking and service areas from off-site views with low walls and hedges.</li><li>• Encourage shared open space or park space.</li><li>• Connect existing and establish new trails, bicycle routes, and other recreation amenities in and around Villages.</li></ul> |  |
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Ms. Redfearn noted that all except Faber and Arrington have water and sewer capacity. She added that they will be adding Arrington to this list.

DRAFT

Central Villages



Central Villages		
Area Name	Lovingsston	Nellysford
Description	Nelson County's <i>Central Villages</i> are the County's largest communities and contain a wide mix of uses - residences, businesses, community services, and institutions. These areas contain the highest concentration of development in County and are served by water and/or sewer infrastructure. Future investment and development of these communities should focus on expanding uses and services to both serve the community and grow the County tax base. Development should create a sense of place by taking cues from the scale and character of the villages, focusing on increased connectivity and alternative modes of transportation, and encouraging a mix of use types.	
Core Concept	<b>Focus investment and regional scale development within the County's Central Villages to protect the rural landscape, ensure more efficient and effective provision of community services, create a sense of place to bolster economic development, and improve quality of life.</b>	
Primary Future Land Use Types	<ul style="list-style-type: none"> <li>Single-family detached residential</li> <li>Single-family attached residential</li> <li>Accessory dwelling units</li> <li>Duplexes, triplexes, fourplexes</li> <li>Apartments</li> <li>Live-work units</li> <li>Hotels &amp; Lodging</li> </ul>	<ul style="list-style-type: none"> <li>Agritourism Businesses</li> <li>Commercial (Retail, shopping, dining)</li> <li>Professional &amp; Offices</li> <li>Business &amp; Employment</li> <li>Institutional uses</li> <li>Parks, recreation, and trails</li> </ul>
Planning Guidelines	<ul style="list-style-type: none"> <li>Preserve existing structures and traditional patterns of development while allowing for a mix of uses in a more compact village setting.</li> <li>Ensure materials, scale, and character of new buildings is compatible with existing structures in each village.</li> <li>Enhance design and development standards to ensure compatibility with traditional Village development patterns.</li> <li>Enhance and protect cultural resources.</li> <li>Foster the development of a variety of housing types, including affordable housing.</li> <li>Orient new buildings toward the street.</li> <li>Encourage infill development and retrofitting of existing buildings.</li> <li>Incorporate pedestrian connections and safety enhancements, such as stop bars and crosswalks.</li> <li>Encourage traffic calming, particularly along primary routes.</li> <li>Incorporate branding, wayfinding and signage for the Villages.</li> </ul>	<b>Supporting Strategies (See Implementation Matrix)</b> <i>EDITOR'S NOTE: To be completed at end of drafting.</i>



<ul style="list-style-type: none"> <li>Incorporate streetscape, planting, and amenities that contribute to the Village environment.</li> <li>Locate parking to the side and rear of buildings.</li> <li>Setback, screen, or locate higher intensity development located along primary routes to minimize impact to views from these corridors.</li> <li>Screen commercial parking and service areas from off-site views with low walls and hedges.</li> <li>Encourage shared open space or park space.</li> <li>Connect existing and establish new trails, bicycle routes, and other recreation amenities in and around Villages.</li> </ul>	
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Ms. Redfearn explained that Lovingsston and Nellysford are where they are discussing regional scale development. She explained that a lot of the uses are similar to other areas but are expanded to include apartments, lodging, higher-scale commercial, and live-work units. She added that these are areas where they are focusing on connectivity. Ms. Proulx asked for clarification on live-work units. Ms.



Redfearn clarified that this is mixed-use where someone can live in one portion of the unit and work in the other.

Mr. Barton noted that people in Nellysford think they are overdeveloped and that they should concentrate on Lovington. Mr. Reed noted that for Nellysford it depends on what type of development it is. Mr. Rutherford stated this category is reflective of Lovington and what they want for it. Mr. Reed noted that these should not be grouped together and each is unique with different priorities. He added that the plan should say they are served by “limited water and/or sewer infrastructure.” Mr. Musso asked if they agree that it should be in this category without considering the limited water and sewer. He agreed that maybe they should not be grouped together. Mr. Rutherford noted that he doesn’t consider Nellysford to be a “village.” Ms. Redfearn noted that they could separate them and change how they are described. She asked if they want to encourage more development in Nellysford or more infill and connection. Ms. Proulx explained that it being on Route 151 leads her to think that there shouldn’t be encouragement of more commercial development. Ms. Proulx added that they should include the GAP-TA grant for the Nellysford Growth Management Plan. Ms. Bishop noted that she is considering this as a strategy in the Small Area Plan section.

Ms. McGarry questioned whether the language should say these uses are “appropriate” for the areas vs. “encouraging.” Ms. Redfearn asked if additional descriptions of Nellysford and Lovington would suffice or if they need to separate them. The consensus was that they want to promote growth more in Lovington and discourage it more in Nellysford. Mr. Hauschner noted that connectivity is important to the development of the area. He explained that no one is currently walking around Nellysford. Mr. Reed noted that the county’s goals are different for each area and this chart makes it seem that they are the same goals. He added that it would be helpful to separate them. Mr. Rutherford noted that they should be on different pages with an emphasis on their limitations. He added that the emphasis should be on Lovington.

Mr. Hauschner added the planning guideline includes connection and safety enhancements (crosswalks and stop bars). He does not think that they want to put a crosswalk on Route 29 but that a pedestrian bridge could be considered. Mr. Reed noted that they can reference a small area plan to address this for both Lovington and Nellysford in the Comprehensive Plan.

Mr. Rutherford noted that in Gladstone, Shipman, Lovington, and parts of Afton there are many nonconforming structures due to setbacks. He added that being nonconforming makes it difficult to improve upon these structures. He explained an instance where an existing nonconforming dwelling would want to add an additional bedroom, he believes that this is a reasonable expectation that they could potentially encourage. Ms. Bishop noted that a reduction of setbacks could be included in a small area plan. Mr. Rutherford noted that they should have a way for people to ask for an exception. Ms. Bishop explained that when the Board of Supervisors revised the Nonconforming Ordinance they removed the ability to expand a nonconforming structure. She explained that they can change this by updating the Nonconforming Ordinance. Ms. Redfearn encouraged them to look at the planning guidelines included in the new Comprehensive Plan to make sure that it meets their expectations for zoning. Ms. Bishop added that they are talking about development standards that ensure compatibility with traditional development to keep new construction in line with the existing aesthetic.

Service Center



Service Center	
<b>Area Name</b>	Colleen
<b>Description</b>	Colleen is an established center for business, industry, and community services including the Colleen Industrial Park and Blue Ridge Medical Center. This is a highly accessible location that provides opportunity for additional business development. Infill and expansion of this established district is encouraged over new industrial or business developments elsewhere in the County that might impact rural character and resources. Expansions, as appropriate, should provide a "park-like" campus setting with landscaping and safe transportation access. Sustainable development practices, including stormwater management, water conservation, and pollution reduction strategies should be a high priority in facility and site design. Current and future development should support employment without contributing pollution or harming the character of the County. Buffering between lower and heavier intensity uses should be considered for safety, noise, and appearance.
<b>Core Concept</b>	Promote more cost-efficient land use and increase the County's tax base by focusing quality commercial and business development within defined employment and service centers
<b>Primary Future Land Use Types</b>	<ul style="list-style-type: none"> <li>• Hotels &amp; Lodging</li> <li>• Commercial (Retail, shopping, dining)</li> <li>• Agritourism Uses</li> <li>• Professional &amp; Offices</li> <li>• Business &amp; Employment</li> <li>• Heavy Commercial (Bulk Sales, Outdoor Storage, etc)</li> <li>• Logistics &amp; Distribution</li> <li>• Light industrial uses</li> <li>• Institutional uses</li> <li>• Parks, recreation, and trails</li> </ul>
<b>Planning Guidelines</b>	<b>Supporting Strategies (See Implementation Matrix)</b>
<ul style="list-style-type: none"> <li>• Encourage a high degree of architectural design and environmentally sensitive site design.</li> <li>• Ensure that developments reflect coordinated site design, architecture, signage, and lighting.</li> <li>• Incorporate high-quality, enduring materials for all buildings, including franchise architecture.</li> <li>• Design buildings so that the scale, massing, and character of new buildings are compatible with existing structures and uses.</li> <li>• Incorporate sustainable, low impact and energy efficient design in buildings.</li> <li>• Parking lots should be well landscaped and provide on-site stormwater management.</li> <li>• Encourage infill development and retrofitting of existing buildings.</li> <li>• Incorporate coordinated wayfinding and signage.</li> </ul>	<i>EDITOR'S NOTE: To be completed at end of drafting.</i>



<ul style="list-style-type: none"> <li>• Incorporate setbacks and perimeter buffers between incompatible land uses.</li> <li>• Setback, screen, or locate higher intensity development located along Route 29 to minimize impact to views from these corridors.</li> <li>• Locate fleet vehicle parking to the rear of the property.</li> <li>• Locate parking lots to the side or rear of commercial buildings or screened from view by outparcel development.</li> <li>• Screen commercial parking and service areas from off-site views with low walls and hedges.</li> <li>• Incorporate landscaping and streetscape planting and amenities that improve the community aesthetic.</li> <li>• Provide access-management and inter-parcel connections.</li> </ul>	
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Ms. Redfearn explained that the only Service Center identified is Colleen. She explained that it is separate due to the type of development that is happening there now as well as the potential for heavier commercial and industrial uses. She added that they have received comments that show that

they might need to categorize Colleen differently. Mr. Reed asked if they can call the category Multi-use instead of Service Center. He explained that there are appropriate areas within Colleen for more concentrated housing due to it being more easily developable than other areas. He added that Colleen is not necessarily a heavy commercial area but more a destination pass-through. Mr. Rutherford added that Colleen allows for its residents to work in Charlottesville with a similar or better commute than those that live in Shipman. The consensus was to add residential use and update the description.

## Gateways & Corridors



### Gateways & Corridors

Area Name	Community Gateways	Regional Corridors	Local Corridors
<b>Description</b>	<p>Gateways and Corridors serve as the “front door” for Nelson County and connect and integrate the different elements of the Future Land Use Framework. Gateways are the key entrance points or intersections in the County. They should create a sense of arrival that portrays the identity of the County. Nelson County’s Regional Corridors include Routes 29, 6, and 151, which connect the County and Villages to the region. The County’s Local Corridors are those frequently traveled routes that connect Villages and Centers. The County prides itself on the rural scenery enjoyed along all of these corridors. These routes connect the community regionally and locally and should reflect the rural character of the community.</p> <p>These designations overlay and include other Land Use Elements and are meant to supplement those land use designations. These designations should generally apply to any parcel adjacent to or highly visible from the corridors and gateways.</p>		
<b>Core Concept</b>	<p><b>Development along and within Gateways and Corridors should protect the rural landscape and incorporate features and quality design that enhance community character and quality of life.</b></p>		
<b>Planning &amp; Development Guidelines</b>		<b>Supporting Strategies (See Implementation Matrix)</b>	
<ul style="list-style-type: none"> <li>Incorporate signage controls, special wayfinding, public art, landscaping standards, quality lighting, underground utilities (where feasible) in <b>Community Gateways</b> to elevate community appearance and create a sense of arrival.</li> <li>Discourage the removal of existing mature trees in <b>Community Gateways and Regional Corridors</b> along the front of sites, and parking should be screened from off-site views using plants of different types and heights.</li> <li>Prioritize <b>Regional Corridors</b> for viewshed protection through increased setbacks, cluster development, and conservation development principles.</li> <li>Include traffic calming, safety, and maintenance improvements in <b>Regional and Local Corridors</b> – particularly near Villages and Centers.</li> </ul>		<p><i>EDITOR’S NOTE: To be completed at end of drafting.</i></p>	

Mr. Rutherford noted that they should include Route 60. Ms. Redfearn noted that it is included on the map but it is missing from the description and will be added. Mr. Barton noted that he would like to see the sides of the bridge lowered between Amherst and Nelson County so that you can see the river. Mr. Hauschner questioned their ability to change that. He added that Route 56 in Montebello is a corridor. Ms. Redfearn noted that it is included on the map but it is missing from the description and will be added.





### Goal Statement

Nelson County will preserve and enhance its rural character and natural resources by creating opportunities for strategic growth to create a stronger, more vibrant, and prosperous community.

### Strategies

#### Protect Rural Character & the Environment

1. Review and update alternative energy standards to ensure the adopted standards protect rural character and the interests of the community.
2. Consider the use of alternative energy on private development through special programs, such as the Code of Virginia permitted solar tax exemption for residential and commercial small-scale solar installations.
3. Reduce or exempt permit fees for residential solar installations.
4. Encourage the use of energy-efficient lighting and investigate outdoor light standards to reduce the impacts of over-lighting, glare, and light pollution.
5. Explore changes to zoning and development provisions to reduce parking requirements and encourage permeable paving and other materials that promote infiltration of stormwater.
6. Revise landscaping regulations to require the placement of shade trees in parking lots and use of native plants in all commercial and institutional landscaping.
7. Identify opportunities to connect neighborhoods and development through sidewalks, shared use paths, and trails and require such connections in new development or redevelopment proposals.
8. Encourage revitalization, repurposing, and rehabilitation of existing structures by promoting available resources, such as grants and tax credits, and pursuing funding to support such efforts.
9. Encourage Low Impact Development practices and alternative wastewater systems in environmentally sensitive areas to ensure the preservation of water quality in the County.
10. Continue to encourage and administer cluster subdivision regulations and incentivize their use in rural areas of the County to preserve open space and reduce the impact of development. Regularly evaluate and modify cluster subdivision regulations as needed to ensure they are effective and meet County standards.



# Nelson County Comprehensive Plan Update

## Draft Chapter 6: Protecting Natural & Cultural Resources

### Create a Coordinated Framework for Growth

11. Conduct a review of zoning and land development codes and ordinances on a yearly basis to ensure compatibility with the goals, objectives, and recommendations of this Plan.
12. Evaluate land use applications for rezonings and special use permits against the criteria contained within this Plan.
13. Update land use regulations to provide clear and simplified requirements that promote economic development, enable creative housing choices, and protect sensitive resources.
14. Review the zoning ordinance, and amend it as necessary, to allow for a wider mix of use types, including accessory dwellings and mixed-use buildings.
15. Encourage new development in designated growth areas so that existing infrastructure can be more efficiently used, and rural lands will be protected from development.
16. Ensure that new development complements and enhances its surroundings through proper land use, design, landscaping, and transitional buffers.
17. Ensure that a natural transition is maintained between the Land Use Elements through careful development review.

Mr. Hauschner noted that they should add a strategy to promote third-party equity audit periodically (every 5-10 years) to ensure equitable distribution of resources. Mr. Harman added that he liked strategy 11.

### **Chapter 4 - Connecting People and Places**

Mr. Rutherford noted that they are going to review Chapter 4 and then schedule another work session at a later date.

*Mr. Musso presented the following:*



## Chapter 4 Connecting People & Places

### Chapter Goal

*Nelson County maintains a transportation system that provides a safe and efficient multimodal network to connect residents and visitors to places they live, work, recreate, and access services throughout the County and region.*

Mr. Barton questioned whether the goal statement was obtainable. Mr. Reed noted that it being in the present tense implies that they are currently doing it but that it is something they are aspiring to do. Ms. Redfean said the verb tenses are important and should all be the same throughout the goal statements, and the best practice is that it is in present tense.

Mr. Hauschner stated that they don't need to focus on regional connection due to it already being well established. He explained that they need to focus less on the major vessels of transportation and more on the capillaries. Ms. Proulx noted that she disagrees with this, there are many people in the County that work and the only transportation they have is cars. Ms. Bishop believed that this originated from a comment about not encouraging expansion or certain services that they have access to in the region, and that the focus should be on the connectivity to these existing locations (hospitals, colleges, etc.). Mr. Musso noted that public engagement confirmed there are commuters and connections to cities and services in the area. Mr. Reed noted that he likes the statement as it is written.

Ms. McGarry added that transportation is not just the movement of people but also goods. She questioned whether this should be addressed in the goal statement. Mr. Harman noted that they don't have many carpool areas and that people would use them. Mr. Amante added that two carpool areas exist and that there is a strategy that addresses this. Ms. McGarry recommended adding "access goods and services" to the strategy. Mr. Rutherford noted that the goal statement works as it is written. The consensus was to keep the statement as written.

*Mr. Musso presented the following:*

## Focus Areas

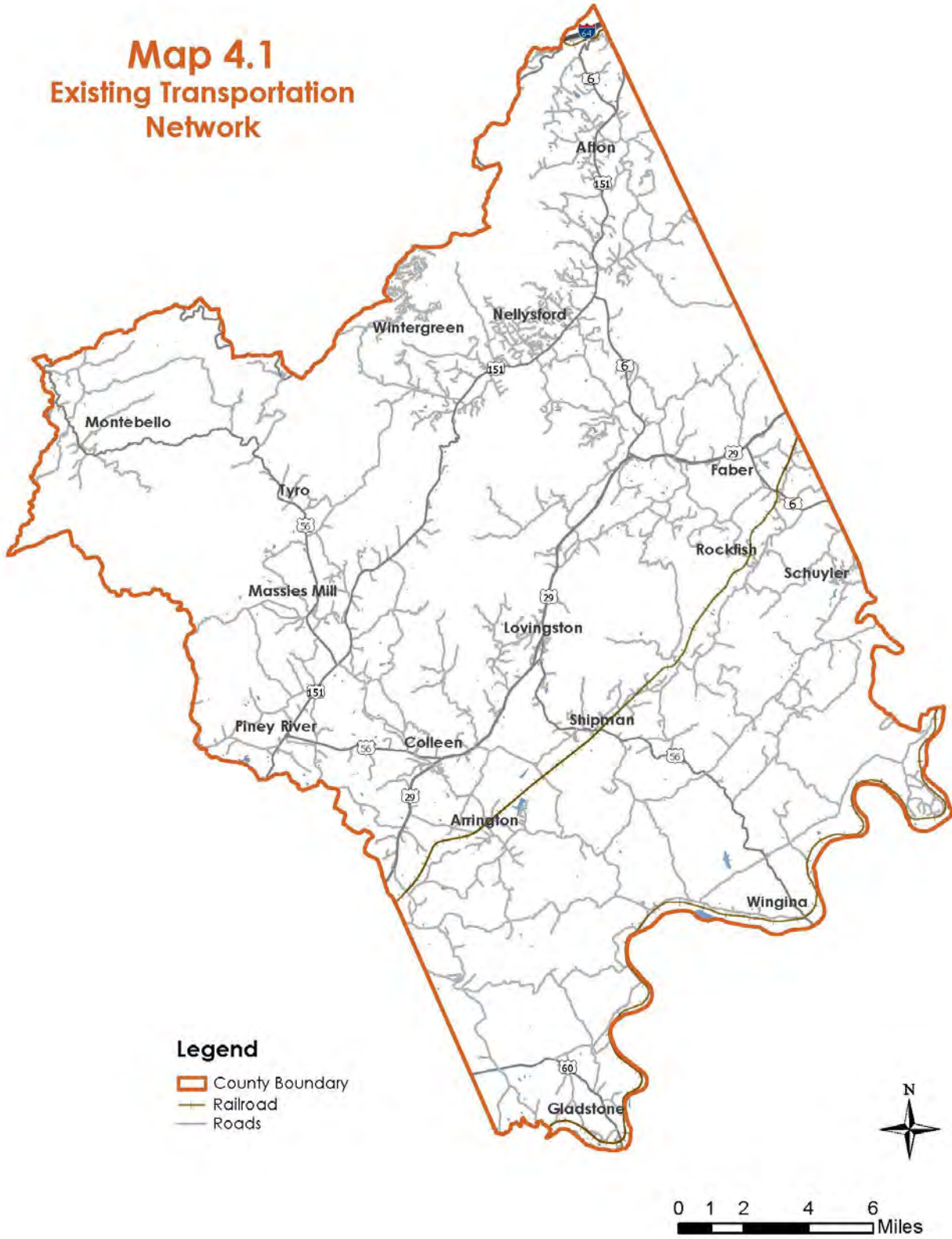
- 1. Maintain & Improve the Existing Road Network**
  - a) Road Network
  - b) Road Safety
- 2. Invest in Alternative Transportation**
  - a) Pedestrian and Bicycle Infrastructure
  - b) Electric Vehicle Accessibility
  - c) Shared Transportation
- 3. Coordinate Land Use and Transportation**
  - a) Urban Development Areas
  - b) Small Area Plans
- 4. Priority Transportation Improvement Projects**
  1. Six-Year Improvement Program (SYIP)
  2. Vtrans
  3. Priority Transportation Projects

Ms. Redfearn noted that much of the content in this chapter is required by VDOT and will need to be reviewed by them for compliance.

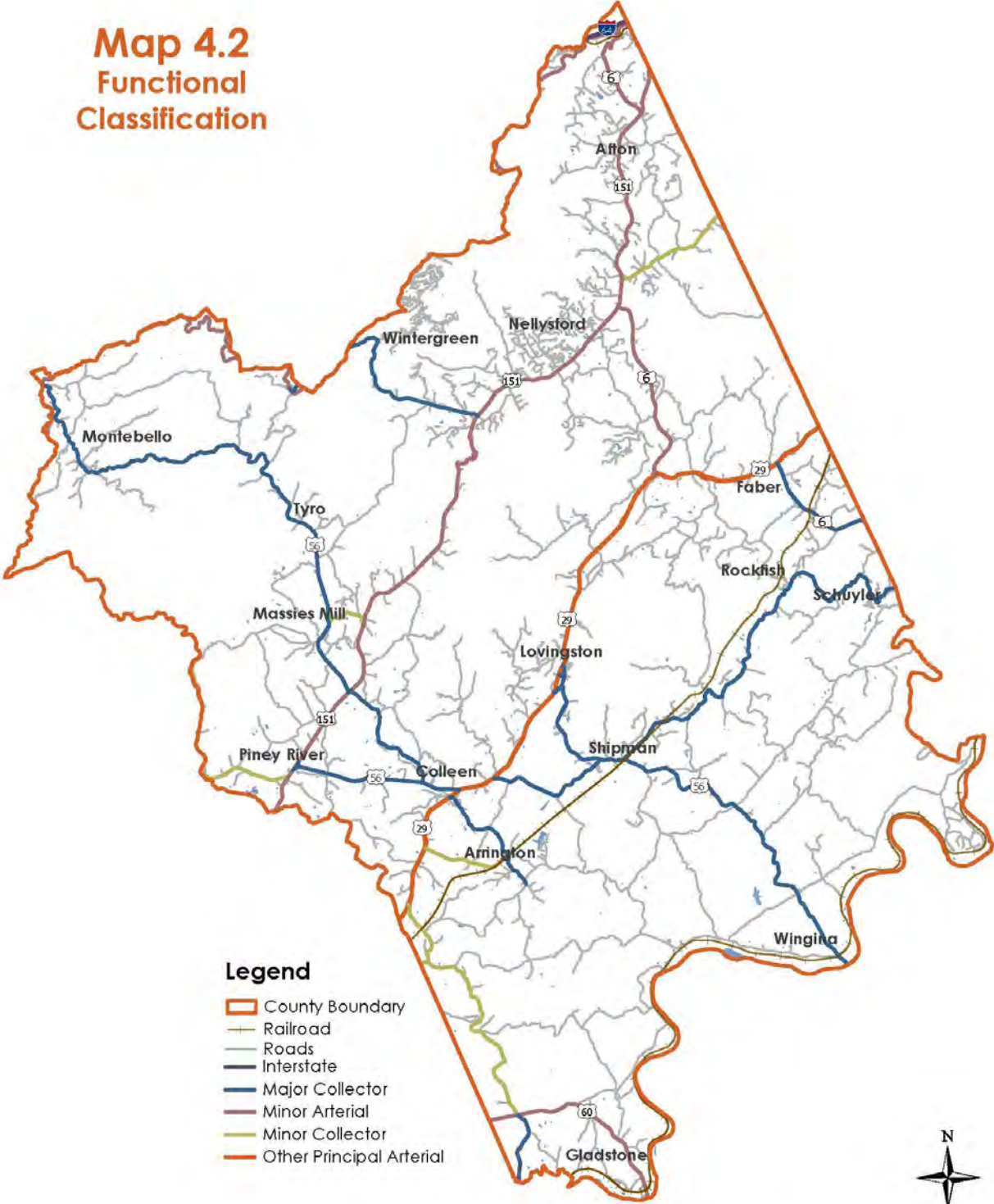
*Mr. Musso presented the following transportation maps:*



# Map 4.1 Existing Transportation Network



# Map 4.2 Functional Classification

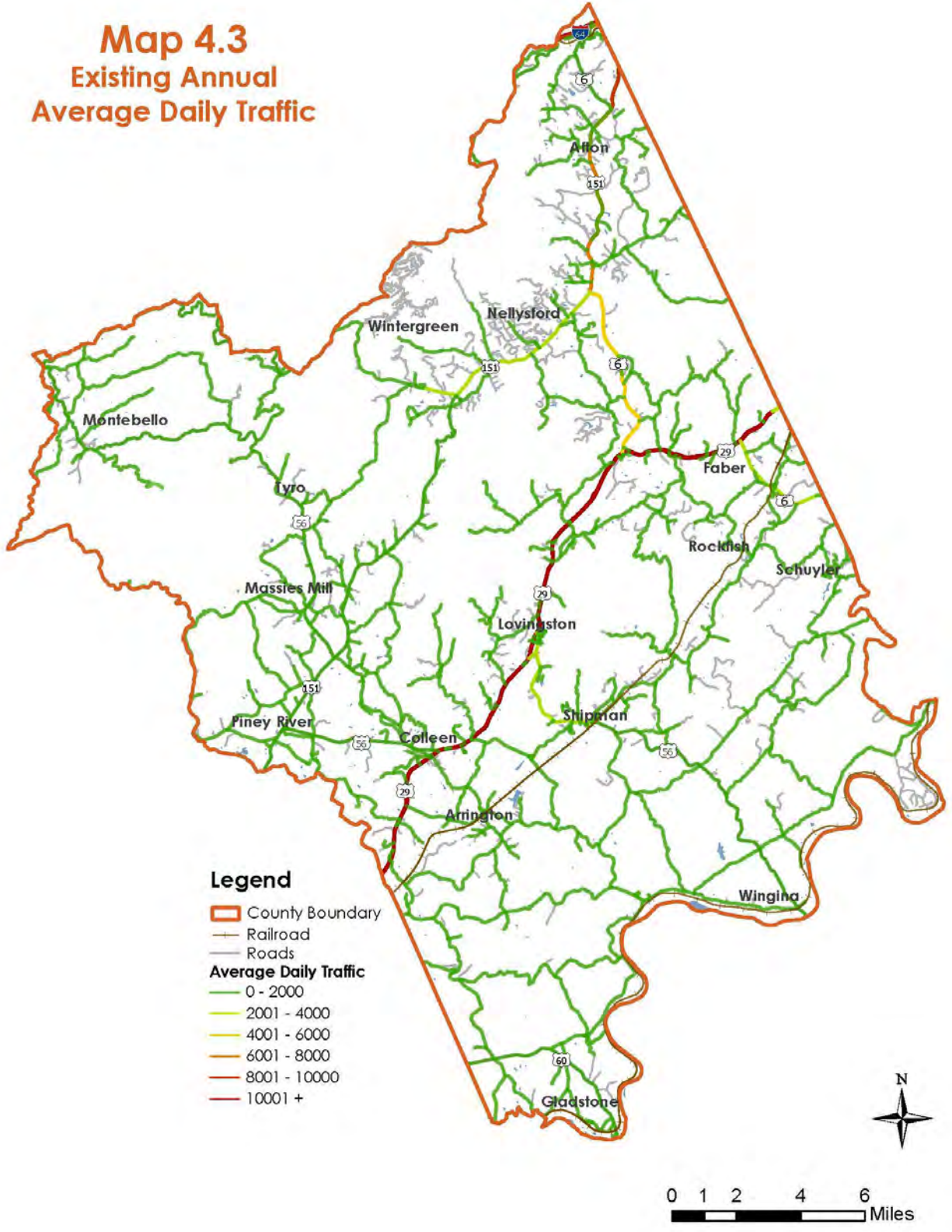


- Legend**
- County Boundary
  - Railroad
  - Roads
  - Interstate
  - Major Collector
  - Minor Arterial
  - Minor Collector
  - Other Principal Arterial



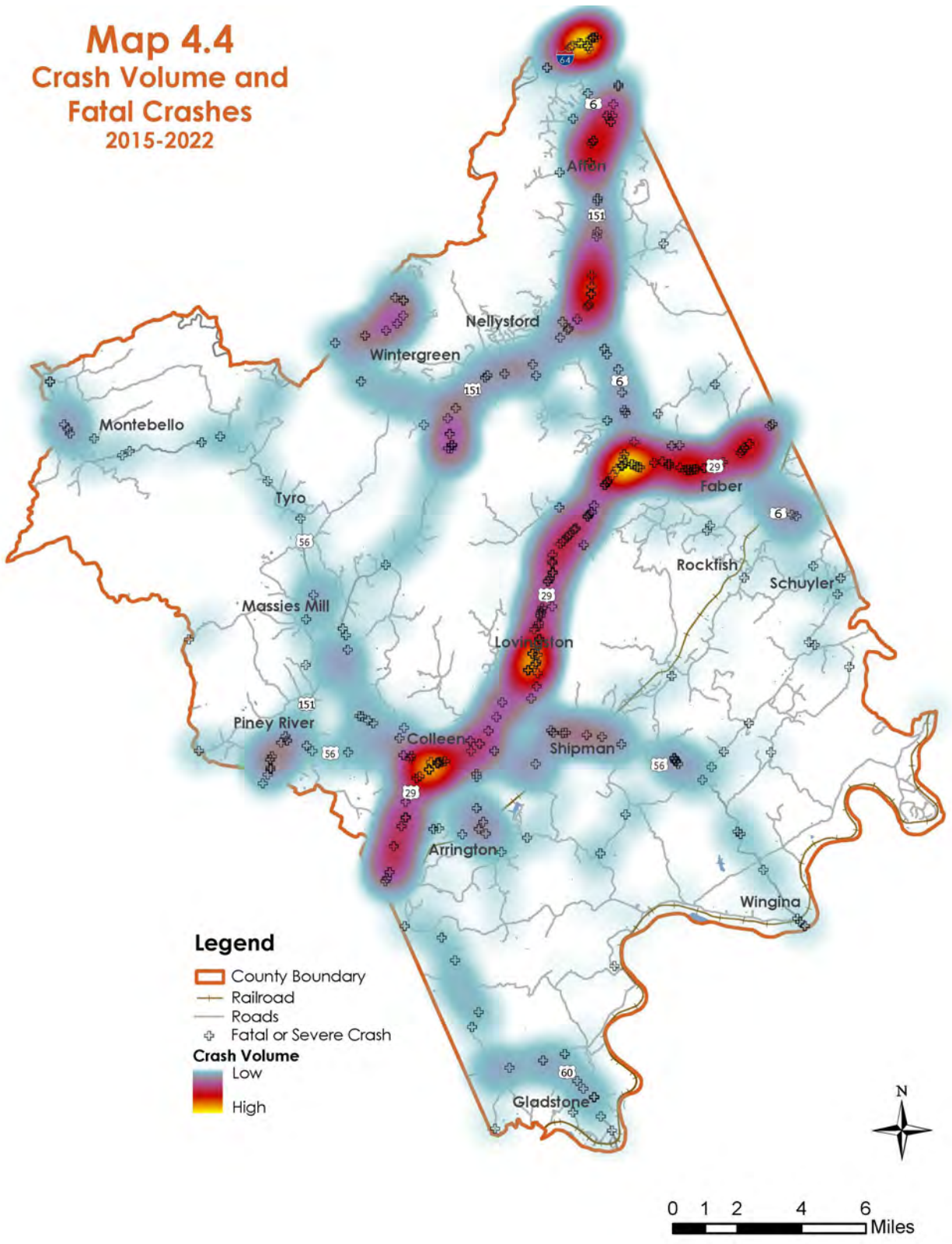
0 1 2 4 6 Miles

# Map 4.3 Existing Annual Average Daily Traffic

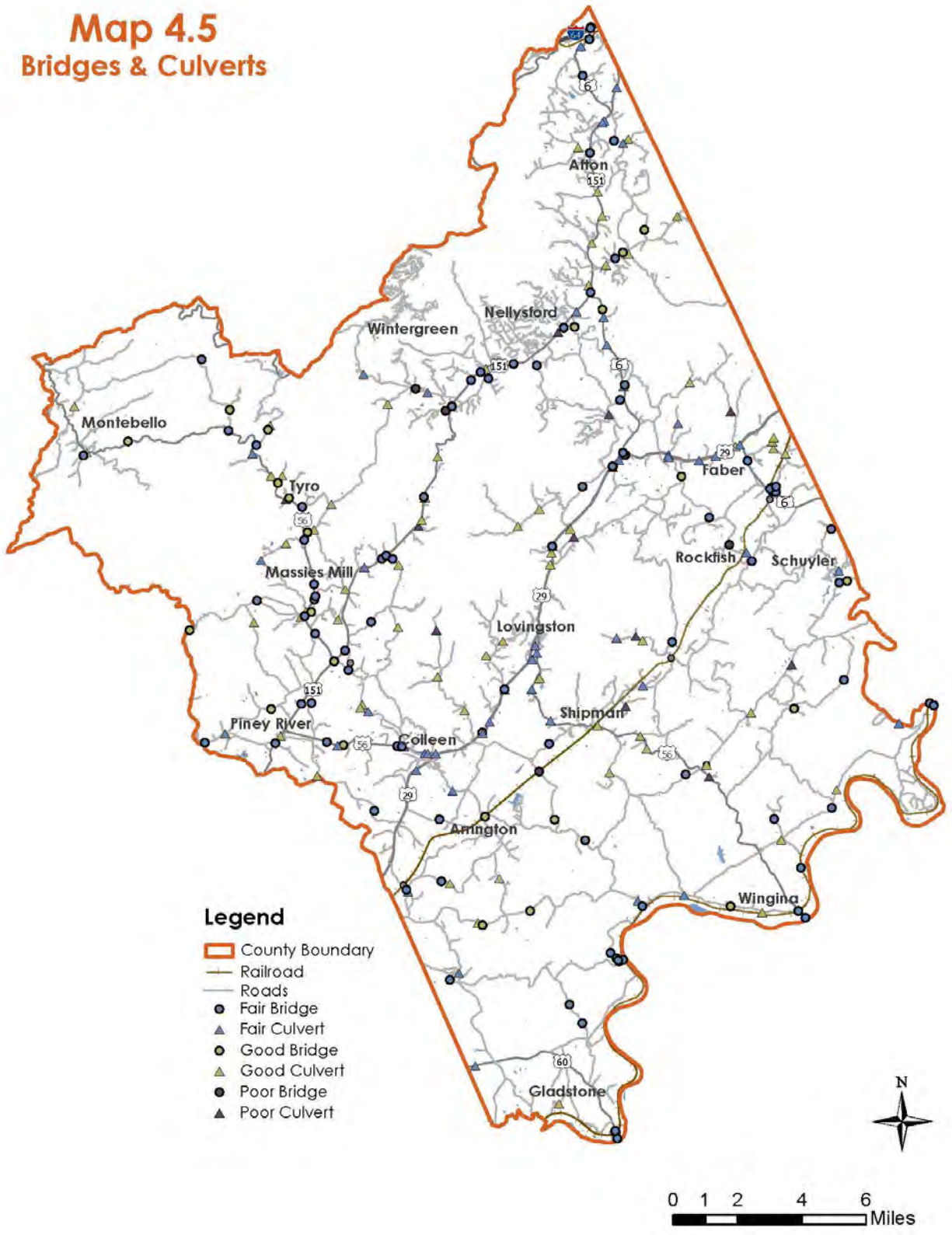




# Map 4.4 Crash Volume and Fatal Crashes 2015-2022



# Map 4.5 Bridges & Culverts

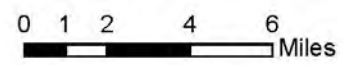




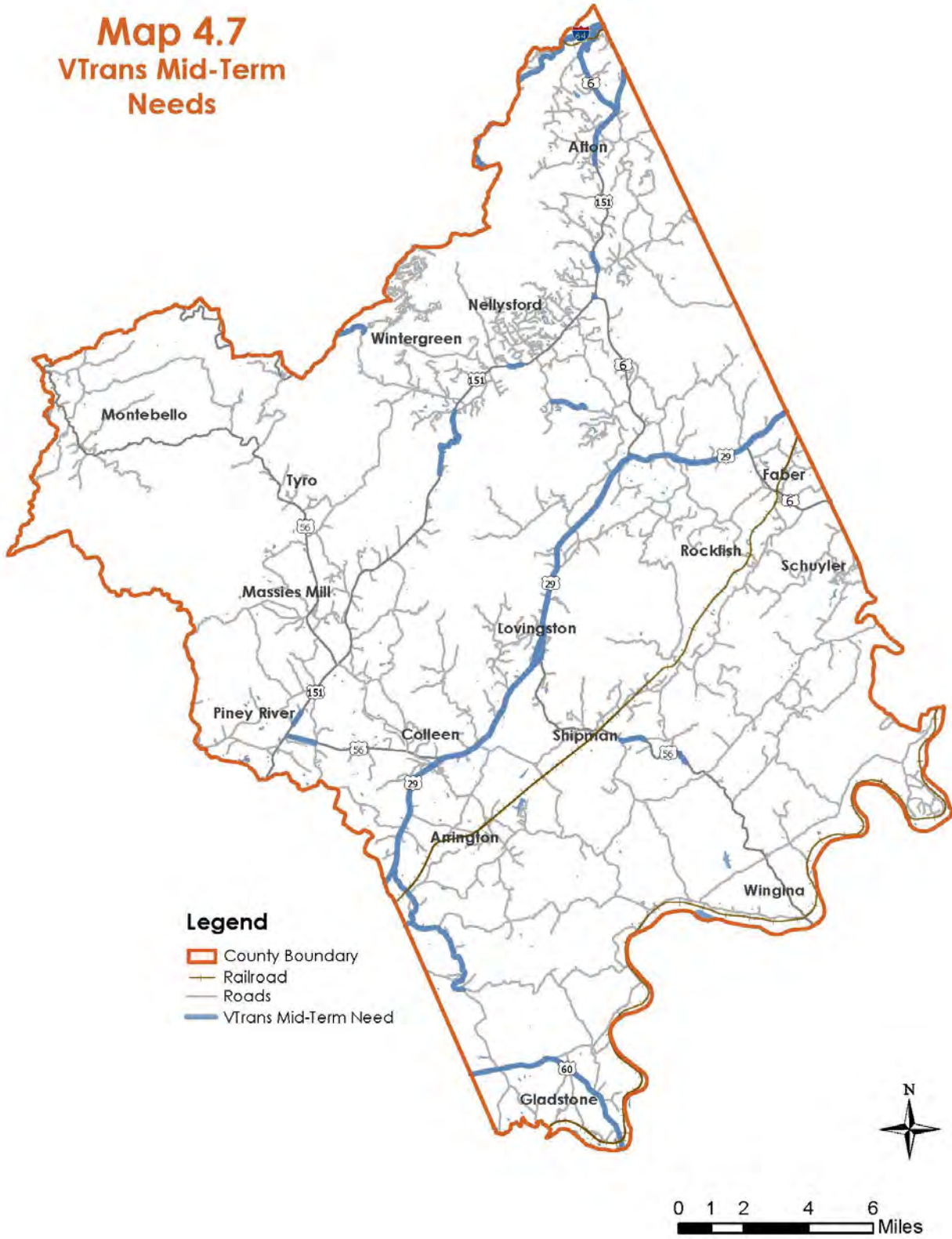
# Map 4.6 Greenways Plan



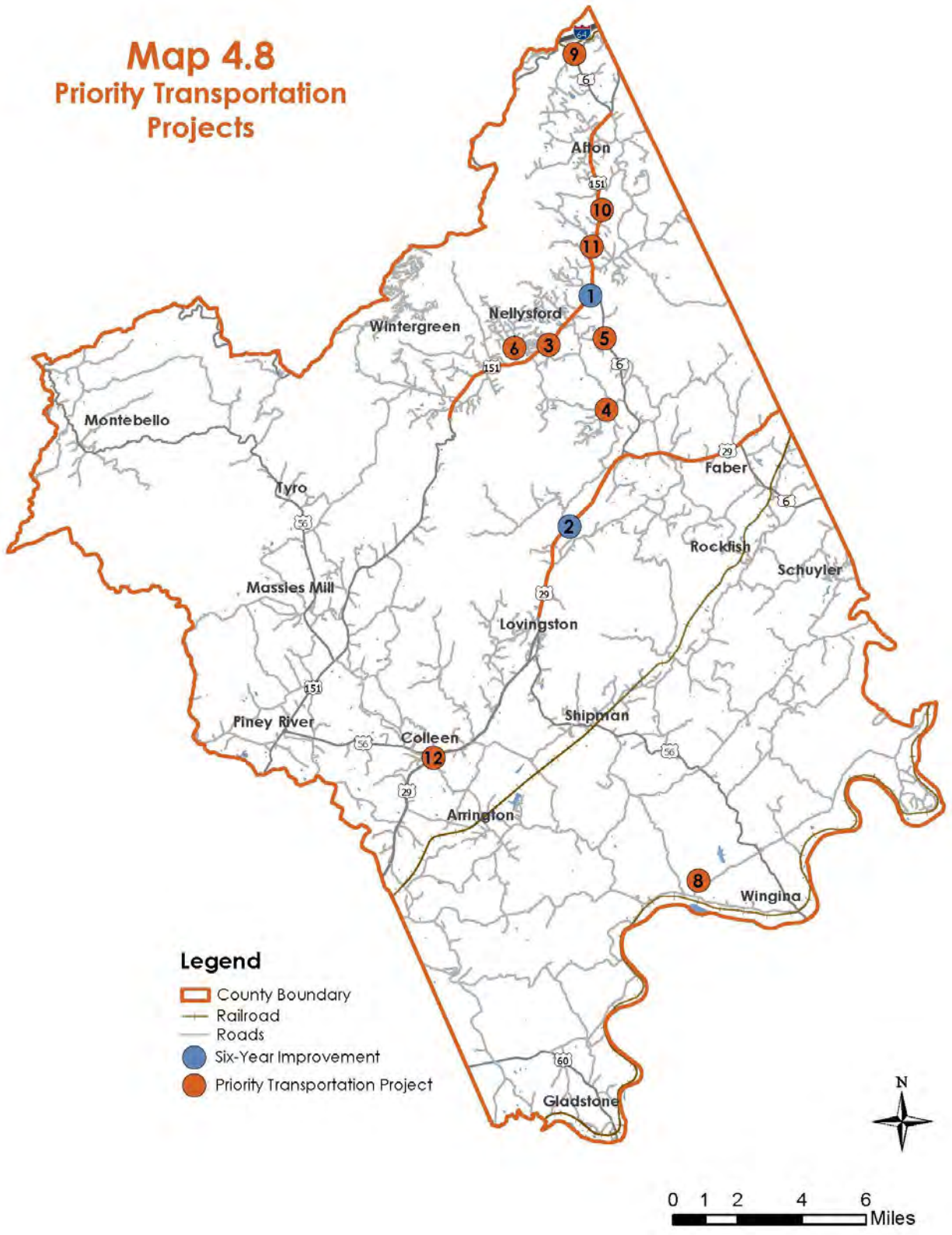
- Legend**
- ▬ County Boundary
  - ▬ Railroad
  - ▬ Roads
  - ▬ Proposed Greenway



# Map 4.7 VTrans Mid-Term Needs



# Map 4.8 Priority Transportation Projects



Mr. Rutherford noted that the three intersections that show on the Crash Volume Map (4.4) are always a topic of discussion. He was surprised that there weren't more fatal accidents on Route 151. He added that the hot spots are on Route 29.

