

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
SEPTEMBER 12, 2023
THE REGULAR MEETING CONVENES AT 2:00 P.M. IN THE
GENERAL DISTRICT COURTROOM AT THE COURTHOUSE IN LOVINGSTON

I. CALL TO ORDER

- A. Moment of Silence
- B. Pledge of Allegiance

II. PUBLIC COMMENTS

III. CONSENT AGENDA

- A. Resolution – **R2023-56** Minutes for Approval
- B. Resolution – **R2023-57** Budget Amendment

IV. PRESENTATIONS

- A. TJPDC 2024 Draft Legislative Agenda – David Blount
- B. VDOT Report

V. NEW & UNFINISHED BUSINESS

- A. Change in November Regular BOS Meeting Date (**R2023-58**)
- B. Gladstone Depot TAP Resolution of Support (**R2023-59**)
- C. Lovingston TAP Resolution of Support (**R2023-60**)
- D. Nelson County Drug Court Funding Request
- E. Nelson FFA Alumni Chapter Funding Request
- F. Authorization for PH to Correct FY24 Budget Adoption and Appropriation Resolutions (**R2023-61**)
- G. Authorization for PH on FY24 Budget Amendment for School Construction Funds (**R2023-62**)
- H. Special Use Permit #986 – Outdoor Entertainment Venue (Deferred from August Meeting)

VI. REPORTS, APPOINTMENTS, DIRECTIVES AND CORRESPONDENCE

- A. Reports
 - 1. County Administrator’s Report
 - 2. Board Reports
- B. Appointments
- C. Correspondence
- D. Directives

VII. ADJOURN AND CONTINUE – EVENING SESSION AT 7PM

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

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

A. Special Use Permit #998 – Vacation House *DEFERRED BY APPLICANT TO OCTOBER

Consideration of a Special Use Permit application requesting County approval to allow a Vacation House on property zoned R-1 Residential. The subject property is located at Tax Map Parcel #21-7-2A at 2617 Rockfish Valley Hwy in Nellysford. The subject property is 1.027 acres and is owned by Gretchen Rush and Glenda MacNeil.

B. Special Use Permit #1005 – Campground

Consideration of a Special Use Permit application requesting County approval to allow a Campground (one site) on property zoned A-1 Agriculture. The subject property is located at Tax Map Parcel #86-A-36B at 2601 Falling Rock Dr. in Arrington. The subject property is 2 acres and is owned by Lucas & Caitlin Hoge.

C. School Zone Photo Speed Enforcement

Consideration of a photo speed enforcement program to help reduce speeding through the school zones located within Nelson County.

- IV. OTHER BUSINESS (AS PRESENTED)**
- V. ADJOURN AND CONTINUE TO SEPTEMBER 28, 2023 AT 6:30 P.M. FOR A JOINT WORKSESSION WITH THE PLANNING COMMISSION.**



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RESOLUTION R2023-56
NELSON COUNTY BOARD OF SUPERVISORS
APPROVAL OF MINUTES
(April 3, 2023, April 4, 2023, and April 11, 2023)

RESOLVED, by the Nelson County Board of Supervisors that the minutes of said Board meetings conducted on **April 3, 2023, April 4, 2023, and April 11, 2023** be and hereby are approved and authorized for entry into the official record of the Board of Supervisors meetings.

Approved: September 12, 2023

Attest: _____, Clerk
Nelson County Board of Supervisors

April 3, 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
Susan Rorrer, Director of Information Systems

I. CALL TO ORDER

Mr. Rutherford called the continued meeting to order at 3:03 p.m. with five (5) Supervisors present.

II. FY24 BUDGET WORK SESSION

A. General Fund Expenditures

The Board picked back up at General Fund Expenditures and staff reviewed the budget request submitted by Animal Control. Ms. McGarry reported that the main request from Animal Control was for the addition of a new shelter manager position. She noted that staff had taken the request out of the budget for the time being, which was part of the \$70,761 budget reduction. She explained that the other main budget item was a requested increase in professional services, which would enable Animal Control to provide support when needed to community partners like Hopeful Hounds, who help transport dogs to other no-kill shelters. She noted they had also removed \$1,000 from the telecommunications line as it was historically not needed, and a small amount from the uniforms line. Mr. Harvey asked about transporting dogs out of area. Ms. McGarry explained that Hopeful Hounds would transport dogs that need to be rehomed to no-kill shelters in other areas like New Jersey. She noted that Animal Control Supervisor Kevin Wright wanted to be able to assist with the transportation costs since they were transporting dogs from the County’s shelter. She indicated that Mr. Wright had requested around \$6,700 towards the professional services line to provide the assistance.

Mr. Parr asked how Animal Control was currently staffed. Ms. McGarry indicated that the office was pretty busy, but they had Animal Control Supervisor Kevin Wright, Animal Control Officer Ethan Wood, and newly hired Animal Control Officer Jesse Johnson. Ms. McGarry explained that Mr. Johnson was a former Nelson County Sheriff’s Office deputy who applied for the Animal Control Officer position, and the County was able to retain him. Mr. Parr and Mr. Rutherford agreed that Mr. Johnson would be a great fit for the department. Ms. McGarry reported that Animal Control also had Ms. Miranda Brogan employed as a part-time shelter attendant. Ms. McGarry explained that Animal Control was requesting to make one of the two part-time shelter attendant positions a full-time shelter manager position. She pointed out that staff had pulled out the costs for the full-time shelter manager position and the \$6,700 in funds requested to assist other agencies in relocating dogs. She indicated that it was not necessarily pulled out of the budget as a staff recommendation to remove, rather it was something the Board may want to consider. Mr. Barton asked for Ms. McGarry’s thoughts. Ms. McGarry noted that the full-time position could be beneficial as there were a lot of regulations associated with maintaining the animal shelter. She pointed out that all of

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the inspections by the state veterinarian had always passed. She noted that those inspections were often done at random, and not scheduled in advance. She pointed out that Mr. Wright wanted the full-time shelter manager to also be ACO (Animal Control Officer) certified so that they may be able to assist in the field if needed. Ms. McGarry indicated that there would be some fees coming to the Board for consideration that could help offset costs. She noted that if the second part-time position was not filled, it would also help offset the costs of the full-time position. Mr. Reed noted that he was not averse to the new full-time position, he suggested they could consider it and see if the revenues could make it work. The Board was in consensus to add \$61,741 for the new full-time position for a total of \$337,704. They did not add in the \$6,700 of additional funds requested for the professional services line.

Medical Examiner - Ms. McGarry noted they put in \$160 but the amount could be amended if needed. She estimated that the cost was about \$20 per need for services by the medical examiner. The Board was in consensus to keep the funding at \$160 for the Medical Examiner as recommended by staff.

Waste Management – Ms. McGarry noted that Waste Management was currently fully staffed. She reported that they had reduced the recycling expense line by \$8,000 to reflect historical expenditures. Mr. Reed asked if any additional services had been proposed like education. Ms. McGarry noted that no specific services had been included. She explained that tire removal had been reduced by \$3,000 as they were no longer accepting commercial tires, so they were not paying as much to have them hauled away. She noted that they still accepted residential tires, just not commercial tires. Ms. McGarry reported that there was an increased tipping fee at Region 2000 Services Authority, but the budget had been based on a higher tonnage, so she felt that the projections were okay. She indicated that they had budgeted \$393,000 for the tipping fees. The Board was in consensus to fund Waste Management at \$1,410,209.

Building and Grounds – Ms. McGarry reported that the budget for FY24 had some equal offsets. She explained that they reduced the water and sewer expense line by about \$5,000 and the telecommunications by about \$500. She noted there was an increase in the agricultural services and supplies line by about \$5,000. She then noted that \$500 had been added in for rent and lease. Ms. Staton indicated that the mowing was included in the agricultural services line. Mr. Reed asked if Building and Grounds overlapped with Parks and Recreation in terms of mowing services. Ms. McGarry noted that it did, as mowing services covered the Ryan Ballfield and possibly a few other places. Mr. Reed asked if Sturt Park may be included in that line for mowing in the future. Ms. McGarry noted they could use the \$70,000 in the Sturt Park line. The Board was in consensus to fund Building and Grounds as recommended by staff at \$860,026.

Motor Pool – Ms. McGarry explained that the Motor Pool line included expenses like vehicle insurance, repairs, supplies, gas, oil and grease. She noted that Motor Pool was increasing by \$30,000 for gas. The Board was in agreement to fund Motor Pool at \$200,000 as presented by staff.

At Risk Youth – Ms. McGarry explained that the At Risk Youth costs fluctuated a lot. She reported that they had budgeted \$1.6 million for FY23 and they were on track to spend \$2.5 million. She noted that they had spent \$1.9 million to date in FY23. She reported that they were mandated costs by the State, from the Office of Children’s Services. She indicated that the County did get money back on the revenue side, but all of the expenditures were booked in the expense line. Ms. McGarry reported that Children’s Services Coordinator Allison McGarry was projecting \$2 million for FY24. Ms. McGarry noted that Ms. Staton was on the CPMT Board and asked if she may be able to explain why the costs were so much higher. Ms. Staton explained that more children were being served and there were also increases in expenses. She noted that more children were in the program for longer periods of time. Ms. McGarry explained that there were children in residential placements for various reasons, children attending day school for autism and more foster kids as well. She indicated that there was an increase of \$365,043. She also noted that staff was watching the expense amount to see if any monies needed to be transferred for the current fiscal year. Mr. Barton asked about the state funds. Ms. McGarry explained that the local amount was about 31 percent

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and the rest was from the state. She noted that the total amount was budgeted in the expense line and the state monies would help offset part of it. Mr. Rutherford noted that there were not many options on changing the budget. The Board was in consensus to fund the At Risk Youth budget at \$2,028,756 as presented by staff.

Parks and Recreation – Ms. McGarry noted that the main additional request from Parks and Recreation was for a part-time recreation aide, which was calculated to be \$23,791 in salary and benefits. She reported that staff had backed out the request as it was new. She noted there were some other costs that had been reduced based on historical data. She also noted about \$3,000 had been taken out of trail maintenance. Ms. McGarry noted that Mr. West, Director of Parks and Recreation, had a \$60,000 Virginia Outdoors Foundation (VOF) grant in the amount of \$60,000 and about \$20,000 would be spent in the current year, with the remaining \$40,000 carrying over into the next fiscal year. Mr. Reed noted staffing help was needed for Parks and Recreation as the demands on the department were increasing. Ms. Staton noted that Recreation Technician Mr. Demetrius Vaughan shifted his schedule when needed so that he could be available to cover games in the evenings and on weekends, while keeping his overtime amounts low. She noted that if Mr. West had to away from the office while Mr. Vaughan was off, there was no one else present to cover the Recreation office. Ms. McGarry noted the potential expansion of recreation on the Larkin property in the future. Mr. Reed suggested that adding a part-time position now, could turn into a full-time position later down the road. Mr. Parr felt it would be good to have someone present in the office to assist the public. The Board was in consensus to add \$23,791 to fund the part-time position, which brought the Recreation budget to \$370,397.

Ms. McGarry noted that the current contingency after the changes had been made was \$893,441.