*Mr. Musso presented Table 4.2 and explained that this fuels their conversation for recommended priority transportation projects:*

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# Nelson County Comprehensive Plan

## Draft Chapter 4: Connecting People & Places

### Priority Transportation Projects

This section lists priority transportation projects for the future of Nelson County. These projects have been identified by examining the County's existing and future transportation needs while taking into consideration community input and existing information from the plans and programs included in this Chapter. Table 4.2 provides a list of these transportation projects that Nelson County can undertake to better connect the community to important destinations and services within and outside the County. Where possible, cost estimates have been provided along with the source of the project. The approximate location for each of these priority projects is illustrated in Map 4.7; the project number listed in the table corresponds with the numbers on the map.

**Table 4.2 – Recommended Priority Transportation Projects**

Project #	Project Name	Description	Cost (in thousands of dollars)	Improvement Type	Source
1	Route 6 Roundabout	Construct a roundabout at the intersection of Route 151 and Route 6.	\$15,705	Operations	VDOT; Nelson County
2	Route 29 Safety Improvements	Widen the shoulders along sections of Route 29 and add rumble strips.	\$9,952	Safety	VDOT; Nelson County
3	Route 151 Safety Study	Conduct a traffic study and evaluate for traffic and pedestrian safety improvements along Route 151 in Afton and Nellysford.	TBD	Traffic Safety Study	Nelson County
4	Adial Road Safety Study	Conduct a study to identify possible safety improvements along Adial Road (Route 634).	TBD	Traffic Safety Study	VTRANS
5	Route 6 Truck Reduction	Evaluate the truck traffic along Route 6 between Route 151 and Route 29 and consider restricting allowable truck size along Route 6	TBD	Safety	Nelson County
6	Route 151 Parallel Trail	Construct sidewalks and trails parallel to Route 151 to connect from Wintergreen to Afton and the Blue Ridge Tunnel Trailhead.	TBD	Operations	Nelson County
7	Greenway Connectivity	Connect and expand existing trails through a system of greenways.	TBD	Operation	Nelson County

# Nelson County Comprehensive Plan

## Draft Chapter 4: Connecting People & Places

Project #	Project Name	Description	Cost (in thousands of dollars)	Improvement Type	Source
8	James River Multi-Use Trail	Improve local and regional connectivity to trails by supporting a shared use trail along the James River from the Albemarle County line to the Amherst County line	TBD	Operations	TJPDC; Nelson County; Albemarle County, Amherst County
9	Blue Ridge Tunnel Connectivity	Improve local and regional connectivity to trails by supporting connection to the Blue Ridge Tunnel via the Three Notched Trail.	TBD	Operations	TJPDC; Nelson County; Albemarle County, Amherst County
10	Route 151 Speed Study	Conduct a speed study along Route 151 to evaluate safety concerns and the feasibility of lowering the speed limit.	TBD	Traffic Safety Study	TJPDC; Nelson County
11	Route 151 Road Widening	Widen the shoulders along Route 151 and add bicycle lanes where applicable.	TBD	Safety	Nelson County
12	Colleen Park and Ride	Construct an official park and ride lot near Colleen.	TBD	Operations	Nelson County

[Map 4.8 – Recommended Priority Transportation Projects]



Mr. Reed wanted to add that wherever there is going to be an improvement, it should be built large enough to accommodate multimodal transportation. He added that they would need VDOT easements for multimodal to occur.

Ms. Redfearn asked if there were any additional locations where they would like to see improvements. Mr. Rutherford identified the need for a project at Route 29 intersection in Lovingston. He added that they need acceleration and deceleration lanes as well as some kind of crossing. Ms. Redfearn noted that they would add two projects, a decrease in speed on Route 29 in Lovingston and a form of safe multimodal crossing.

Mr. Hauschner states that they should add connectivity from the East to the West side of Lovingston. Mr. Barton asked about the intersection of Route 151 and Route 6. Mr. Rutherford noted the project there is already funded. Mr. Proulx noted that number 6 is not feasible and does not make sense, she added that it should be removed or moved to the bottom of the priority list. Mr. Reed noted that the length should be at least from Rockfish Valley Community Center or Rockfish Elementary School to Devil's Backbone. Mr. Rutherford noted that the county should be more active in advocating for a second exit out of Wintergreen. Mr. Reed noted that there is an existing ROW with access to the Blue Ridge Parkway that could be utilized as an additional exit. Ms. Redfearn clarified that they would be amending number 6 to include that it would be from Rockfish Valley Community Center to Devil's Backbone.

Mr. Reed noted that greenways should be more defined in the plan. Ms. Redfearn noted that greenways are addressed on the Priority Transportation Projects table (4.2). Ms. Bishop clarified that there is more info on greenways in the Tourism and Economy chapter. Mr. Amante asked if there was a trail that connected to the Blue Ridge Tunnel. Mr. Rutherford noted that it is just the tunnel but that Waynesboro has interest in a trail. Ms. Redfearn noted that if there are additional specific projects they should be noted on the Priority Transportation Projects table (4.2). Mr. Musso added that there is a strategy in previous chapter to develop a parks and recreation master plan that could address trails. Mr. Hauschner noted that he would like to see more connectivity within the central villages of Nellysford, Colleen, and Lovingston.

Ms. McGarry noted that the transportation chapter should emphasize the fact that the county does not own or maintain any roads or sidewalks. She added that they are all maintained by VDOT or privately maintained. Mr. Rutherford added that he would like to see sidewalks and streetscape revitalization throughout all of Lovingston as a priority.

Mr. Reed added that there should be a mention of possible speed limit reduction on Routes 151 and 6 in response to the tractor trailer activity. Mr. Musso noted that it is addressed in numbers 5 and 10 of the Priority Transportation Projects.

## Strategies



# Nelson County Comprehensive Plan

## Draft Chapter 4: Connecting People & Places

### HOW WE MOVE FORWARD

#### Goal Statement

Nelson County maintains a transportation system that provides a safe and efficient multimodal network to connect residents and visitors to places they live, work, recreate, and access services throughout the County and region.

#### Strategies

##### Maintain & Improve the Existing Road Network

1. Continue to work with VDOT to develop, design, and implement transportation projects, including, but not limited to, SMART SCALE, Highway Safety, Bike Pedestrian Safety, and Transportation Alternatives projects.
2. Conduct traffic safety and speed studies throughout the County, as necessary, based on an analysis of existing traffic volume and crash statistics. Work with VDOT to address priority traffic safety issues, such as a reduction of speed limits.
3. Target safety improvements at high-crash intersections and roadway corridors.
4. Partner with VDOT and TJPDC to prioritize improvements to bridges and culverts with poor ratings.
5. Continue to work with VDOT and other regional partners to provide essential maintenance and expansion of vital transportation systems throughout the County.
6. Coordinate with neighboring jurisdictions, state, and regional agencies in planning and achieving an efficient and cost-effective transportation network.

##### Invest in Alternative Transportation

7. Identify areas to construct or expand natural trails and sidewalks for pedestrian traffic.
8. Explore opportunities to widen County roadways and introduce bicycle lanes to facilitate safe bicycle travel.
9. Support regional partners in their efforts to link the Blue Ridge Tunnel Trail to regional destinations through pedestrian and bicycle infrastructure.
10. Support an expanded greenway trail network and ensure that the trail network connects to key public destinations such as parks, libraries, schools, and community



# Nelson County Comprehensive Plan

## Draft Chapter 4: Connecting People & Places

centers, as well as to private developments and other trail systems, including regional trail networks.

11. Install EV charging stations at County-owned properties such as administrative offices, schools, and libraries.
12. Evaluate the feasibility of installing solar panels above County-owned parking lots to provide both covered parking and clean energy infrastructure.
13. Work with community organizations to help facilitate the installation of EV charging stations in the County.
14. Encourage ridesharing, car/vanpooling, and other means of shared vehicle use.
15. Explore opportunities to create additional commuter parking lots in other areas of the County, such as along U.S. Route 29 near Colleen or Lovingston.
16. Continue partnership with JAUNT to monitor existing service and identify needs and gaps in the public transportation network for potential future service.
17. Explore the feasibility of creating additional public transportation services in Nelson County, such as local or regional shuttle services.

### Coordinate Land Use & Transportation







18. Facilitate the study of potential village and urban areas for designations as Urban Development Areas.
19. Facilitate the creation of area plans that identify transportation improvements in County towns and villages, such as Lovingston and Nellysford.

11. Mr. Hauschner noted that they should support clean energy sources of EV charging power.

## Next Steps

# Next Steps

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-  Edits for Ch. 3, Ch. 4 & Ch. 9, comments by 5/26/2023
-  Incorporate Edits & Compile Entire Document. Send to Board/PC for individual review and strategy prioritization. – June/July
-  VDOT 729 Review (90-day review)
-  Community Open House – July/August
-  Final Worksession (Open House Feedback & Final Edits) – August/September
-  Public Hearings and Adoption – September/October

Ms. Redfearn explained that they would like to see comments on chapters 3 and 4 by May 26<sup>th</sup>.

Ms. Redfearn mentioned that there was discussion of an additional work session scheduled for June 29<sup>th</sup> starting at 6:00pm. She explained that they would be reviewing plan in its entirety as well as chapter 9 and the implementation matrix. She added that they will have the draft plan to review by June 15<sup>th</sup>. Mr. Musso added that there is a survey on the website for public comment.

**Mr. Reed made a motion at 9:02 PM to continue the meeting to May 24th at 3 PM. Mr. Barton seconded the motion.**

**Yes:**

Jesse Rutherford

Skip Barton

Ernie Reed

**Mr. Harman made a motion to adjourn the meeting at 9:02 PM. Mr. Amante seconded the motion.**

**Yes:**

Robin Hauschner

Phil Proulx

Mike Harman

Chuck Amante

**The meeting adjourned at 9:02 PM**

Respectfully submitted,



Emily Hjulstrom

Planner/Secretary, Planning & Zoning

DRAFT



May 24, 2023

**Virginia:**

AT A CONTINUED MEETING of the Nelson County Board of Supervisors at 3:00 p.m. in the Former Board of Supervisors Room located on the fourth 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

**I. CALL TO ORDER**

Mr. Rutherford called the continued meeting to order at 3:00 p.m. with five (5) Supervisors present to establish a quorum.

**II. CONSENT AGENDA**

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

A. Resolution R2023-34 Minutes for Approval

**RESOLUTION R2023-34  
NELSON COUNTY BOARD OF SUPERVISORS  
APPROVAL OF MINUTES  
(February 14, 2023 and February 21, 2023)**

**RESOLVED**, by the Nelson County Board of Supervisors that the minutes of said Board meetings conducted on **February 14, 2023 and February 21, 2023** be and hereby are approved and authorized for entry into the official record of the Board of Supervisors meetings.

B. Resolution R2023-35 TJPDC TAP Applications MOAs

**RESOLUTION R2023-35  
NELSON COUNTY BOARD OF SUPERVISORS  
AUTHORIZATION TO EXECUTE MOAs WITH TJPDC  
FOR 2023 TRANSPORTATION ALTERNATIVES PROGRAM (TAP) GRANT APPLICATIONS**

**WHEREAS**, the Thomas Jefferson Planning District Commission (TJPDC) is willing and able to prepare the 2023 Gladstone Depot Restoration- Phase II TAP grant application and the previously submitted 2021 Lovington Business District Pedestrian Improvements TAP grant application on behalf of Nelson County; and,

**WHEREAS**, the cost to provide the services associated with each application is not to exceed \$5,000 per project application; and,

**WHEREAS**, the County needs to enter into an agreement with the TJPDC to authorize the work for each grant application;

**BE IT HEREBY RESOLVED**, that the Nelson County Board of Supervisors authorizes the County Administrator to execute Memorandum of Agreements (MOAs) with the Thomas Jefferson Planning District Commission (TJPDC) for said work.

**III. FY24 BUDGET WORK SESSION**

A. Status Review

Ms. McGarry noted that nothing had really changed from what was presented at the public hearing on May 9, 2023. She reported that they had a balanced budget at \$50,222,334. She noted that this contained a Recurring Contingency of \$509,702 and a Non-Recurring Contingency of \$399,920. She reported that the budget had a 5 percent salary adjustment for employees plus an adjustment to the minimums of the pay scales. Ms. McGarry noted that the Board covered the 9.9 percent increase in Health Insurance premiums for employees. She noted that the General Fund synopsis in the meeting packet, along with some of the expenditure highlights from the budget presentation. She offered to answer any questions for the Board.

Mr. Rutherford noted the Recurring Contingency of \$509,702 and Non-Recurring contingency of \$399,920. He noted that the budget included 5 percent salary adjustment plus a step (a step is equal to a 0.5 percent) for the School Division employees, and then 5 percent for County staff with adjustment to the minimums. He asked if all of that was accomplished without any changes to the Transient Occupancy Tax (TOT). Ms. McGarry confirmed that was done without changes to the TOT, and noted that the budget was balanced with about \$500,000 in recurring revenue.

Mr. Rutherford reminded the Board that per their discussion at the May meeting, they would not be taking any actions on the TOT or the budget at the work session that day. He noted that the purpose of the day's meeting was to have time for discussion.

Mr. Reed wanted to discuss debt service. He noted that they had a transfer to debt service that was just over \$3 million. Mr. Reed noted that he was serving on the Nelson County Service Authority (NCSA) Board. He commented that during a meeting between himself, Robert McSwain, Ms. McGarry, Ms. Spivey,

and Mr. George Miller and Ms. Jennifer Fitzgerald of the NCSA, there had been discussion of possible future scenarios to address a scenario in Nelson. He explained that the Service Authority was only able to borrow money and have its own debt service based on their number of customers, due to the fact that the customers provide guaranteed revenue. He noted that there was a lot on the horizon for the Service Authority and they did not have the debt service to accomplish it all on their own. He pointed out that the only way the Service Authority could do these things without the County's help, would be to increase rates. He noted that the Service Authority already had a public hearing scheduled for the following month to increase rates to cover debt that was currently foreseen in the future. Mr. Reed commented that he only wanted to flag the issue, and he was not asking the Board to change allocations. He wanted to keep the water and sewer service in mind when discussing revenues later on in the meeting. He stressed that development in the County was predicated on the ability to increase water and sewer service in the County. He noted that if the Service Authority was not able to do that, it would be up to the County to do it. He noted there were possibilities with Dillard Creek. He reported that the Black Creek reservoir needed to be dredged, and dredging estimates so far were \$2 million or more. He noted that they were also looking at Lovington system improvements. He wanted to make Board aware that there may be a need to consider additional revenues to add to Debt Service for things that were not currently in the budget.

Ms. McGarry reminded the Board that as projects came up and needs arise, budgets could be amended. Mr. Rutherford commented that some of the projects like Lovington, for example, could use Community Development Block Grant (CDBG) funds. He commented that if there were an expansion due to a business entity, proffers could be another scenario. Ms. McGarry noted that the County would explore all options for funding.

Mr. Barton asked about the dredging cost and who would finance it. Mr. Reed noted that it was yet to be determined. He indicated that the Service Authority was working to obtain additional quotes. Mr. Barton asked about other projects were anticipated by the NCSA. Mr. Reed reported that the Service Authority had not traditionally been proactive in planning for the future. He noted that the Piney River Pump Station would need to be upgraded in the near future. He noted that the development of Dillard creek was another project. He commented that infrastructure would need to be added to allow for more achievable development in the Lovington/Colleen/Arrington Area. Ms. McGarry noted that the Lovington sewer system was also discussed as being in need of repairs. She reported that the Service Authority had applied for ARPA (American Rescue Plan Act) funding but did not receive it. She thought that was due in part to their revenue streams. Mr. Reed felt that they had good communication between the County and the Service Authority. He commented that Mr. Miller was now looking more towards the future than in the past.

Mr. Rutherford asked if there were any other budget items to discuss.

Ms. McGarry noted that for the June 13<sup>th</sup> regular Board meeting, the plan was to have the adoption and appropriation resolutions ready for the Board's consideration. She noted that staff just needed to know if there were any changes that needed to be incorporated for that. Mr. Rutherford noted that the budget was currently balanced without any revenue enhancements. Mr. Barton asked if they needed to consider revenue enhancements for other capital projects. Ms. McGarry noted that it was not necessarily an immediate need, but in the near future potentially.

Ms. McGarry noted that the state budget may not be determined until July or August, and it would be best for the Board to go ahead and move forward in June and make adjustments later if needed. She indicated that the County had to have its budget in place by June 30<sup>th</sup>.

Mr. Rutherford reiterated that the budget was currently balanced as presented. He commented if no changes needed to be made, they had nothing to discuss and they could proceed with voting on the budget in June.

Mr. Reed noted other localities had now adopted their budgets. Mr. Reed wanted to discuss salary increases. He reported that the State budget had 7 percent salary increases for School SOQ positions. Ms. McGarry noted that they were still hashing it out. She commented that the Governor's budget had 5 percent, and the House and Senate budgets had 7 percent. Mr. Reed reported that Albemarle, Charlottesville and Fluvanna (all counties in the TJPDC except for Greene County), went for 7 percent County and School salary increases. He noted that Greene County was the only one that did not. He commented that Greene County wanted to do 7 percent but due to extraneous circumstances, they were no able to do so. Ms. McGarry asked whether Albemarle went with 7 percent and Mr. Reed commented that he hoped he was right. Mr. Rutherford noted that Ms. McGarry could check. Ms. McGarry noted discussions at the Jail Board budget committee meetings, noting that they did not seem to be leaning towards 7 percent. Mr. Reed commented that they may have been referring to the School budgets. Mr. Reed commented that salaries were difficult to adjust, he noted that contracts had already gone out, and it may be too late to adjust. Mr. Reed wanted to flag salary increases in terms of the TOT conversations. Mr. Reed was in favor of giving the Schools sufficient revenue so they would be able to give a 7 percent increase if they chose to. Mr. Reed thought the TOT increase should be considered.

Mr. Rutherford suggested that Ms. McGarry check to see what the other Counties did before they met again in June. Mr. Reed noted that he had some stats on teacher demographics specific to Nelson County. He reported that Nelson County ranked 4<sup>th</sup> in the state for beginner teacher salaries. He then noted that 25 years out, Nelson was ranked 55<sup>th</sup>. He commented that Nelson County had one of the highest benchmarks for Bachelor's degrees, in terms of staff, of any other counties. He noted that there was additional training for teachers to maintain their jobs, and the teachers were absorbing the costs for that training. He pointed out that teachers did a significant amount of work outside of school hours. Mr. Reed wanted to acknowledge the value the quality of the teachers in Nelson and the quality of the schools. He thought it was important to make an investment in the people of Nelson, and using the TOT to be able to do so, would be great opportunity.

Mr. Barton commented that the most important factor in why a person stayed in education was the satisfaction a teacher got from teaching. He noted that a lot of that had to do with the attitudes from the community toward education. He commented that a teacher's motivation determined the quality of education children received. He noted that the education a child received, determined their success and their ability to think for themselves. He did not think the Board could determine the quality of education, that was up to the teachers, administration and parents. Mr. Barton felt that they needed to do the most that they could to support the teachers. He commented that compromise was a good thing, and he could see looking at 6 percent and enhancing revenues to support it.

Mr. Harvey agreed that the schools were very important, but there were also other things in the County that the Board needed to protect and support.

Mr. Rutherford was supportive of the 5 percent increase in the budget, with the understanding that the State was not ready with their budget. He felt it was best to stay at 5 percent with the Governor's budget. He felt comfortable with the 5 percent increase and movement to the minimums, noting that the Schools were at 5 plus a step, which was equal to 5.5 percent. He commented that he did not know what it would take to get to 6 percent. He commented that they were in a good place with where the budget sat currently. He noted that infrastructure needs in the future may take some serious capital improvement funds. Mr. Rutherford confirmed that he was good with the budget as is. He reminded the Board that they could see what they needed to adjust once state budget came out.

Mr. Parr commented that he had a little heartburn over dropping the recurring contingency down to \$500,000. He noted that he was the one who had suggested it, but he had been second guessing it since he had made the suggestion. He was a little concerned going from \$990,000 down to \$510,000 but it made the budget work, so he was okay with it. Mr. Parr felt they were in a good place across the board on salary adjustments and it showed support to the employees.

Mr. Barton agreed with Mr. Parr about the contingency figures. He noted they could raise it on the revenue side, but they had not discussed that yet. Mr. Barton commented that becoming a teacher was not about the money, it was about the commitment and satisfaction in what you do. He noted that it was important that the community supported it and recognized that.

Mr. Reed agreed with Mr. Parr that the current budget was a real, solid budget, even though he felt that county employees and school employees deserved and benefited by a 7 percent increase. He commented that he was most heartened that both the County and School Board budget included 7 percent increases in their initial budgets, noting it made him hopeful that they were going to continue to maintain a high level in terms of staff and schools. He stated that it was pretty clear that there was a little more consensus on the budget as it stood, on the expenditure side. He thought it made sense for the Board to consider revenues also.

#### B. Transient Occupancy Tax Ordinance (O2023-02)

Mr. Rutherford noted that at the last meeting, the Board had suggested having a discussion on revenue enhancements. He commented that he had thought about it himself, and the Transient Occupancy Tax on people visiting Nelson County was one of the first taxes he would want to see increase before Personal Property or Real Estate Tax. He noted that they had a balanced budget and they could consider a TOT increase later if they needed a revenue enhancement. Mr. Rutherford commented that as enforcement had increased, they had seen a natural and organic increase in TOT revenues. Ms. McGarry confirmed that it had steadily increased, but pointed out that it was volatile. MR. Rutherford supportive of looking at the TOT increase for revenue enhancements. Mr. Reed felt Nelson County was way behind the curve on Transient Occupancy Tax. He read a list of current TOT rates in place in surrounding localities: Roanoke 8%, Charlottesville 8%, Albemarle 8%, Loudon 8%, Richmond 8%, Harrisonburg 7%, Staunton 6.7%. Mr. Harvey commented that Nelson did not compare to the places Mr. Reed mentioned. Mr. Reed commented that Lynchburg was 6.5% plus \$1 per room per night, which equated to a little more than 7%. He then noted that Augusta was at 6%, along with Waynesboro at 6%. He noted that people would continue to book rooms in advance and that would be a factor, no matter how they may implement something. He noted that they were dealing with around 1,000 short term rentals in Nelson County. He commented that all indications were that the market was saturated and a loss in short term rentals in Nelson County would not be because of an increase in transient occupancy tax, it would be because there was more supply than demand.

Mr. Reed commented that as sympathetic as he was to the couple of people who spoke at the public hearing, he noted increased competition could be a good thing in terms of quality of service. He pointed out the amount of services that the County provided to 1,000 short term rentals in comparison to Nelson County's population, was an entire population of people using the County's services and not paying for them. He cited other costs like roads, traffic, disturbances to citizens, and trash. He noted that those short term rentals were taking long term rentals out of the market. He cited negative impacts from having short term rentals which included fewer long terms rentals, increased rent and housing prices. He noted that the costs were something that the County would have to bear, and they would bear them in increased Real Estate Revenues if they did not deal with it in another way. Mr. Reed felt that an increase should be done.



Mr. Barton commented that it was a 2 percent increase in price. He noted that everyone had experienced increases in gasoline costs. He commented that people visiting Nelson County would not notice a 2 percent increase. He pointed out that they had revenue enhancements that may be able to help give the County and School staff 7 percent pay increases. He commented on the hidden costs of short term rentals and reference Cooperstown, New York. He explained that Cooperstown was a little ahead of Nelson County in terms of the impacts from short term rentals. He noted that the housing was being bought up for financial interest, and their school system lost half of their student body due to the lack of housing. Mr. Barton commented that people were coming in to Nelson to invest and make money. He noted they were not taking people's money away; they were just raising the price of what they were offering by 2 percent. He stated that Nelson County was a community for the people who lived in Nelson, not for the investor. He thought that taxing people from somewhere else an additional 2 percent on their visit to enable an increase in pay to employees seemed to be clear.

Mr. Parr commented that they had taken the TOT discussion in several different directions. He agreed that he also had heartburn over what the Airbnb market was doing to the housing market. He commented that a conversation for another day as part of their Comprehensive Plan should determine how they would address it and how they would stifle that growth. He agreed that they needed to tackle the Airbnb market and what it was doing to the local housing market and how it was impacting citizens and their ability to find housing. He pointed out that going to a 7 percent TOT rate was a 40 percent increase in the tax. He commented that if he was going to talk about increasing the TOT, it would be about replacing the difference in recurring revenue. He noted that they could not assume that an increase in the TOT meant they would put it towards a salary increase. He noted that they needed to think about the decreased contingency. He agreed that they needed to address Airbnbs and what they were doing to the housing market in Nelson County. He commented that they needed to address the issues in the Comp Plan. Mr. Barton commented that he could possibly go along with idea of using TOT revenues to increase the recurring revenues. Mr. Barton referred to his Cooperstown story and noted that their way to solve the Airbnb issue was to ban them from the town. He commented that he came to Nelson County because of its beauty and noted that people also stayed in Nelson because of that. He noted that beauty was a value of Nelson County. He commented that they worked for the people who lived in Nelson County. He agreed with Mr. Parr that they could use the revenue one way or another, and he thought they should get it.

Mr. Reed commented that now was the time to make the change to TOT. Mr. Barton noted not many people showed up to comment at the last public hearing. Mr. Reed wanted to get the TOT addressed now, rather than trying to go for it again next year. He wanted to make it effective at the start of 2024. He agreed that an increase to recurring contingency made a lot of sense. Mr. Reed commented that they had held two public hearings on TOT and it was less than half of what the proposed increase was the previous year. He thought the benefits to the County would be significant and they could amend the budget later on if needed.

Mr. Rutherford commented that the good news was that they were not making any actions at that time, so they would have more time for discussion leading up to the June meeting. Ms. McGarry noted that they would have the budget items on the agenda for the day session in June.

### C. Other Budgetary Matters as Presented

Ms. McGarry commended staff and the Board for their work on budget, noting that a lot of time and effort were spent to understand what was presented. She noted that they would like to have done more for employees in terms of a 7 percent increase, but she felt that the 5 percent was a great compromise. She felt that they had a solid budget for upcoming year. She cautioned the Board that the upcoming budget cycles could be tough. She reminded the Board that since they did not transfer the \$610,000 to keep up with the debt capacity strategy, they would need to make it up the following year so that they could tackle some of

May 24, 2023

the capital projects coming up in the future. She noted there would be increases coming in relation to the regional jail, Comprehensive Services Act expenditures, Juvenile Detention, as well as trying to provide cost of living adjustments for employees. She noted that they already needed to start thinking beyond the next fiscal year. Ms. McGarry thanked the Board again for their work.

Mr. Barton thanked the staff for all of the work done. He commented that certain things had worked better between the County and the schools. He commented that he respected Ms. McGarry and wanted her input on what they were doing. He noted that in many ways she had the most experience aside from Mr. Harvey.

Mr. Harvey commented that they had not gone into a budget yet that they thought was impossible to maintain.

Mr. Rutherford noted that staff did a great job, as they had a year and a half of a lot of changes with Administration and working on the Comprehensive Plan, along with other ambitions of the Board. He thought they had a successful year, noting they had accomplished a lot and there was lot on the horizon. He noted that they had not gotten much paint on the canvas but they made sure that the canvas was still there.

Mr. Rutherford noted that they would vote on the budget on June 13th during the afternoon session.

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

The Board had no other business to discuss.

#### **V. ADJOURNMENT**

At 3:55 p.m., Mr. Barton moved to adjourn the meeting and Mr. Parr seconded the motion. There being no further discussion, Supervisors approved the motion by vote of acclamation and the meeting adjourned.

BOARD OF  
SUPERVISORSTHOMAS D. HARVEY  
North DistrictERNIE Q. REED  
Central DistrictJESSE N. RUTHERFORD  
East DistrictROBERT G. BARTON, JR.  
South DistrictJ. DAVID PARR  
West DistrictCANDICE W. MCGARRY  
County AdministratorAMANDA B. SPIVEY  
Administrative Assistant/  
Deputy ClerkLINDA K. STATON  
Director of Finance and  
Human Resources

**CORRECTED**  
**RESOLUTION 2023-40C**  
**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 **\$95,163,565**. The individual fund totals are denoted as follows:

<u>Fund</u>	<u>Budget</u>
General	\$ 50,222,334.00
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.
- 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.

Adopted: \_\_\_\_\_, 2023

Attest: \_\_\_\_\_ Clerk,  
Nelson County Board of Supervisors



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

**CORRECTED**  
**RESOLUTION R2023-41C**  
**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	\$50,222,334.00	\$50,222,334.00
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	<u>\$ 194,908.00</u>	<u>\$ 194,908.00</u>
	\$95,163,565.00	\$95,163,565.00

**BE IT FURTHER RESOLVED** by the Board of Supervisors that:

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.

Adopted: \_\_\_\_\_, 2023

Attest: \_\_\_\_\_, Clerk  
Nelson County Board of Supervisors



# PUBLIC HEARING SYNOPSIS

## Correction of FY24 Budget Adoption (R2023-40) and Appropriation (R2023-41) Resolutions

On June 13, 2023, the Nelson County Board of Supervisors approved resolutions for the FY24 Budget Adoption (R2023-40) and Appropriation of Funds (R2023-41). The total FY24 budgeted amount was **\$93,052,486** in both resolutions.

During the annual FY23 year end and subsequent FY24 beginning year financial processes in August 2023, staff discovered a clerical error in the General Fund total as presented in the aforementioned resolutions affecting the overall adopted and appropriated budget for FY24. The correct FY24 budget adoption and appropriation total should be **\$95,163,565** (\$93,052,486 + \$2,111,079). Staff consulted with the County Attorney and Auditors on how to effect the correction and they recommended that staff follow initial budget adoption and appropriation procedures in accordance with §15.2-2506 of the Code of Virginia requiring a public hearing.

In the original General Fund adoption and appropriation, \$2,111,079 (appropriated to VPA, DSS) was omitted in error. This amount must be included in the General Fund total for adoption and appropriation transfer from the General Fund to the VPA (DSS) Fund. The General Fund budget must be corrected to add \$2,111,079 to the original General Fund budget approved and appropriated at \$48,111,255. The resulting adopted General Fund budget and General Fund appropriation as corrected will be **\$50,222,334**. Making this correction will adjust the total of all adopted and appropriated funds to the correct amount of **\$95,163,565**.

### FY24 CORRECTED BUDGET SUMMARY AS PROPOSED

#### REVENUES BY FUND

General Fund	\$50,222,334
VPA (DSS)	2,111,079
Debt Service Fund	6,341,318
Capital Fund	705,251
School Division	34,694,395
Textbook Fund	595,000
Cafeteria Fund	299,280
Piney River Water & Sewer Fund	<u>194,908</u>
	<b>\$95,163,565</b>

#### EXPENDITURES BY FUND

General Fund	\$50,222,334
VPA (DSS)	2,111,079
Debt Service Fund	6,341,318
Capital Fund	705,251
School Division	34,694,395
Textbook Fund	595,000
Cafeteria Fund	299,280
Piney River Water & Sewer Fund	<u>194,908</u>
	<b>\$95,163,565</b>



BOARD OF SUPERVISORS

THOMAS D. HARVEY  
North District

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Central District

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West District

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County Administrator

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Administrative Assistant/  
Deputy Clerk

LINDA K. STATON  
Director of Finance and  
Human Resources

**RESOLUTION 2023-40  
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.
- 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.

**Adopted: June 13, 2023**

Attest:  Clerk,  
Nelson County Board of Supervisors



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Deputy Clerk

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Human Resources

**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:

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.

Adopted: June 13, 2023

Attest: , Clerk  
Nelson County Board of Supervisors

## § 15.2-2506. Publication and notice; public hearing; adjournment; moneys not to be paid out until appropriated

A brief synopsis of the budget that, except in the case of the school division budget, shall be for informative and fiscal planning purposes only, shall be published once in a newspaper having general circulation in the locality affected, and notice given of one or more public hearings, at least seven days prior to the date set for hearing, at which any citizen of the locality shall have the right to attend and state his views thereon. Any locality not having a newspaper of general circulation may in lieu of the foregoing notice provide for notice by written or printed handbills, posted at such places as it may direct. The hearing shall be held at least seven days prior to the approval of the budget as prescribed in § 15.2-2503. With respect to the school division budget, which shall include the estimated required local match, such hearing shall be held at least seven days prior to the approval of that budget as prescribed in § 22.1-93. With respect to the budget of a constitutional officer, if the proposed budget reduces funding of such officer at a rate greater than the average rate of reduced funding for other agencies appropriated through such locality's general fund, exclusive of the school division, the locality shall give written notice to such constitutional officer at least 14 days prior to adoption of the budget. If a constitutional officer determines that the proposed budget cuts would impair the performance of his statutory duties, such constitutional officer shall make a written objection to the local governing body within seven days after receipt of the written notice and shall deliver a copy of such objection to the Compensation Board. The local governing body shall consider the written objection of such constitutional officer. The governing body may adjourn such hearing from time to time. The fact of such notice and hearing shall be entered of record in the minute book.

In no event, including school division budgets, shall such preparation, publication, and approval be deemed to be an appropriation. No money shall be paid out or become available to be paid out for any contemplated expenditure unless and until there has first been made an annual, semiannual, quarterly, or monthly appropriation for such contemplated expenditure by the governing body, except that funds appropriated in a county having adopted the county executive form of government for multiyear capital projects and outstanding grants may be carried over from year to year without being reappropriated.