Planning and Zoning – Ms. McGarry reported that the main ask from the Planning and Zoning department was junkyard clean-up grant program for \$5,000. Ms. McGarry explained that since it was a new request, staff backed it out of the budget. She also noted that they had reduced the telecommunications line and travel based on historical spending. Ms. Staton described the program from Ms. Bishop's request, noting that the Planning and Zoning department's highest volume of complaints pertained to junkyards. She noted that typically, those in violation were elderly, disabled, or experiencing a hardship, and did not have the resources and/or people to assist them. She noted that the goal was property compliance and public health safety welfare. Ms. Staton explained that the grant program would allow violators the opportunity to apply for funding to have their properties cleaned up pursuant to an agreement with an established company that serviced Nelson County. Ms. Staton noted that in Planning and Zoning's proposal, it also suggested waiving the tipping fee at the Transfer Station. She reported that an estimated 10 to 15 properties could be cleaned up and brought into compliance. Mr. Reed, Mr. Parr and Mr. Rutherford noted that was a cheap clean up, if they could clean up a property for \$500. Ms. Staton noted that part of the request was waiving the tipping fees. Ms. McGarry noted they could do a pilot program. The Board was in consensus to fund the clean-up program at \$5,000 for a total budget of \$207,433.

Mr. Reed asked about the salary study information for Planning and Zoning positions. Ms. McGarry noted she had not had a chance to review the information. Mr. Reed asked how they might remedy the situation. Ms. McGarry noted it would be presented to the Board and could be amended accordingly with contingency. Mr. Reed commented on the high discrepancy in terms of comparable salaries, noting how difficult the job was. He noted getting the extra person in the shared position with Building Inspections would be very important.

Tourism – Ms. McGarry noted staff had reduced part-time salaries based on historical information. She also noted reductions to the telecommunications line, postage, and office supplies. Mr. Rutherford asked about checking on the telecommunications costs as they seemed high. Ms. McGarry noted that Tourism was a remote office location. Mr. Rutherford and Mr. Parr suggested looking into VOIP phones to save

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costs. Ms. McGarry noted they could look into it. Mr. Reed asked if it was appropriate to have the County website under Tourism and Economic Development, or if it needed to go under IT. Ms. McGarry noted that Ms. Kelley had a staff person in her office who was website savvy and had worked on the County's original website. She noted that she also understood where Mr. Reed was coming from. The Board was in consensus to fund Tourism at \$488,670 as recommended by staff.

Economic Development – Mr. Rutherford noted that Economic Development was zeroed out. Ms. McGarry explained that was where the AFID grants went and there were no current grants. She explained that the two AFID grants in FY23 totaled \$60,000 and there were none yet for FY24. The Board was in consensus with the Economic Development line at \$0.

Anti-Litter Grant – Ms. McGarry explained that the Anti-Litter grant was a grant that the County received from year to year. She reported that the County received \$9,966 in FY23. She was not yet sure what FY24's amount would be, but they would appropriate it once they knew. The Board was in consensus with the Anti-Litter Grant line at \$0.

Extension Service – Ms. McGarry reported that the Extension Service was already considered under agencies.

Refunds – Ms. McGarry explained that the Refunds line covered personal property tax refunds or other similar items. She noted that the budgeted amount was a best guess. The Board was in consensus to fund the Refunds line at \$52,000.

Employee Salary Adjustment/Benefit Cost – Ms. McGarry reported that the cost included the 7 percent salary increase and associated benefits costs, as well as the new health insurance number. She noted that it did not include bringing everyone to the minimum thresholds for pay since the Board had not yet adopted the results of the pay study, which included the new pay ranges. She noted that they were working off of the County's current pay scales. Mr. Rutherford noted they would address the pay scales after the 7 percent increase. Ms. McGarry noted that the Governor's budget had a 5 percent pay increase for State employees, so there would be an offsetting amount. She reported that the House and Senate were proposing the 7 percent. She noted that there would be an offsetting amount coming in on the revenue side. She noted that if it was 7 percent, it would be almost \$135,000 that would offset the total employee cost. She noted that they could consider a 5 percent increase because the County was already supplementing State Compensation Board funded positions by greater than 7 percent. She reported that a 5 percent increase would provide all employees with a raise and the County would also still meet the State Compensation Board salaries as required. She noted that a 5 percent raise would cost \$330,140 and the 5 percent would be offset by the 7 percent from the state. The Board was in consensus for a 7 percent salary increase.

Worker's Compensation Premium Increase – The Board was in consensus to fund at \$15,000. Ms. McGarry noted that they did not have an exact number, it was a best guess.

Transfer to Social Services (excludes CSA) – Ms. McGarry presented the Department of Social Services request for FY24, noting there was a slight decrease from the previous year. She was unsure as to why they were requesting less, but noted that it may be due to staff turnover. Ms. Staton noted that the department had three people retiring. The Board was in consensus to fund the Social Services budget in the amount of \$2,111,079 as requested.

Transfer to Debt Service – Ms. McGarry noted that the Transfer to Debt Service for FY24 looked like a big decrease as the major transfer to debt service of \$2.3 million was completed in FY23, along with an additional \$610,000 in funds to establish the debt service reserve and build the County's debt capacity to \$57 million. She noted that the Board had approved this transfer in FY23. She explained that they were

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covering the current debt service with the transfer. She noted that the number could change as there was some debt coming off in the current year, so staff was communicating with Roland Kooch of Davenport. She indicated that they may need to rollover the difference into the reserve which could entail increasing the Transfer to Debt Service on the expenditure side but also increasing the revenue side from fund balance. The Board was in consensus to fund that Transfer to Debt Service at \$3,775,368. Ms. McGarry noted that they would see the numbers again as they had a Debt Service Fund.

Transfer for Piney River Debt and Operation – Mr. Rutherford reported that Piney River was currently at \$0. Ms. McGarry explained that they were not currently including a transfer to Piney River. She noted that there had been a lot of problems and repairs which required money to be transferred to cover those capital expenses. She commented that they may have that happen again next year and they needed to go ahead and start budgeting for a new Piney River Pump Station. Mr. Rutherford estimated that would likely be a half of a million dollars to take care of and Ms. McGarry confirmed that it would likely be in that range. She reported that they had left it a zero for the time being and noted that Ms. Staton was still working on the Piney River budget. The Board was in consensus to leave the Transfer to Piney River Debt and Operation at zero.

Transfer to Broadband Fund – Ms. McGarry noted that the amount was at zero as Broadband was self-supporting. The Board was in consensus to leave the Transfer to Broadband fund at zero as presented by staff.

Transfer to Reassessment Fund \$85,000

Ms. Staton confirmed that they currently had \$888,441 in recurring revenue.

Capital Outlay and Non-Recurring Expenses

Staff reviewed Capital Outlay and Non-Recurring Expenses. Ms. McGarry noted that a lot the expenses were related to 911 upgrades. She explained that all of the items in the list were taken as is, except for the removal of one Sheriff's Department vehicle and one Emergency Communications Center (ECC) vehicle. She noted that the Sheriff had requested four vehicles and staff took out one. She reported that the County had an opportunity to receive one of Wintergreen's surplus vehicles to use as the ECC vehicle.

Lexipro Software (Sheriff) – Ms. McGarry explained that it was a subscription cost to the Sheriff's Department that helps to keep everyone up to date on policy updates related to legislative and legal changes. The Board was in consensus to fund the Lexipro Software expense at \$16,031.

ECC UPS Replacements (E911) – Ms. McGarry noted that UPS's were uninterruptable power supply's. She reported that the units in the 911 Center needed to be replaced. The Board was in consensus to fund the replacement expense at \$59,359.

Tower UPS Replacements – Ms. McGarry noted that these units were the same, just at the Tower locations. The Board was in consensus to fund at \$107,000.

Replace Trimble GPS Units – Ms. McGarry noted that they were handheld GPS units. Mr. Reed asked if they might be able to be shared with the Nelson County Service Authority, or whether it may be something that they would also be interested in having. Mr. Rutherford suggested waiting so they could ask Susan Rorrer more questions.

Large Format Printer/Scanner (Building Inspections/Planning & Zoning) – Ms. McGarry reported that Building Inspections and Planning & Zoning had requested the equipment so they would have the ability

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to scan and send plans to VDOT and other agencies. She noted that the scanning capability would help expedite the process in their office. The Board was in consensus to fund \$10,000 for the large format scanner/printer.

Elementary School Study – \$0, Ms. McGarry noted that funds were included in FY23, but there were no funds included for FY24.

FY22 Compensation Study – \$0, Mr. Rutherford asked if the study had already been paid for. Ms. McGarry noted that was being paid for in the current year and they were not expecting any costs in FY24.

Courthouse Complex Repairs/Painting – Ms. McGarry explained that repairs had been done at the Courthouse in the current year, however they were not anticipating any repairs in the next fiscal year. She noted that most of the repairs were related to the termite repairs next to the Judge’s chambers. Mr. Parr asked if that expense line as related to normal maintenance items. Ms. McGarry explained that a lot of the maintenance items were handled out of the Building and Grounds department budget line. She explained that if there were something specific, it would be included in the Courthouse repair line.

Registrar Office Renovations - \$0, Ms. McGarry explained that the renovations had already been completed and paid for in FY23.

Electronic Pollbook Replacement - \$0, Ms. McGarry noted that the replacements happened in FY23 so there were no funds for FY24.

Conceptual Design DSS – Ms. McGarry reported that there was no money in that line as it was in another area of the budget.

Comprehensive Plan Update – Ms. McGarry reported that they were projecting to spend \$131,555 in FY23 and \$93,507 in FY24 to finish the project. The Board was in consensus to fund the FY24 Comprehensive Plan Update expense line at \$93,507.

Ms. Susan Rorrer was present to explain the replacement of the Trimble GPS units. She reported that the Trimble GPS units were handheld GPS units that Building Inspectors carried in the field to collect driveway and address point information. She noted that the information came back to the office to pinpoint the location on a map. Mr. Reed asked if the units were what the Service Authority may want to use. Mrs. Rorrer indicated that the units may work for the Service Authority also. The Board was in consensus to fund \$27,850 for the Trimble GPS unit replacement.

Website Development & Upgrade - \$0, Ms. McGarry reported that the Website project was being completed in the current fiscal year, so there were no funds in FY24.

IT Network Penetration Testing – Ms. McGarry explained that the request for funds came from Ms. Rorrer. She noted that they were projected to spend about \$8,000 in the current year, and \$17,600 in FY24. She explained that it had to do with cyber security measures that they wanted to implement. Ms. Rorrer noted that the need was primarily driven by the State Board of Elections and their local election security standards. She reported that there was a checklist of items that they are supposed to be able to check off to indicate that they are secure. She noted that they planning to complete the checklist within three years. The Board was in consensus to fund \$17,600 for the IT Network Penetration Testing.

Tye River Bridge Deck Repair (BRRT) - \$0, Ms. McGarry noted that the project had already been completed.

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Sturt Park Development (Moved from Non-Dep) – Ms. McGarry reported that the line was moved from the Non-Departmental Department to the Capital Outlay Department. She noted that they had been carrying forward \$71,600 from the timber proceeds at the Sturt property. Mr. Reed noted that they were hoping to get a grant to complete the master plan for Sturt. The Board was in consensus on the Sturt funding line in the amount of \$71,600.

4 Sheriff Vehicles and Equipment – Ms. McGarry noted that the Sheriff had request four vehicles and staff had backed out one of the vehicles at a cost of \$63,738. The Board was in consensus to fund three vehicles and equipment for the Sheriff's Department at a cost of \$191,214.

2 Motor Pool Trucks - \$0, Ms. McGarry noted that the trucks were purchased in the current year so there were no funds for trucks in FY24.