Code 1950, § 15-577; 1956, Ex. Sess., c. 67; 1959, Ex. Sess., c. 69; 1962, c. 623, § 15.1-162; 1976, c. 762; 1978, cc. 126, 551; 1984, c. 485; 1997, c. 587; 2009, c. 280; 2014, cc. 360, 589; 2021, c. 8; 2021, Sp. Sess. I, c. 155.

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.





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North District

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Director of Finance and  
Human Resources

**RESOLUTION R2023-67  
NELSON COUNTY BOARD OF SUPERVISORS  
AMENDMENT OF FISCAL YEAR 2023-2024 BUDGET  
November 16, 2023**

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

<u>Amount</u>	<u>Revenue Account (-)</u>	<u>Expenditure Account (+)</u>
\$ 12,700.00	3-100-003303-0008	4-100-031020-3032
\$ 7,860.00	3-100-003303-0008	4-100-031020-3033
\$ 5,641.97	3-100-009999-0001	4-100-031020-3036
\$ 3,070.98	3-100-009999-0001	4-100-031020-3037
\$ 720.00	3-100-002404-0001	4-100-031020-5419
\$ 375.00	3-100-002404-0055	4-100-035010-3016
\$ 25,000.00	3-100-001901-0012	4-100-081050-3011
\$ 13,032.00	3-100-002404-0007	4-100-082050-6008
<b>\$ 68,399.95</b>		

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

<u>Amount</u>	<u>Revenue Account (-)</u>	<u>Expenditure Account (+)</u>
\$ 9,161.00	4-100-999000-9905	4-100-091030-5202
\$ 17,110.00	4-100-999000-9905	4-100-091050-7008
<b>\$ 26,271.00</b>		

**III. Appropriation of Funds (School Fund)**

<u>Amount</u>	<u>Revenue Account (-)</u>	<u>Expenditure Account (+)</u>
\$650,000.00	3-205-002402-0002	4-205-061100-9301
<b>\$650,000.00</b>		

Adopted: November 16, 2023

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 \$68,399.95** reflect requests of **(1) \$12,700.00** appropriation request for FY24 Sheriff's DMV Selective Enforcement Alcohol Grant award funds; **(2) \$7,860.00** appropriation request for FY24 Sheriff's DMV Selective Enforcement Police Traffic Grant award funds; **(3) \$5,641.97** reappropriation request of FY23 DMV Police Traffic Grant federal funds for use in FY24; **(4) \$3,070.98** reappropriation request of FY23 Sheriff's DMV Alcohol Grant federal funds for use in FY24; **(5) \$720.00** appropriation request of FY24 Sheriff's DCJS asset forfeiture funds received for use in FY24; **(6) \$375.00** appropriation request for state DMV Animal Friendly License Plate sales for resulting Spay and Neuter funds received in FY24; **(7) \$25,000.00** appropriation request for the remainder of unused FY23 Agriculture and Forestry Infrastructure Development (AFID) Grant funds to be used in collaboration with the EDA in FY24; **(8) \$13,032.00** appropriation request for state grant funds received in FY24 for Litter Prevention and Recycling Program activities and the Extended Polystyrene (EPS) campaign in FY24. *The total appropriation request for this period is below the 1% of expenditure budget limit of \$747,058.70 for November.*
  
- II. **Transfers represent funds that are already appropriated in the budget but are moved from one account line item to another. Transfers do not affect the bottom line of the budget. Transfers from General Fund Non-Recurring Contingency in the amount of \$26,271.00** are requested as follows: **(1) \$9,161.00** is requested for OPIOID funding appropriated and received in FY24 to be appropriated in the expenditure account for these funds; **(2) \$17,110.00** is requested to cover the unexpected emergency cost of diseased tree removal from the Courthouse lawn. *Following approval of these expenditures, the balance of Non-Recurring Contingency would be \$295,128.61.*
  
- III. **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 \$650,000.00** is requested in the amount of **(1) \$650,000.00** for 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 total amount of new state funds to be received is \$743,287. Of this amount, \$650,000 is requested for appropriation in November 2023 with the remainder of \$93,287 to be appropriated in December 2023. In addition, of the total \$743,287 funding, 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 \$747,058.70 for November.*

# COPY

## HIGHWAY SAFETY GRANT AGREEMENT

**RECEIVED**

SEP 14 2023

S. MITCHELL

**Purpose:** Virginia's Highway Safety Program Subrecipients use this form to certify and assure that they will fully comply with all terms of the Highway Safety Grant Agreement.

**Instructions:** Subrecipients must read the contract, complete all applicable information on the first and last page, initial and date the subsequent pages, and return all pages to the Department of Motor Vehicles.

This Highway Safety Grant Agreement is entered into between the Virginia Department of Motor Vehicles (hereinafter "Department"), 2300 West Broad Street, Richmond, Virginia 23220, and the following:

<b>Subrecipient:</b> Nelson County	<b>Federal Award Identification Number (FAIN):</b> 69A37522300001540VAA
<b>Project Title:</b> Selective Enforcement - Alcohol	<b>Project Number:</b> ENF_AL-2024-54223-24223
<b>Assistance Listing Number (ALN):</b> 20.607	<b>Grant Award Amount: \$ 12,700.00</b>
<b>ALN Name:</b> Alcohol Open Container Requirements	Federal Funds Obligated: \$ 12,700.00 Total Federal Funds Obligated: \$ 12,700.00
<b>Period of Performance:</b> From October 1, 2023, or the date the Highway Safety Grant Agreement is signed by the Director, Virginia Highway Safety Office (whichever is later) through September 30, 2024. Allow 21 days for the Department to complete its review and signature. <b>FINAL VOUCHER IS DUE ON OR BEFORE NOVEMBER 5, 2024.</b>	<b>Source of funds obligated to this award:</b> U.S. Department of Transportation National Highway Traffic Safety Administration (NHTSA)
	<b>Date of Award Letter from NHTSA:</b> September 30, 2023

In performing its responsibilities under this Highway Safety Grant Agreement, the Subrecipient certifies and assures that it will fully comply with the following:

- Applicable Department regulations and policies and State and Federal laws, regulations, and policies
- Statement of Work and Special Conditions and an Approved Budget, included with this Highway Safety Grant Agreement
- General Terms and Conditions, also included with this Highway Safety Grant Agreement

Subrecipient's signature below indicates that the Subrecipient has read, understands and agrees to fully comply with all terms and conditions of this Highway Safety Grant Agreement without alteration. This Highway Safety Grant Agreement (hereinafter referred to as "Grant Agreement"), consisting of this certification, the attached Statement of Work and Special Conditions, the attached General Terms and Conditions, the attached Project Budget, the Subrecipient's proposal and the letter awarding the grant to the Subrecipient constitutes the entire agreement between the Department and the Subrecipient, supersedes any prior oral or written agreement between the parties and may not be modified except by written agreement as provided herein. Where any conflict arises between terms, the following is the order of governance of one term over another: (1) applicable Department regulations and policies, except where superseded by Federal laws, regulations, or policies; (2) applicable State laws, regulations, and policies, except where superseded by Federal laws, regulations, or policies; (3) applicable Federal laws, regulations, and policies; (4) Statement of Work and Special Conditions; (5) General Terms and Conditions; (6) Project Budget; (7) Subrecipient's proposal; and (8) grant award letter. **Subrecipient certifies that this grant does not include research and development.**

**SIGNATURES OF AUTHORIZED APPROVING OFFICIALS**

**For Subrecipient:**

Jeremiah Templeton Lieutenant  
Name and Title of Project Director (print)

[Signature] 8-28-23  
Signature Date

**For Virginia Department of Motor Vehicles:**

John Saunders  
Director, Virginia Highway Safety Office (print)

[Signature] 9-19-2023  
Signature Date

Subrecipient's **UEI Number** XSCRKWJHKV05  
Does your locality/legal entity expend \$750,000 or more annually in total federal funds? (check one)  Yes  No

Candice W. McGary, County Administrator  
Name and Title of Authorized Approving Official (print)

[Signature] 8/29/2023  
Signature Date



Department of Motor Vehicles  
Grant Budget Lines

Date Run: 10-AUG-2023

ENF\_AL:2024 - 54223 - 24223 - Nelson County

PM: Rebecca Overman

Project Director Initials OT

Date 8-28-23

Category	Line Item Desc	Qty	Individual Cost	Total Cost	Fed Fund Amount	Matching Funds
Personnel	300 Overtime hours	1	10,800.00	10,800.00	10,800.00	0.00
Training / Travel	DMV approved training	1	800.00	800.00	800.00	0.00
Equipment	PBT Intoximeter FST	2	550.00	1,100.00	1,100.00	0.00
Matching Funds	Fuel and vehicle maintenance	1	6,350.00	6,350.00	0.00	6,350.00
<b>Total:</b>			<b>19,050.00</b>	<b>19,050.00</b>	<b>12,700.00</b>	<b>6,350.00</b>

**RECEIVED**  
**SEP 14 2023**  
**S. MITCHELL**

**Purpose:** Virginia's Highway Safety Program Subrecipients use this form to certify and assure that they will fully comply with all terms of the Highway Safety Grant Agreement.  
**Instructions:** Subrecipients must read the contract, complete all applicable information on the first and last page, initial and date the subsequent pages, and return all pages to the Department of Motor Vehicles.

This Highway Safety Grant Agreement is entered into between the Virginia Department of Motor Vehicles (hereinafter "Department"), 2300 West Broad Street, Richmond, Virginia 23220, and the following:

<b>Subrecipient:</b> Nelson County	<b>Federal Award Identification Number (FAIN):</b> 69A37523300004020VA0
<b>Project Title:</b> Selective Enforcement - Police Traffic Services	<b>Project Number:</b> BPT-2024-54240-24240
<b>Assistance Listing Number (ALN):</b> 20.600 <b>ALN Name:</b> State and Community Highway Safety	<b>Grant Award Amount: \$ 7,860.00</b> Federal Funds Obligated: \$ 7,860.00 Total Federal Funds Obligated: \$ 7,860.00
<b>Period of Performance:</b> From October 1, 2023, or the date the Highway Safety Grant Agreement is signed by the Director, Virginia Highway Safety Office (whichever is later) through September 30, 2024. Allow 21 days for the Department to complete its review and signature. <b>FINAL VOUCHER IS DUE ON OR BEFORE NOVEMBER 5, 2024.</b>	<b>Source of funds obligated to this award:</b> U.S. Department of Transportation National Highway Traffic Safety Administration (NHTSA) <b>Date of Award Letter from NHTSA:</b> September 30, 2023

In performing its responsibilities under this Highway Safety Grant Agreement, the Subrecipient certifies and assures that it will fully comply with the following:

- Applicable Department regulations and policies and State and Federal laws, regulations, and policies
- Statement of Work and Special Conditions and an Approved Budget, included with this Highway Safety Grant Agreement
- General Terms and Conditions, also included with this Highway Safety Grant Agreement

Subrecipient's signature below indicates that the Subrecipient has read, understands and agrees to fully comply with all terms and conditions of this Highway Safety Grant Agreement without alteration. This Highway Safety Grant Agreement (hereinafter referred to as "Grant Agreement"), consisting of this certification, the attached Statement of Work and Special Conditions, the attached General Terms and Conditions, the attached Project Budget, the Subrecipient's proposal and the letter awarding the grant to the Subrecipient constitutes the entire agreement between the Department and the Subrecipient, supersedes any prior oral or written agreement between the parties and may not be modified except by written agreement as provided herein. Where any conflict arises between terms, the following is the order of governance of one term over another: (1) applicable Department regulations and policies, except where superseded by Federal laws, regulations, or policies; (2) applicable State laws, regulations, and policies, except where superseded by Federal laws, regulations, or policies; (3) applicable Federal laws, regulations, and policies; (4) Statement of Work and Special Conditions; (5) General Terms and Conditions; (6) Project Budget; (7) Subrecipient's proposal; and (8) grant award letter. **Subrecipient certifies that this grant does not include research and development.**

**SIGNATURES OF AUTHORIZED APPROVING OFFICIALS**

**For Subrecipient:**

Jeremiah Templeton Lieutenant  
Name and Title of Project Director (print)

[Signature] 8-28-23  
Signature Date

**For Virginia Department of Motor Vehicles:**

John Saunders  
Director, Virginia Highway Safety Office (print)

[Signature] 9-15-23  
Signature Date

Subrecipient's UEI Number XSCRKWJHKN05  
Does your locality/legal entity expend \$750,000 or more annually in total federal funds? (check one)  Yes  No

Candice W. McGarry, County Administrator  
Name and Title of Authorized Approving Official (print)

[Signature] 8/29/2023  
Signature Date





Department of Motor Vehicles  
Grant Budget Lines

Date Run: 10-AUG-20

BPT-2024 - 54240 - 24240 - Nelson County

PM: Rebecca Overman

Project Director Initials

JT

Date 8-28-23

Category	Line Item Desc	Qty	Individual Cost	Total Cost	Fed Fund Amount	Matching Funds
Personnel	150 overtime hours	1	5,400.00	5,400.00	5,400.00	0.00
Equipment	Pro Laser 4 Lidar	1	2,460.00	2,460.00	2,460.00	0.00
Matching Funds	Fuel and vehicle maintenance	1	3,930.00	3,930.00	0.00	3,930.00
<b>Total:</b>			<b>11,790.00</b>	<b>11,790.00</b>	<b>7,860.00</b>	<b>3,930.00</b>

Company No: 223 Account Number: 4100 310203036  
 Date: 10/04/23 DMV#ENF AL-2023-53140-23140-20.607  
 Budget Amount \$11,350.00 Year To Date \$5,708.03 Encumbrances \$0.00  
 Period: Time: 1715  
 Balance \$5,641.97

DMV - Enforcement Alcohol Grant

Date	Source	Reference	Number	PO#	Amount	Period	Description	Balance
10312022	PR	1	20221031		\$285.43	202210	-PAYROLL ENTRY-	
11302022	PR	1	20221130		\$841.26	202211	-PAYROLL ENTRY-	
01312023	PR	1	20230131		\$999.20	202301	-PAYROLL ENTRY-	
03312023	PR	1	20230331		\$606.70	202303	-PAYROLL ENTRY-	
04282023	PR	1	20230428		\$1,441.03	202304	-PAYROLL ENTRY-	
05312023	PR	1	20230531		\$606.62	202305	-PAYROLL ENTRY-	
06302023	PR	1	20230630		\$927.79	202306	-PAYROLL ENTRY-	
G/L Year-To-Date-					\$5,708.03			

\*\*\*\*\* Encumbrance- \*\*\*\*\*  
 \*\*\*\*\* A/P Holding File- \*\*\*\*\*  
 \*\*\*\*\* P/R Holding File- \*\*\*\*\*  
 \*\*\*\*\* U/T Holding File- \*\*\*\*\*  
 \*\*\*\*\* A/R Holding File- \*\*\*\*\*  
 \*\*\*\*\* G/L Holding File- \*\*\*\*\*  
 \*\*\*\*\* S/S Holding File- \*\*\*\*\*  
 \*\*\*\*\* INV Holding File- \*\*\*\*\*  
 11072022 BS 1 0000388  
 \*\*\*\*\* Budget Amount- \*\*\*\*\*

\$11,350.00 202211 FY23 SHRF DMV ALCHL GRANT04632  
 \$11,350.00  
< 5,708.03 >  
5,641.97 \* FY23 YE Balance on 6/30/23 (w)

Company No: 223  
 Date: 10/04/23  
 Budget Amount \$10,122.00

Account Number: 4100 310203037  
 DMV#BPT-2023-53143-23143-20.600  
 Year To Date \$7,051.02  
 Encumbrances \$ .00

Period: Time: 1715  
 Balance \$3,070.98  
DMV - Police Traffic Services Grant

Date	Source	Reference	Number	PO#	Amount	Period	Description
11302022	PR	1	20221130		\$1,365.86	202211	-PAYROLL ENTRY-
12122022	AP	1	8720		\$2,622.00	202212	KUSTOM SIGNALS, INC. BH- 02744
01312023	PR	1	20230131		\$285.49	202301	-PAYROLL ENTRY-
02282023	PR	1	20230228		\$214.06	202302	-PAYROLL ENTRY-
03312023	PR	1	20230331		\$785.16	202303	-PAYROLL ENTRY-
04282023	PR	1	20230428		\$980.73	202304	-PAYROLL ENTRY-
05312023	PR	1	20230531		\$512.24	202305	-PAYROLL ENTRY-
06302023	PR	1	20230630		\$285.48	202306	-PAYROLL ENTRY-
*****					\$7,051.02		

\*\*\*\*\* Encumbrance-  
 \*\*\*\*\* A/P Holding File-  
 \*\*\*\*\* P/R Holding File-  
 \*\*\*\*\* U/T Holding File-  
 \*\*\*\*\* A/R Holding File-  
 \*\*\*\*\* G/L Holding File-  
 \*\*\*\*\* S/S Holding File-  
 \*\*\*\*\* INV Holding File-  
 \*\*\*\*\*  
 11072022 BS 1 0000388  
 \*\*\*\*\* Budget Amount-

\$10,122.00 202211 FY23 SHRP DMV POLICE TRAF04632  
 \$10,122.00  
 < 7,051.02 >  
 3,070.98 \* FY23- YE Balance on 6/30/23

Department of Criminal Justice Services  
1100 Bank Street - 12th Floor  
Richmond, VA 23219



Asset Forfeiture Proceeds

**Disbursements for: 10/26/2023 through 10/26/2023**

Date to Finance    DCJS Seizure No    Asset Description    Value    Disbursal Amt    Voucher No

**County of Nelson**

Nelson County Sheriff's Office

10/26/2023	[REDACTED]	U.S. Currency	\$3,600.00	\$720.00	14466
		<b>Subtotal:</b>		<b>\$720.00</b>	
		<b>Total:</b>		<b>\$720.00</b>	

RECEIVED

OCT 17 2023



COUNTY ADMINISTRATORS  
OFFICE

Gerald F. Lackey, Ph.D.  
Commissioner

COMMONWEALTH of VIRGINIA

Department of Motor Vehicles  
2300 West Broad Street

Post Office Box 27412  
Richmond, VA 23269-0001

October 13, 2023

County Administrator  
Nelson County  
Post Office Box 336  
Lovingston, VA 22949

Dear County Administrator:

The Department of Motor Vehicles sells the Animal Friendly license plate, which is authorized by Virginia Code, §46.2-749.2:7, as part of its special license plate program. This plate is issued to supporters of dog and cat sterilization programs at a cost of \$25.00 per year in addition to the prescribed fee for vehicle registration. After the first 1,000 sets of plates are sold, \$15.00 of each fee is made available to the locality in which the vehicle is registered, to be used to support sterilization programs for dogs and cats. This money is set aside in a special fund titled the Dog and Cat Sterilization Fund for distribution to localities, regardless of the amount of funds involved. For Fiscal Year 2023, DMV's records indicate that your locality is due \$375.00 from this Fund.

Virginia Code §46.2-749.2:7 requires each locality to certify that this money will be used to support sterilization of dogs and cats. If your locality does not have a program for this purpose, the statute provides the locality options. You may make the funds available to any private, nonprofit sterilization program for dogs and cats in your locality or decline receipt of funds. Any funds that are declined shall be distributed to other affected localities on a pro rata basis.

Attached to this letter is a form to make your choice pertaining to the amount stated above. Complete the form and return it no later than December 08, 2023, to:

Financial Management Services  
Department of Motor Vehicles  
Post Office Box 25700  
Richmond, Virginia 23260  
Attn: Accounts Payable, Room 711  
Fax: (804) 367-6339

If the form is not received by the above date, it will be assumed that your locality is declining the funds. If you have any questions regarding the Animal Friendly Plate, the funds due your locality or about completing the Certification of Funds form FMS 225, please email DMV at [accountspayable@dmv.virginia.gov](mailto:accountspayable@dmv.virginia.gov).

With kindest regards.

Sincerely,

A handwritten signature in cursive script that reads "Gerald F. Lackey".

Gerald F Lackey

GFL:ARH

Attachment

Phone: (804) 497-7100

TTY: (800) 828-1120

Website: [dmv.virginia.gov](http://dmv.virginia.gov)



# Certification of Funds Dog and Cat Sterilization Fund

2023

The administrator or manager of the locality should complete this form by selecting the section that signifies the locality's choice regarding the acceptance of money from the Dog and Cat Sterilization Fund. Please return this form with your Federal Employee Identification Number to the Department of Motor Vehicles by December 08, 2023.

54-6001441

(FEIN)

## Option One: Acceptance of Funds

**Nelson County** acknowledges that it is due funds from the Dog and Cat Sterilization Fund in the amount of \$ 375.00 based on sales of the Animal Friendly license plate in Fiscal Year 2023. Furthermore, I certify that these funds will be used for the purpose of sterilization of dogs and cats as stated in Section 46.2-749.2:7 of the Code of Virginia.

  
Signature

October 17, 2023  
Date

Candice W, McGarry  
Print Name

County Administrator  
Title

## Option Two: Acceptance/Assignment of Funds (If more than one, please use a separate sheet)

**Nelson County** acknowledges that it is due funds from the Dog and Cat Sterilization Fund in the amount of \$ \_\_\_\_\_ based on sales of the Animal Friendly license plate in Fiscal Year 2023. This locality does not have a sterilization program, but will transfer the funds, in total, to \_\_\_\_\_  
(Name and Address)

\_\_\_\_\_ which is a private, non-profit group supporting the purposes of the Fund. I certify that these funds will be used by this organization for the purpose of sterilization of dogs and cats as stated in Section 46.2-749.2:7 of the Code of Virginia.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Title

## Option Three: Decline Receipt of Funds

**Nelson County** acknowledges that it is due funds from the Dog and Cat Sterilization Fund in the amount of \$ \_\_\_\_\_ based on sales of the Animal Friendly license plate in Fiscal Year 2023. This locality does not wish to accept the funds for this year.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Title

## MEMORANDUM OF AGREEMENT

Contract # 301-23-119

Cider Sure 5500 UV Machine

This Agreement is hereby entered into this 13<sup>th</sup> 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						
<b>Totals</b>	<b>\$25,000</b>	<b>\$25,000</b>				<b>50,000</b>

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](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				
<b>Total</b>	<b>\$ 25,000.00</b>	<b>\$ 25,000.00</b>	<b>\$ 25,000.00</b>	<b>\$ -</b>

\*Add additional columns as needed

Note:

\$25,000<sup>00</sup> = paid to Silver Creek + Seaman's Orchards in FY23.

\$25,000<sup>00</sup> = grant balance due to above in FY24.

\$50,000<sup>00</sup> = total grant award.

(u)





PO Box 540  
8 Ashfield Road  
Conway, MA 01341  
413-369-4335  
413-369-4431  
www.oescinc.com

<b>Work Order</b>	164267
<p>OESCO, INC. PO BOX 540, 8 ASHFIELD RD CONWAY, MA 01341 800-634-5557 413-369-4335 FAX 413-369-4431 www.oescinc.com orders@oescinc.com</p>	

<b>Bill To</b>				<b>Ship To</b>		
Silver Creek & Seamans Orchard 5529 Crabtree Falls Hwy Tyro, VA 22976				Same as Billing address		
<b>Customer</b>	<b>Contact</b>	<b>Customer Tax Number</b>	<b>Phone</b>	<b>Cell Phone</b>	<b>Transaction</b>	<b>PO Number</b>
	Adam Cooke		(434) 277-5824		Cash Sale	Adam
<b>Counter Person</b>	<b>Sales Person</b>	<b>Date Printed</b>	<b>Reference</b>	<b>Email Address</b>		<b>Department</b>
7	7	06/02/23	164267			Sales Retail

**Section 1**

Part Number	Line	Description	Ordered	B/O'd	Shipped	List	Net Each	Amount
VALIDATION	FPEP	REPORT FOR UV	1		1	\$0.00	\$0.00	\$0.00
Manual	FPEP	Owners Manual	1		1	\$0.00	\$0.00	\$0.00
HACCP-WS	ORCP	Warning Statement	1		1	\$0.00	\$0.00	\$0.00
<b>Model</b>	<b>Line</b>	<b>Description</b>	<b>Ordered</b>	<b>B/O'd</b>	<b>Shipped</b>	<b>List</b>	<b>Net</b>	<b>Amount</b>
5500	FPEW	UV Processor High-Power	1		1	\$48,950.00		\$48,950.00
		SN 2099						

Wholegoods Notes  
Record Tube Serial Number \*\*

Note  
Customer has received a grant for purchase of 5500 machine.

Section 1 SubTotal \$48,950.00

**Section 2 STANDARD UV SET UP KIT**

Part Number	Line	Description	Ordered	B/O'd	Shipped	List	Net Each	Amount
075-D-F	FLOP	3/4 Coupler X F NPT	1		1	\$16.11	\$0.00	\$0.00
TN66	DVCP	3/4" Nylon Hose Shank	1		1	\$1.22	\$0.00	\$0.00
TN68	DVCP	3/4" Nylon Hose Shank	1		1	\$1.38	\$0.00	\$0.00
ABH02053	MCGP	3/4"ID Clear Hose, 1/8wall	7		7	\$2.50	\$0.00	\$0.00
HSS12	DVCP	1/2" All SS Worm Gear	2		2	\$2.24	\$0.00	\$0.00
100-C-F	FLOP	1" Coupler X Hose Shank	1		1	\$18.32	\$0.00	\$0.00
075-C-F	FLOP	3/4 Coupler X Hose Shank	1		1	\$17.19	\$0.00	\$0.00
HACCP-WS	ORCP	Warning Statement	1		1	\$0.00	\$0.00	\$0.00
100-D-F	FLOP	1" Coupler X F NPT	1		1	\$18.39	\$0.00	\$0.00
C70-5	ORCP	5#Bag Sodium Percarbonate	1		1	\$24.95	\$0.00	\$0.00
		<b>Part Note</b>						
		An MSDS sheet is available upon request. Usage is 1-3 Tablespoons per gallon. Requires a water rinse after use.						
Manual	FPEP	Owners Manual	1		1	\$0.00	\$0.00	\$0.00

Section 2 (Sold as a Package) SubTotal \$0.00

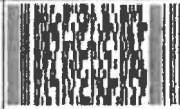
	Invoice Total	\$48,950.00
Tax Type	Tax Rate	Tax Amount
All Other States	0.0000%	\$0.00
	Sales Tax Total	\$0.00

Grand Total \$48,950.00

Payment Details	Memo	Clerk	Date Time	Amount
Check	CK #9887 \$48,950.00 Deposited 05/30/2023	7	05/30 09:11	(\$48,950.00)
			Payment Total	(\$48,950.00)
			Balance Due	\$0.00

**\*\* No returns or service warranties without receipt. No returns or refunds on special order or electrical parts. There is a 15% restocking fee on returns. Orders with terms must be paid in full by the date specified or will bear interest at the HIGHEST PREVAILING RATE. All claims and returned goods MUST be accompanied by this invoice. The factory warranty constitutes all of the warranties with respect to the sale of this item/items. \*\***

Notes:



Customer acknowledges receipt thereof:



SILVER CREEK & SEAMANS' ORCHARDS, INC.  
 5529 CRABTREE FALLS HIGHWAY  
 TYRO, VIRGINIA 22978  
 (434) 277-6824

4-39055

AT 164267  
 Atlantic  
 Union Bank

9887

5/20/2023

PAY TO THE ORDER OF OESCO Inc

\$ 48,950.00

Forty-Eight Thousand Nine Hundred Fifty and 00/100

DOLLARS

OESCO Inc  
 PO Box 540  
 Conway, MD 01341  
 United States

SILVER CREEK & SEAMANS' ORCHARDS, INC.  
 (434) 277-6824

*Handwritten signature*

MEMO \$500  
 UV machine

VOID





# Invoice


Date	Invoice #
11/3/2023	SCSO3991

Bill To
Nelson Co. Economic Development Authority P.O. Box 636

Ship To

APPLES MUST BE TRANSPORTED AT 34 DEGREES	FOB	Rep	Terms	Due Date	Reference PO
	Tyro			11/3/2023	

Description	Quantity	Rate	Amount
CiderSure 5500	1	48,950.00	48,950.00
Labor for Installation of CiderSure 5500	1	585.18	585.18
Freight for CiderSure 5500	1	464.82	464.82

Approved to Pay  
 11/9/2023

Received By

Report any shortages, damages, or problems within 24 hours.

**1.5% Monthly Finance Charge After Due Date**

**\$50 Returned Check Fee**

Please pay by this invoice

Subtotal	\$50,000.00
Sales Tax (1.0%)	\$0.00
Total	\$50,000.00
Balance Due	\$50,000.00

Full cost of machine

SOLD & PURCHASED AS FRESH FRUIT

5529 Crabtree Falls Hwy  
Tyro VA, 22976

Ph:434-277-5824  
Fax:434-277-9057  
www.scsco.co

\* Copy to document full costs

# Commonwealth of Virginia

## VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

1111 E. Main Street, Suite 1400, Richmond, Virginia 23219

P.O. Box 1105, Richmond, Virginia 23218

(800) 592-5482 FAX (804) 698-4178

[www.deq.virginia.gov](http://www.deq.virginia.gov)

Travis A. Voyles  
Acting Secretary of Natural  
and Historic Resources

Michael S. Rolband, PE,  
PWD, PWS Emeritus, PE,  
PWD, PWS Emeritus  
Director  
(804) 698-4020

October 30, 2023

Candice W. McGarry  
County Administrator  
Nelson County  
84 Courthouse Square  
PO Box 336  
Lovingson, VA 22949

Dear Candice W. McGarry:

I am pleased to inform you that a total grant award of \$13,032.00 has been approved for the Nelson County Litter Prevention and Recycling Program activities and the Extended Polystyrene (EPS) campaign for the period of July 1, 2023 to June 30, 2024.

The total grant award amount above includes the following:

Non-Competitive Grant Award: \$13,032.00

Processing of the grant awards is underway, and a payment for this amount should be received within the next two weeks if funds can be transferred electronically (EDI) or in thirty days if processing by check is required.

If you have any questions or need additional information, please contact Prina Chudasama at [prina.chudasama@deq.virginia.gov](mailto:prina.chudasama@deq.virginia.gov) or at (804) 659-1530.

Sincerely,

Sanjay Thirunagari  
Programs Manager  
Division of Land Protection & Revitalization

Company No: 001 Account Number: 3100 1899 8  
 Date: 11/10/23 OP101D Abatement Settlement Funds  
 Budget Amount \$9,161.00- Year To Date \$8,376.13- Encumbrances \$ .00  
 Period: Time: 1425  
 Balance \$784.87-  
 Date Source Reference Number PO# Amount Period Description  
 08022023 CS 1 G/L Year-To-Date- 20230802 \$6,282.10-202308 -TREASURER CASH REPORT-  
 \$6,282.10-  
 Encumbrance-

\*\*\*\*\* A/P Holding File-  
 \*\*\*\*\* P/R Holding File-  
 \*\*\*\*\* U/T Holding File-  
 11012023 CS A/R Holding File- 20231101 \$2,094.03-202311 -TREASURER CASH REPORT-  
 \*\*\*\*\* A/R Holding File-  
 \*\*\*\*\* G/L Holding File-  
 \*\*\*\*\* S/S Holding File-  
 \*\*\*\*\* INV Holding File-

07012023 BA 1 0000302 \$9,161.00-202307 -APPROPRIATION ENTRY- 04801  
 \*\*\*\*\* Budget Amount- \$9,161.00-

→ To be received FY24.  
 - must be added to FY24 budget (4-100-091030-5202)  
 line to be available for expenditure  
 in FY24 with prior year OP101D receipted  
 funds. (a)



083000	083010	083010-1001	083010-2002	083010-5203	083010-5412	FY/2020		FY/2021		FY/2022		ADOPTED		AMENDED		ACTUAL		DEPT		ADMIN		ADOPTED		
						EXPENSE	BUDGET	EXPENSE	BUDGET	EXPENSE	BUDGET	BUDGET	BUDGET	2023/06	REQUEST	RECOMMENDS	BUDGET	BUDGET						
VA COOPERATIVE EXTENSION																								
***VA COOPERATIVE EXTENSION																								
			20,908					7,801		15,329		37,670		40,570		38,015		40,377		40,377		40,377		40,377
		Salaries & Wages	5,958					2,740		5,411		13,938		14,281		12,332		14,939		14,939		14,939		14,939
		Retirement-VRS	1,081					1,032		1,062		1,100		1,100		1,059		1,100		1,100		1,100		1,100
		Telecommunications										800		800		784		800		800		800		800
		Educational & Recreational S	147					3,041						56,751		52,190		57,216		57,216		57,216		57,216
		-TOTAL DEPARTMENT--	28,094					14,614		21,802		53,508		56,751		52,190		57,216		57,216		57,216		57,216
VA COOPERATIVE EXTENSION																								
			28,094					14,614		21,802		53,508		56,751		52,190		57,216		57,216		57,216		57,216
NON-DEPARTMENTAL																								
***NON-DEPARTMENTAL***																								
091000	091030	091030-2001				2,016		1,542		1,768		1,773		1,773		1,526		1,773		1,773		1,773		1,773
		Non-departmental Postage (UP																						
		091030-5401				301,676		301,748		341,909		345,986		43,818		345,866		43,818		43,818		43,818		43,818
		Regional Library				10,000		10,000		10,000		10,000		10,000		10,000		10,000		10,000		10,000		10,000
		T.J. EMS Council				101,500		101,500		101,500		101,500		101,500		101,500		101,500		101,500		101,500		101,500
		JABA				134,609		134,609		156,000		156,000		156,000		156,000		156,000		156,000		156,000		156,000
		Colleen Debt Service				55,885		55,885		67,176		67,176		67,176		67,176		67,176		67,176		67,176		67,176
		Fire Protection - Misc.				67,176		67,176		67,176		67,176		67,176		67,176		67,176		67,176		67,176		67,176
		CORONAVIRUS (COVID-19)EXPENSE				32,410		31,410		31,410		31,410		31,410		31,410		31,410		31,410		31,410		31,410
		JANUIT				8,160		8,160		8,160		8,500		8,500		8,500		8,500		8,500		8,500		8,500
		SHALMA				77,950		77,950		32,387		21,000		19,425		4,415		15,000		15,000		15,000		15,000
		COVID-19 Municipal Utility G				361		7,154		860		295,771		138,912		153,923		519,185		651,957		651,957		651,957
		Worker's Compensation Increa				6,100		8,375		8,310		14,500		14,500		22,457		14,500		14,500		14,500		14,500
		Misc. Contributions				266-		12		55-		250		250		1,369-		250		250		250		250
		Reimbursable Items										2,894,977		2,894,977		2,894,977		2,894,977		2,894,977		2,894,977		2,894,977
		American Rescue Plan Act Exp				1,000		1,000		4,000		4,000		4,000		4,000		4,000		4,000		4,000		4,000
		Sexual Assault Resource Agen				900																		
		Sturt Property Expenditures																						
		Foothill Child Advocacy Cen				5,602		5,602		8,129		8,129		11,975		11,975		12,907		12,907		12,907		12,907
		OKR/Jefferson Area Comm Corr																						
		NCSA Special Projects (Fee W																						
		Pleasantwood Community Ctr Roof																						
		Local Assc Tribal Consistenc																						
		VA Career Work-Stedmont Res																						
		NC Economic Development Auth				3,100		3,100		3,100		3,100		3,100		3,100		3,100		3,100		3,100		3,100
		Blue Ridge Railway Trail																						
		Central Virginia Partnership				10,000		10,000		10,000		10,000		10,000		10,000		10,000		10,000		10,000		10,000
		Rockfish Valley Community Ce				55,728		55,728		55,728		69,661		69,661		69,661		69,661		69,661		69,661		69,661
		Nelson County Community Dev.				4,000		4,000		4,000		4,000		4,000		4,000		4,000		4,000		4,000		4,000
		Community Investment Collabo				15,000		15,000		3,500		3,500		3,500		3,500		3,500		3,500		3,500		3,500
		Nelson County Chamber of Com				3,500		3,500		8,254		9,000		9,000		9,000		9,000		9,000		9,000		9,000
		CASA of Central Virginia																						
		Gladstone Senior Center Meal				8,254		8,254		8,254		9,000		9,000		9,000		9,000		9,000		9,000		9,000

091030-5401 D.R. ENG Regional Library

44,000 → 14,500

+5,500



## SERVICES AGREEMENT

### NELSON COUNTY COURTHOUSE TREE REMOVAL

THIS SERVICES AGREEMENT, made and entered this 25th day of September, 2023, by and between the County of Nelson, Virginia (the "County") and Big O Tree and Lawn Services, Inc. (the "Contractor") provides:

A. Undertaking. County and Contractor in consideration of their mutual covenants herein agree in respect of the performance of services by Contractor and the payment for those services by County as set forth below. The scope of work (the "Work") for the Contractor will include those items listed in the following exhibits which are attached hereto and incorporated by reference:

Takedown of the large declining oak tree at the right side of the Courthouse entrance including removal of all wood and debris leaving stump cut low. Grind oak stump to 8 inches below grade and leave chips from stump in hole.

Takedown of declining maple at left side of Courthouse driveway entrance including removal of all wood and debris leaving stump cut low. Grind maple stump to 8 inches below grade and leave chips from stump in hole.

Exhibit 1. Proposal Dated July 28, 2023 Job Name: Truslow 20230728

Exhibit 2

County and Contractor also agree that additional services can be provided by the Contractor to the County for the project as mutually agreed upon by addendum to this Agreement.

B. Contract Price. The County will pay in consideration of the Work as follows:  
Seventeen thousand one hundred and ten dollars (\$17,110.00)

C. Term. The Contractor will begin the Work by October 9, 2023 and complete the Work by October 13, 2023. **No work shall be done on October 10, 2023.**

D. Notices. All notices required or permitted under this Agreement shall be in writing and shall be deemed delivered in person or deposited in the United States mail, postage prepaid addressed as follows. Either party may change such address from time to time by providing written notice to the other in the manner set forth above.

If to the County:

Candice W. McGarry  
County Administrator  
Post Office Box 336  
Lovington, Virginia 22949

If to the Contractor:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

E. Special Provisions.

This work must be done when the Nelson County Circuit Court is not in session. The week of October 9, 2023 affords the Contractor four (4) days to complete the work on October 9<sup>th</sup> and October 11<sup>th</sup> -13<sup>th</sup>. Court will be in session on October 10<sup>th</sup> and no work may be done on this date.

The County reserves the right to retain in whole the first twelve (12) feet (trunk) of the oak tree.