2 Maintenance Trucks - \$0, Ms. McGarry noted that the maintenance trucks were also purchased in the current year so there was nothing for next year.

Solid Waste Roll-off Truck - \$0, Ms. McGarry noted that the roll-off truck was purchased in the current year, so nothing for the next year.

ECC First Response Vehicle - \$0, Ms. McGarry noted that they had discussed the vehicle for John Adkins earlier and they would be getting one from Wintergreen.

Emergency Vehicles – Ms. Staton noted that the \$403,293 included the County's share of a new fire truck plus a new ambulance that was anticipated to arrive next year. Ms. McGarry noted that the lead times for these vehicles was significant. The Board was in consensus to fund the Emergency Vehicles budget line at \$403,293.

Business Park Study - \$0

Radio Subscriber Upgrade and Install for County/EMS – Ms. McGarry reported that the amount of \$1.25 million was now looking more like \$1.4 million. She indicated that the County had already taken care of the Sheriff's Department in the past year and the schools paid for their radios. She explained that they still had County and Emergency Services agencies left. Ms. Rorrer noted that these were portable and mobile radios. These would be for County and Emergency services. She explained that the costs had gone up due to the rising cost of chips. She noted that Motorola had to use a broker to help purchase enough chips to continue manufacturing. She estimated that the radios were replacing were eight to nine years old and they were having a hard time finding replacement batteries in stock. Ms. McGarry noted it was also difficult to have them repaired. Ms. Rorrer explained that Clear could repair certain items but anything that needed to go to Motorola for repairs, could not be done as they were now classified by Motorola to be at their "end of life." Mr. Rutherford noted they did not have much of an option and the longer they waited, the more expensive they would get. Ms. Rorrer noted that the price of \$1.4 million was with the County getting a 20 percent discount off of state contract price. Ms. McGarry asked if there was a possibility of a discount if the radios were purchased in the current fiscal year (FY23). Ms. Rorrer clarified that the \$1.4 million price was the discount if the radios were purchased in the current quarter, prior to the end of June. She noted that the price went up to \$1.5 million in the third quarter and then \$1.6 million after that. Mr. Rutherford suggested that the Board may have to vote on radio funding outside of the budget. Ms. McGarry noted that they did have some money in the budget that was not going to be spent in the current year. Mr. Harvey suggested that they go ahead and approve the radios.

Mr. Reed moved to approve the \$1.4 million radio purchase in the current fiscal year and Mr. Parr seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

PAR Ag Center Study - \$0

Recreation Center Study - \$0, Ms. McGarry noted that they were currently utilizing the monies for Architectural Partners for the master plan in FY23 and if it went beyond that, they would need to allocate funds.

Phone System Upgrade - \$0, Ms. Rorrer noted that they had repurposed the \$8,000 from FY23 to help with the Election Security upgrades and they did not plan to do anything with the phone system in FY24.

Department of Elections Security Compliance – Ms. McGarry reported that they would be spending \$30,000 in the current year and \$36,900 in FY24. The Board was in consensus to fund the Elections Security Compliance at \$36,900 as presented by staff. Ms. McGarry noted that was part of the three-year compliance plan.

ProVal Migration – SQL License – Ms. Rorrer noted that she did not believe she needed \$6,000 for FY24, so they could take that out of the budget line. The Board was in agreement to take out the \$6,000 from the ProVal Migration and set the amount at \$0.

BOS Strategic Planning CIP - \$0

Heritage Center Water System - \$0

Buck's Elbow Tower Equipment Replacement - \$0, Ms. McGarry reported that the work being done was budgeted for the current fiscal year.

NG911 Costs – The Board was in consensus to fund Next Gen 911 Costs at \$10,000. Ms. McGarry explained that they had originally planned to complete the work in FY23, but it was pushed to FY24.

VESTA 911 Upgrade for NG911 – Ms. McGarry explained that was a grant funded item so it would be a pass through expense. The Board was in consensus for \$47,100 for the VESTA 911 Upgrade.

911 Call Handling Equipment Upgrade – Ms. McGarry noted that the cost was \$150,000 and the County would get the money back through state reimbursement. The Board was in consensus to fund as presented.

Animal Control Livestock Trailer – \$0, Ms. McGarry noted that the livestock trailer had been done in the current fiscal year.

Animal Control (2) Trucks - \$0, Ms. McGarry noted that the truck purchase had already been completed.

IT Microwave Network Upgrade – Ms. Rorrer noted that the IT Microwave Network Upgrade was in process. Ms. McGarry noted that the project may extend into FY24. She indicated that the planned to expend the funds in FY23, but it was uncertain at the moment. She noted that it was funded within the current year and they would carry over any unspent funds into FY24.

Treasurer's Office Online Solution – \$0, Ms. McGarry noted that the online solution was completed in the current year and current money expended was \$8,000. She indicated that it was possible that only \$8,000 would be spent, but they were unsure.

Larkin Property Acquisition - \$0, Ms. McGarry noted that had been completed in FY23.

Capital Projects

County Office Building – DSS, Building Inspections/Planning and Zoning – Ms. McGarry estimated that the County would spend \$125,430 in FY23 out of the \$375,000. She noted that they had carried the balance forward for FY24. She noted these costs were related to preliminary architectural work. The Board was in consensus to carry forward \$249,570 for the County Office Building.

The Board took a brief recess.

General Fund Contingency

Ms. Staton provided updated numbers for the General Fund Contingency. She noted that the Recurring Revenue was \$888,441 and the Non-Recurring Revenue was \$375,212.

School Funding

Transfer to School Nursing – Ms. McGarry noted that they were discussing the funding for the school nurses in the schools, not any nursing program. The Board was in consensus to fund the School Nursing program at \$164,935.

Transfer to School Fund – Mr. Rutherford reported that the Schools had asked for an additional \$1,582,639. He pointed out that the County currently had \$888,0000 and if they were going to give any additional funds over that amount, the County would have to look at revenue enhancements. Mr. Parr pointed out that the use of all \$888,000 would zero out the Recurring Revenue. Mr. Barton asked if they would be considering revenue enhancements. Ms. McGarry noted that they would either have to have some form of revenue enhancements, or revisit expenditures, or a combination of both. Mr. Reed asked about the FY23 General Fund Contingency from Recurring Revenue and what they may have left. Ms. McGarry noted that they thought they would be spending it all to cover the large CSA (Children’s Services Act) expenditure projection. She explained that they had budgeted \$1.6 million for CSA and they were projected to spend \$2.5 million. Mr. Barton asked if some of the expenses were reimbursed by the state. Ms. McGarry confirmed that 68.8 percent would be reimbursed back, but they still had to budget the entire expenditure on the County’s side. Mr. Parr noted that the 68.8 percent reimbursement income would show up on the revenue side later. Mr. Rutherford noted the additional \$1.5 million requested by the schools and asked if there was more information on the request. Ms. McGarry noted that the Board was provided a full packet on the school budget. Mr. Reed suggested that it may make sense to discuss revenues and schools at same time. He noted that in a perfect world, they wanted to give the Schools what they asked for, but they needed to determine how to make it all work.

Mr. Rutherford had no issues with holding an extra meeting to discuss the Schools and Revenues at the same time. He noted that they had accomplished most of the budget, with the exception of the Schools and JAUNT. He suggested they discuss JAUNT funding, noting that he did not see the County having the ability to absorb the costs. Mr. Reed noted he had some additional information to provide regarding JAUNT.

JAUNT – Mr. Barton asked if Ms. McGarry had gotten a cost on adding a Gladstone shopping trip once per month. Ms. McGarry noted that she had not gotten a cost, but she had emails out to JAUNT and JABA, because it was possible that JABA may have been funding those trips. She reported that County staff had a meeting with the Gladstone Seniors on April 13th.

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Mr. Reed reported that he had reviewed the 2022 JAUNT transit development plan identical to agency book for JAUNT. He noted that they had three different expansion options, which were provided in their budget request. He explained that Option 1 would add back the Wednesday through Friday service with Nelson share of the cost being \$66,000. He felt there was a real need to add that service back in. He then noted that Option 2 would add a service to Stoney Creek and Wintergreen (8 hours per day, Monday through Friday) for about \$108,000. He then noted that Option 3 was a new service for Countywide Demand Response which he assumed was more like Uber, for around \$216,000. Mr. Reed pointed out that the prices were contingent upon receiving a federal funding match. He commented that the transit development plan did not include service to South part of County, noting it was problematic as the Southern part of the County had no service. He noted they also had no estimates for what ridership could be for Gladstone or other unserved areas like Fleetwood.

Mr. Reed reported that he had reached out to the Nelson Community Wellness Alliance (NCWA) about partnering. He noted that an email from Ryan Lightner of NCWA indicated that they had about \$30,000 to contribute to JAUNT expansion, but they would need an agreement that the JAUNT expansion would include transporting trainees in their Community Health Worker program to their needed services which would include the Heritage Center, Library, Courthouse, and possibly Food Lion. He noted that was a small service area but it was not included in any of the options provided by JAUNT with a price tag.

Mr. Reed noted that he was not currently making any suggestions for additional services with JAUNT but he felt that they should have 5-day service to Nelson Center as they used to have. He thought if the Circulator was to include Gladstone, it would be worth looking into. Ms. McGarry suggested they could find out what the Gladstone circulator cost could be. Mr. Rutherford asked Mr. Reed what he was interested in trying to do. Mr. Reed pointed out the additional needs for the upcoming year and they had not discussed the schools yet. He thought that FY24 may not be the year to do it. He thought that the NCWA may be able to rollover their money for the following year. He suggested that when staff met with the Gladstone Seniors, they could try to determine what Gladstone ridership might look like.

Mr. Rutherford asked if Mr. Reed's current suggestion was to go with staff recommendation. Mr. Reed noted yes. Ms. McGarry clarified that staff recommendation would be to maintain the current level of service. Mr. Reed indicated that it would be \$65,967 to have the additional days of service. He pointed out that cost was if JAUNT was able to get federal grant money to match it. Mr. Rutherford noted that it would cost \$103,000 to maintain the current level of service provided by JAUNT. Mr. McGarry reviewed current services. She reported that JAUNT had a Link service on Mondays and Fridays that went into Charlottesville in the morning and returns in the afternoon. Mr. Rutherford noted that if they added in the service that Mr. Reed was interested in, along with the \$103,000 to maintain service, they would be taking another \$100,000 from recurring revenue. He noted that he would not be supportive of that. He noted that he would be interested in maintaining the services they had. Mr. Barton noted the need for service in Gladstone and pointed out that people in that area were more likely to go to Lynchburg. Ms. McGarry reminded Mr. Barton that JAUNT did not provide services to Lynchburg. Mr. Barton understood and noted that was why Gladstone wanted to have the shopping trip once a month.

Mr. Reed noted that he was in favor of maintaining the current level of service at \$103,000. He suggested they see about engaging JAUNT to have services to Gladstone and Fleetwood, as he felt those areas were more in need than Stoney Creek and Wintergreen. Mr. Rutherford suggested service to those areas would be a separate conversation as they had not been presented with any options to include Gladstone or Fleetwood. Mr. Reed suggested that a form of Demand Response would possibly be able to serve those areas. Ms. McGarry noted an excerpt from JAUNT which indicated that zoned based demand response service in the County, with an option to start micro transit, would likely require a feasibility study. She pointed out that it did not sound like JAUNT was ready to start that kind of service. Mr. Rutherford and

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Mr. Reed agreed that they \$103,000 was a good start, and they could continue the conversation with JAUNT on demand response. Ms. McGarry explained that in order to keep the current level of service provided by JAUNT, they would need to add back in \$36,647 to the budget. She noted that if they wanted to add the additional service days, they would need another \$65,967. The Board was in consensus to add \$36,647 to the budget for a total of \$103,823 to JAUNT.