Unless otherwise agreed upon, the Contractor shall be responsible for restoration of County property to its prior state of repair, should any damage occur in performance of the work.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date first above-written.

COUNTY OF NELSON

By: Candice W. McGarry

It's: County Administrator

Big O Tree & Lawn Service, Inc  
Contractor

By: Orvin Kiser

Its President

Approved as to form:

\_\_\_\_\_  
County Attorney

## GENERAL CONDITIONS

1. Debarment Status. By submitting its proposals, Contractor certifies that it is not currently debarred from submitting bids or proposals on contracts by any state or local government or agency thereof nor is it an agent of any person or entity that is currently debarred from submitting bids or proposals on contracts by any state or local government or agency thereof.

2. Ethics in Public Contracting. The provisions contained in Sections 2.2-4367 through 2.2-4377 of the Virginia Public Procurement Act as set forth in the Code of Virginia shall be applicable to all contracts solicited or entered into by the County. By submitting its proposals, Contractor certifies that its proposals were made without collusion or fraud and that it has not offered or received any kickbacks or inducements from any other offeror, supplier, manufacturer, or subcontractor in connection with its proposal, and that it has not conferred upon any public employee having official responsibility for this procurement transaction any payment, loan, subscription, advance, deposit of money, services or anything of more than nominal value, present or promised, unless consideration of substantially equal or greater value was exchanged.

3. Performance of Work. Contractor shall perform all services hereunder: (i) expeditiously and consistent with the orderly progress of the project; (ii) in accordance with the standard of care and skill existing as of the date such services are provided; (iii) in accordance with all applicable laws, codes and regulations in effect at the time the Work is complete; (iv) in accordance with current standard technology for completed similar project systems accepted within the industry as of the time the Work is complete, and (v) and shall devote adequate resources to meet its obligations under this Agreement.

4. Expense Reimbursement. The Contract Price includes all fees and ordinary expenses including reasonable travel, lodging, meals, telephone expense, office overhead and clerical support. Contractor shall pay all such "out-of-pocket" expenses and shall not be entitled to reimbursement from the County except by mutual prior agreement.

5. Changes to the Agreement: Except as provided in the following sentence, changes to this Agreement must be in writing and signed by the both parties. The County may order changes within the general scope of this Agreement at any time by written notice to the Contractor. Changes within the scope of the Agreement include, but are not limited to, things such as services to be performed, the method of packing or shipment, and the place of delivery or installation. The Contractor shall comply with the notice upon receipt. The Contractor shall be compensated for any additional costs incurred as the result of such order and shall give the County a credit for any savings.

6. Termination. The County upon written notice to the Contractor may terminate this Agreement for convenience. The Contractor will be paid for the negotiated and agreed upon cost of the Work performed as of the termination date. If any work or service hereunder is in progress, but not completed as of the date of termination, then the Agreement may be extended upon written approval of the County until the work or services are completed and accepted.

7. Default. If the Contractor should refuse or fail to perform the Work in accordance with this Agreement, or, refuse or fail to fulfill any obligation imposed by this Agreement, then the County may terminate the Contractor's right to proceed and, after written notice, may procure services, in whole or in part, from other sources and Contractor shall be responsible for any resulting additional costs to the County. The right of the Contractor to proceed will not be terminated because of delays in the completion of the Work due to unforeseeable causes beyond the Contractor's control and without Contractor's fault or negligence.

8. Acceptance. Neither payment, final or otherwise, nor partial or entire use or acceptance of the Work by the County shall operate as an acceptance of any products or services not in accordance with this Agreement, nor shall same relieve Contractor of any responsibility for negligence, errors, or omissions in connection with the Work or operate to release the Contractor from any obligation under the Agreement.

9. Disclosure. During the term of this Agreement, the Contractor shall not, without the prior written permission of the County, accept from other clients any assignment or tasks which substantially conflict with the objectives of this Agreement. The Contractor shall give written notice to the County with respect to any such assignments or tasks. The notice shall set forth in reasonable detail the services the Contractor would undertake to perform in connection with such assignments or tasks. The County agrees to grant or deny its consent to the Contractor's acceptance of the assignments or tasks described in the notice within ten days after the notice is given. The County shall be deemed to have granted its consent if no action is taken by the County within said ten-day period.

10. Relationship of Parties. The Contractor's relationship with the County shall at all times be that of an independent contractor. Nothing herein shall be construed to designate the Contractor, or any of its officers, employees, as either employees or agents of the County.

11. Injuries. Contractor waives any rights to recover damages from the County for any injuries that Contractor, its employees, or both, may sustain while performing services under this Agreement. The Contractor shall take precautions for the safety of, and provide reasonable protection to prevent injury, loss, or damage to, its employees, and other persons who may be affected by the Work and to property at the site of the Work or adjacent thereto.

12. Indemnification. The Contractor shall indemnify and hold harmless the County, its officers, agents and all employees and volunteers, from any and all claims of bodily injury, personal injury or property damage, including the cost of investigation, all expenses of litigation, including reasonable attorney fees, and the cost of appeals arising out of any claims or suits which result from error, omissions, or negligent acts of the Contractor or its sub-contractors and their agents and employees. Contractor shall indemnify and hold harmless the County against and from all liability, claims, damages and costs, including attorney's fees of every kind and nature attributable to bodily injury, sickness, disease, or death or to damage or destruction of property resulting from or in any manner arising out of or in connection with the performance of the Work under this Agreement. The provisions of this section shall survive the termination or other conclusion of this Agreement.

13. Insurance. If insurance requirements are set forth in the RFP, then such requirements govern. If no such requirements are set forth in the RFP, then the following requirements are applicable:

A. Contractor will carry during the term of this Agreement the following insurance: (i) "All Risk" property insurance for its property's replacement cost; (ii) commercial general liability insurance with a minimum limit of liability of One Million Dollars (\$1,000,000) combined single limit for bodily injury or death/property damage arising out of any one occurrence; (iii) Workers' Compensation as required by law and Employer's Liability Insurance with a minimum limit of One Million Dollars (\$1,000,000), and (iv) automobile liability with One Million Dollars (\$1,000,000) combined single limit. Coverage for errors and omissions will be carried if required in the RFP and in the limits provided therein.

B. Each party hereby grants to the other a waiver of any right to subrogation which any insurer of a party may acquire against the other by virtue of the payment of any loss under such insurance. Each party agrees to obtain any endorsement that may be necessary to effect this waiver of subrogation, but this provision applies regardless of whether a party has received a waiver of subrogation endorsement from its insurer.

C. Contractor shall immediately notify the County in writing of any material changes or terminations of any of the coverages required in this Agreement. If requested to do so by the County, the Contractor shall provide the County with an Acond certificate of insurance which shall have attached thereto the appropriate endorsement, coverage form, or binder, as the case may be.

14. Records Retention and Availability. Contractor agrees that the County, the State Auditor, or any of their duly authorized representatives at any time during normal business hours and as often as they may reasonably deem necessary, shall have access to and the right to examine, audit, excerpt, and transcribe any books, documents, papers, records, etc., which are pertinent to the accounting practices and procedures of Contractor and involve transactions relating to this Agreement. Contractor agrees to maintain these records for a period of five (5) years from the completion of the Work.

15. Ownership. Contractor shall retain all right, title and interest in all copyrights, patents, service marks, trade secret, and other intellectual property rights in and to all technical or internal designs, methods, ideas, concepts, techniques and templates previously developed by Contractor or developed during the course of the provision of services hereunder. All products created for the County as a result of this Agreement will be the sole property of the County to be used, reused, altered, and distributed in the County's discretion, provided however, that any reuse by or on behalf of the County without written verification or adoption by Contractor for the specific purpose intended will be at the County's sole risk and without liability or legal exposure to Contractor. Any such verification or adaption by Contractor will entitle Contractor to further compensation at rates to be agreed upon.

16. Confidential Information. A. "Confidential Information" means any information of a party that is treated as confidential by that party, including, without limitation, all data, information, files, programs, electronic or digital data or information concerning or pertaining to either party's trade secrets, technology, processes, strategies, business, operations, marketing, finance and accounting, pricing, costs, expenses, bids and proposals, clients, customers, customer lists, prospective customers, assets, properties, employees, vendors, agents, representatives,



databases, transactions or banking. Confidential Information shall include any material supplied orally or in writing, whether identified or marked as "confidential" or not and shall include derivative information produced by a party or an employee or contractor of a party, such as compilations, studies, briefs, synopsis, notes, memoranda, outlines and similar information. Confidential Information shall include, without limitation, all such information delivered, shown or revealed to the other party prior to the date hereof.

B. A receiving party agrees:

(i) not to disclose or otherwise make available Confidential Information of the disclosing party to any third person without the prior written consent of the disclosing party; *provided, however*, that the receiving party may disclose the Confidential Information of the disclosing party to its officers, employees, consultants, and legal advisors who have a "need to know," who have been apprised of the restrictions set forth in this section, and who are themselves bound by nondisclosure obligations at least as restrictive as those set forth in this section;

(ii) to use the Confidential Information of the disclosing party only for the purposes of performing its obligations under the Agreement; and,

(iii) to immediately notify the disclosing party in the event it becomes aware of any loss or disclosure of any of the Confidential Information of the disclosing party.

C. The obligations of the receiving party to safeguard Confidential Information shall not extend to information that is required to be disclosed pursuant to a requirement of a governmental agency, or is required or compelled to be disclosed by operation of law, provided that prior to any such a disclosure the disclosing party shall be notified of the requirement of the disclosure and shall have the right and opportunity to seek a protective order to limit or block such a disclosure and that the information, if required to be disclosed, is the minimum legally required to be disclosed.

D. The provisions of this section shall survive the termination or other conclusion of this Agreement.

17. Nondiscrimination. During the performance of this Agreement, Contractor agrees as follows (Code of Virginia, Section 2:2-4311):

- a. Contractor shall not discriminate against any employee or applicant for employment because of race, religion, color, sex, national origin, age, disability or other basis prohibited by state law relating to discrimination in employment except where there is a bona fide occupational qualification, reasonably necessary to the normal operation of the Contractor. Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause.
- b. Contractor in all solicitations or advertisements for employees placed by or on behalf of Contractor, shall state that such Contractor is an equal opportunity employer.

- c. Notices, advertisements and solicitations placed in accordance with Federal law, rule or regulation shall be deemed sufficient for the purpose of meeting the requirements of this section.

Contractor shall include the provisions of the foregoing paragraphs of this section in every subcontract or purchase order of over \$10,000.00, so that the provisions will be binding upon each subcontractor or vendor.

18. Drug-Free Workplace to be Maintained by the Contractor. During the performance of this Agreement, Contractor agrees as follows (Code of Virginia, Section 2:2-4312):

- a. Contractor shall provide a drug-free workplace for all of its employees. Contractor agrees to post in conspicuous places, available to employees and applicants for employment, a statement notifying employees that the unlawful manufacture, sale, distribution, dispensation, possession or use of a controlled substance or marijuana is prohibited in the workplace and specify the actions that will be taken against employees for violations of this prohibition.
- b. Contractor, in all solicitations or advertisements for employees placed by or on behalf of Contractor shall state that such Contractor maintains a drug-free workplace.
- c. Notices, advertisements and solicitations placed in accordance with federal law, rule of regulation shall be deemed sufficient for the purpose of meeting the requirements of this section.

Contractor shall include the provisions of the foregoing paragraphs of this section in every subcontract or purchase order of over \$10,000.00 so that the provisions will be binding upon each subcontractor or vendor.

19. Faith Based Organizations. The County does not discriminate against faith-based organizations.

20. Immigration Law. Contractor covenants that it does not, and shall not during the performance of this Agreement for goods and services in the Commonwealth, knowingly employ an unauthorized alien as defined in the federal Immigration Reform and Control Act of 1986.

21. Force Majeure. Any obligation or performance of either party hereunder shall be excused to the extent that such failure or delay in performance is caused by a strike or other labor

dispute, accidents, acts of God, fire, flood, earthquake, lightning, unusually severe weather, material or facility shortages, lack of transportation, acts of any governmental authority, governmental codes, ordinances, laws, rules, and regulations or restrictions, war, civil disorder, pandemic, epidemic, or state of emergency or any other cause beyond the reasonable control of either party hereto. The excused party shall use reasonable efforts under the circumstances to avoid or remove such causes of nonperformance and shall proceed to perform with reasonable dispatch whenever such causes are removed or cease to exist.

22. Contractual Claims. Contractual claims, whether for money or for other relief, shall be submitted, in writing, no later than sixty (60) days after final payment, written notice of the Contractor's intention to file such claim must be given at the time of the occurrence or beginning of the work upon which the claim is based. Such notice is a condition precedent to the assertion of any such claim by the Contractor. A written decision upon any such claims will be made by the County Administrator or his designee within thirty (30) days after submittal of the claim and any practically available additional supporting evidence required by the County Administrator. The Contractor may not institute legal action prior to receipt of the County's decision on the claim unless the County Administrator fails to render such decision within 120 days from submittal of its claim. The decision of the County Administrator shall be final and conclusive unless the Contractor within six (6) months of the date of the final decision on a claim or from expiration of the 120 day time limit, whichever occurs first, initiates legal action as provided in Section 2.2-4364, of the Virginia Code. Failure of the County to render a decision within said 120 days shall not result in the Contractor being awarded the relief claimed nor shall it result in any other relief or penalty. The sole result of the County's failure to render a decision within said 120 days shall be Contractor's right to immediately institute legal action. No administrative appeals procedure pursuant to Section 2.2-4365, of the Virginia Code, has been established for contractual claims under this Agreement.

23. Severability. If any provision of this Agreement shall be held to be invalid or unenforceable for any reason, the remaining provisions shall continue to be valid and enforceable. If a court should find that any provision of this Agreement is invalid or unenforceable, but that by limiting such provision it becomes valid and enforceable, then such provision shall be deemed to be written, construed, and enforced as so limited.

24. Assignment. Contractor's obligations under this Agreement may be neither assigned nor transferred to any other person, firm, or corporation without the prior written consent of the County.

25. Successors. This Agreement shall inure to the benefit of and be binding on the parties, and their heirs, successors, assigns and legal representatives, but nothing contained in this section shall be construed to permit an assignment or other transfer except as specifically provided herein.

26. Waiver of Contractual Right. The failure of either party to enforce any provision of this Agreement shall not be construed as a waiver or limitation of that party's right to subsequently enforce and compel strict compliance with every provision of this Agreement.

27. Applicable Law. The laws of the Commonwealth of Virginia shall apply in the construction and enforcement of this Agreement without regard to choice of law principles. The sole venue for any proceeding between the parties regarding this Agreement shall lie in the state courts of Nelson County, Virginia.

28. Amendment. This Agreement may not be modified or amended unless the amendment is made in writing and is signed by both parties.

29. Entire Agreement. This Agreement contains the entire agreement of the parties and there are no other promises or conditions in any other agreement whether oral or written. This Agreement supersedes any prior written or oral agreements between the parties. In the event of any conflict between provisions contained herein and those appearing in an exhibit, the provisions of the document deemed by the County to be most favorable to the County shall prevail.

30. Cooperative Procurement. [ ] (Check if applicable.) The procurement of goods and/or services provided for in this Agreement is being conducted pursuant to Virginia Code Section 2.2-4304. Therefore, the Contractor agrees that it will contract with any other public agency or body in the Commonwealth of Virginia who so desires, to permit those public agencies or bodies to purchase such services at contract prices, in accordance with the terms, conditions, and specifications of this procurement. The Contractor shall deal directly with each public agency, public school system or body seeking to obtain any goods and/or services pursuant to this Agreement or from this procurement and in accordance with Virginia Code Section 2.2-4304. The County of Nelson shall not be responsible or liable for any costs, expenses, or any other matters of any type to either the Contractor or the public agency or body seeking to obtain any goods and/or services pursuant to this cooperative procurement provision.

END

REVISED 10/18/21

LIMIT 1



**Big O Tree and Lawn Service, Inc**  
Specializing in Plant Health Care since 1979

63 Flory Ave  
Stuarts Draft, Va 24477

(540) 337-4588  
www.bigotree.com

FAX (540) 337-4672  
bigotree1@gmail.com



**Job Name: Truslow 20230728**

**Friday, July 28, 2023**

# Proposal

**Worksite: 84 Courthouse Sq  
Lovington, VA 22949**

All work is done in accordance with ANSI A-300 standards for tree care, Z-133.1 safety standards and under the direct supervision of an ISA Certified Arborist

434-981-2899

Paul Truslow  
84 Courthouse Sq  
Lovington, VA 22949

This estimate is for completing the job as described below. It is based on our evaluation and does not include material price increases or additional labor and materials which may be required should unforeseen problems arise after the work has started.

CustomerCode 453335

**Proposed By:**  
Jamey Sensabaugh

#	Item	Description	Cost
1	Oak	tkdn Takedown large declining oak tree at right side of courthouse entrance. Remove all wood and debris. Leave stumps cut low.	\$12,400.00
2	Oak	stum Grind oak stump from #1 to 8 inches below grade. Leave chips from stump in hole.	\$675.00
3	Maple	tkdn Takedown declining maple at left side of driveway entrance. Remove all wood and debris. Leave stump cut low.	\$3,650.00



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bigotree1@gmail.com



**Job Name: Truslow 20230728**

4	Maple	stump		\$385.00
Grind maple stump from #3 to 8 inches below grade. Leave chips from stump in hole.				

**Notes:**

**Subtotal: \$17,110.00**

**Tax: \$0.00**

**Total: \$17,110.00**

*Candice W. McYoung*

Customer Signature

*9/25/23*

Date

TERMS: Net 30 days, a finance charge of 1 1/2% per month, (18% annual) is charged on past due accounts.



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,



Amanda Hester, Ed.D.  
Division Superintendent

*\* Appropriations:*  
① Nov. 2023 = \$650,000<sup>00</sup>  
② Dec. 2023 = \$93,287<sup>00</sup>  
Total = \$743,287<sup>00</sup> (4)



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

**PROCLAMATION P2023-04  
NELSON COUNTY BOARD OF SUPERVISORS  
ARTISTS SUNDAY IS NOVEMBER 26, 2023**

**WHEREAS**, the Nelson County Board of Supervisors celebrates our local artists and the contributions they make to our local economy and community; and

**WHEREAS**, the arts enrich our lives and enhance the cultural fabric of our community, and

**WHEREAS**, Artists Sunday is a national event that celebrates and supports artists of all kinds and encourages the purchase of original artwork from artists, and

**WHEREAS**, our community recognizes the important contributions of artists to our economy, our education system, and our quality of life, and

**WHEREAS**, our city is home to many talented artists whose work deserves recognition and support,

**NOW, THEREFORE, BE IT RESOLVED**, that the Nelson County Board of Supervisors does hereby proclaim the Sunday following Thanksgiving, November 26, 2023, as

**Artists Sunday**

We urge all residents to celebrate this day by exploring the works of local artists and considering the purchase of original artwork. Supporting our artists not only benefits them but also contributes to the growth and vitality of our community.

Let us come together to celebrate the creativity and diversity of our local artists and to show our appreciation for their valuable contributions to our city.

Adopted: \_\_\_\_\_

Attest: \_\_\_\_\_, Clerk  
Nelson County Board of Supervisors



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

**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: \_\_\_\_\_

Attest: \_\_\_\_\_, Clerk  
Nelson County Board of Supervisors



**WILD ROSE**  
**SOLAR PROJECT**

November  
2023

# Wild Rose Solar Project



# Agenda

WILD ROSE  
SOLAR PROJECT



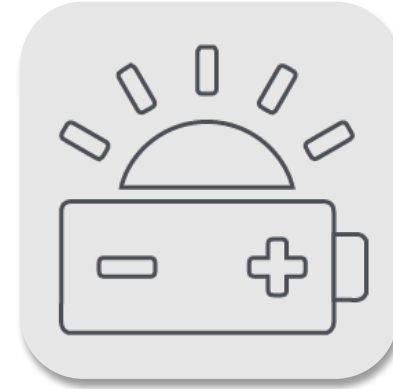
Savion Company  
Overview



How Solar Works



Why Solar Power



Wild Rose Solar Project



Questions

# About Us



Founded in 2019, the Savion team is comprised of utility-scale solar and energy storage development experts.



U.S. based company headquartered in Kansas City, MO, with projects in various phases across 33 states.



Over 190 employees providing comprehensive services at each phase of renewable energy project development.



# Projects Portfolio

WILD ROSE  
SOLAR PROJECT

Solar and Energy Storage in  
Operation/Under  
Construction/Contracted

**2,658 MW**  
**33 Projects**  
**13 States**

Solar in Development

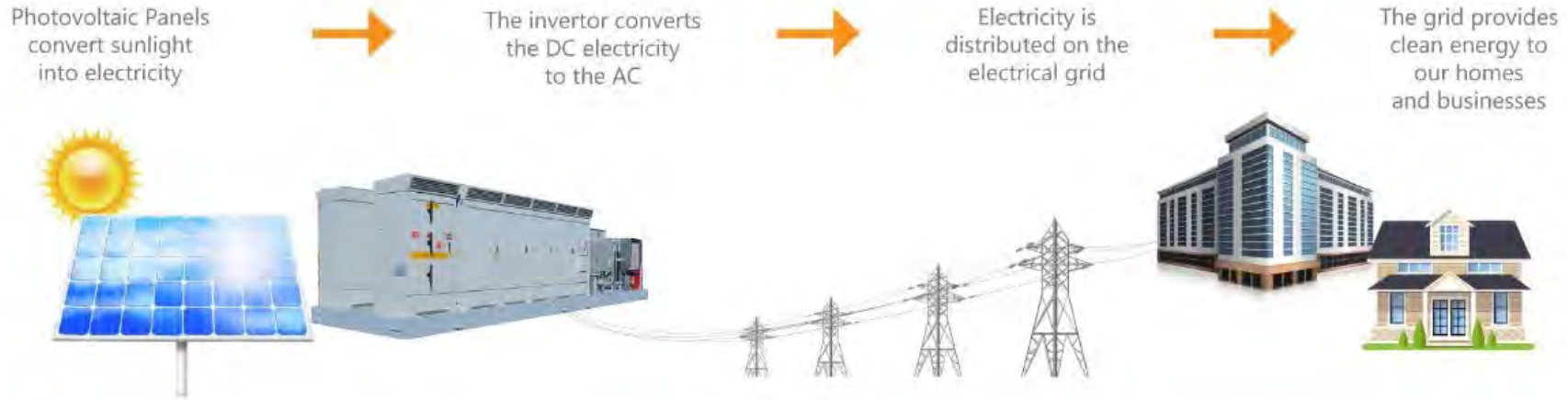
**19,651 MW**  
**89 Projects**  
**27 States**

Energy Storage in Development

**14,544 MW**  
**80 Projects**  
**27 States**



# How Solar Energy Works



## MARKET DRIVERS

### Fossil Fuels

Price uncertainty, volatile pricing, retirement of coal facilities, cleaner emission standards, carbon tax

### Declining Solar Costs

Quickly declining solar costs due to manufacturing efficiencies, increases in solar panel efficiencies, more experienced workforce

### Demand

Large demand to buy solar from Utilities, Municipalities and Corporations

### Consumer Demand

Local economic development, price certainty (30 years), lower emissions, clean energy, innovative technologies, renewable



# Construction

WILD ROSE  
SOLAR PROJECT





# Construction

WILD ROSE  
SOLAR PROJECT





# Operations

WILD ROSE  
SOLAR PROJECT





# Operations

WILD ROSE  
SOLAR PROJECT





# Why Solar Power?



## Cost-Effective

Solar power is not only cost-competitive with conventional electric generation—it hedges against fluctuating fuel and transportation cost risks.



## Reliable

Solar photovoltaic systems demonstrate high availability levels and provide reliable power during peak electrical demand periods.



## Sustainable

Solar photovoltaic systems produce sustainable, clean electricity, which significantly reduces atmospheric emissions.



## Creates Grid Diversification

Solar power provides additional diversification to the nation's electric generation mix and increases stability and security of the electric grid.



## Produces Positive Economic Impacts

Solar power electric generation contributes to the economic revitalization of local communities through increases to the local tax base, creating an influx of new funding to local schools, and dollars for the local community during the construction process.

# Typical Development Process

- Projects take from 4-7 years from inception to construction
- **Early-Stage**
  - Sign agreements with landowners – 50-75% of needed land
  - Field Environmental Study – Phase I ESA
  - File interconnection application
  - Environmental Fatal Flaw analysis
- **Mid-Stage**
  - Finalize site control
  - Permitting – State and/or Local as required
  - Transmission System Impact Study
  - Field Environmental Studies –Threatened & Endangered Species, Wetlands
  - Power Sales
- **Late-Stage**
  - Signed Utility Sale Agreement (PPA or purchase)
  - Field Cultural Studies
  - Design and Engineering
  - Procurement
  - Transmission Facility Study and Interconnection Agreement
  - Construction



# Project Details



# Wild Rose Solar Project

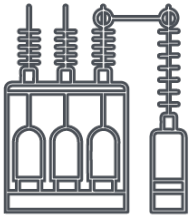
WILD ROSE  
SOLAR PROJECT

## Solar



- Proposed 90 MW Solar Project
- Equivalent to powering ~14,000 VA Homes

## Interconnection



- RTO: PJM
- POI: AEP Gladstone Substation

## Site Control and Permitting



- Project Site 100% secured
- Large timber tract in rural area allows for significant project setbacks from property lines
- No significant environmental issues







# LOCAL ECONOMIC IMPACT

## High Local Economic Impact – Property Tax for a 90 MW project

- Increased revenue to Nelson County
- Estimated \$5.04 MM in tax revenue to Nelson County over the expected 40-year project life

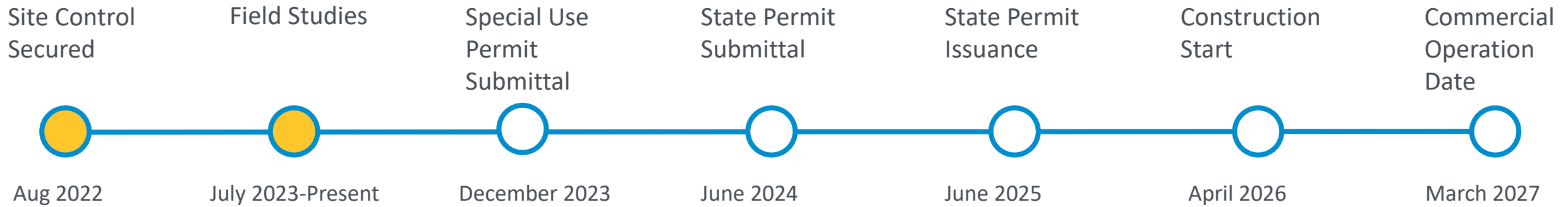
## No cost impact to local school districts, public infrastructure, or emergency services.

- No Stress on local infrastructure or sewer (no heavy haul or general traffic increase caused by ongoing Project operation)
- Minimal water use
- Project will be a “silent revenue generator” for Nelson County (no noise or emissions)

## Construction benefits

- ~250 direct and indirect construction jobs through construction; local labor used as available
- Local companies such as landscapers, printers used directly for project needs
- Approximately 1 year of increased revenues to local business such as equipment rentals, hotels, restaurants, gas stations etc.
- 2-5 permanent O&M jobs plus indirect services

# Milestone Schedule



# PROJECT STUDIES AND PERMITS

WILD ROSE  
SOLAR PROJECT

## Studies & Reports

- Phase I Environmental Assessment
- Threatened & Endangered Species Review
- Traffic Study
- Decommissioning Plan
- Glint/Glare Analysis
- Landscape Screening Plan
- Biological Habitat Assessment
- Wetland Delineation
- Cultural Resource Studies
- Geotechnical Review & Hydrology Study

## Permits

- Special Use Permit (Nelson County)
- 15.2-2232 Substantially in Accord Determination (Nelson County)
- Permit By Rule (VA DEQ)
- Jurisdictional Determination (US Army Corps of Engineers)
- Stormwater Pollution Prevention Plan (VA DEQ)



# PERMIT BY RULE

## VA Department Of Environmental Quality

- DEQ enables the construction and operation of renewable energy projects of 150 megawatts and less. DEQ's regulations take the form of permits by rule (PBR). Facilities can obtain authorization from DEQ by agreeing to comply with all the construction and operating requirements of the specific PBR.

## Analysis of beneficial and adverse impacts on natural resources

- Analysis to Wildlife (Wildlife report and map from Virginia Fish and Wildlife)
- Analysis of Historical resources (compilation of known historic resources, Architectural Survey & Archaeological Survey)
- Analysis of other Natural Resources

## Public Input

- Notice in local newspaper
- 30-day comment period
- Public meeting (held after 30-day comment period)

# Contact

WILD ROSE  
SOLAR PROJECT

**Jeannine Johnson**

Development Manager  
Savion, LLC

[jjohnson@savionenergy.com](mailto:jjohnson@savionenergy.com)

**Lauren Devine**

Senior Permitting & Environmental Manager  
Savion, LLC

[ldevine@savionenergy.com](mailto:ldevine@savionenergy.com)



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All inquiries with respect to the presentation should be directed to: Savion Marketing



**WILD ROSE**  
SOLAR PROJECT

**QUESTIONS?**

**THANK YOU**



# VII New & Unfinished Business

**DATE:** November 10, 2023

**RE:** November 16, 2023 Agenda Summary Item VII. A-D New & Unfinished Business

## VII. NEW & UNFINISHED BUSINESS

### A. Interest Free Loan Request – Rockfish Valley Volunteer Fire and Rescue (R2023-69):

At the October BOS meeting, the Board approved local funding for 50% of the cost of a new ambulance for Rockfish Valley Volunteer Fire and Rescue with the knowledge that a request for the other 50% from the County's interest free loan program was going to be coming forward. The request is to finance \$155,000 over 8 years and was endorsed by the Emergency Services Council at their October 17, 2023 meeting. The requesting agency currently has no outstanding interest free loans with the County and the current balance of the interest free loan fund is approximately \$702,914.

**Recommended Action:** Adoption of proposed **Resolution R2023-69**, approving the interest free loan of \$155,000 for Rockfish Valley Volunteer Fire and Rescue.

### B. Authorization for Public Hearing on Amendment to Tax Relief for Elderly and Disabled (R2023-70):

The Commissioner of Revenue has requested that the Board consider amending the County's Ordinance to increase parameters for real estate tax relief for the elderly and disabled contained in Chapter 11 Taxation, Article II Real Property Tax, Division 2, Exemptions for Elderly and Disabled; specifically, raising the maximum income threshold from \$50,000 per year to \$75,000 per year and the maximum net worth threshold from \$100,000 per year to \$125,000 per year, effective for the 2024 tax year. These thresholds have not been changed in the past sixteen (16) years (since 2007) while values of real property have increased significantly. Currently, the tax 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.

Other Exemption Provisions in State Code That Are Locally Determined:

- 1) **Home site Acreage Included in Net Worth:** While a change to this parameter is not currently recommended by the Commissioner of Revenue, State Code provisions in 58.1 Chapter 32, Article 2 provides for "exemption of taxes of the qualifying dwelling and the land, not exceeding ten (10) acres, upon which it is situated". Nelson County Code Sec. 11-43 (5) excludes "the value of the dwelling and not more than one (1) acre of land upon which it is situated..." In considering this acreage threshold, bear in mind that those with five (5) acres of land may be eligible for a Land Use tax exemption.
- 2) **Percentage Exemption Minimum and Maximum:** While a change to these parameters is not currently recommended by the Commissioner of Revenue, State Code provisions in 58.1 Chapter 32, Article 2 do not dictate these be a certain percentage and are set locally. Nelson County Code Sec. 11-48 includes a 10% minimum tax exemption and an 80% maximum tax exemption based upon a combination of income and net worth according to the table.

**Recommended Action:** Adoption of proposed **Resolution R2023-70**, authorizing a public hearing on the Commissioner of Revenue’s recommended changes to Elderly and Disabled Tax Relief.

C. PMA Architecture Proposal – DSS Building Design, Bid, and Construction Administration (R2023-71):

PMA has provided their proposal for design, bid, and construction administration for the DSS building project for a total cost of **\$1,170,780** which is broken down as follows:

a. Building and Site Design and Bid Documents:	\$ 893,760
b. Design of Road Improvements along Callohill Drive:	\$ 50,300
c. Contract Administration Services for the Building/Site:	\$ 217,020
d. Contract Administration Services for road improvements:	<u>\$ 9,700</u>
	<b>\$1,170,780</b>

The updated preliminary opinion of probable project cost is presently **\$9,557,834**. This cost was updated based upon the following:

- a. a \$1M reduction in site work due to a more efficient layout and only phase 1 parking
- b. a 10% escalation in the construction market over the last 18 months
- c. Use of an average projected building cost between the original low and high estimates
- d. Inclusion of new furniture in the budget
- e. Inclusion of a security system
- f. Inclusion of some acoustic treatments in lobby and training/conference room
- g. Inclusion of road improvements along Callohill Drive
- h. Inclusion of a site work contingency allowing for a storm water pond on the site

Preliminary opinion of probable project costs of the project is broken down as follows:

a. Architecture and Engineering Fees:	\$1,170,780
b. Construction and Inspections:	\$7,571,480
c. Other (moving, electrical, phone, bidding)	\$ 137,000
d. Contingency (soils, storm water, construction)	<u>\$ 678,574</u>
	<b>\$9,557,834</b>

The ratio of total Architectural and Engineering fees to probable project cost is 12.2%. Using Attachment B of the proposal, this can be further broken down into an Architectural cost (including interior design) of \$674,370 or 7.0% of the total probable project cost and an Engineering cost (including structural, MEP, civil, technology, and security) of \$496,410 or 5.2% of the total probable project cost. These percentages are commensurate with known industry standards for new commercial construction of low to mid complexity and similar cost.

**Recommended Action:** Adoption of Resolution **R2023-71**, approving execution of PMA Architecture Contract Addendum #4 for DSS Building Design, Bid, and Construction Administration.

**Subsequent Action:** In the near future at a time recommended by the County’s Financial Advisor and Bond Counsel, staff will present the Board with consideration of a reimbursement resolution that would allow for the County to recoup related expenditures incurred 60 days prior to adoption of the resolution with proceeds of the project financing.



D. State Compensation Board (SCB) 2% Employee Compensation Adjustment and Targeted Increases (R2023-72):

The FY24 additional budget allocations approved in September 2023 by the General Assembly and Governor Youngkin include a **2% across-the-board increase from the State Compensation Board (SCB) salary effective December 1, 2023** for locally-elected constitutional officers and their full-time employees and General Registrars and members of local electoral boards.

In addition to the 2% across-the-board increase, targeted increases are provided as of December 1, 2023, for employees of the Sheriff's Department, Commonwealth Attorney's Office, and Circuit Court Clerk's Office and restoration of unfunded Deputy positions are provided for in the Commissioner of Revenue and Treasurer's Office with the Treasurer being allocated a new Deputy I position. (The Treasurer does not wish to fill this new position at this time.) The salaries and benefits of employee positions in the Commissioner's and Treasurer's offices are reimbursed at 50% of the budgeted amount. (See provided spreadsheet) Note that all salary and fringe benefit amounts shown are **annualized** and **localities will be reimbursed based on actual expenses incurred for the 7-month period from December 1, 2023 to June 30, 2024**. Position data shown is based upon personnel listed in the SCB system as of September 19, 2023. Staff proposes to implement the targeted increases as applicable and the 2% across-the-board increase based upon current salaries. **The prorated 7-month reimbursement from the State Compensation Board for these increases, as presented in the SCB provided spreadsheet, is estimated to be \$86,822 and will cover these costs.**

1. Consideration of 2% Salary Increase for All Employees Effective December 1, 2023:

Staff proposes to provide a 2% across-the-board salary increase for all eligible non-probationary County employees effective December 1, 2023. This would be consistent with the salary increase provided for the Constitutional Offices and Registrar's Office and with the School Division, who is providing all employees a 2% increase effective January 1, 2024 as prescribed by the State. Neighboring localities such as: Amherst, Appomattox, and Campbell Counties and the Region 2000 Solid Waste Authority have implemented or will consider implementing this 2% increase. **The local prorated 7-month salary and benefits cost of implementation is estimated to be \$56,788 and can be covered within the current General Fund budget utilizing vacancy savings in unfilled positions.**

Annual County Full Time Salary Cost with Benefits	\$80,612
Annual County Part Time Salary Cost with Benefits	<u>\$16,740</u>
Annual Total County Salary Cost with Benefits	\$97,352

**Prorated for 7 months**                      **\$56,788**

**Recommended Action:** Adoption of **Resolution R2023-72**, approving applicable targeted increases for Constitutional Offices and a 2% across-the-board salary increase for all Constitutional Offices, Registrar's Office, and eligible County employees effective December 1, 2023.

**Subsequent Action:** Amendment of the FY24 General Fund budget to capture additional costs and State Compensation Board reimbursement for Constitutional Office and General Registrar's Office salary adjustments.





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**RESOLUTION R2023-69  
NELSON COUNTY BOARD OF SUPERVISORS  
APPROVAL OF INTEREST FREE LOAN REQUEST FOR  
ROCKFISH VALLEY VOLUNTEER FIRE AND RESCUE**

**BE IT RESOLVED**, that the Nelson County Board of Supervisors hereby approves an interest free loan request from Rockfish Valley Volunteer Fire and Rescue in the amount of \$155,000 to help purchase a 2022 Horton Ford F-550 4X4 Ambulance.

Approved: \_\_\_\_\_

Attest: \_\_\_\_\_, Clerk  
Nelson County Board of Supervisors

**NELSON COUNTY EMERGENCY SERVICES COUNCIL**

P.O. Box 336  
Lovington, Va. 22949

---

10/18/2023

County Of Nelson  
Candy McGarry, Administrator  
P.O. Box 336  
Lovington, Va. 22949

Dear Mrs. McGarry,

The Emergency Services Council has unanimously approved the loan for Rockfish Valley Volunteer Fire Department, in the amount of \$155,000.00, from the interest free loan account. This was approved at our meeting on 10/17/23

This loan is for a 2022 Horton Ford F-550 4X4 Ambulance. We all understand the importance a replacing an ambulance each year in the County, and this would not have been possible without the support of the Board this year.

Thank you for your continued support, and let me know if you have any questions.

Sincerely,



Daniel T. Johnson  
President, NCEC

## **Nelson County Emergency Loan Fund**

Agency Name: **Rockfish Valley Volunteer Fire Department**

Agency Address:

**11100 Rockfish Valley Highway**

**Afton, Va. 22920**

Contact Person: **Tony Reid**

Title: **EMS Captain**

Phone: **434-249-9102**

Item Requested: **2022 Horton Ford F-550 4x4 Demo Ambulance**

Loan Amount: **\$155,000.00**

Anticipated Term: **8 Years**

Down Payment Amount? **\$74,932.50 - 25% of cost of truck**

Replacement Item? **YES**

If YES, Describe The Condition Of The Item Being Replaced.