B. General Fund Revenues

III. OTHER BUSINESS (AS MAY BE PRESENTED)

The Board had no other business to discuss. The Board decided to continue the meeting to the next day and start the discussion with schools and revenues.

IV. ADJOURNMENT (CONTINUE TO APRIL _____, 2023 AT _____ FOR A BUDGET WORK SESSION)

At 4:52 p.m., Mr. Parr moved to adjourn and continue to April 4, 2023 at 3:00 p.m. Mr. Reed seconded the motion and there being no further discussion, the Board approved the motion by vote of acclamation.

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 3:04 p.m. with five (5) Supervisors present to establish a quorum.

II. FY24 BUDGET WORK SESSION

A. General Fund Expenditures

Mr. Rutherford noted that the Board had spoken with the County’s Registrar, Jackie Britt, regarding her new position. Ms. McGarry noted that her understanding was that the new position would provide some overlap for succession planning, as well as to help with the workload related to the upcoming election. Mr. Reed and Mr. Parr reported that the new position needed to start in July, rather than waiting until January. Ms. McGarry indicated that the position would be a full year, rather than half of the year. Ms. Staton reported that they would need an additional \$46,357 in the budget to fund the position for a full year. The Board was in consensus to add in the \$46,357 to fund the position in the Registrar’s office for a full year in FY24.

Ms. McGarry reminded the Board that they would be receiving a credit for FY24 from JAUNT in the amount of \$23,151. She suggested that they could reduce the funding to JAUNT by that amount and \$23,151 could go back into the contingency and could help fund about half of the additional cost for the Registrar position. The Board was in agreement to make that change as suggested.

School Budget

Ms. McGarry reported that the Board had been provided copies of the School’s budget request letter, along with the operational budget synopsis which showed all of the line items, and the school budget summary sheet. She also noted that staff had provided a printout from the Virginia Department of Education which showed the distribution for state and local, based on the ADM of 1396. Ms. McGarry noted staff had looked at various options for salary increases. She pointed out that in order to get the state reimbursement, they had to fund at least 2.5 percent. She noted that she was not advocating for them to do that, she just wanted to explain that was the minimum required in order to receive reimbursement from the state for salaries.

Ms. Staton reported that recurring revenue was currently at \$805,437 after changes with the Registrar and JAUNT. Mr. Rutherford noted that the non-recurring revenue was \$375,212.

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Mr. Rutherford reported that the Schools had requested an additional contribution from the County in the amount of \$1,582,639. Mr. Rutherford guessed that a large part of the \$1.5 million was the 7 percent salary increase. Ms. McGarry reported that of the \$1.5 million, the 7 percent increase was \$1,757,133. She noted it was more than the \$1.5 million requested but the State's money offset that. She explained that once they deducted the State's \$568,921 share, the local share was \$1,188,212. She pointed out that the Schools included a half percent step, along with the 7 percent increase, which amounted to around \$80,000 to \$100,000.

Mr. Rutherford reiterated to the Board that there was about \$800,000 in recurring revenue, so they needed to work on determining funding amounts. Ms. McGarry pointed out that on one of the sheets, the Schools indicated that they had a deficit of \$1,582,639, which was made up of a \$411,191 increase in requested expenditures and \$1,171,448 in less anticipated revenue. She indicated that while it was accurate, it was a little misleading because if they subtracted the \$1.2 million in facilities money the Schools received in FY23 from Revenue and Expenditures, they really received about \$69,000 more in state revenue in their actual increase in requested expenditures, was about \$1.6 million or more.

Ms. McGarry pointed out that the Schools provided a summary with recommendations of increases to expenditures. She noted that they also showed the decreases that they had in expenditures. She suggested that the increases to expenditures may be something the Board would want to consider. She reminded the Board that they could not tell the Schools how to spend the money provided by the County. She noted that it could provide a basis for the funding they may want to provide.

She reviewed the Recommendations of Increases to Expenditures which included the 7 percent COLA (cost of living adjustment) and step increase requested at \$1.7 million. She also noted that the Schools wanted to implement a ParaPro stipend for instructional assistants at a cost of \$64,643. She reported that the Schools were requesting two new positions – one In School Suspension Position at Nelson Middle School at a cost of \$36,082; and a seconded Assistant Principal at the Elementary level at a cost of \$110,560. She noted that currently one Assistant Principal was shared by both elementary schools. Ms. McGarry noted that there were some Fringe Benefits increases. She reported that the Group Health Insurance had a 4.5 percent rate hike which was a \$167,676 increase. She noted that Workers Compensation had an experience modification increase which caused an increase on \$34,123. She reported expenditure increases to Heating and Utilities by \$120,005, and an increase of \$26,921 in Communication expenditures. She noted that the Schools wanted to purchase some weight room equipment at a cost of \$27,000. She also commented that purchased services for Nursing programs were \$22,777.

Mr. Barton commented that it wasn't the Board's job to tell the schools what to do, rather they were to determine how much money they would have to spend.

Mr. Parr asked for any downsides to allocating the remaining recurring contingency. Ms. McGarry noted that with no revenue enhancements, there would be no recurring contingency. She noted there was still a big gap in what the Schools were asking for in additional funds and what was in recurring contingency. She noted that a was a big downside for the Schools unless they could make some adjustments to accommodate that.

Mr. Barton commented that relationship between the Board of Supervisors and the School Board seemed to be much better. Ms. McGarry noted that the relationship between County Administration and the School Division Administration was much better. She indicated that there was better communication between her office and the School Division and more of a sense of working together. She noted that Dr. Hester had been great in communicating during the budget process. Ms. McGarry reported that she had taken time to attend some of the School Board budget sessions which helped her be more informed.