**Unit 56 is in fair condition, we will be taking the Stryker Power Load System out of this unit and having it installed in the new unit. The chassis will be put up for sale more than likely. Unit has 88,230 miles currently and had a new placed in 2019 and it has a little over 17,000 miles on it.**

If Additional Item How Many Do You Already Own? **1**

What Will You Do With The Old Item?

**The unit would be sold or if FESCO was interested in chassis trade it in towards new unit.**

Describe Briefly The Scope Of Your Project

**Replace Ambulance 56**

Do You Intend to Make This Resource Available County-Wide?

**Yes**

What Is The Approximate Net Worth Of Your Agency?

Real Estate Equity+Vehicle Equity+Cash+Investments

**Real Estate: \$485,229.00**

**Equipment and Vehicles: \$1,420,000.00**

**See attached for other.**

What Is The Total Debt Amount Of Your Organization?

**Currently \$0**

How Will You Support Your Payment?

**Fund raising and donations**

**Please Attach A Copy Of Your Operating and Capital Budget.**

Approved:

**Yes**

No

Date Approved: **10/17/23**

By Print:

**DANIEL T. JOHNSON**

By Sign:

**Daniel J. Johnson**

## Rockfish FD 10/2022-9/2023

### **Business accounts**

Checking	19,313.23
Savings	124,500.30
Money market	225.40
	144,038.93

### **Investments**

Certificates of Deposit	336,175.05
-------------------------	------------

**Total** **480,213.98**

### **Expenses**

Rescue costs	2,052.46
Equipment	2,913.00
Equipment maintenance	8,095.72
Utilities	15,060.33
Fuel/Propane	19,447.09
Truck Maintenance	24,667.00
Memberships	200.00
Fundraisers	170.11
Insurance	13,305.00
Building Maintenance	13,942.60
Training	717.00
Business Expense	10,612.15
<b>TOTAL</b>	<b>111,182.46</b>



**From:** [Angela F Hicks](#)  
**To:** [Amanda Spivey](#)  
**Subject:** RE: Rockfish Fire & Rescue  
**Date:** Monday, October 2, 2023 3:56:36 PM

---

Rockfish does not have any outstanding loan balances.

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

---

**From:** Amanda Spivey  
**Sent:** Monday, October 2, 2023 3:53 PM  
**To:** Angela F Hicks <AHicks@nelsoncounty.org>  
**Subject:** Rockfish Fire & Rescue

Angi,

One more question – does Rockfish have any outstanding loans?

Best,

Amanda Spivey  
Nelson County Administrator's Office  
Administrative Assistant/Deputy Clerk  
(434) 263-7000

**From:** [Angela F Hicks](#)  
**To:** [Amanda Spivey](#)  
**Subject:** RE: Interest Free Loan Fund balance  
**Date:** Wednesday, October 18, 2023 2:38:26 PM

---

Amanda,

The current balance in the EMS Loan fund is now \$702,913.78 (as of 9/30/23).

Angi

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

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**From:** Amanda Spivey  
**Sent:** Wednesday, October 18, 2023 2:35 PM  
**To:** Angela F Hicks <AHicks@nelsoncounty.org>  
**Subject:** Interest Free Loan Fund balance

Angi,

Just confirming that the balance in the EMS Loan Fund remains at \$702,628.39 (as of 8/31/23). We have a request coming forward for the November Board meeting.

Amanda



# FESCO EMERGENCY SALES



**BID PROPOSAL** for furnishing

August 30, 2023

Rockfish Valley Volunteer Fire and Rescue Department  
11100 Rockfish Valley Highway  
Afton, VA 22920

To Whom It May Concern,

The undersigned is prepared to manufacture and/or supply for you, upon an order being placed by you for final acceptance by FESCO Emergency Sales (FESCO), at our office in Elkridge, Maryland, the apparatus and equipment herein named and for the following prices:

- (1) In-Stock Horton Model #603 ambulance (#21518) mounted on a 2022 Ford F-550 4X4 Diesel cab and chassis to include FESCO Dealer Supplied Items (DFI) dated 8/21/23 for a price of ..... **\$299,730.00**

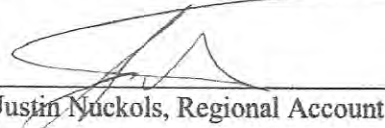
Said apparatus and equipment are to be built and shipped in accordance with the specifications hereto attached. Delays due to strikes, war or international conflict, failures to obtain materials, or other causes beyond our control in preventing, delivery shall be within 60-90 working days after receipt of this order and the acceptance thereof at our office at Elkridge, Maryland, and to be delivered to you at Elkridge, MD.

The specifications herein contained shall form a part of the final contract, and are subject to changes desired by the purchaser, provided such alterations are initialed by authorized representatives of both parties prior to the acceptance by FESCO of the offer to purchase, and provided such alterations do not materially affect the cost of the construction of the apparatus.

Unless accepted within 30 days from the above date, the right is reserved to withdraw this proposal.

*Note: this proposal includes an in-stock demonstrator ambulance that is subject to prior sale. Signed contract and 25% deposit or Municipal Purchase Order are required to secure this vehicle. All pricing in this proposal is based off HGAC Contract #AM10-20. HGAC fee is not included in price listed above.*

**FESCO EMERGENCY SALES  
7010 TROY HILL DR.  
ELKRIDGE, MARYLAND 21075**

By   
Justin Nuckols, Regional Account Manager



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Administrative Assistant/  
Deputy Clerk

LINDA K. STATON  
Director of Finance and  
Human Resources

October 13, 2023

To: L. Staton, Director, Finance and HR  
From: A. Spivey, Administrative Assistant/Deputy Clerk  
Re: Board decision

Please be advised of the Board of Supervisors decision in session on October 13, 2023 of the following funding request:

1. Rockfish Valley Volunteer Fire Department : The Board voted to approve a request from the Rockfish Valley Volunteer Fire Department for the County to fund 50% of the cost to purchase a new ambulance. 50% of this cost is \$149,865. Rockfish has selected a Horton Demo Ambulance at a cost of \$299,730. The ambulance is a 2022 Ford F-550 4x4 diesel cab and chassis to include FESCO dealer supplied items. Please advise should additional information on these subjects be required.

Cc: File - County Administration



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**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: \_\_\_\_\_

Attest: \_\_\_\_\_, Clerk  
Nelson County Board of Supervisors



**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 DISABLED<sup>1</sup>*

**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

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<sup>1</sup>Editor'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

**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*  
Pam Campbell, COR**



**Please publish Thurs. November 23<sup>rd</sup> and Thurs. November 30<sup>th</sup> 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**

## 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  
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 R2023-71  
NELSON COUNTY BOARD OF SUPERVISORS  
AUTHORIZATION TO CONTRACT ARCHITECTURAL SERVICES**

**WHEREAS**, on June 30, 2022 Nelson County retained via contract PMA Architecture for the provision of architectural and related services for the design and construction bidding of the Social Services, Building Inspections and Planning and Zoning building concept; and,

**WHEREAS**, Nelson County wishes to enter into Contract Amendment #4 to provide Architectural and Engineering Services as listed in Contract Amendment #4 attached hereto for a Social Services building on Callohill Drive;

**WHEREAS**, the total proposed compensation for professional services as described in Contract Amendment #4 is \$1,170,780;

**NOW, THEREFORE, BE IT RESOLVED**, by the Nelson County Board of Supervisors that the County Administrator be and hereby is authorized to enter in Contract Amendment #4 with PMA Architecture for the provision of architectural and related services to Nelson County.

Approved: \_\_\_\_\_

Attest: \_\_\_\_\_, Clerk  
Nelson County Board of Supervisors



November 1, 2023

Ms. Candice McGarry, County Administrator  
Nelson County  
P.O. Box 336  
Lovingston, VA 22949

RE: **Contract Amendment #4** to provide Architectural and Engineering Services for Social Services Building at parcel 57A34M located on Callohill Drive.

Dear Ms. McGarry,

This letter amends the Contract for Architectural and Engineering Services dated June 30, 2022 between the County of Nelson, Virginia and PMA, Inc. (trading as PMA Architecture) to include the following services :

We propose to provide Architectural and Engineering Services to design and prepare bid documents for a new Social Services Building to be located at the above referenced site. The scope of services will provide assistance during bidding and typical construction administration services by the design team throughout the period of construction. At this time, we understand that the project includes design of improvements to approximately 1,000 linear feet of Callohill Drive (which is currently gravel) and design of the building pad and a new Social Services building of approximately 9,000 to 10,000 square feet (referred to in Attachment A as Phase I). The attached conceptual plan illustrates the overall site location concept for the Social Services building parking lot to be designed under this amendment, shown as Phase 1. In this scope of work, we have included the design (the sitework only) for preparation of the building pad and parking pad for Phase 2 to prepare the site for a future 5,000 square foot addition to the building as well as expansion of the parking lot. Also included in the proposed scope of services are the following additional services:

- + Preparation of a bid documents for bidding the furniture for the Social Services Building.
- + Design of a Security System consisting of access control, video surveillance and alarm design.
- + Design and specifications for Information Technology related to the building.
- + Design of improvements to Callohill Road from the edge of paving at Food Lion to the site.
- + Additional Geotechnical investigation in the area of the building location.

Attached to this amendment, are the following supporting information:

- + Attachment A – Conceptual Site Plan showing Phase 1 and Phase 2.
- + Attachment B – PMA Detail sheet showing basis of Design Costs.
- + Attachment C – Civil Engineering Proposal by Timmons Group dated 10/19/23 (note exclusions)
- + Attachment D – Structural Engineering Proposal by Speight Marshall & Francis (dated 10/17/23)
- + Attachment E – Mechanical/Elec/Plumb Proposal by Vansant & Gusler (dated 10/24/23)
- + Attachment F – Security Design Consultant SRMC proposal (dated 10/26/23)

In consideration of the professional services described herein, the Owner will compensate the Architect/Engineer as follows:

A) Building and Site Design and Bid Documents	\$893,760
B) Design of Road Improvements along Callohill Drive	\$50,300
C) Contract Administration Services for the Building/Site	\$217,020
D) Contract Administration Services for road improvements	\$9,700

The total proposed compensation for Amendment #4 is One Million One Hundred Seventy Thousand and Seven Hundred and Eighty dollars (\$1,170,780).

Yours truly,



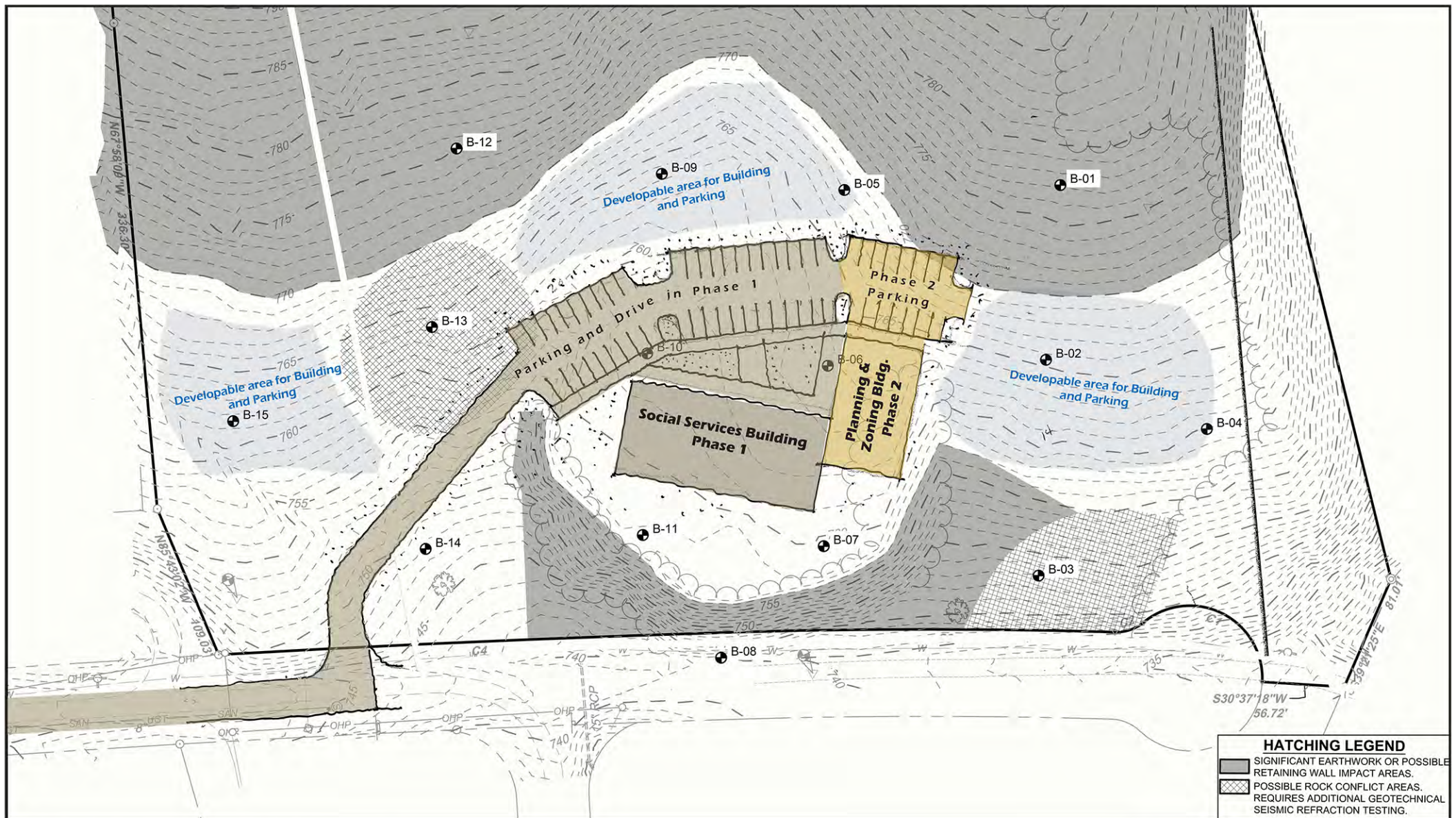
Jeff Stodghill, Principal

Accepted:

\_\_\_\_\_  
Ms. Candice McGarry, County Administrator  
County of Nelson, Virginia

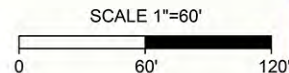
\_\_\_\_\_  
Date





**Nelson County - Callohill Drive Property**  
 Recommended Development Areas (based on Geotechnical Borings 6-8-23)

# Attachment "A"



# Attachment B

Nelson County Social Services Building & Site- PMA Architecture Team  
 Architectural & Engineering Fee Estimate  
 11/1/2023

	Estimated Design Cost	PMA Arch	PMA Int	SMF	V&G	Timmons	IT	SRMC
<b>Administration of the Project</b>								
1.0 Overall Project Management	\$35,000	\$35,000						
1.01 Schedule Management	\$7,500	\$7,500						
1.02 Monthly Progress Reports	\$4,500	\$4,500						
1.03 Consultant Coordination	\$35,000	\$35,000						
1.04 Meetings	\$25,000	\$25,000						
<b>Phase 2 - Schematic design – building floor plans and footprint</b>								
2.0 Review Space Needs and Project Objectives	\$4,500	\$4,500						
2.01 Develop Architectural Schematic Design	\$60,000	\$60,000						
2.02 Schematic Design - Interiors	\$60,000		\$60,000					
2.03 Schematic Structural Design	\$3,000			\$3,000				
2.04 Structural Design Contingency	\$4,000			\$4,000				
2.05 Develop MEP Schematic Design	\$50,000				\$50,000			
2.06 Develop Civil Schematic Design - Task 1	\$25,800					\$25,800		
2.07 Develop Road SD Design-Task 1	\$10,100					\$10,100		
2.08 Geotechnical Testing - Task 7	\$8,640					\$8,640		
2.09 Flow Test - Task 8	\$2,300					\$2,300		
2.10 Water System Hydraulic Analysis - Task 9	\$3,520					\$3,520		
2.11 IT Design and Scope Memo	\$6,500						\$6,500	
2.12 Security Consultant	\$3,500							\$3,500
2.13 Special Systems Coordination	\$2,500	\$2,500						
2.14 Prepare Cost Statement	\$4,500	\$4,500						
<b>Phase 3 - Design Development</b>								
3.0 Design Development - Architectural	\$60,000	\$60,000						
3.01 Design Development - Interiors	\$60,000		\$60,000					
3.02 Develop Structural Design	\$6,000			\$6,000				
3.03 Develop MEP Design	\$44,100				\$44,100			
3.04 Civil Design Development - Task 2	\$36,800					\$36,800		
3.05 Road Design Development-Task 2	\$14,300					\$14,300		
3.06 Civil Permits and Agency Coordination-Task 4	\$10,700					\$10,700		
3.07 Road Permits and Agency Coordination-Task 4	\$4,100					\$4,100		
3.08 Site Photometric Plan-Task11	\$4,000					\$4,000		
3.09 Develop Outline Specifications	\$6,500	\$6,500						
3.10 IT Design Development	\$7,500	\$2,500					\$5,000	
3.11 Security Consultant	\$3,500							\$3,500
3.12 Special Systems Coordination	\$2,500	\$2,500						
3.13 Prepare Cost Statement	\$4,500	\$4,500						
<b>Phase 4 - Construction Documents</b>								
4.00 Construction Documents - Architectural	\$90,000	\$90,000						
4.01 Construction Documents - Interiors	\$40,000		\$40,000					
4.02 Construction Documents - Structural Design	\$1,000			\$1,000				
4.03 Structural Permit Drawings	\$2,000			\$2,000				
4.04 Develop MEP Design	\$50,000				\$50,000			
4.05 Civil Construction Documents-Task 3	\$66,800					\$66,800		
4.06 Road Construction Documents-Task 3	\$25,900					\$25,900		
4.07 Landscape Construction Documents - Task 10	\$11,000					\$11,000		
4.08 Develop Construction Specifications	\$10,000	\$10,000						
4.09 IT Design Development	\$10,000	\$5,000					\$5,000	
4.10 Security Consultant	\$4,500							\$4,500
4.11 Special Systems Coordination	\$2,500	\$2,500						
4.12 Civil - SWPPP/VSMF Registration	\$2,500					\$2,500		
4.13 Prepare Cost Statement	\$7,500	\$7,500						
<b>Estimated Design Fee</b>	<b>\$944,060</b>	<b>\$369,500</b>	<b>\$160,000</b>	<b>\$16,000</b>	<b>\$144,100</b>	<b>\$226,460</b>	<b>\$16,500</b>	<b>\$11,500</b>
<b>Phase 5 - Bidding and Negotiation</b>								
5.00 Issue Bid Set	\$4,500	\$4,500						
5.01 Responses to Requests for Information & Addenda	\$8,900	\$8,900						
5.02 Analysis of Bids and Reference checking	\$3,000	\$3,000						
<b>Phase 6 - Construction Administration</b>								
6.00 Finalize Contract for Construction	\$3,750	\$3,750						
6.01 Construction Kickoff Meeting	\$2,480	\$2,480						
6.02 Submittals	\$27,800	\$27,800						
6.03 Site Meetings	\$37,200	\$37,200						
6.04 Meeting Notes & Documentation	\$8,370	\$8,370						
6.05 Responses to Requests for Information	\$24,500	\$24,500						
6.06 Change Order Review	\$9,300	\$9,300						
6.07 Reports to the County by Arch	\$9,270	\$9,270						
6.08 Review of Pay Requests	\$9,600	\$9,600						
6.09 Substantial Completion Inspection & Punch List	\$2,500	\$2,500						
6.10 Final Completion Inspection and Punch List	\$2,500	\$2,500						
6.11 Civil Construction Administration	\$25,100					\$25,100		
6.12 Road Construction Administration	\$9,700					\$9,700		
6.13 Vansant & Guster Construction Administration	\$42,300				\$42,300			
6.14 Speight Marshall and Francis Construction Administration	\$4,750			\$4,750				
6.15 Project Close-Out and Record Drawings	\$7,500	\$7,500						
<b>Estimated Bidding and Construction Administration</b>	<b>\$226,720</b>	<b>\$144,870</b>	<b>\$0</b>	<b>\$4,750</b>	<b>\$42,300</b>	<b>\$34,800</b>	<b>\$0</b>	<b>\$0</b>
<b>Total Estimated A&amp;E Fee</b>	<b>\$1,170,780</b>	<b>\$514,370</b>	<b>\$160,000</b>	<b>\$20,750</b>	<b>\$186,400</b>	<b>\$261,260</b>	<b>\$16,500</b>	<b>\$11,500</b>





October 19, 2023

Mr. Jeff Stodghill, AIA  
PMA Architecture  
10325 Warwick Blvd.  
Hilton Village, VA 23601

**Re: Nelson County – New Office Building  
Civil Engineering Proposal**

Mr. Stodghill:

We are pleased to offer you this proposal for Civil Engineering Services associated with office building to serve Nelson County Administrative Staff.

Based on the current understanding of the site, no preliminary wetland investigation or environmental study has been recommended. Survey has already been conducted on the site and therefore, no additional survey is required at this time.

You requested Geotech, Utilities research and identification, and coordination with local and state agencies to be included. With half of the previous geotechnical related proposal executed, I have included the unexecuted part that is the same geotechnical option as presented previously. Pending SD and DD phase work, additional survey and subsurface utility exploration could be required if stormwater or other utility connections are determined to be best connected in a new area. The coordination with local and state agencies as well as permitting through the required agencies has been included in the following scope.

The stormwater management on site is not yet determined. Possible solutions include above ground detention on site, below ground detention, and above ground detention off-site. This could result in a recommendation for additional land purchase and/or drainage easements. Grading on site is not yet determined, and site walls may be necessary to minimize earthwork. The design of any site walls is currently excluded as the need for these is not yet determined.

If a flow test is not conducted by the county, a task that includes a flow test by our engineers has been included.

The design expansion of Callohill road has been broken out in the proposed fees. Right of way and easement plats are currently excluded as we are unsure what will be required related to the road upgrades. After discussions with the county and VDOT, this is expected to become clear during the project.

We look forward to the opportunity of working with you on this project. If you have any questions, please feel free to contact me at 804-200-6343 or 804-200-6511.

Sincerely,

Sammy Smith, PE  
Project Manager

Bruce McCloy, PE, LEED AP, DBIA  
Principal

### **Task 5, Construction Administration / Record Drawings**

Timmons Group will provide Construction Administration Services (CA) in the form of the following:

- Up to (4) site visits if needed for the purpose of land disturbance, rock disturbance meeting, punchlist, backpunch
- Virtual progress meetings during construction
- RFI addressal, both during bidding and during construction
- Review and approval of shop drawings and product submittals
- Preparation of as-built drawings based on contractor redlines provided

### **Task 6, SWPPP / VSMP Registration**

Timmons Group will prepare and submit a Virginia Stormwater Management Program (VSMP) Registration Statement to the Virginia Department of Environmental Quality. A Stormwater Pollution Prevention Plan (SWPPP) will be prepared per state regulations for management of stormwater discharges associated with construction activities. This work will be performed in accordance with the July 1, 2019 DEQ VAR-10 Permit requirements. This fee excludes the cost of permit submittal fees.

### **Task 7, Geotechnical Seismic Refraction Testing**

Following the initial geotechnical investigation, seismic refraction testing, a geophysical test method, can be used to supplement the boring information in exploring potential rock depths. Seismic refraction testing uses surficial equipment operated by hand to introduce localized impact energy waves into the underlying ground, and signal return responses are measured by receivers at the ground surface. This testing can be used to estimate overburden soil thickness, depths to weathered rock, and depths to rock. Boring information can be used to "calibrate" the seismic refraction data. The data can be used to estimate rippable rock and blast quality rock quantities. Test results are presented graphically with depth and length along each test alignment.

Optional services would include performing two days of seismic refraction testing, which would include at 6 to 8 test alignments at the site. Test alignment lengths are expected to range from 250 to 600 feet. A report will be present which discusses test methodology, test locations, graphical illustrations, and interpretation of results.

### **Task 8, Hydrant Flow Test (If Required)**

- Coordinate with the Nelson County Service Authority (NCSA) and perform or assist in performing one instantaneous hydrant flow test at or near the proposed point(s) of connection to the existing water system.
- Perform all field hydrant flow testing during one site visit.
- Provide a flow test summary report incorporating the results of the test, a map showing the locations of the test hydrants and an available flow curve based on the results.
- Testing may not be performed per the requirements of NFPA 291 regarding the minimum required reduction in residual pressure during the test. If testing is required to meet this portion of NFPA 291, additional fee may be necessary.

### **Task 9, Water System Hydraulic Analysis**

- Calculate domestic demands based on VDH Waterworks Regulations, fixture count, or engineering judgement.
- Build a computerized hydraulic model of the development based on the utility design.

- Perform hydraulic calculations based on the available flow and pressure observed during testing and the projected demands.
- Review and confirm sizing of the on-site water distribution piping to meet the flow and pressure requirements.
- Provide a model results sheet showing a graphical system layout, design criteria summary and residual pressure results for domestic scenarios as well as fire suppression.
- If the existing water system is not capable of supporting the proposed development, additional system testing, modeling, and the design of remedial improvements may be required and this will require additional scope and fee to be negotiated.

#### **Task 10, Landscape Construction Documents**

Timmons Group will prepare landscape plans and supporting notes, details, and specifications suitable for locality approval and construction. Landscape plans will utilize civil engineering base files and will be incorporated into the site plan package. All site related features including building, paving, utilities, signage, and light pole locations will be coordinated to eliminate conflicts with proposed landscaping.

Landscape plans may include tree canopy coverage, perimeter buffering, screening of above ground utilities, parking lot screening and interior parking lot plantings. Existing landscaping will be preserved wherever possible and credited towards locality requirements.

Anticipated construction documents are as follows:

- Landscape plans meeting minimum locality code requirements
- Landscape notes and details
- Landscape specifications (to be issued with construction documents)

Coordination with plan review staff, design team, etc. for construction plan submittals and review sets is included.

#### **Task 11, Site Photometric Plan**

Timmons Group will work with a local lighting distributor to share base drawing files and design the site lighting to meet minimum locality standards for approval. Lighting plans will be coordinated with other disciplines to avoid lighting conflicts with landscaping, utilities, and other features. Light fixture and pole selection will be coordinated with the owner for approval prior to submission of the plans.

Anticipated construction documents are as follows:

- Photometric plan showing light fixture locations and photometric light levels on the ground plane
- Lighting notes and details showing fixture cut sheets and specifications

Structural engineering for light pole bases is included. The detail and design implementation of all electrical work should be provided by an electrical engineer (fee not included in this scope of work).



## PROPOSED FEES

Timmons Group would propose to perform the above referenced analysis on a lump-sum fixed fee arrangement in accordance with the following breakdown below.

<b>Task 1: Schematic Design</b>	\$25,800.00
SD Road Design	\$10,100.00
<b>Task 2: Design Development</b>	\$36,800.00
DD Road Design	\$14,300.00
<b>Task 3: Construction Documents</b>	\$66,800.00
CD Road Design	\$25,900.00
<b>Task 4: Permits &amp; Agency Coordination</b>	\$10,700.00
Permits Road Design	\$4,100.00
<b>Task 5: Construction Administration</b>	\$25,100.00
CA Road Design	\$9,700.00
<b>Task 6: SWPPP / VSMP Registration</b>	\$2,500.00
<b>Task 7: Geotechnical – Seismic Refraction Testing (<i>Optional</i>)</b>	\$8,640.00
<b>Task 8: Flow Test (<i>If Required</i>)</b>	\$2,300.00
<b>Task 9: Water System Hydraulic Analysis</b>	\$3,520.00
<b>Task 10: Landscape Construction Documents</b>	\$11,000.00
<b>Task 11: Site Photometric Plan</b>	\$4,000.00
<b>Total</b>	\$261,260.00

## EXCLUSIONS

The following items are not included in this scope of services, but can be provided upon request for an additional fee:

- Offsite Topographical or Boundary Survey
- Offsite Underground/subsurface utility location services
- Professional Cost Estimating services
- Wetland Delineation, stream classification assessments, wetland confirmation, cultural resources coordination (not anticipated)
- Wetlands Permitting (not anticipated)
- Wetlands Mitigation Design (not anticipated)
- Threatened & Endangered Species Surveys and coordination
- Other environmental services not expressly included in the above, such as noise and lighting surveys, cultural resource studies, etc.
- Traffic Engineering (Traffic Study, Traffic Counts, Traffic Signal Warrant Analysis, and Turn Lane Warrant Analysis) – None anticipated.
- Irrigation design
- Signage/Wayfinding design
- Structural Engineering, including site walls/ dumpster enclosure
- Phase I, II, or III Environmental Site Assessments
- Permit submittal fees associated with the project
- Right of way and/or easement plats
- Offsite water and sewer improvements
- Water and sewer capacity analysis or off-site studies
- Force main/sanitary pump design (not anticipated)
- Design or coordination of "Dry" Utilities or services (will be shown for reference on civil plans)
- Materials testing during construction
- As-built record drawing preparation (as-built from contractor redlines is included)
- As-Built Certification of onsite SWM measures that may be required for project closeout – By contractor.

Thank you for your confidence in Timmons Group. Should you have any questions or need any additional information, please don't hesitate to contact Sammy Smith at 804.200.6343 and Bruce McCloy at 804.200.6511.

An Agreement for the Provision of Limited Professional Services



Structural Engineer (SE):
Speight, Marshall & Francis
2821 Emerywood Parkway, Suite 300
Richmond, VA 23294
Phone 804.464.4111
www.smandf.com

Client: Jeff Stodghill
PMA, Inc.
10325 Warwick Boulevard
Hilton Village, VA 23601

Date: 10/17/2023 Project No.: PR23.413

Project Name: Nelson County – Social Services Office Building
Location: Nelson County, VA
Description: One (1) – story 9,000 SF slab-on-grade office building constructed of wood framing. Scope is based on a shallow foundation; if it is determined a deep foundation is required (piles), then a Change Order will be issued. Project will be completed in Revit to a Level of Detail (LOD) 300 as defined by the AIA Guidelines and BIM Forum.

Scope of Services: Basic Compensation shall be as follows:

- Schematic Design Phase ..... \$ 3,000.00
Design Development Phase ..... \$ 6,000.00
Permit..... \$ 2,000.00
Construction Documents ..... \$ 1,000.00
Construction Phase ..... \$ 4,750.00
Site Visits – THREE (3) included in Basic Services .... \$2,250.00
Structural Shop Drawing Review..... \$1,500.00
Questions and Clarifications ..... \$1,000.00

TOTAL FEE ..... \$16,750.00

Hourly rates are as follows:

Table with 4 columns: Role, Rate, Role, Rate. Includes Principal Engineer (\$220.00 / Hr), Senior Structural Engineer (\$195.00 / Hr), Senior Project Manager (\$175.00 / Hr), Structural Engineer (\$150.00 / Hr), Professional Construction Admin. (\$150.00 / Hr), Senior Engineering Technician (\$135.00 / Hr), Structural Engineering Technician (\$130.00 / Hr), Administration (\$75.00 / Hr).

Additional Services: Additional Services, which may be added to this Agreement by written request, shall be negotiated or billed hourly at the rates listed above. Substantial changes or modifications to the Project shall be subject to these additional fees.

Special Conditions: The above fee and/or hourly rates are valid for one calendar year from the date of issuance of this fee proposal.

Offered by (SE):
[Signature]
Danny Rudd, PE / RVA Dir. of Business Development
(Printed name / title)

Accepted by (Client):
[Signature] [Date]
(Printed name / title)
(company)

The terms and conditions attached to this form are part of this Agreement.

\* Clients Please Return Original; Retain Copy for Records

# **An Agreement for the Provision of Limited Professional Services**

## **Terms and Conditions**

Structural Engineer (SE) shall perform the services outlined in this agreement for the stated fee agreement.

### **Basic Services**

Basic Services will be provided as described in the CASE National Practice Guidelines for the Structural Engineer of Record.

### **Special Inspections Services**

Services relating to Special Inspections, as required by IBC 2015 Section 1704, are specifically omitted from this Agreement; Special Inspections Services shall be by separate contract between the Owner and Structural Engineer of Record (SER).

### **Access to Site**

Unless otherwise stated, the SE will have access to the site for activities necessary for the performance of the services, the SE will take precautions to minimize damage due to these activities, but has not included in the fee the cost of restoration of any resulting damage.

### **Fee**

The total fee, except stated lump sum, shall be understood to be an estimate, based upon Scope of Services, and shall not be exceeded by more than ten percent, without written approval of the Client. Where the fee arrangement is to be on an hourly basis, the rates shall be those that prevail at the time services are rendered. Reimbursable Expenses as described in paragraph 12.5 of AIA C141 shall be a multiple of 1.2 times the expenses incurred by the Engineer.

### **Billings/Payments**

Invoices will be submitted monthly for services accomplished and reimbursable expenses. Bills are due when rendered, and shall be considered PAST DUE if not paid within 30 days after the invoice date and the SE may without waiving any claim or right against Client, and without liability whatsoever to the Client, terminate the performance of the service. Retainers shall be credited on the final invoice. Beginning on the PAST DUE date, a service charge will be charged at 1.5% per month on the unpaid balance. In the event any portion or all of an account remains unpaid 30 days after billing, the Client shall pay cost of collection, including attorneys' fees of 33  $\frac{1}{3}$ %.

### **Indemnifications**

The Client shall indemnify and hold harmless the SE and all of its personnel from and against any and all claims, damages, losses and expenses (including reasonable attorney's fees) arising out of or resulting from the performance of the services, provided that any such claims, damage, loss or expense is caused in whole or in part by the negligent act of omission, and/or strict liability of the Client, anyone directly or indirectly employed by the Client (except the SE) or anyone for whose acts any of them may be liable.

### **Hidden Conditions**

A structural condition is hidden if concealed by existing finishes or is not capable of investigation by reasonable visual observation. If the SE has reason to believe that such a condition may exist, the client shall authorize and pay for all costs associated with the investigation of such a condition and, if necessary, all costs necessary to correct said condition. If (1) the client fails to authorize such investigation or correction after due notification, or (2) the SE has no reason to believe that such a condition exists, the client is responsible for all risks associated with this condition, and the SE shall not be responsible for the existing condition nor any resulting damages to persons or property.

### **Risk Allocations**

In recognition of the relative risks, rewards and benefits of the project to both the Client and the SE, the risks have been allocated so that the Client agrees that, to the fullest extent permitted by law, the SE's total liability to the Client, for any and all injuries, claims, losses, expenses, damages or claim expenses arising out of this agreement, from any cause or causes, shall not exceed the total amount of \$25,000.00, the amount of the SE's fee (whichever is greater) or other amount agreed upon when added under special conditions. Such causes, include, but are not limited to the SE's negligence, errors, omissions, strict liability, breach of contract or breach of warranty. The Client shall hold the SE harmless from any damage to adjacent properties arising from the result of pile driving operations or any other work.

### **Claims and Disputes**

Terms and Conditions shall be as provided in AIA Document C141, except that we propose to delete paragraph 9.2, Arbitration, and substitute the following:

All claims, Counterclaims, disputes, and other matters in question between the parties hereto arising out of this Agreement or breach thereof will be presented to non-binding mediation, subject to the parties agreeing to a mediator(s).

### **Termination of Services**

This agreement may be terminated upon 10 days written notice by either party should the other fail to perform his obligations hereunder. In the event of termination, the Client shall pay the SE for all services rendered to the date of termination, all reimbursable expenses, and reimbursable termination expenses.

### **Ownership Documents**

All documents produced by the SE under this agreement shall remain the property of the SE and may not be used by this Client for any other endeavor without the written consent of the SE.

### **Applicable Law**

Unless otherwise specified, this agreement shall be governed by the laws of the Commonwealth of Virginia.

***Speight, Marshall & Francis***



**VANSANT & GUSLER**  
 Consulting Engineers  
 6330 Newtown Rd. Suite 400 Norfolk, VA 23502  
 (757) 461-6757 www.vansantgusler.com

ATTACHMENT E

**October 24, 2023**

PMA Architecture  
 10325 Warwick Boulevard  
 Newport News, VA 23601

ATTN: Mr. Jeff Stodghill, AIA  
  
 RE: Nelson County Social Services Building  
 Lovingston, VA  
 Our Proposal No. 2023-140

Dear Jeff:

Vansant and Gusler, Inc., is pleased to submit our fee proposal to render professional engineering design services in connection with the referenced project. You are expected to furnish us with full information as to your requirements for the Project. Services are to be rendered in accordance with the industry standard of care applicable to our relationship with you based on the attached scope of work:

Our proposed amount follows:

Design and Construction Documents	\$ 144,100.00
Construction Phase Consultation	<u>\$ 42,300.00</u>
 Total PME Fee	 \$ 186,400.00

The proposed PME Fee is net to Vansant & Gusler, Inc. Any mutually agreed upon additional engineering services in excess of our scope of work, shall be billed at our standard hourly rates as follows:

Principal	\$ 180.00
Project Manager	\$ 160.00
Mechanical/Electrical Engineer	\$ 140.00
Mechanical/Electrical Designer	\$ 105.00
CAD/Revit Technician	\$ 85.00
Administrative	\$ 75.00

Conditions of our proposal:

1. The proposal includes one meeting in Nelson County to observe site conditions for electrical service.
2. Proposal includes one meeting on site with Owner to review the construction documents during design and respond to questions or offer clarifications.
3. Additional meetings not covered above will be paid for on an hourly basis, if requested in writing in advance of the meeting.
4. Identification and disposal services associated with hazardous materials are excluded.





**VANSANT & GUSLER**

Consulting Engineers

6330 Newtown Rd. Suite 400 Norfolk, VA 23502  
(757) 461-6757 www.vansantgusler.com

We would expect to start our services promptly after receipt of your acceptance of this proposal and to complete our services within a mutually agreed time frame. We will submit an invoice monthly as the work progresses. Payment is due within 30 days of receipt of our invoice. An interest charge of 1% of the unpaid balance will be added monthly on accounts payable after 30 days.

The documents prepared by the Engineer shall remain the sole property of the Engineer and will not be eligible for release to Owner until all fees have been paid to the satisfaction of the Engineer.

If you concur with the foregoing, indicate such by signing below and returning one copy to this office. We look forward to working with you again.

Sincerely,  
Vansant & Gusler, Inc.

Peter C. Striffler, PE  
Principal

PCS/pcs

Accepted this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

By \_\_\_\_\_  
Officer

October 24, 2023

Nelson County Social Services Building Scope of Work:

1. Provide HVAC, plumbing and electrical design services in accordance with applicable codes and ordinances necessary to develop a permit ready set of contract documents in connection with a new 9,000 SF (approx.) 1-story social services building in accordance with the emails dated October 12, and 19, 2023, and schematic developable areas plan.
2. Conditions of the Scope of Design Services
  - a. MEP for the entire building assumes that we are going to design to IECC and ASHRAE 90.1 for an energy efficient building.
  - b. Perform mechanical, plumbing, and electrical engineering calculations, as necessary.
  - c. Provide mechanical, plumbing, and electrical engineering design services.
  - d. Provide sealed contract documents suitable for permitting.
  - e. Electrical low voltage design of voice, data, security, and CCTV shall be accomplished using performance specifications, based on input from the Owner. V&G will provide empty conduit to accommodate low voltage and card access systems to meet project requirements.
  - f. Book specifications will be provided.
  - g. Back-up generator design is not included but can be provided as an additional service.
  - h. Lightning protection system is not included.
  - i. Fire suppression sprinklers are not included.
  - j. Fire alarm design will be accomplished using performance specifications.
  - k. Civil site survey is not included. The electrical site plan will be developed from the survey furnished by the civil engineer.
  - l. Underground utility investigation is not included.
  - m. Construction Phase Services, consisting of RFI responses, site visits, and punch list preparation, are included and can be provided with written approval prior to commencing work.
  - n. Structural design is not included.
3. ENGINEER shall notify ARCHITECT when sufficient progress drawings have been accomplished so that ARCHITECT may review them in person.

The Design Phase Services will be completed, and Contract Documents submitted within a mutually agreeable time frame following written authorization from ARCHITECT to ENGINEER to proceed with that phase of service and pending timely receipt of REVIT model.

Upon completion of construction documents ENGINEER shall present them to the ARCHITECT.

ENGINEER shall e-mail 1 copy of the permit documents in pdf form to the ARCHITECT for the purpose of making prints. Additional hard paper copies, if required, will be a Reimbursable Expense paid at cost plus 15 percent.

4. During the Construction Phase ENGINEER shall:

Respond to CONTRACTOR's RFI's. Provide one review of submittals and shop drawings. Repeat reviews of submittals, value engineering product submittals, and deviations from construction documents will be billed and paid for on an hourly basis.

5. Billing

The accepted fee for each of the project design categories will be based on the attached fee letter as accepted by the Owner:

- Design & Construction drawings
- Construction Administration

V&G will submit to PMA the billings for the work completed that month. The invoice will be based on the above stated design categories with their respective fee values. The requested amount will be based on the actual percentage completed during the preceding month.





Po Box 85  
New Albany, OH 43054  
614.224.3100 Phone  
[www.srmcllc.com](http://www.srmcllc.com)  
Licensed in Nevada and Virginia  
NV 2315B | VA 11-8042

October 26, 2023

ATTACHMENT F

Mr. Jeff Stodghill  
President  
PMA Architecture  
10325 Warwick Blvd.  
Hilton Village, VA 23601

via email: [tjs@pmaarchitecture.com](mailto:tjs@pmaarchitecture.com)

Dear Jeff:

Thank you for the opportunity to submit this proposal for security consulting services for the new Nelson County Social Services building in Lovingston, VA. SRMC brings a wealth of consulting and design experience in many diverse types of developments, so we are particularly qualified to provide you and the design team with exceptional security consulting services.

SRMC is committed to an inclusive culture where everyone belongs by respecting the needs, perspectives, and potential of all our staff members. As such, we are pleased to introduce the team member who will be paramount in ensuring that the County receives an optimal work product that best achieves the goals and objectives envisioned for this location.

SRMC team member Garry P. MacArthur, CPP, PSP, CPM will be the technical consultant assigned to this project. Garry brings over 23 years of experience as a consultant and project manager overseeing the design, budgeting, vendor management, and construction administration of physical system installations.

### **SCOPE OF WORK STATEMENT – TECHNOLOGY DESIGN SERVICES**

SRMC's approach to security system design typically includes an understanding of the anticipated programming components of the planned facility operations, site security considerations, and local crime. We view physical security planning as a collaborative effort with planned end-users, the architectural firm, and other key stakeholders to ensure that the physical security implementation is organizationally sustainable, supportable, and standards-based and ultimately meets the County's requirements.

### **PROGRAM REVIEW AND REQUIREMENTS CONFIRMATION**

- SRMC will review the design drawings and programmatic requirements related to the security of the building looking at the building perimeters, vestibule, the lobby and receptionist desk area, and architectural considerations related to security measures for certain spaces, access management/controls, and pedestrian flow.

The review will include looking at what security technologies need to be in place (access control, video surveillance, intrusion detection, panic alarms, etc.) and how they will be managed and monitored. Additionally, we will review other relevant physical facility concerns such as lines of sight, areas of concealment, remoteness, accessibility, and physical security measures (hardening) including security systems infrastructure and interfaces.

Threats *Evolve*. Principles *Endure*.<sup>®</sup>

## **DESIGN DEVELOPMENT (DD)**

- Virtual meetings between SRMC team members and the architect, the design team, and appropriate stakeholders to refine the overall general physical security technology needs of the County's new Social Services building utilizing what we learned from reviewing the drawings and from the project team members.
- SRMC will work with the design team to deliver our outline specifications, preliminary device locations, drawings, and budgetary costs for security technology as defined by the operational needs of this project.
- Once device locations are finalized, SRMC will conduct one revision review of the schematic floor plans and any other documents to ensure all issues have been appropriately addressed and that these documents reflect the results of the review meeting for coordination in the design development documents.
- SRMC will participate in up to eight DD meetings to coordinate security device locations, security system infrastructure requirements, installation details, and finish requirements.
- SRMC will coordinate with the design team to blend security into the facility's architecture through properly selected electric door locking hardware, understanding landscaping and lighting to optimize exterior camera locations and provide views with the least amount of obstruction, and addressing/resolving other concerns as needed. The overall intent is to have security that is built-in, not bolted on.
- SRMC will prepare the functional system requirements, equipment list, and 100% DD documents for review by the design team. From the virtual review meetings, SRMC will complete up to four modifications to the 100% DD documents to reflect the results of the review meetings and issue final electronic copies.

## **CONSTRUCTION DOCUMENTATION (CD)**

- Once the design has been approved, SRMC staff will collaborate with the project design team, and any other stakeholders to develop construction drawings and Division 28 specifications.

The Division 28 specifications will define the general conditions, products, functions, performance, and work to be provided to fully execute the implementation of the security systems as designed and to delineate all in-scope and out-of-scope (by others) work.

- SRMC will participate in up to eight CD coordination meetings to finalize the security equipment closet, control room design requirements, 120 VAC power requirements, HVAC loads, system interfaces, and electric door hardware.
- SRMC will review the door hardware schedule to ensure that electric locksets and other equipment are included to support the card reader-controlled doors as approved by the County as part of the plan drawings review and report any gaps we may find.



- SRMC will coordinate with the County's IT team on Division 27 technologies to ensure that adequate network infrastructure (switches, category 6, and/or fiber optic cabling) is in place to support the IP cameras and other network-attached security devices.
- SRMC will prepare the security system design drawings with the security device symbols legend, block diagrams, and equipment installation details.
- Electronic construction documents will be issued at 50% and 100% completion stages and will be modified accordingly at each stage based on the comments from the review meetings.
- SRMC will insert a reviewed and approved set of Plan Drawings and Division 28 specifications into the project bid documents for the procurement of security technologies through an RFP or Invitation to the Bid process. All deliverables will be in electronic format.

**IN ORDER TO COMPLETE THIS PROCESS, SRMC STAFF WILL NEED:**

- Virtual meetings to examine the proposed plans and meet with key stakeholders
- Project plans and building floor plans in an AutoCAD format.
- Cooperation from the design team and construction team throughout the engagement.

**CLARIFICATIONS & EXCLUSIONS**

- SRMC does not have state-certified engineers on staff. If this project requires that security technology systems be stamped by a certified engineer, it is outside the scope of work proposed.
- If these drawings need to be stamped, SRMC can coordinate this turnkey request within our partner network for an additional fee.
- Included in our pricing is 2D AutoCAD drawings. If this project is modeled in 3D or requires BIM services, SRMC can coordinate this turnkey request within our partner network for an additional fee.

**CAVEAT**

Full implementation of our operational recommendations and design cannot guarantee that Nelson County's new Social Services building will be crime-free. Rather, the purpose of this consultancy is to assist in identifying potential security issues and creating designs that support reasonable and appropriate security measures, thereby reducing the potential for incidents by implementing appropriate and functional security technologies consistent with the County's standards. Security programming needs to be addressed from a holistic perspective.

Security and crime prevention/reduction strategies are dynamic processes. The security paradigm in which we function is constantly and rapidly evolving. The recognition of new potential threats requires that security programming and technology be sufficiently flexible to quickly adapt to these changes.

Therefore, process management, technology, personnel, policies, and security procedures should be routinely reviewed and updated to reflect changes in the environment and the needs of the organization.

### PROJECT IMPLEMENTATION AND COSTS

We believe SRMC can complete this endeavor in a timely manner and provide Nelson County with high-quality consulting services.

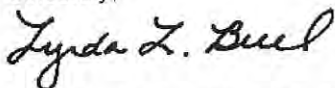
Our fees for this project are eleven thousand five hundred dollars (\$11,500.00). We do not anticipate any reimbursable expenses currently.

Any changes to the agreed-upon, delineated scope or total cost herein will only be made after they are approved in writing by both parties. Any authorized additional work will be billed at our current hourly rates of \$230.00 for consultants and \$85.00 for quality assurance/support staff.

We will provide progressive monthly invoicing based on the hours used through project completion. We recognize this is a time-sensitive endeavor and will begin working upon your acceptance of this proposal. Payment of each invoice is due within 30 days of receipt.

Thank you again, Jeff, for allowing SRMC to submit this proposal for security consulting and technology design services. Please call me at 614.224.3100 or on my cell phone at 614.595.0100 if you have any questions or need additional information. We look forward to the opportunity to collaborate with you, the design team, and the staff of Nelson County on this important endeavor.

Sincerely,



Lynda L. Buel, CPP, CFE, CSC, CPTED  
Practitioner

President & CEO

Accepted by:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name / Title

\_\_\_\_\_  
Date

For: SRMC, LLC

For: PMA Architecture




**APPENDICES**

**APPENDIX I – CURRENT CERTIFICATE OF INSURANCE**

ACORD		CERTIFICATE OF LIABILITY INSURANCE				DATE (MM/DD/YYYY)
<p>THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.</p> <p><b>IMPORTANT:</b> If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).</p>						11/1/2022
<b>PRODUCER</b> Leavitt Group Midwest: Smith, Molino & Sichko Franchise Insurance Agency Inc 4942 Reed Rd Columbus OH 43220			<b>CONTACT NAME:</b> Jodi Heise <b>PHONE:</b> (514) 451-2232 <b>FAX:</b> (855) 120-4940 <b>E-MAIL:</b> jodi-heise@leavitt.com <b>ADDRESS:</b>			<b>INSURER(S) AFFORDING COVERAGE</b> <b>NAIC #</b>
<b>INSURED</b> Security Risk Management Consultants LLC 102 W. Main St. #85 New Albany OH 43054			<b>INSURER A:</b> FCCI Insurance Company 10178 <b>INSURER B:</b> Hartford 029424 <b>INSURER C:</b> Admiral Insurance Company 24856 <b>INSURER D:</b> <b>INSURER E:</b> <b>INSURER F:</b>			
<b>COVERAGES</b>		<b>CERTIFICATE NUMBER:</b> 22-23 Master		<b>REVISION NUMBER:</b>		
<p>THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.</p>						
INSTR	TYPE OF INSURANCE	ADDITIONAL INSURER	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR  GENL AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PROJECT <input type="checkbox"/> LOC <input type="checkbox"/> OTHER		CP1100032508-05	11/4/2022	11/4/2023	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Per one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS-COMP/OP AGG \$ 2,000,000
A	<b>AUTOMOBILE LIABILITY</b> <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS		CA100006687-07	11/4/2022	11/4/2023	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
A	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED <input checked="" type="checkbox"/> RETENTION \$ 0		UMB100017543-06	11/4/2022	11/4/2023	EACH OCCURRENCE \$ 2,000,000 AGGREGATE \$ 2,000,000 \$
B	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE/OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N N	3397EAMS003 (OH Employers Liability)	7/16/2022	7/16/2023	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTHER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000
C	<b>Professional Liability:</b> \$10,000 Retention per Claim		RG000052749-03	11/4/2022	11/4/2023	Per Claim \$ 2,000,000 Aggregate \$ 2,000,000
DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)						
<b>CERTIFICATE HOLDER</b>				<b>CANCELLATION</b>		
Proof of Insurance Proof of Insurance Proof of Insurance				SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.  AUTHORIZED REPRESENTATIVE Robert Smith/ACAST		

**APPENDIX II – WBE AND WOSB CERTIFICATES**



hereby grants

## National Women's Business Enterprise Certification

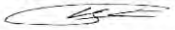
to

### Security Risk Management Consultants, LLC


who has successfully met WBENC's standards as a Women's Business Enterprise (WBE).  
This certification affirms the business is woman-owned, operated and controlled and is valid through the date herein.

Certification Granted: August 31, 2015  
Expiration Date: August 31, 2024  
WBENC National Certification Number: 2005127553

WBENC National WBE Certification was prepared and published by Women's Business Enterprise Council Ohio River Valley, a WBENC Regional Partner Organization.




Authorized by Lynise Smith, Executive Director  
Regional Business Enterprise Council Ohio River Valley



NACIS: 214896  
UNSPSC: 4271293, 4610046, 10171500, 8471600, 1611619, 2915000






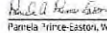
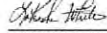
hereby grants

### WOMAN OWNED SMALL BUSINESS (WOSB) CERTIFICATION TO

#### Security Risk Management Consultants, LLC

The identified small business is an eligible WOSB for the WOSB Program, as set forth in 13 C.F.R. part 127 and has been certified as such by an SBA approved Third Party Certifier pursuant to the Third Party Agreement, dated June 30, 2011, and available at [www.sba.gov/wosb](http://www.sba.gov/wosb).

The WOSB Certification expires on the date herein unless there is a change to the SBA's regulation that makes the WOSB ineligible or there is a change in the WOSB that makes the WOSB ineligible. If either occurs, this WOSB Certification is immediately invalid. The WOSB must not misrepresent its certification status to any other party, including any local or State government or contracting official or the Federal government or any of its contracting officials.

Name: Lynise Smith Title: Executive Director Phone: 708.233.2000 Email: lsmith@wbenc.org Date: 8/31/2015	 <p>Lynise Smith, Women's Business Enterprise Council Ohio River Valley Executive Director</p>  <p>Pamela Prince-Easton, WBENC President &amp; CEO</p>  <p>Lakisha White, Vice President, Certification</p>
--	--

Nelson County Social Services Building Project

November 1, 2023 - Prepared by PMA Architecture

Preliminary Opinion of Probable Construction Cost and Project Budget Components

	Budget
<i>Project Components</i>	
<b>Architect and Engineering Fees</b>	<b>\$1,170,780</b>
Building & Site Design Cost Estimate (10.6%)	\$882,260
Road Design Cost Estimate	\$50,300
Security System Design	\$11,500
Design Team Construction Administration Allowance	\$217,020
Road Constructin Administration Allowance	\$9,700
<b>Construction and Inspections</b>	<b>\$7,571,480</b>
Social Services Building Construction	\$4,226,480
Site Costs	\$2,100,000
Road Cost	\$780,000
Quality assurance testing	\$35,000
Furniture + Furnishings + Equipment	\$315,000
Acoustic Treatments	\$40,000
Security System	\$75,000
<b>Other</b>	<b>\$137,000</b>
Moving costs	\$20,000
Electrical Service <i>*estimated</i>	\$65,000
Telephone system	\$40,000
Bidding costs	\$12,000
<b>Contingency</b>	<b>\$678,574</b>
Soils Contingency	\$100,000
Stormwater Contingency	\$200,000
Construction Contingency (5%)	\$378,574
<b>Total Project Budget Range</b>	<b>\$9,557,834</b>





JEFFREY PALMORE  
CHAIRMAN

ROBYN DE SOCIO  
EXECUTIVE SECRETARY

CRAIG BURNS  
STACI HENSHAW  
EX-OFFICIO MEMBERS

## COMMONWEALTH OF VIRGINIA

### *Compensation Board*

P.O. Box 710  
Richmond, Virginia 23218-0710

October 4, 2023

#### **MEMORANDUM**

**TO:** Constitutional Officers and Regional Jail Superintendents  
City Managers and County Administrators

**FROM:** Robyn M. de Socio  
Executive Secretary

**SUBJECT:** FY24 Additional Budget Allocations Approval

I am writing to provide an update to my notice of September 15, 2023 regarding budget amendments affecting Constitutional Officers and the Compensation Board contained in Chapter 1, 2023 General Assembly Special Session I Acts of Assembly (Amendments to the FY24 Budget). The Compensation Board met on September 28, 2023 and approved additional budgeted funding for each constitutional office and regional jail to provide for the additional targeted salary/funding initiatives, effective December 1, 2023, approved in Chapter 1.

Please refer to the attached spreadsheet showing the budget changes approved by the Compensation Board to implement the targeted increases and across-the-board 2% increase, all effective December 1, 2023. These amounts are now approved, pending personnel changes that may occur between now and December 1, 2023 that could impact calculations. This spreadsheet serves to notify you of the budgeted amounts approved by the Compensation Board and to assist you with your own calculations until such time as the initiatives are implemented effective December 1, 2023 in the COIN budget and reimbursement system, and new "current active" budgets can be printed from COIN.

Note that the attached spreadsheet is a macro-enabled Excel file. Please first open the attached pdf document entitled "FY24 new Budget Allocations Spreadsheet Opening Instructions 10-2023" for detailed instructions on how to download and extract your office data from the macro-enabled Excel file, as many computers will block macro files. If you still cannot extract your data after following these instructions, or the macro-enabled Excel file is missing, please contact the Compensation Board staff noted at the end of this letter for assistance.

**In addition to the attached spreadsheet showing approved amounts, please review further explanations and information on the following two pages regarding the details of the funding initiatives and amounts provided.**

You may also wish to review the attached pdf document entitled "FY24 Approved Budget Bill Amendments 9-23 association ltr" for the summary overview provided on September 15, 2023 regarding the budget amendments approved during the 2023 General Assembly Special Session I.

The spreadsheet shows the following information for each of your Compensation Board funded positions in the columns as listed, as entered in COIN as of 9/19/2023. Columns are:

- A. Cost Code - Locality (FIPS) Code or Cost Code – Federal Information Processing Standards associated with your locality, or cost code where no FIPS.
- B. Office Code – Code designating Sheriff/Reg Jail (307); Director of Finance (717); Commissioner of the Revenue (771); Commonwealth’s Attorney (772); Circuit Court Clerk (773); Treasurer (774).
- C. Locality Name – Locality or Regional Jail Name.
- D. Officer Type – Office.
- E. Position Number – Compensation Board position number as shown in COIN.
- F. Class – Compensation Board Classification as currently shown in COIN as of 9/19/23.
- G. Current Salary 9/2023 – Current Compensation Board Salary displayed in COIN as of 9/19/23.
- H. Targeted Increase Ranked Deputies/Officers – Annualized budgeted amount of salary increase for ranked (Gr 8 – Gr 14) sheriffs’ deputies or regional jail officers where needed to raise salary to new minimum salary levels established for ranked/tenured sworn staff in sheriffs’ offices and regional jails.
- I. Reapplication of Compression Increase (Sworn only) – Annualized budgeted amount of salary increase to re-apply the same compression increase provided to the individual employee on August 1, 2022, provided each individual is still in an eligible (sworn) CB funded position in the same office. If a different person is in a position than the person that received the compression increase last year, they are not necessarily eligible for a compression increase (unless they received a compression increase last year and are still in an eligible position in the office). The intent of the re-application of the compression increase is to ensure that a targeted increase does not simply absorb the compression increase provided on August 1, 2022 for sworn employees still in their positions. The Reapplication of Compression Increases is not based on a new determination of eligibility or a new calculation of eligible years of service, and may not apply specifically to positions receiving a targeted increase based on a new minimum salary level.
- J. Elected Sheriff Consolidation of Population Groups – Annualized budgeted amount of salary increase for sheriffs currently serving in localities with populations below 40,000, where lower population groups in the salary table for elected officers have been consolidated into a 0-69,999 population group retaining the salary level for sheriffs in the previous 40,000-69,999 population group.
- K. Piedmont Regional Jail – funding initiative providing staffing based on an approved change to the rated operating capacity of the regional jail.
- L. Restoration of Unfunded Positions in Commissioners of the Revenue Offices – Annualized budgeted amount of salary increase for unfunded, previously allocated positions in Commissioners’ offices, where funding is budgeted to restore the salary to the minimum of the pay band for the current position classification (note that employee positions in Commissioners’ offices are reimbursed at 50% of the budgeted amount).
- M. Targeted Increase Assistant Commonwealth’s Attorneys - Annualized budgeted amount of salary increase for Assistant Commonwealth’s Attorney positions at: 11.98% for ATTI, CPII, ATTA, ATTB; 25.68% for ATTII; 13.51% for ATIII, FPIII, GIII, DPIII; 26.10% for ATTIV.
- N. Targeted Increase Deputies/Staff in Circuit Court Clerks – Annualized budgeted amount of salary increase for deputies and staff positions in Circuit Court Clerks’ offices of 4.59% for classifications in pay bands 1 & 2, and 2.51% for classifications in pay band 4.

- O. Restoration of Unfunded Positions in Treasurers' Offices – Annualized budgeted amount of salary increase for unfunded, previously allocated positions in Treasurers' offices, where funding is budgeted to restore the salary to the minimum of the pay band for the current position classification (note that employee positions in most Treasurers' offices are reimbursed at 50% of the budgeted amount).
- P. New Allocation of Career Development Program Funding – Annualized budgeted amount of salary increase for all FY24 qualified and unfunded participants in career development programs for which eligibility was approved but funding was not available effective July 1, 2023; funding will now be available effective December 1, 2023.
- Q. Budgeted Total of All Targeted Salary Initiatives – The annualized budgeted sum of all targeted salary initiatives impacting each listed position.
- R. Estimated Fringe Benefits on Targeted Salary Initiatives – The estimated reimbursable fringe benefit amount calculated on the annualized budgeted salary amount (note for Treasurers and Commissioners that 50% of estimated fringe benefits are reimbursable).
- S. Estimated Salary 12/1/2023 based on Current 9/2023 + Targeted Initiatives – This is the currently estimated annualized budgeted salary at 12/1/2023 based on the current salary as of 9/19/2023 and the application of targeted annualized salary increases for each position listed, prior to the application of the across-the-board 2% salary increase.
- T. Estimated Additional 2% Increase 12/1/2023 After Targeted Initiatives – Annualized budgeted amount of across-the-board 2% salary increase to be added to the listed position (all constitutional officers and their Compensation Board funded permanent positions, provided that the governing authority of such employees uses the across-the-board increase funds for salary increases) after targeted increases. Note that since 2017, language has been included in the budget by the General Assembly requiring that governing authorities use the salary increase funds from across-the-board salary increases to support salary increases for constitutional officers and their employees and not simply absorb those funds to offset local salary supplement funds.
- U. Estimated Budgeted Salary 12/1/2023 based on Current 9/2023 + Targeted Initiatives & 2% Across-the-Board Increase (excluding Fringe Benefits) – Annualized budgeted salary estimated on 12/1/2023 for the listed position including targeted increases and the 2% across-the-board increase.

**Note** that all salary increase amounts are identified as an annualized, budgeted amount that will be effective December 1, 2023. Localities will be reimbursed based on actual expenses incurred based on these annualized amounts for the months of December 1, 2023 through June 30, 2024 (pro-rated 7 months in FY24). Except where estimated, fringe benefits are not included in budgeted amounts, and are reimbursable based upon actual salary expenses incurred and requested for reimbursement.

**Note** that the Current Salaries 9/2023 are based upon personnel listed in the COIN system as of September 19, 2023, and that these salaries and subsequent calculations are subject to change with additional CB10 personnel changes that may be added prior to December 1 or later with an effective date on or before December 1 by the constitutional office or regional jail. **Position classification changes at the same annual rate between October 1 and December 1 that increase the amount of the targeted salary increase for the position will not be allowed.**

MEMO: Constitutional Officers and Regional Jail Superintendents,  
 City Managers and County Administrators  
 October 4, 2023  
 Page 4 of 4

Please review all provided information carefully, and if you have any questions, please contact a member of the Compensation Board staff below.

Officer	Staff Member	Email Address	Telephone
Sheriffs and Regional Jails	Brian Bennett, Senior Fiscal Technician	brian.bennett@scb.virginia.gov	804-225-3443
	Donna Foster, Senior Fiscal Technician	donna.foster@scb.virginia.gov	804-225-3435
Commissioners of the Revenue, Treasurers and Finance Directors	Joan Bailey, Senior Fiscal Technician	joan.bailey@scb.virginia.gov	804-225-3351
Circuit Court Clerks and Commonwealth's Attorneys	Paige Christy, Senior Fiscal Technician	paige.christy@scb.virginia.gov	804-225-3442
All Officers or Gov Bodies	Bill Fussell, Customer Service Supervisor	william.fussell@scb.virginia.gov	804-225-3321
	Charlotte Lee, Budget Manager	charlotte.lee@scb.virginia.gov	804-225-3366
	Robyn de Socio, Executive Secretary	robyn.desocio@scb.virginia.gov	804-225-3439

COMPENSATION BOARD APPROVAL OF ESTIMATED ADDITIONAL FUNDS ALLOCATED TO FY24 BUDGETS OF CONSTITUTIONAL OFFICERS PURSUANT TO CHAPTER 1, 2023 SPECIAL SESSION I ACTS OF ASSEMBLY, FOR IMPLEMENTATION DECEMBER 1, 2023

COMPENSATION BOARD APPROVAL, SEPTEMBER 28, 2023 (subject to change pending personnel actions/separations that reduce allocation of compression increases and CDP increases prior to implementation on December 1, 2023)

Cost Code	Office Code	Officer Type	Position Number	Class	Current Salary 9/2023	Targeted Increase Ranked Deputies/Officers	Reapplication of Compression Increase (Sworn only)	Elected Sheriff Consolidation of Population Groups	Restoration of Unfunded Positions in Commissioners of the Revenue Offices	Targeted Increase Assistant Commonwealth's Attorneys	Targeted Increase Deputies/Staff in Circuit Court Clerks	Restoration of Unfunded Positions in Treasurers' Offices	Budgeted Total of All Targeted Salary Initiatives	Estimated Fringe Benefits on Targeted Salary Initiatives	Estimated Salary 12/1/2023 based on Current 9/2023 + Targeted Initiatives	Estimated Additional 2% Increase 12/1/2023 After Targeted Initiatives	Estimated Budgeted Salary 12/1/2023 based on Current 9/2023 + Targeted Initiatives & 2% Across-the-Board Increase (excluding Fringe Benefits)	Ending Salary VS Beginning
125	307	Sheriff	00001	L10	50,560	0	900						900	91	51,460	1,029	52,489	1,929
125	307	Sheriff	00002	L12	73,261	0	1,300						1,300	131	74,561	1,491	76,052	2,791
125	307	Sheriff	00003	L9	51,689	0	0						0	0	51,689	1,034	52,723	1,034
125	307	Sheriff	00004	ADMSS	0	0	0						0	0	0	0	0	0
125	307	Sheriff	00005	CS9	49,576	823	0						823	83	50,399	1,008	51,407	1,831
125	307	Sheriff	00006	L9	46,305	4,094	0						4,094	412	50,399	1,008	51,407	5,102
125	307	Sheriff	00007	COMOP	34,442	0	0						0	0	34,442	689	35,131	689
125	307	Sheriff	00008	L10	54,210	0	0						0	0	54,210	1,084	55,294	1,084
125	307	Sheriff	00010	L12	59,985	0	600						600	60	60,585	1,212	61,797	1,812
125	307	Sheriff	00011	COMOP	31,622	0	0						0	0	31,622	632	32,254	632
125	307	Sheriff	00012	COMOP	40,512	0	0						0	0	40,512	810	41,322	810
125	307	Sheriff	00013	L10	54,983	0	1,400						1,400	141	56,383	1,128	57,511	2,528
125	307	Sheriff	00014	SHEOA	101,936	0	0	19,824					19,824	1,994	121,760	2,435	124,195	22,259
125	307	Sheriff	00016	L9	49,576	823	0						823	83	50,399	1,008	51,407	1,831
125	307	Sheriff	00017	L9	46,305	4,094	0						4,094	412	50,399	1,008	51,407	5,102
125	307	Sheriff	00018	CS9	46,830	3,569	500						4,069	409	50,899	1,018	51,917	5,087
125	307	Sheriff	00019	CO SP	32,433	0	0						0	0	32,433	649	33,082	649
125	307	Sheriff	00020	L9	46,637	3,762	0						3,762	378	50,399	1,008	51,407	4,770
125	307	Sheriff	00021	COMOP	32,214	0	0						0	0	32,214	644	32,858	644
125	307	Sheriff	00022	CS8	45,203	908	0						908	91	46,111	922	47,033	1,830
125	307	Sheriff	00023	CS8	47,264	0	0						0	0	47,264	945	48,209	945
125	<b>307 Total</b>				<b>995,543</b>	<b>18,073</b>	<b>4,700</b>	<b>19,824</b>					<b>42,597</b>	<b>4,285</b>	<b>1,038,140</b>	<b>20,762</b>	<b>1,058,902</b>	<b>63,359</b>
125	771	Commissioner	00001	DII	0				30,312				30,312	3,049	30,312	606	30,918	30,918
125	771	Commissioner	00002	DIII	37,886				0				0	0	37,886	758	38,644	758
125	771	Commissioner	00003	CREV	82,837				0				0	0	82,837	1,657	84,494	1,657
125	771	Commissioner	00004	DI	26,208				0				0	0	26,208	524	26,732	524
125	<b>771 Total</b>				<b>146,931</b>				<b>30,312</b>				<b>30,312</b>	<b>3,049</b>	<b>177,243</b>	<b>3,545</b>	<b>180,788</b>	<b>33,857</b>
125	772	Commonwealth's Attorney	00001	ATTY	145,355					0			0	0	145,355	2,907	148,262	2,907
125	772	Commonwealth's Attorney	00002	AAll	33,273					0			0	0	33,273	665	33,938	665
125	772	Commonwealth's Attorney	00003	CPII	78,419					9,398			9,398	945	87,817	1,756	89,573	11,154
125	772	Commonwealth's Attorney	00004	ATTI	65,634					7,866			7,866	791	73,500	0	73,500	7,866
125	772	Commonwealth's Attorney	00005	SEC	30,312					0			0	0	30,312	606	30,918	606
125	<b>772 Total</b>				<b>352,993</b>					<b>17,264</b>			<b>17,264</b>	<b>1,737</b>	<b>370,257</b>	<b>5,934</b>	<b>376,191</b>	<b>23,198</b>
125	773	Circuit Court Clerk	00001	CLERK	116,727						0		0	0	116,727	2,335	119,062	2,335
125	773	Circuit Court Clerk	00002	DCIV	44,609						0		0	0	44,609	892	45,501	892
125	773	Circuit Court Clerk	00003	DCII	37,552						912		912	92	38,464	769	39,233	1,681
125	773	Circuit Court Clerk	00004	DCII	38,217						928		928	93	39,145	783	39,928	1,711
125	<b>773 Total</b>				<b>237,105</b>						<b>1,840</b>		<b>1,840</b>	<b>185</b>	<b>238,945</b>	<b>4,779</b>	<b>243,724</b>	<b>6,619</b>
125	774	Treasurer	00001	DI	0							26,208	26,208	2,637	26,208	524	26,732	26,732
125	774	Treasurer	00002	MDII	33,132						0		0	0	33,132	663	33,795	663
125	774	Treasurer	00003	TREA9	90,540						0		0	0	90,540	1,811	92,351	1,811
125	774	Treasurer	00004	MDIV	39,610						0		0	0	39,610	792	40,402	792
125	774	Treasurer	00005	DI	0							26,208	26,208	2,637	26,208	524	26,732	26,732
125	<b>774 Total</b>				<b>163,282</b>							<b>52,416</b>	<b>52,416</b>	<b>5,273</b>	<b>215,698</b>	<b>4,314</b>	<b>220,012</b>	<b>56,730</b>
					<b>1,895,854</b>								<b>103,065</b>	<b>10,368</b>	<b>2,040,283</b>	<b>35,405</b>	<b>2,079,617</b>	<b>183,763</b>

Total Annual CB Reimbursement \$ 148,838  
7 months Prorated \$ 86,822





★ VIRGINIA ★  
DEPARTMENT *of* ELECTIONS

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**TO:** Jacqueline C Britt and Linda K. Staton, Nelson County

**FROM:** Kevin A. Hill   
Business Manager  
Department of Elections (ELECT)

**DATE:** November 3, 2023

**SUBJECT:** 2023-2024 Authorized General Registrar and Local Electoral Board Member Salaries Update for Nelson County

The Code of Virginia (§24.2-108 and §24.2-111) mandates the governing body of each county or city to pay compensation to their general registrar and electoral board members in accordance with the compensation expense plan established in the *Annual Virginia Acts of Assembly*. This correspondence sets the authorized state compensation to be paid to your general registrar and electoral board members effective July 1, 2023 through June 30, 2024 as shown in table 1. The tables include the amount authorized for the period of March 1, 2023 through February 29, 2024 to help with your 2024 reimbursement request. The authorized general registrar salary and electoral board compensation are computed using the latest (Published January 2023) population estimates from the University of Virginia's Weldon Cooper Center for Public Service, Demographics & Workforce.

**Authorized Salary for General Registrar**

The authorized salary rates for your local general registrar are shown in table 1 and only reflect annual salary as locality's process payrolls differently. Your local governing body will be reimbursed by the Department of Elections for state authorized salary payments to the extent of funds provided in the *Annual Virginia Acts of Assembly*. **The authorized salary takes into account changes made by the General Assembly and Governor to adjust General Registrar salaries by five-percent effective July 1, 2023 and additional adjustment of two-percent effective December 1, 2023.**

Your local governing body is also required to provide benefits to the general registrar, deputy registrars and the registrar's staff as provided to other employees of your locality. Local governments are also required to pay the reasonable expenses of the general registrar, including reimbursement for mileage at the rate payable to members of the General Assembly. Reasonable expenses include, but are not limited to, costs for: (i) an adequately trained registrar's staff, including training in the use of computers and technology to the extent provided to other local employees with similar job responsibilities, and reasonable costs for the general registrar to attend annual training offered by the Department of Elections; (ii) adequate training for officers of election; (iii) conducting elections as required; and (iv) voter education. Local governing bodies may supplement the annual salary of the general registrar. However, the supplement, expenses, and mileage of the general registrar, are not reimbursable from the State Treasury.

**Electoral Board Authorized Compensation**

Table 1 shows the authorized state annual salary rates for your Electoral Board (EB) members. These amounts are to be paid by your local government during the period of July 1, 2023 through June 30, 2024. Also included in the table is the amount authorized for the period of March 1, 2023 through February 29,

2024 to help with your 2024 reimbursement request. The authorized salaries **include** a five-percent salary increase for fiscal year 2024 effective July 1, 2023 and **additional adjustment of two-percent effective December 1, 2023.**

### **Mileage & Expenses**

The governing body of any county or city may pay the secretary of its electoral board additional allowance for expenses as it deems appropriate but there shall be no reimbursement out of the State Treasury for such expenses.

The authorized mileage rate for general registrars, their staff and local electoral board members is to be paid at the rate listed by the federal government at the IRS website (<http://www.irs.gov/Tax-Professionals/Standard-Mileage-Rates/>) at the time of travel, counties and cities shall not be reimbursed from State Treasury for mileage paid to general registrars or members of electoral boards.

### **Reimbursements from State Treasury**

Annually, the Department of Elections reimburses your local government for the state authorized salaries based on population paid to the general registrar and your local electoral board members. As stated, the reimbursements will not include local supplements, mileage and expenses of the general registrar or local electoral board only the state authorized amount contingent to the extent of funds provided.

The Appropriations Act permits the governing body of any county or city to pay the secretary of its electoral board additional allowance for expenses as it deems appropriate. However, the Department of Elections will not reimburse the additional allowances.

If you have any questions regarding the above information, please contact the Department of Elections Fiscal staff at (804) 864-8950 or send an email to [fiscal@elections.virginia.gov](mailto:fiscal@elections.virginia.gov).

cc: General Registrar



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DEPARTMENT *of* ELECTIONS

		Reimbursement Period (3/1/2023-2/28/2024) – Annual Amounts											Next Reimbursement Period				Reimbursement Period Amount	
		2023 Calendar Year										2024 Calendar Year						
		March FY23	April FY23	May FY23	June FY23	July FY24	Aug FY24	Sept FY24	Oct FY24	Nov FY24	Dec FY24	Jan FY24	Feb FY24	March FY24	April FY24	May FY24	June FY24	
GENERAL REGISTRAR		\$78,892	\$78,892	\$78,892	\$78,892	\$82,837	\$82,837	\$82,837	\$82,837	\$82,837	\$84,494	\$84,494	\$84,494	\$84,494	\$84,494	\$84,494	\$84,494	<b>\$81,936</b>
ELECTORAL BOARD	Secretary	\$3,659	\$3,659	\$3,659	\$3,659	\$3,842	\$3,842	\$3,842	\$3,842	\$3,842	\$3,919	\$3,919	\$3,919	\$3,919	\$3,919	\$3,919	\$3,919	<b>\$7,600</b>
	Chairman	\$1,830	\$1,830	\$1,830	\$1,830	\$1,921	\$1,921	\$1,921	\$1,921	\$1,921	\$1,959	\$1,959	\$1,959	\$1,959	\$1,959	\$1,959	\$1,959	
	Vice-Chair	\$1,830	\$1,830	\$1,830	\$1,830	\$1,830	\$1,830	\$1,830	\$1,830	\$1,830	\$1,830	\$1,959	\$1,959	\$1,959	\$1,959	\$1,959	\$1,959	

Table 1: Authorized Salaries – GR and Electoral Board Members for Nelson County (51125)



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 R2023-72**  
**NELSON COUNTY BOARD OF SUPERVISORS**  
**FY2023-2024 AMENDMENT OF SALARY AND CLASSIFICATION SYSTEM**  
**APPROVAL OF EMPLOYEE COMPENSATION ADJUSTMENTS EFFECTIVE DECEMBER 1, 2023**

**WHEREAS**, The FY24 additional budget allocations approved in September 2023 by the General Assembly and Governor Youngkin include a 2% across-the-board increase from the State Compensation Board (SCB) salary effective December 1, 2023 for locally-elected constitutional officers and their full-time employees and General Registrars and members of local electoral boards; and,

**WHEREAS**, in addition to funding the 2% across-the-board increase, funding for targeted increases are provided as of December 1, 2023, for employees of the Sheriff's Department, Commonwealth Attorney's Office, and Circuit Court Clerk's Office and restoration of unfunded Deputy positions are provided for in the Commissioner of Revenue and Treasurer's Office; and

**WHEREAS**, the County will be reimbursed by the State Compensation Board based on actual expenses incurred for the 7-month period from December 1, 2023 to June 30, 2024 for these expenses; and

**WHEREAS**, commensurate with the SCB 2% across-the-board increase, the Board wishes to provide all eligible non-probationary regular County employees with the same pro-rated 2% across-the-board increase, effective December 1, 2023; and

**WHEREAS**, providing the prorated 2% across-the-board increase for all eligible non-probationary regular County employees effective December 1, 2023 can be accomplished within the current appropriated General Fund budget, utilizing vacancy savings in unfilled positions,

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

Constitutional Offices and General Registrar:

Effective December 1, 2023, a two percent (2%) salary adjustment shall be authorized for all regular part-time employees and all full-time employees employed by a Constitutional Officer, inclusive of the Officer and Registrar. The two percent (2%) for all Constitutional Officers and their Compensation Board funded permanent staff positions shall be calculated based upon the salary in effect on December 1, 2023 (Compensation/Electoral Board and local supplement). Additionally, the Nelson County Board of Supervisors hereby approves implementation of the State Compensation Board funded targeted increases for Constitutional Offices such that at minimum, the new State Compensation Board salary is in effect.

County Employees:

Effective December 1, 2023, a two percent (2%) salary adjustment shall be hereby authorized for regular non-probationary Nelson County personnel (full-time and regular part-time) employed pursuant to the County's salary classification and pay plan, effective on December 1, 2023. Employee compensation adjustments will be based upon two percent (2%) of current salary in effect on December 1, 2023.

Approved: \_\_\_\_\_

Attest: \_\_\_\_\_, Clerk  
Nelson County Board of Supervisors





NELSON COUNTY SERVICE AUTHORITY

NAME, ADDRESS & PHONE

TERM 4 Years, No Limits

Justin Shimp, P.E.- **North District**  
148 Tanbark Dr.  
Afton, VA 22920  
H: (434) 953-6116  
[Justin@shimp-engineering.com](mailto:Justin@shimp-engineering.com)

July 1, 2022 – June 30, 2026

**\*RESIGNED**

Ernie Q. Reed - **Central District**  
971 Rainbow Ridge Rd.  
Faber, VA 22938  
H: (434) 971-1647  
C: (434) 249-8330  
[ereed@nelsoncounty.org](mailto:ereed@nelsoncounty.org)  
[lec@wildvirginia.org](mailto:lec@wildvirginia.org)

July 1, 2022 - June 30, 2026

Robert McSwain- **East District**  
3254 Dutch Creek Lane  
Shipman, VA 22971  
H: (434) 263-6714  
[losthorseshoe2@gmail.com](mailto:losthorseshoe2@gmail.com)

July 1, 2022 -June 30, 2026

Sergio Sanchez- **South District**  
1035 Gladstone Road  
Gladstone, VA 22971  
H: (434) 941-1811  
[sergio.sanchez321@yahoo.com](mailto:sergio.sanchez321@yahoo.com)

July 1, 2020 - June 30, 2024  
(appointed 9/13/22)

David S. Hight – **West District**  
P.O. Box 5  
Roseland, VA 22967  
H: (434) 277-5351  
[DHUMINC@gmail.com](mailto:DHUMINC@gmail.com)

July 1, 2020 - June 30, 2024

Authority : Established by the Code of Virginia §15.2-5113 and Nelson County Code Chapter 12 - Utilities

Membership: 5 Members appointed by Election District.

Term: 4 Years, July 1 – June 30. No term limits

Summary of Duties: To serve as the governing Board of the Nelson County Service Authority.

Meetings: Regular meetings are held monthly on the third Thursday of each month at 8:30am. Members are compensated \$100 per meeting plus mileage paid at the existing State mileage rate per BOS Resolution dated February 8, 2022.

NELSON COUNTY BOARDS AND COMMISSIONS APPLICATION FORM

Subject: Appointments - Statement of Interest Form

Completing this form is one way to indicate your interest in being considered for appointment to some of the Boards, Commissions and Committees appointed by the Board of Supervisors. All appointments remain at the discretion of the Board of Supervisors.

Please complete and mail this form to:

Nelson County Board of Supervisors  
Attention: Stephen A. Carter, Clerk of Board  
Post Office Box 336  
Lovingston, VA 22949

or fax to (434) 263-7004

---

Date 10/23/2023

Mr.  Mrs.

Name: Alvin Cameron Lenahan

List a maximum of three (3) Boards on which you are interested in serving.

1. Nelson County Service Authority Board

2. \_\_\_\_\_

3. \_\_\_\_\_

Home Address:

316 Bland Wade Lane, Afton, VA 22920

---

Occupation Self-Employed Employed by: AC's Towing & Recovery

Cell Phone # (540) 471-9559 Business Phone No. (540) 221-4510

Fax # \_\_\_\_\_ E-Mail Adress: Ac's Trucking540@yahoo.com

Do you Live in Nelson County? Yes  No

Are you currently a member of a County Board, Commission, Committee or Authority? Yes  No

If yes, list the Board(s):

N/A \_\_\_\_\_

What talent(s) and/or experience can you bring to the Board(s)?

One of my first jobs after graduating Nelson County High School was working for the Nelson County Service Authority at the Wintergreen Water Treatment Plant. Since then, I have started multiple companies including AC's Trucking, a company that operates nationwide, AC's Towing that operates in 5 locations across Virginia including Nelson County. I also started up a commercial real estate holding company, United Investments. All of these companies continue to grow, While maintaining a well above average salaries. I know how to manage money and can bring my financial expertise to the table.

What do you feel you can contribute to the Board(s) and to the community that may not be evident from information already on this form?

I think that I would be the best candidate for this position since I have experience with the Service Authority and I have fourteen years of a proven track record for making sound financial decisions.

Please use this space for any additional information you would like to provide:

I can bring experience, a creative approach to problem solving along with great work ethics and positivity.

A resume or separate sheet with additional information may be included.

#### ATTENDANCE REQUIREMENTS

Section 2-153, Absences, Chapter 2, Administration, Article V. Appointments for Boards and Commissions of the Nelson County Code, an appointee of the Board of Supervisors who either (a) fails, during a calendar year, to attend seventy-five percent of the regular meetings of the board or commission of which he/she is a member, or (b) is absent for three consecutive regular meetings, shall be deemed to have tendered his/her resignation from such position. The Board of Supervisors may accept such resignation by appointing another person to fill the position.

In light of the above, will you be able to attend at least 75% of the regular meetings of the boards to which you may be appointed?

Yes  No

JEFFERSON AREA BOARD FOR AGING ADVISORY COUNCIL

2 Members

Term

Carl Stellwag  
411 Perry Lane  
Faber, VA 22938  
C (703) 344-4267  
[carlstellwag@gmail.com](mailto:carlstellwag@gmail.com)

January 1, 2022 - December 31, 2023  
(Appointed February 8, 2022)

Mary S. Cunningham  
171 Joshua Lane  
Afton, VA 22920  
H (540) 456-8316  
C (434) 882-1587  
[mcscherpa@gmail.com](mailto:mcscherpa@gmail.com)

January 1, 2023 - December 31, 2024

Term(s) of Office: 2 years: January 1st to December 31<sup>st</sup>

Summary of Duties: Responsible for developing a comprehensive and coordinated system for services for all persons 60 and over. Acts as an advocate for seniors' interests and as a resource for agencies, organizations and individuals. Provides information referral/tracking service and transportation to improve links between older persons and existing service.

Meetings: Meets the first Thursday of each month at Noon at JABA 674 Hillsdale Drive, Charlottesville. Members serve on a volunteer basis. Contact: Marta Keene CEO. [mkeene@jabacares.org](mailto:mkeene@jabacares.org), ph 434-817-5238





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 R2023-68  
NELSON COUNTY BOARD OF SUPERVISORS  
APPROVAL OF THOMAS JEFFERSON PLANNING DISTRICT  
2024 LEGISLATIVE PROGRAM**

**WHEREAS**, the draft Thomas Jefferson Planning District Legislative Program for 2024 lists three top legislative priorities; and

**WHEREAS**, the program includes a priority addressing public education funding; a constant position on budget/funding issues that supports state aid to localities and opposes mandates and cost shifting to localities; and support for local authorities to plan and regulate land use and growth management; and

**WHEREAS**, the Legislative Program also contains additional positions that focus on the most critical recommendations and positions in other areas of current interest and concern to localities in the region;

**NOW THEREFORE BE IT RESOLVED**, by the Nelson County Board of Supervisors, that the 2024 Thomas Jefferson Planning District Legislative Program be and hereby is approved by said governing body, with the legislative program to serve as the basis of legislative priorities and positions of the member localities of the Thomas Jefferson Planning District for the 2024 session of the Virginia General Assembly, as presented on November 16, 2023, as well as incorporation of recommendations put forth by the Board, as applicable.

Approved: \_\_\_\_\_

Attest: \_\_\_\_\_, Clerk  
Nelson County Board of Supervisors

November 6, 2023

TO: Members, Nelson County Board of Supervisors  
Nelson County Administrator

FROM: David C. Blount, Director of Legislative Services

RE: 2024 TJPDC Legislative Program Approval

Attached for your review and consideration is the draft 2024 TJPDC Legislative Program. I will be seeking approval of it at your November 16 meeting. The draft program lists three top legislative priorities for 2024 as follows:

- 1) Public Education Funding
- 2) Budgets and Funding
- 3) Land Use and Growth Management

The accompanying “Legislative Positions” section focuses on the most critical recommendations and positions in other areas of current interest and concern in the region. Items in this section that have been substantively amended are noted following this memo.

A summary of the priority positions will be produced and distributed later for you to use in continuing to communicate with your legislators.

I look forward to discussing the draft program and seeking approval of it at your November 16 meeting. Thank you.

---

**Recommended Action:** Approve the draft 2024 TJPDC Legislative Program

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## **Substantive Changes to Legislative Positions Section**

**Economic Development** (p. 4; fifth bullet): Added language endorsing state support for the Business Ready Sites Program and for an economic development project adjacent to the existing Rivanna Station.

### **Education** (p. 4):

>Added language urging cost sharing for children in private special education placements (second bullet).

>Added language to support current *Code* language concerning unexpended school funds (third bullet).

**Environmental/Water Quality** (p. 5; seventh bullet): Added language to support state funding for development of regional water supply plans.

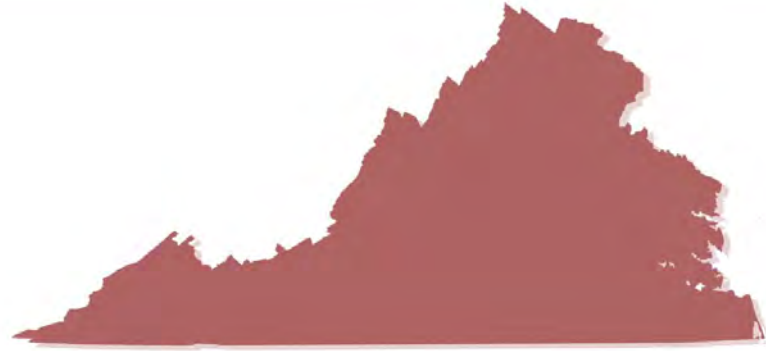
**General Government** (p. 6; sixth bullet): Added language supporting state funding for agencies to carry out critical administrative functions.

**Health and Human Services** (p. 6; third bullet): Added language supporting the stability of TANF funding.

### **Public Safety** (p. 7):

>Added language supporting LODA benefits for officers of private police departments (fourth bullet).

>Added language supporting use of photo speed monitoring devices (last bullet).



# **Thomas Jefferson Planning District**

## **2024 LEGISLATIVE PROGRAM**

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Albemarle County | City of Charlottesville  
Fluvanna County | Greene County  
Louisa County | Nelson County

**November 2023**  
**DRAFT**

**Ned Gallaway**, Chair  
**Christine Jacobs**, Executive Director  
**David Blount**, Director of Legislative Services

# TOP LEGISLATIVE PRIORITIES

## Public Education Funding

**PRIORITY: The Planning District localities urge the State to fully fund its share of the realistic costs of the Standards of Quality (SOQ) and reverse policy changes that previously reduced funding or shifted funding responsibility to localities.**

The State will spend billions of dollars on direct aid to public education in the current biennium. While we appreciate additional state teacher salary and other one-time and ongoing education dollars approved during the current biennium, we continue to believe that the State should increase its commitment to K-12 education in a manner that reflects the true costs of K-12 education. This belief was supported this past summer with the release of the Joint Legislative Audit and Review Commission (JLARC) report on K-12 education funding, which found that public education in Virginia is underfunded, noting that local school divisions receive less K-12 funding per student than divisions in other states and several key funding benchmarks.

Local governments consistently go “above and beyond” by appropriating twice as much K-12 funding as required by the state. We believe localities need an adequately-defined SOQ so that state funding better aligns with prevailing local practice in schools that drives the additional local dollars. This could include recognizing additional instructional positions and increasing state-funded staffing ratios for various non-instructional positions in the education funding formula.

Further, we urge state efforts to support 1) flexibility in the use of state funds provided for school employee compensation. 2) adequate pipeline programs for teachers, especially in critical shortage areas; and 3) funding and policies that assist localities in addressing challenges with hiring school bus drivers and mental health professionals.

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## Budgets and Funding

**PRIORITY: The Planning District’s member localities urge the governor and legislature to enhance state aid to localities, to not impose unfunded mandates on or shift costs to localities, and to enhance local revenue options.**

As the State continues to fine-tune revenue and spending priorities for the current biennium, we encourage support for K-12 education, health services, public safety, economic development and other public goals. Localities continue to be the state’s “go-to” service provider and we believe state investment in local service delivery must be enhanced. Especially in these critical times, the State should not expect local governments to pay for new funding requirements or to expand existing ones on locally-delivered services, without a commensurate increase in state financial assistance.

We oppose unfunded state and federal mandates and the cost shifting that occurs when the State or the federal government fails to fund requirements or reduces or eliminates funding for programs. Doing so strains local ability to craft effective and efficient budgets to deliver required services or those demanded by residents.



We support the legislature making additional revenue options available to localities in order to diversify the local revenue stream. Any tax reform efforts should examine the financing and delivery of state services at the local level and how revenue is generated relevant to our economic competitiveness. The State should not eliminate or restrict local revenue sources or confiscate or redirect local general fund dollars to the state treasury. This includes Communications Sales and Use Tax Trust Fund dollars, the local share of recordation taxes, and any state-mandated exemptions to the local option sales tax, unless a viable revenue-replacement to local governments is established.

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## Land Use and Growth Management

**PRIORITY: The Planning District’s member localities encourage the State to resist preempting or circumventing existing land use authorities, and to support local authority to plan and regulate land use.**

In the past, the General Assembly has enacted both mandated and optional land use provisions. Some have been helpful, while others have prescribed one-size-fits-all rules that hamper different local approaches to land use planning. Accordingly, we support local authority to plan and regulate land use and oppose legislation that weakens these key local responsibilities.

- We support the State providing additional tools to plan and manage growth, as current land use authority often is inadequate to allow local governments to provide for balanced growth in ways that protect and improve quality of life.
- We support broader impact fee authority for facilities other than roads, authority that should provide for calculating the cost of all public infrastructure, including local transportation and school construction needs caused by growth.
- We support changes to provisions of the current proffer law that limit the scope of impacts that may be addressed by proffers.
- We oppose legislation that would 1) restrict local oversight of the placement of various telecommunications infrastructure; 2) single out specific land uses for special treatment without regard to the impact of such uses in particular locations; and 3) exempt additional facilities serving as event spaces from building, fire code and other health and safety regulations.
- We request state funding and incentives for localities, at their option, to acquire, preserve and maintain open space, and support greater flexibility for all localities in the preservation and management of trees.

# LEGISLATIVE POSITIONS

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## Broadband

The Planning District's member localities urge and support state and federal efforts and financial incentives that assist localities and their communities in deploying universal, affordable access to broadband technology in unserved areas. While we appreciate federal and state actions that have substantially increased funding for the Virginia Telecommunication Initiative (VATI), we believe state and federal support for broadband expansion that utilizes both fiber and wireless technologies, public/private partnerships and regulated markets should include the following:

- Support for cooperative efforts among private broadband, internet and wireless companies, and electric cooperatives to ensure access to service at an affordable cost.
  - Support for linking broadband efforts for education and public safety to private sector efforts to serve businesses and residences.
  - Maintaining local land use, permitting, fee and other local authorities.
  - The ability of localities to establish, operate and maintain sustainable broadband authorities to provide essential broadband to communities.
  - Provisions and incentives that would provide a sales tax exemption for materials used to construct broadband infrastructure.
- 

## Children's Services Act

The Planning District's member localities urge the State to be partners in containing Children's Services Act (CSA) costs and to better balance CSA responsibilities between the State and local governments. Accordingly, we take the following positions:

- We support local ability to use state funds to pay for mandated services provided directly by the locality, specifically for private day placements, where the same services could be offered in schools.
- We support the state maintaining cost shares on a sum sufficient basis by both the State and local governments; changing the funding mechanism to a per-pupil basis of state funding would shift the sum sufficient portion fully to localities, which we would oppose.
- We support enhanced state funding for local CSA administrative costs.
- We support a cap on local expenditures (with the State making up any gaps) in order to combat higher costs for serving mandated children.
- We support the State being proactive in making residential facilities, services and service providers available, especially in rural areas, and in supporting locality efforts to provide facilities and services on a regional level.
- We oppose state efforts to increase local match levels and to make the program more uniform by attempting to control how localities run their programs.

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## Economic and Workforce Development

The Planning District's member localities recognize economic development and workforce training as essential to the continued viability of the Commonwealth. Policies and additional state funding that closely link the goals of economic and workforce development and the state's efforts to streamline and integrate workforce activities and revenue sources are crucial. Accordingly, we support the following:

- Enhanced coordination with the K-12 education community to equip the workforce with in-demand skill sets, so as to align workforce supply with anticipated employer demands.
- Continuing emphasis on regional cooperation in economic, workforce and tourism development.
- Continuation of the *GO Virginia* initiative to grow and diversify the private sector in each region.
- State job investment and small business grants being targeted to businesses that pay higher wages.
- State support for the Virginia Business Ready Sites Program and for an economic development project adjacent to the existing Rivanna Station.
- Increased state funding for regional planning district commissions.

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## Education

The Planning District's member localities believe that, in addition to funding the Standards of Quality (as previously noted), the State should be a reliable funding partner with localities by recognizing other resources necessary for a high-quality public education system. Accordingly, we take the following positions:

- Concerning school facilities, we appreciate and support the school construction assistance programs enacted in 2022 and request that they be consistently funded. We also support allowing all localities the option of levying a one-cent sales tax to be used for construction or renovation of school facilities. The State also should discontinue seizing dollars from the Literary Fund to help pay for teacher retirement.
- The State must continue to be a partner in sharing costs with localities for children served in private special education placements.
- We support 1) amending the LCI formula to recognize the land use taxation value, rather than the true value, of real property; and 2) preserving current Code provisions stipulating that local school funds unexpended at the end of the year be retained by the local governing body.
- We believe that unfunded liability associated with the teacher retirement plan should be a shared responsibility of state and local government.

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## Environmental and Water Quality

The Planning District's member localities believe that environmental and water quality should be funded and promoted through a comprehensive approach, and address air and water quality, solid waste management, land conservation, climate change and land use policies. Such an approach requires regional cooperation due to the inter-jurisdictional nature of environmental



resources, and adequate state funding to support local and regional efforts. Accordingly, we take the following positions:

- We oppose legislation mandating expansion of the Chesapeake Bay Preservation Act's coverage area.\* Instead, we urge the State to provide legal, financial and technical support to localities that wish to improve water quality and use other strategies that address point and non-point source pollution. We also support aggressive state investment in meeting required milestones for reducing Chesapeake Bay pollution to acceptable levels.
- We support state investment targeted to permitted dischargers to upgrade treatment plants, to aid farmers with best management practices, and to retrofit developed areas.
- We support continued investment in the Stormwater Local Assistance Fund to assist localities with much-needed stormwater projects and in response to any new regulatory requirements. Any such requirements should be balanced, flexible and not require waiver of stormwater charges.
- We support the option for localities, as a part of their zoning ordinances, to designate and/or reasonably restrict the land application of biosolids to specific areas within the locality.
- We support legislative and regulatory action to ensure effective operation and maintenance of alternative on-site sewage systems and to increase options for localities to secure owner abatement or correction of system deficiencies.
- We support dam safety regulations that do not impose unreasonable costs on dam owners whose structures meet current safety standards.
- The State should be a partner with localities in water supply development and should work with and assist localities in addressing water supply issues, to include providing funding for development and implementation of state-required regional plans and investing in regional projects.
- The State should not impose a fee, tax or surcharge on water, sewer, solid waste or other local services to pay for state environmental programs.
- We support local authority to address choices and impacts associated with utility-scale installation of clean energy resources. As the move to non-carbon sources of energy continues, we support the creation of stronger markets for distributed solar and authority for local governments to install small solar facilities on government-owned property and use the electricity for schools or other government-owned buildings located nearby.

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## General Government

The Planning District's member localities believe that since so many governmental actions take place at the local level, a strong local government system is essential. Local governments must have the freedom, flexibility and tools to fulfill their responsibilities. Accordingly, we take the following positions:

- State policies should protect local governments' current ability to regulate businesses, to include collection and auditing of taxes, licensing and regulation, whether they are traditional, electronic, internet-based, virtual or otherwise, while encouraging a level playing field for competing services in the marketplace.
- We oppose intrusive legislation involving purchasing procedures; local government authority to establish hours of work, salaries and working conditions for local employees; matters that can be adopted by resolution or ordinance; and procedures for adopting ordinances.
- The state should maintain the principles of sovereign immunity for local governments and their employees, to include regional jail officers.\*
- Localities should have maximum flexibility in providing compensation increases for state-supported local employees (including school personnel), as local governments provide significant

local dollars and additional personnel beyond those funded by the State. We also support the use of a notarized waiver to allow volunteer workers to state they are willing to provide volunteer services and waive any associated compensation.

- We urge state funding to address shortfalls in elections administration dollars, as administration has become more complex and federal and state financial support for elections continues to lag behind the need. We request adequate funding for costs associated with voting equipment, registrar offices, early voting requirements and election security standards.
- We urge state funding necessary for agencies to carry out tasks such as processing applications, reviewing permits and other critical administrative functions.
- We support expanding the allowable use of electronic meetings for all local public bodies, with flexibility for them to determine public comment, participation and other procedures. Also, any changes to FOIA should preserve 1) a local governing body's ability to meet in closed session; 2) the list of records currently exempt from disclosure; and 3) provisions concerning the creation of customized records.
- We support the use of alternatives to newspapers for publishing various legal advertisements and public notices.
- We support federal and state funding for localities to acquire and maintain advanced cybersecurity to protect critical systems and sensitive data.
- We support enhanced state funding for local and regional libraries.
- We support expanding local authority to regulate smoking in public places.

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## Health and Human Services

The Planning District's member localities recognize that special attention must be given to helping disabled people, poor people, and young and elderly people achieve their full potential. Transparent state policies and funding for at-risk individuals and families to access appropriate services are critical. Accordingly, we take the following positions:

- We support full state funding for any local costs associated with Medicaid expansion, including local eligibility workers and case managers, but oppose any shifting of Medicaid matching requirements from the State to localities.
- The State should provide sufficient funding to allow Community Services Boards to meet the challenges of providing a community-based system of care that helps divert people from needing a state hospital level of care, as well as having services such as outpatient and permanent supportive housing available. We also support measures to address census pressures at state hospitals that will enable them to receive admissions of individuals subject to temporary detention orders without delays.
- The State should ensure that stable, predictable funding through state and federal appropriations is available to help low-income families with children achieve economic self-sufficiency.
- We support the provision of sufficient state funding to match federal dollars for the administration of mandated services within the Department of Social Services, and to meet the staffing standards for local departments to provide services as stipulated in state law.
- We support continued operation and enhancement of early intervention and prevention programs, including the Virginia Preschool Initiative and Part C of the Individuals with Disabilities Education Act (infants and toddlers).



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## Housing

The Planning District's member localities believe every citizen should have an opportunity to afford decent, safe and sanitary housing. The State, regions and localities should work to promote affordable and mixed-use housing, and to expand and preserve the supply and improve the quality of housing that is affordable for the elderly, disabled, and low- and moderate-income households.

- We support the following: 1) local authority to promote and flexibility in the operation of housing affordability programs and establishment of affordable dwelling unit ordinances; 2) increased federal and state funding, as well as appropriate authority and incentives, to assist localities in fostering housing that is affordable; 3) grants and loans to low- or moderate-income persons to aid in purchasing dwellings; and 4) measures to prevent homelessness and to assist the chronic homeless.
- We support incentives that encourage rehabilitation and preservation of historic structures.

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## Public Safety

The Planning District's member localities encourage state financial support, cooperation and assistance for law enforcement, emergency medical care, criminal justice activities and fire services responsibilities carried out locally. Accordingly, we take the following positions:

- The Compensation Board should fully fund local positions that fall under its purview, to include supporting realistic levels of staffing to enable constitutional offices to meet their responsibilities and limit the need for localities to provide additional locally-funded positions. The Compensation Board should not increase the local share of funding for Constitutional offices or divert money away from them, and localities should be afforded flexibility in the state use of state funds for compensation for these offices.
- We encourage state support and incentives for paid and volunteer fire/EMS/first responders, given the ever-increasing importance they play in local communities.
- We support state efforts to assist localities in recruiting and retaining law enforcement personnel.
- We support changes to the Line of Duty Act (LODA) to afford officers employed by private police departments the benefits available under LODA.
- We urge state funding of the HB 599 law enforcement program in accordance with *Code of Virginia* provisions.
- We support adequate and necessary funding for mental health and substance abuse services at juvenile and adult detention facilities and jails.
- We encourage needed funding for successful implementation of policies and programs that 1) supplement law enforcement responses to help individuals in crisis to get evaluation services and treatment; 2) provide alternative transportation options for such individuals; and 3) reduce the amount of time police officers must spend handling mental health detention orders.
- In an effort to fairly share future cost increases, we support indexing jail per diem costs as a fixed percentage of the actual, statewide daily expense average, as set forth in the annual Jail Cost Report.
- We support the ability of local governments to 1) adopt policies regarding law enforcement body worn cameras that account for local needs and fiscal realities, and 2) utilize photo speed camera devices on locally-designated highway segments.

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# Transportation

The Planning District's member localities recognize that revenues for expanding and maintaining all modes of infrastructure are critical for meeting Virginia's well-documented transportation challenges; for attracting and retaining businesses, residents and tourism; and for keeping pace with growing public needs and expectations. We encourage the State to prioritize funding for local and regional transportation needs. Accordingly, we take the following positions:

- As the State continues to adjust the "Smart Scale" prioritization and the funds distribution process, there should be state adequate funding and local authority to generate transportation dollars for important local and regional projects across modes.
- We support additional authority to establish mechanisms for funding transit and non-transit projects in our region.
- We support the Virginia Department of Transportation utilizing Metropolitan Planning Organizations and regional rural transportation staff to conduct local transportation studies.
- We oppose attempts to transfer responsibility to counties for construction, maintenance or operation of current or new secondary roads.
- We support ongoing state and local efforts to coordinate land use and transportation planning and urge state and local officials to be mindful of various local and regional plans when conducting corridor or transportation planning within a locality or region.



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Human Resources

**RESOLUTION R2023-73**  
**NELSON COUNTY BOARD OF SUPERVISORS**  
**RESOLUTION APPROVING THE ISSUANCE OF OBLIGATIONS FOR**  
**IMPROVEMENTS TO THE ALBEMARLE-CHARLOTTESVILLE REGIONAL**  
**JAIL AUTHORITY FACILITIES**

**WHEREAS**, the Albemarle-Charlottesville Regional Jail Authority (**the “Authority”**) is a public instrumentality of the Commonwealth of Virginia created pursuant to Article 3.1, Chapter 3, Title 53.1, Code of Virginia of 1950, as amended (**the “Act”**) by resolutions duly adopted by the governing bodies of the County of Nelson (**the “County”**), the County of Albemarle and the City of Charlottesville, Virginia (**collectively, the “Member Jurisdictions”**) for the purpose of developing regional jail facilities, in particular, the regional jail joint security complex located at 1600 Avon Street Extended, Charlottesville, Virginia (**the “Regional Jail”**) to be operated on behalf of the Member Jurisdictions by the Authority;

**WHEREAS**, the Authority and the Member Jurisdictions have entered into an Amended and Restated Service Agreement, dated June 9, 2022 (**the “Service Agreement”**), in which the Authority has agreed to, design, construct and equip the Regional Jail and obtain financing therefor.

**WHEREAS**, the Authority has been authorized by the General Assembly of the Commonwealth of Virginia in 2023 to obtain significant funding (**the “Commonwealth Funds”**) for eligible costs of certain improvements to the Regional Jail (**the “Improvements”**);

**WHEREAS**, the Authority proposes to issue a series of financing, including but not limited to, interim financing relating to the design and construction of the Improvements to the Regional Jail and subsequently issue its revenue notes and bonds to provide longer term financing of the same (**the “Obligations”**) a portion of which Obligations are to be repaid with the Commonwealth Funds;

**WHEREAS**, the Authority’s financial advisor, Davenport & Company LLC has advised the Authority that an interim financing of the Obligations would be in the best interests of the Authority given current market conditions and preliminary nature of cost estimates for the Improvements;

**WHEREAS**, Section 3.1 of the Service Agreement provides that in order for the Authority to issue the Obligations, the governing bodies of each of the Member Jurisdictions are required to approve of the issuance thereof;

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF NELSON, VIRGINIA:**

1. It is determined to be in the best interests of the County and its citizens for the Board of Supervisors as the governing body of the County, to approve the Authority's issuance of the Obligations for interim financing of the Improvements in amount not to exceed \$4,500,000 by adoption of this resolution.
2. In consideration of the Authority's undertakings with respect to the issuance of the Obligations, the Chair or Vice-Chair of the Board of Supervisors, is hereby authorized and directed to execute and deliver such instruments and certificates as deemed appropriate and necessary for the issuance of such Obligations by the Authority, including but not limited to a support agreement or agreements relating to its obligations as a Member Jurisdiction under the Service Agreement.
3. The County Administrator is hereby authorized and directed to take all proper steps on behalf of the County as may be required, in accordance with the plan of financing set forth above, including, but not limited to, certificates and documents relating to the issuance of the Obligations and the above-referenced support agreement or agreements.
4. Nothing contained herein is or shall be deemed to be a lending of the credit of the County to the Authority, or to any holder of any of the Obligations or to any other person, and nothing herein contained is or shall be deemed to be a pledge of the faith and credit or the taxing power of the County.
5. All actions previously taken by representatives or agents of the County in furtherance of the plan of financing of the Improvements and the issuance of the Obligations are hereby ratified and approved.
6. This resolution shall take effect immediately.

Adopted: \_\_\_\_\_

Attest: \_\_\_\_\_, Clerk  
Nelson County Board of Supervisors

**CERTIFICATION OF ADOPTION OF RESOLUTION**

The undersigned Clerk of the Board of Supervisors of the County of Nelson, Virginia hereby certifies that the Resolution set forth above was adopted during an open meeting on November \_\_, 2023, by the Board of Supervisors with the following votes:

Aye:

Nay:

Abstentions:

Signed this \_\_ day of \_\_\_\_\_, 2023.

By: \_\_\_\_\_  
Clerk, Board of Supervisors



Presentation to Nelson County Board of Supervisors

Albemarle-Charlottesville Regional Jail Authority:  
Jail Renovation Project – Plan of Finance



November 16, 2023



- Davenport & Company (“Davenport”), in our capacity as Financial Advisor to the Albemarle-Charlottesville Regional Jail Authority (the “Authority”), is providing the enclosed Plan of Finance Briefing to each Member Jurisdiction with respect to the proposed Jail Renovation Project.
  
- The presentation herein will cover the following topics related to the Two-Part Plan of Finance:
  - Overview of the Jail Funding Process;
  - A Timetable and Estimated Cashflow Impact for:
    - Part 1: The Interim Financing; and
    - Part 2: The Permanent Financing
  - The Projected Budgetary/Cashflow Impact to each Member Jurisdiction; and,
  - Next Steps.



# Jail Funding Process

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- In the Commonwealth of Virginia, regional jails are eligible for a 25% reimbursement of eligible costs for major capital projects.
- After the Authority decides to undertake a project (i.e. the proposed Renovation Project), it is required to undertake a Community Based Corrections Plan and Planning Study in order to develop a cost estimate for reimbursement consideration by the Board of Local and Regional Jails.
- Following approval by the Board of Local and Regional Jails, the request for the 25% reimbursement will be forwarded to the General Assembly for approval and inclusion in the Governor's Budget.
  - Once approved, the 25% reimbursement will be set aside by the Commonwealth and made available once the project is complete and a formal request is made by the Authority.
- The Two-Part Plan of Finance is typically undertaken after the Commonwealth's approval of the 25% reimbursement.

*The Authority's reimbursement request has been approved by the Board of Local and Regional Jails and was approved by the General Assembly in the 2023 Session as a part of the delayed budget approval.*



# Two-Part Plan of Finance

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- The Two-Part Plan of Finance is designed to minimize the incurrence of debt and related interest costs until the Authority has received bids for construction and a firm project cost is known.

## Part 1: Interim Financing

- The Interim Financing provides only what is necessary to complete preliminary design and engineering costs so the project can be bid.

## Part 2: Permanent Financing/Grant Anticipation Note

- After bids are received and Total Project Costs are known, the Permanent Financing is undertaken to fully fund Project Costs not eligible for the 25% reimbursement, and permanently finance the interim financing.
- Simultaneously, a Grant Anticipation Note (“GAN”) is undertaken to fund Project Costs eligible for the 25% reimbursement.
  - The GAN would be paid off prior to maturity with funds provided by the 25% reimbursement once the project is complete.



# Key Assumptions - Regional Jail Renovation Project

## Project Assumptions

- Cost estimate provided by Moseley Architects is approximately **\$49 million** (i.e. no change from the January/February Presentations to localities).
  - For the purposes of the analysis herein, we have assumed that **\$48 million** of costs are eligible for the 25% reimbursement by the Commonwealth (approximately \$12 million of Project Costs).
  - However, the actual cost will not be known until the final design has been approved by the Board Authority and bids have been received.

## Local Jurisdiction Contribution Assumptions

- The analysis herein allocates projected payments on new debt service based on Inmate Days (i.e. usage of the Jail) – per the amended service agreement.
- The projected allocation based on FY 2024 estimates are as follows (according to Inmate Days):

Albemarle	45.39%
Charlottesville	39.87%
Nelson	14.74%





# Part 1: Interim Financing – Key Assumptions

- The Interim Financing (“2023 BAN”) is sized to provide an amount that would fund pre-development costs (architectural, engineering, and other related costs) in order to prepare the authority for bidding the project.
  - Upon bidding of the project, the authority will know the exact construction and development costs to be financed for the project.

Borrowing	Project Costs Borrowed	Planning Interest Rate	Term
2023 BAN	\$4,150,380	4.50%	18 Months

- The Interim Financing will be repaid by the Permanent Financing in Part 2 of the Plan of Finance in the Spring of 2025.



# Part 1: Interim Financing – Timetable

Task	Date	
Authority Board is notified that the General Assembly has been approved for 25% reimbursement.	September 2023	✓
Jail issues RFP for Architecture and Engineering services	September 2023	✓
Jail selects Architecture and Engineering firm and negotiates costs of services. Contract to be awarded at December Authority Board meeting if interim-financing is approved.	Early November 2023	✓
Davenport distributes RFP (“Request for Proposals”) for interim-financing to local, regional and national lending institutions.	Early November 2023	✓
Davenport presents resolution to member jurisdictions approving the Authority Board to seek interim-financing.	Mid-November 2023	
RFP responses due to Davenport.	Early-December 2023	
Davenport presents results of RFP Process for Interim Financing to Authority Board.	December 14, 2023	
Award Architect/Engineer contract if interim-funding is approved.	December 14, 2023	
Close on Interim Financing.	December 2023	



# Part 2: Permanent Financing/GAN – Key Assumptions

- The second part of the Plan of Finance incorporates a Grant Anticipation Note that would be paid off with funds from the Commonwealth, and a Permanent Financing paid back by the Member Jurisdictions wherein:
  - The Grant Anticipation Note (“2025 GAN”) would fund approximately 25% of eligible Project Costs, and one half of the interest costs eligible for reimbursement by the Commonwealth; and,
  - Permanent Bonds (“2025 Bonds”) would fund remaining Project Costs and permanently finance the 2023 Bond Anticipation Note.
- Approximate amounts for the 2025 Grant Anticipation Note and the 2025 Bonds are provided in the table below:

Borrowing	Project Costs Borrowed	Planning Interest Rate	Term
2025 GAN	\$14.4 million <sup>(1)</sup>	4.50%	3 Years
2025 Bonds	\$34.6 million <sup>(2)</sup>	5.50%	27 Years (2 years interest only; 25 years level debt service)
<b>Total</b>	<b>\$49 million</b>		

- Upon bidding of the project, the Authority will know the exact Project construction and development costs to be financed.

(1) Grant (GAN) from the Commonwealth of Virginia includes a portion of reimbursable interest in addition to the 25% reimbursement of eligible costs.

(2) Amount includes permanent financing of 2023 BAN.



## Part 2: Permanent Financing/GAN – Timetable

Task	Date
Close on Interim Financing.	December 2023
Design phase begins with community and stakeholder engagement.	February 2024- February 2025
Complete Construction Documents/Secure County Design Approvals.	February 2025
Authority Board approves final design	March 2025
Advertise for Construction Bids.	March 2025
Receive Construction Bids.	April 2025
Negotiate Construction Contract.	April 2025
Davenport presents resolution to member jurisdictions approving the Authority Board to seek permanent financing.	April - May 2025
Davenport presents results of RFP Process for Grant Anticipation Note and permanent financing to Authority Board for approval	May 2025
Grant Anticipation Note issued to fund costs eligible for reimbursement; Permanent Financing issued to fund remainder of Project Costs and permanently finance 2023 BAN.	June 2025
Notice to Proceed (Construction).	June 2025
Final Completion of Project.	June 2027* TBD
Repayment of GAN from receipt of Commonwealth Grant.	June 2027



# Projected Debt Service & Budgetary/Cashflow Impact

	A	B	C	D = sum A:C	39.9%	14.7%	45.4%
Aggregate Projected Debt Service and Budgetary/Cashflow Impact to Member Jurisdictions							
Fiscal Year	Proj. 2023 BAN D.S.	Proj. 2025 GAN D.S.	Proj. 2025 Bonds D.S.	Proj. Total Member Jurisdiction D.S.	Charlottesville D.S. Allocation	Nelson D.S. Allocation	Albemarle D.S. Allocation
2024	\$ 101,250	\$ -	\$ -	\$ 101,250	\$ 40,368	\$ 14,924	\$ 45,957
2025	202,500	-	-	202,500	80,737	29,849	91,915
2026	-	652,500	1,944,250	2,596,750	1,035,324	382,761	1,178,665
2027	-	652,500	1,944,250	2,596,750	1,035,324	382,761	1,178,665
2028	-	-	2,634,250	2,634,250	1,050,275	388,288	1,195,686
2029	-	-	2,636,300	2,636,300	1,051,093	388,591	1,196,617
2030	-	-	2,636,150	2,636,150	1,051,033	388,569	1,196,548
2031	-	-	2,633,800	2,633,800	1,050,096	388,222	1,195,482
2032	-	-	2,634,250	2,634,250	1,050,275	388,288	1,195,686
2033	-	-	2,637,225	2,637,225	1,051,462	388,727	1,197,036
2034	-	-	2,637,450	2,637,450	1,051,551	388,760	1,197,139
2035	-	-	2,634,925	2,634,925	1,050,545	388,388	1,195,992
2036	-	-	2,634,650	2,634,650	1,050,435	388,347	1,195,868
2037	-	-	2,636,350	2,636,350	1,051,113	388,598	1,196,639
2038	-	-	2,634,750	2,634,750	1,050,475	388,362	1,195,913
2039	-	-	2,634,850	2,634,850	1,050,515	388,377	1,195,958
2040	-	-	2,636,375	2,636,375	1,051,123	388,602	1,196,651
2041	-	-	2,634,050	2,634,050	1,050,196	388,259	1,195,595
2042	-	-	2,632,875	2,632,875	1,049,727	388,086	1,195,062
2043	-	-	2,637,575	2,637,575	1,051,601	388,779	1,197,195
2044	-	-	2,637,600	2,637,600	1,051,611	388,782	1,197,207
2045	-	-	2,632,950	2,632,950	1,049,757	388,097	1,195,096
2046	-	-	2,633,625	2,633,625	1,050,026	388,196	1,195,402
2047	-	-	2,634,075	2,634,075	1,050,206	388,263	1,195,607
2048	-	-	2,634,025	2,634,025	1,050,186	388,255	1,195,584
2049	-	-	2,633,200	2,633,200	1,049,857	388,134	1,195,209
2050	-	-	2,636,325	2,636,325	1,051,103	388,594	1,196,628
2051	-	-	2,637,850	2,637,850	1,051,711	388,819	1,197,320
2052	-	-	2,637,500	2,637,500	1,051,571	388,768	1,197,161
<b>Total</b>	<b>\$ 303,750</b>	<b>\$ 1,305,000</b>	<b>\$ 69,771,475</b>	<b>\$ 71,380,225</b>	<b>\$ 28,459,296</b>	<b>\$ 10,521,445</b>	<b>\$ 32,399,484</b>

Part 1: Interest Only Interim Financing

Part 2: GAN & Permanent Financing Interest Only Period

Part 2: Long-Term Full Principal & Interest Payments

Note: Preliminary, subject to change. Actual results may vary from these estimates. Member Jurisdiction allocations are based on FY 2024 estimates and are subject to change based upon future jail population (i.e. inmate days).





# Appendix

# Projected Aggregate Sources & Uses



## 2023 BAN

	2023 BAN	
<b>Sources</b>		
Par Amount	\$	4,500,000
<b>Total Sources</b>	<b>\$</b>	<b>4,500,000</b>
<b>Uses</b>		
Project Fund	\$	4,150,380
Capitalized Interest		-
Cost of Issuance		349,620
Add. Proceeds		-
<b>Total Uses</b>	<b>\$</b>	<b>4,500,000</b>

## 2025 GAN / 2025 Bonds

	2025 GAN		2025 Bonds		Total	
<b>Sources</b>						
Par Amount	\$	14,500,000	\$	35,350,000	\$	49,850,000
<b>Total Sources</b>	<b>\$</b>	<b>14,500,000</b>	<b>\$</b>	<b>35,350,000</b>	<b>\$</b>	<b>49,850,000</b>
<b>Uses</b>						
Project Fund	\$	14,400,000	\$	30,449,620	\$	44,849,620
2023 BAN Takeout		-		4,500,000		4,500,000
Capitalized Interest		-		-		-
Cost of Issuance		100,000		400,000		500,000
Add. Proceeds		-		380		380
<b>Total Uses</b>	<b>\$</b>	<b>14,500,000</b>	<b>\$</b>	<b>35,350,000</b>	<b>\$</b>	<b>49,850,000</b>



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Version 01/01/2023 AA/SG/RK/CR

**Please publish Thurs. November 2<sup>nd</sup> and 9<sup>th</sup> 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., Thursday, November 16, 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 (twenty 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: November 16, 2023

Re: SUP #1050 – ‘North Fork Luxury Campsites’ – Campground (6 sites) –  
6973 North Fork Road

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**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 are 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):

- Special Use Permit
- Rezoning from \_\_\_\_\_ to \_\_\_\_\_
- Conditional Rezoning from \_\_\_\_\_ to \_\_\_\_\_
- Other: \_\_\_\_\_
- Subdivision
- Site Plan – Minor
- Site Plan – Major

Reason(s) for request:

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*(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  
Lovingson, 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
			<b>BOUNDARIES</b>
			BENCHMARK
			SITE PROPERTY LINE
			ADJACENT PROPERTY LINE
			BUILDING SETBACK
			PARKING SETBACK
			<b>SITE TEXT</b>
			PARKING COUNT
			<b>TOPOGRAPHY</b>
			INDEX CONTOUR
			INTERVAL CONTOUR
			SPOT ELEVATION
			TOP OF CURB ELEVATION
			TOP OF WALL ELEVATION
			BOTTOM OF WALL ELEVATION
			STREAM
			STREAM BUFFER
			100 YEAR FLOODPLAIN
			<b>BUILDING</b>
			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
			<b>MATERIAL</b>
			CONCRETE
			RIPRAP
			ASPHALT
			EC-2 MATTING
			EC-3 MATTING
			WETLAND
			TREELINE
			FENCE
			<b>UTILITY</b>
			UTILITY POLE
			GUY WIRE
			OVERHEAD UTILITY
			UNDERGROUND UTILITY
			<b>STORM</b>
			STORM MANHOLE
			DROP INLET
			STORM SEWER
			ROOF DRAIN
			<b>SANITARY</b>
			SANITARY MANHOLE
			SANITARY SEWER MAIN
			SANITARY SEWER LATERAL
			<b>WATER</b>
			WATER LINE
			WATER METER
			WATER METER VAULT
			FIRE HYDRANT
			FIRE DEPARTMENT CONNECTION
			<b>GAS</b>
			GAS LINE
			<b>EASEMENTS</b>
			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

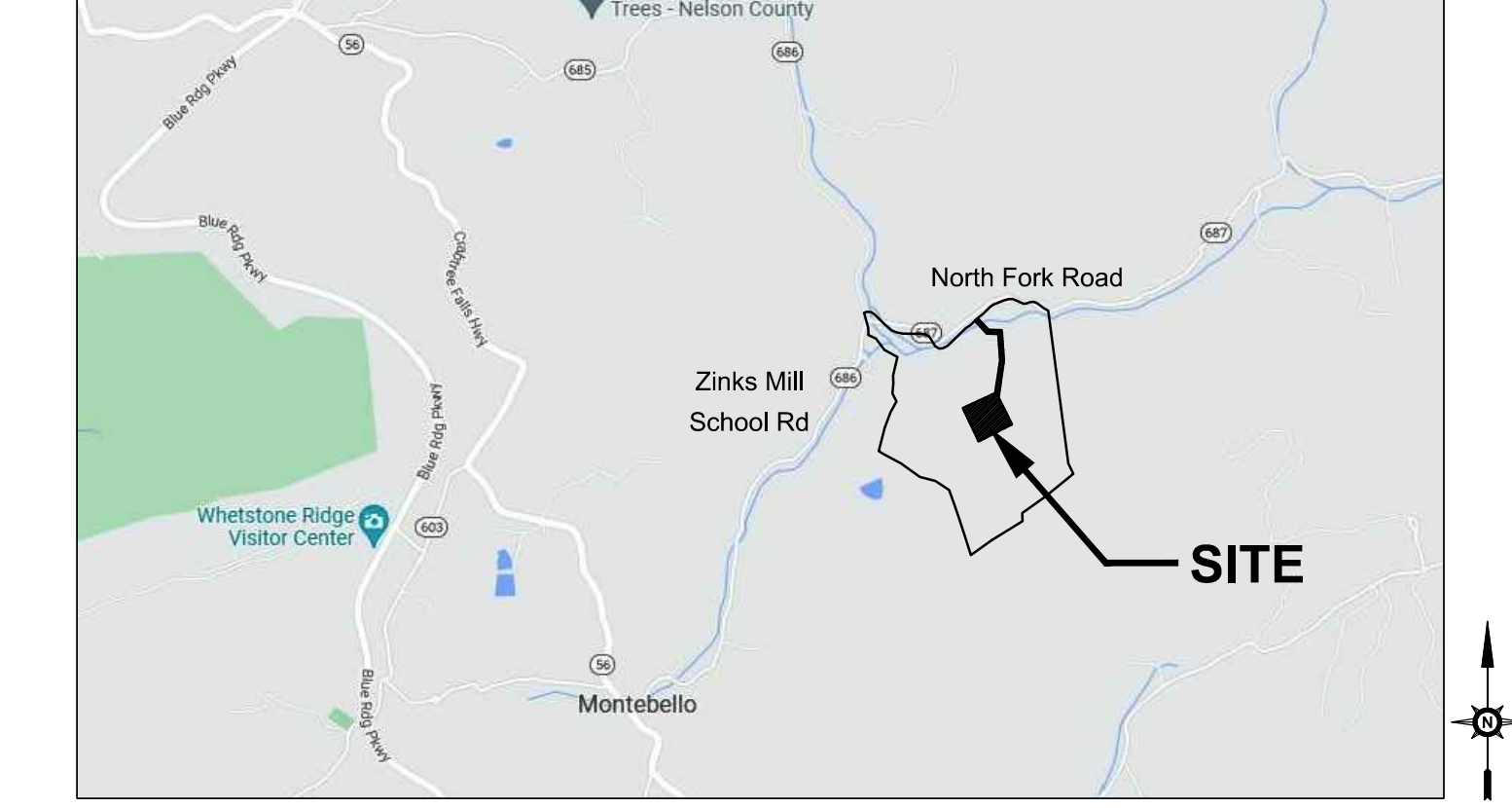
Trip Generation reflects AM and PM peak hours and weekday traffic as well. This estimate covers traffic from 6 luxury camping sites and 2 vacation cabins.  
 ITE Trip generation provided per 11th Edition.  
 Based on the calculated average daily trips, this site qualifies for a low-volume commercial 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

912 E. HIGH ST.  
 CHARLOTTESVILLE 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

**APPROVALS**

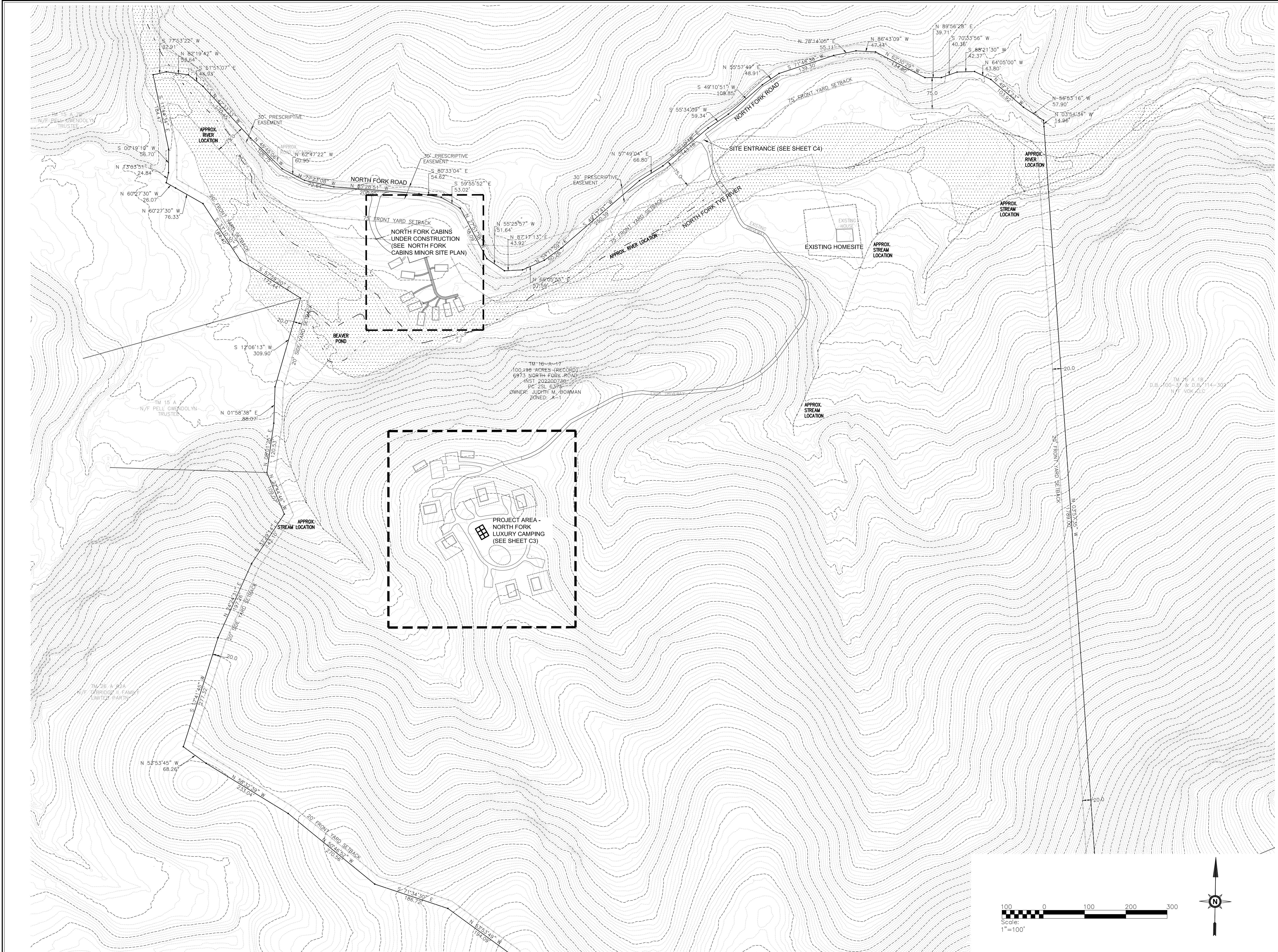
Nelson County Planning & Zoning Director \_\_\_\_\_ Date \_\_\_\_\_  
 Virginia Department of Transportation \_\_\_\_\_ Date \_\_\_\_\_  
 Virginia Department of Health \_\_\_\_\_ Date \_\_\_\_\_  
 Erosion and Sediment Control Administrator \_\_\_\_\_ Date \_\_\_\_\_

FILE NO. \_\_\_\_\_ 23.015

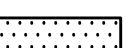


**COVER SHEET**

**C1**





**LEGEND:**

-  FEMA 100-YR FLOODPLAIN
-  SETBACK LINE
-  RIVER/STREAM CENTERLINE

**SHIMP ENGINEERING**  
 LAND PLANNING - PROJECT MANAGEMENT

912 E. HIGH ST. CHARLOTTESVILLE VA. 22902 JUSTIN@SHIMP-ENGINEERING.COM 434.227.5140



MINOR SITE PLAN

**NORTH FORK LUXURY CAMPSITE**

NELSON COUNTY, VIRGINIA

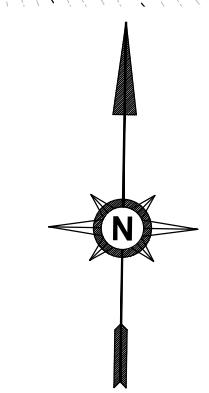
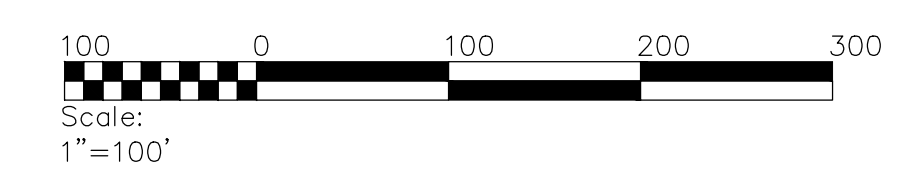
**SUBMISSION:**  
08.17.2023

**REVISION:**  
1) 10.09.2023  
2) 11.02.2023

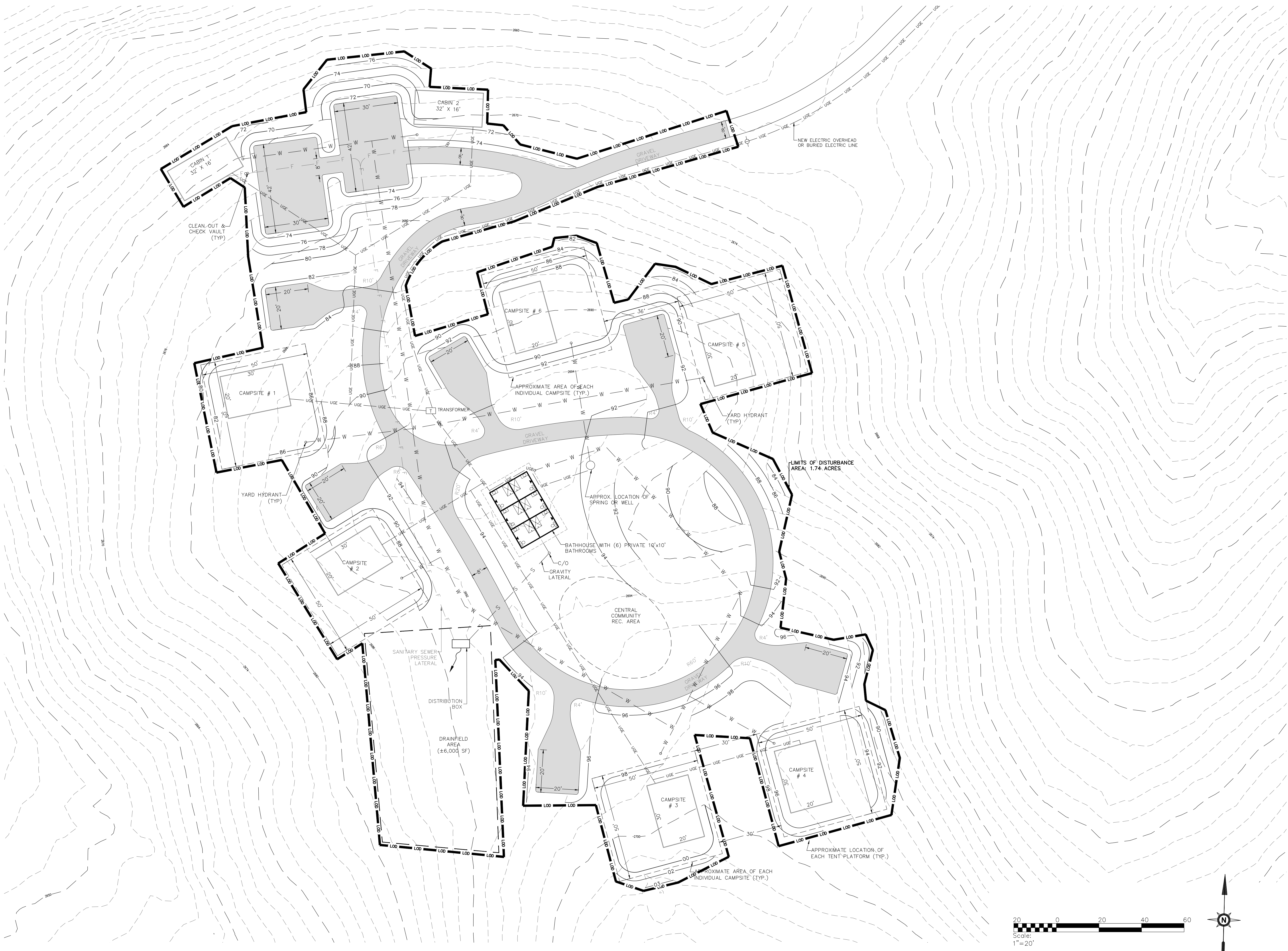
FILE NO. 23.015

EX. CONDITIONS

C2







**SHIMP ENGINEERING**  
 LAND PLANNING - PROJECT MANAGEMENT

912 E. HIGH ST.  
 CHARLOTTESVILLE VA, 22902

434.227.5140  
 JUSTIN@SHIMP-ENGINEERING.COM



MINOR SITE PLAN

**NORTH FORK LUXURY CAMPSITE**

NELSON COUNTY, VIRGINIA

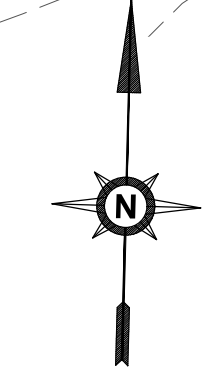
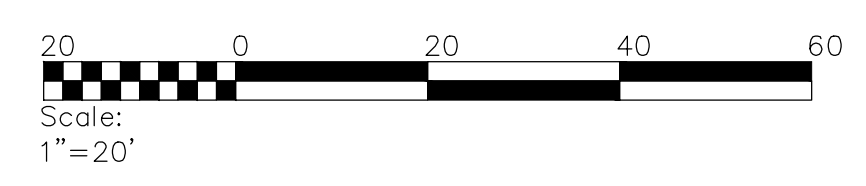
SUBMISSION:  
 08.17.2023

REVISION:  
 1) 10.09.2023  
 2) 11.02.2023

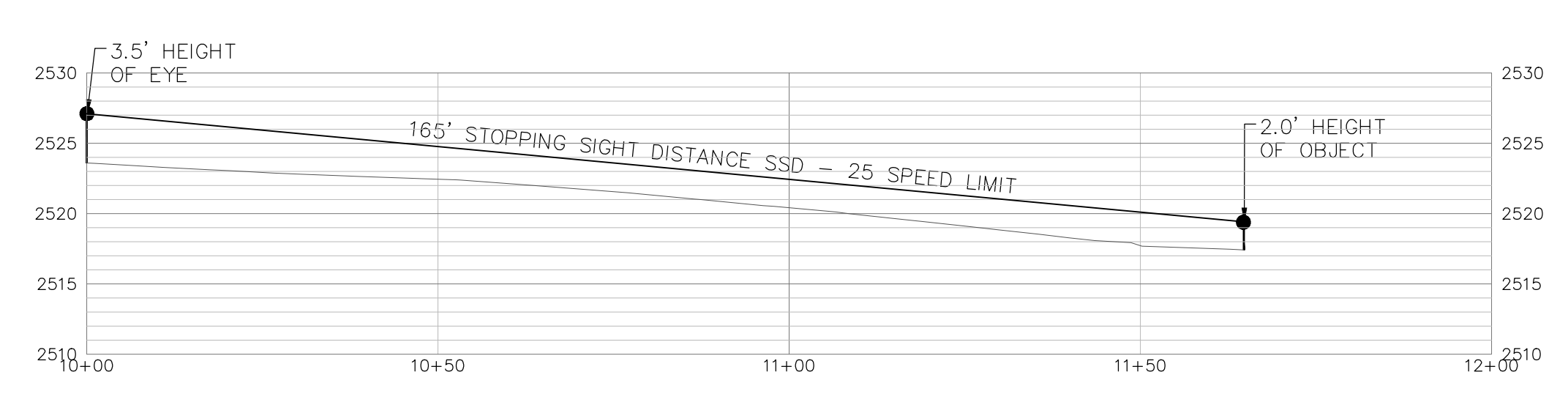
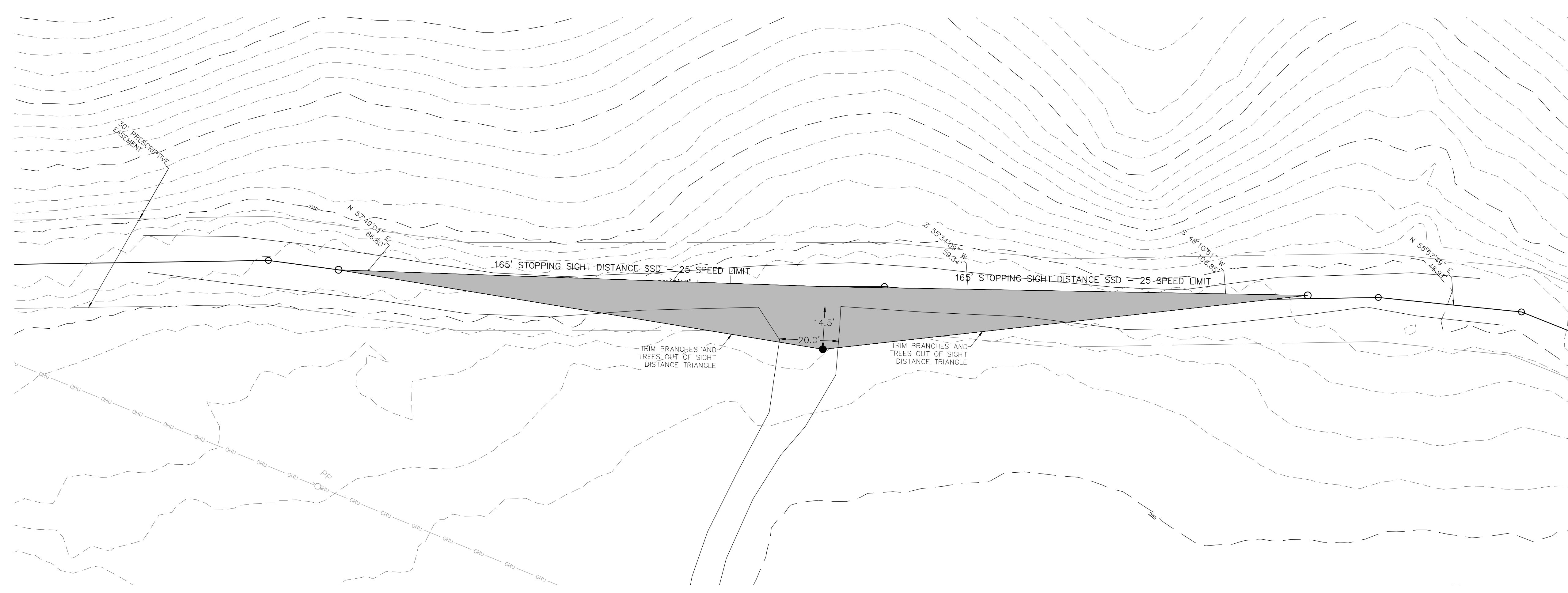
FILE NO. 23.015

**SITE PLAN**

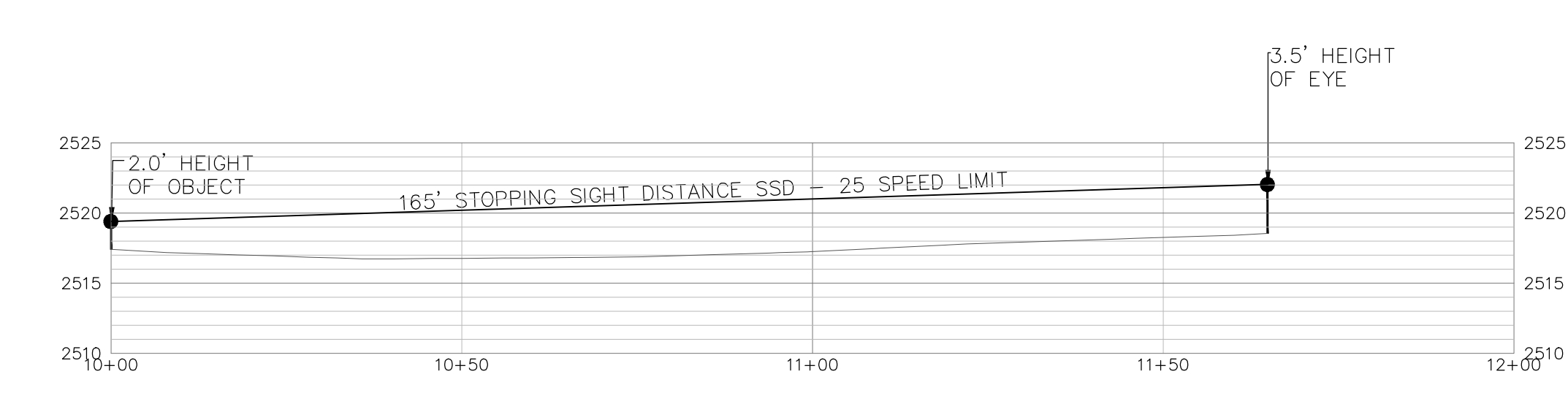
C3



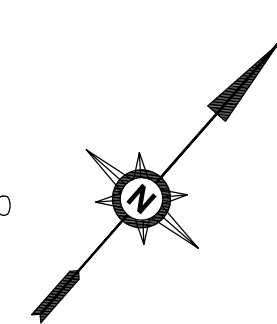
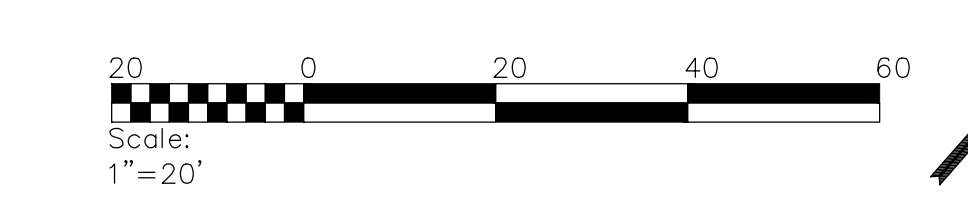




STOPPING SIGHT DISTANCE PROFILE (SSD L)



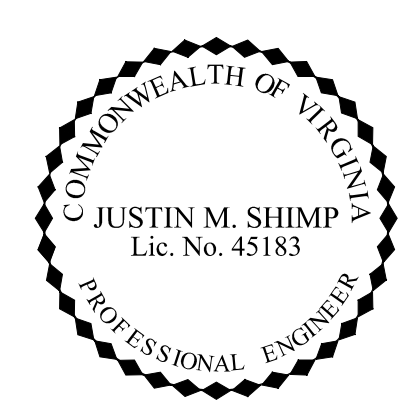
STOPPING SIGHT DISTANCE PROFILE (SSD R)



**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



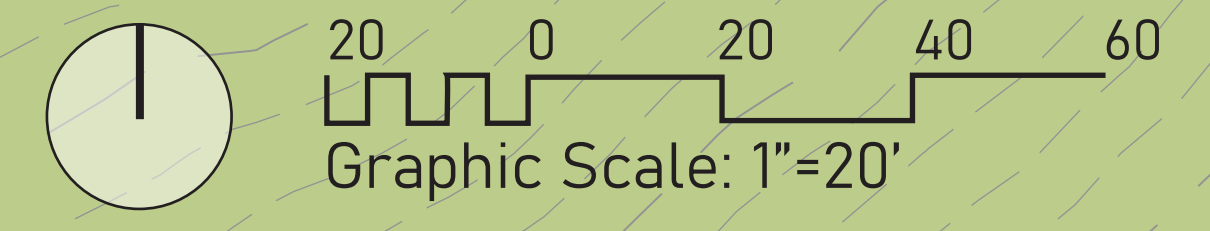
Elevated platform deck for luxury tents

Approximate area of each campsite

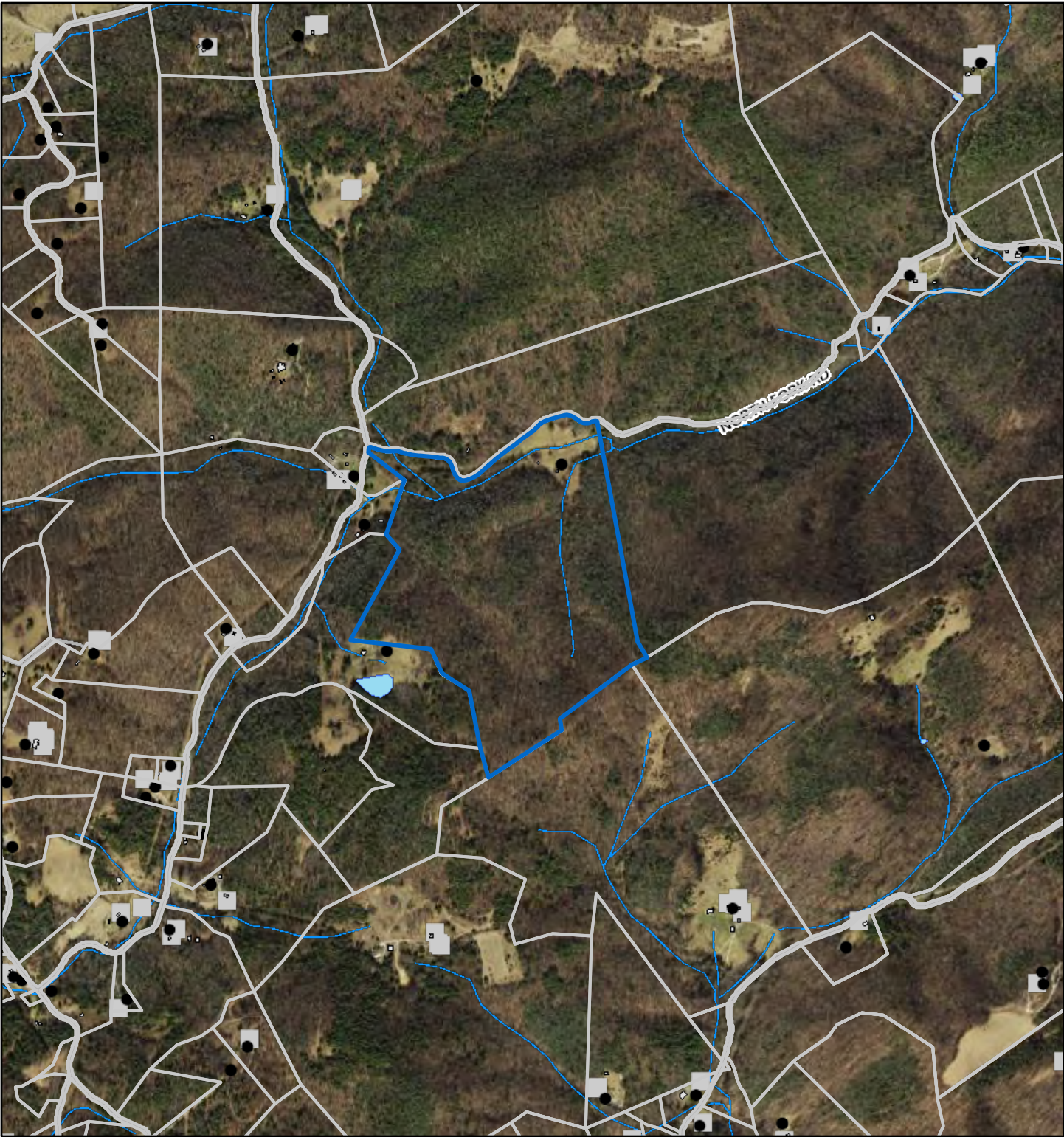
Private  
bathrooms

Central  
community  
area

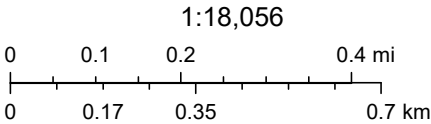
Drainfield  
area







October 16, 2023



## 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.



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**

*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  
Lovingson, 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:** 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)

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

## 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:** 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  
Lovingson, 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 Fork 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)



# 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*

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  
Lovington, 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.

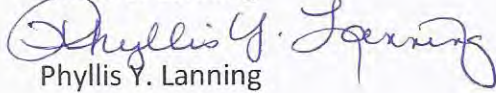
With this type development on North Fork Rd and surrounding areas, we are also concerned about the additional demand on the Montebello Volunteer Fire Department. Since they no longer provide EMS, other Nelson County emergency response facilities will have to respond to medical calls in that area as campground 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.

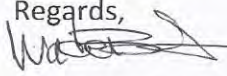
Periodically there are organized running and cycling contests in this valley, including along North Fork Rd, Spy Run Gap Rd, Zink's Mill School Rd and Bradley Lane. Perhaps a hundred runners or cyclists are on these roads during these events that last for hours. I believe the organizers use North Fork 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.

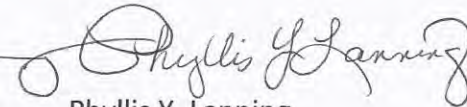
For these reasons, we do not believe the road is well suited for the estimated additional traffic, nor is widening the narrow sections and straightening the blind turns practical due to the steep, rocky terrain.

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



**From:** [Juliana Piedra](#)  
**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.  
**Date:** Monday, November 13, 2023 11:11:14 AM

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**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

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@avepaint.com

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November 12, 2023

Nelson County Board of Supervisors  
PO Box 336  
Lovingston, 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.

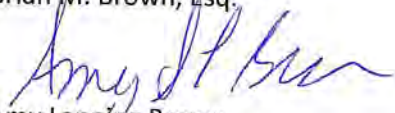
Finally, this type development does not appear to be aligned with the County's vision in the draft Nelson County Comprehensive Plan, and it would set the precedence for future over-growth in the North Fork Tye River valley and that portion of Nelson County.

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