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Mr. Reed noted that since they could not be specific in funding certain line items, they had to take a broad look at the School Budget. He noted that it was a very conservative budget, but it showed the same approach to staff and salaries as the County had with its staff – a 7 percent increase. He felt that the additional positions were absolutely necessary. He noted that a majority of the budget for the Schools was people. Mr. Reed commented that it was impossible to talk about the school budget without talking about revenues. He said there was question that they had the ability to fund the schools request. He felt that by looking at revenues, there was easy route to fund the Schools, along with everything else that had been proposed so far. Mr. Reed proposed to fully fund the Schools and take a look at tax revenues. He thought that the revenue discussion would help them to decide what they wanted to do and how they would do it. He suggested that they consider a penny increase in the Real Estate Tax, noting that they were looking at 7 percent increases in staff salaries across the board. He noted that increase did not come free.

Mr. Reed then noted the transient occupancy tax (TOT). He commented that they had a chance to increase the transient occupancy tax, which could cover the increase to the schools, along with a potential penny increase to the Real Estate Tax, which should increase their recurring contingency for the year. Mr. Reed suggested that if they did not utilize tax increases, then they could consider reducing funding to the debt service capacity. He noted that he was currently not in favor of decreasing funds to debt capacity because he thought there were better ways to accomplish funding. He noted that he was in favor of taxing people who were using resources in the County from a tourism standpoint. He commented that they were funding tourism out of the TOT, but they were not funding other associated costs to the County. He commented that if they spoke with anyone with a high transient occupancy tax rate, they would hear that it did not affect the rental rates at all. He felt that comments from people that an increase would affect business were unsubstantiated. He reiterated that they needed to appropriately invest in the Schools, increase the TOT to 10 percent and add one penny to the Real Estate Tax Rate. He commented that raising the TOT to 10 percent put the County in position to not have to worry about raising the rate again to fund things in the future. He noted it would put enough money in recurring income to depend on. He pointed out that it was a cost that the residents did not have to bear the cost of. He commented that it gave the County an opportunity to have enough money in debt service to commit to the future in providing some housing.

Mr. Rutherford asked about the TOT revenues. Ms. McGarry noted that if they increased to 10 percent, it would equal \$1.8 million in new income.

Mr. Reed commented that they needed to update the County Code to include relief for disabled veterans and their spouses. Ms. McGarry agreed that it needed to be included in the County Code, but noted that it was in practice.

Mr. Parr commented that he had no problem fully funding the School budget, but if that was done, he wanted to go back and fully fund everyone else also. He noted that he did not feel that any of other budgets presented were fluff or falsified budgets, he trusted that what was provided was what was a budget of need by each department. He reiterated if they were going to fully fund, then they should fully fund, and discuss how they were going to do that. He noted that they had all agreed the previous year that increasing the TOT was a no brainer, until they learned more about it and the implications. He commented that they had debated that and made a decision last year. He noted that his mind had not changed on that decision and he would not support any change to the TOT. He noted the impact an increase would have on local business owners. He indicated that he liked the idea of potentially adjusting the debt service. He noted that the Board had discussed allocating a portion of the debt service to the school system for their capital expenditures. He noted he would consider reducing the allocation of debt service to the school system to help support their budget shortfall. He asked if SOQ positions were just classroom level positions, or if SOQ extended into Administration or Central Office. Ms. McGarry was not quite sure but noted they could go onto the Department of Education website and look at the calculation tool. Mr. Parr noted that he wanted to see from a school budget standpoint was if the 7 percent increase went to all school employees, but

stopped at the administration level and Central Office. He noted that there was some inequity on how the increase worked. Ms. McGarry noted that was a decision the Schools would have to make. Mr. Parr understood, but noted that he wanted to see from a dollar amount how that would work. He noted that the County gave them funding and it was up to them on how to spend it. Mr. Parr was not in support of TOT or Real Estate tax increase. He commented that he would consider a reduction of debt service. Ms. McGarry asked for clarification on the reduction to debt service and whether that was the \$610,000 that was being set aside and put into Debt Service Reserve to create the capacity they had been discussing. Mr. Parr and Mr. Rutherford confirmed that was the \$610,000 set aside amount. Mr. Reed asked how that would add up, noting that amounts did not line up. Mr. Parr noted it was a way of helping to offset.

Ms. McGarry noted that taking the \$805,437 from recurring revenue and adding the \$610,000 from debt service would get to \$1,415,437 million in available funding. Mr. Rutherford was cautious as the Board had a commitment to potentially a \$20 million high school renovation. Ms. McGarry noted that not contributing \$610,000 at all would affect the debt capacity strategy. She said was hesitant to suggest taking the \$610,000 out of fund balance for one year to keep the strategy intact, and then take \$610,000 in recurring funds and put it towards funding the schools, or whatever other purpose for next year. She pointed out that they had worked on a strategy and needed to decide whether to commit to it or not. She suggested that if they wanted to reduce the amount to have for capacity, they could work with Davenport to see what level of recurring funding commitment would be needed.

Mr. Barton commented that the Board had a responsibility to many people. He thought that their most important responsibility was to the children of Nelson County. He noted that he had seen a positive movement over last year in teachers, administration, and parents in their attitude that they believed the schools were going in the right direction. He commented that much of what happened in education had to do with people and attitudes. He noted that they had an opportunity to reinforce a positive attitude. He said they needed to determine how to fully fund. He mentioned increasing the TOT from five to ten percent, and referenced Mr. Reed's comment that there was no evidence that a five percent increase would impact the demand for bed and breakfasts. Mr. Reed noted that the price of b&b's over the last few years had skyrocketed and more people were coming in than ever. He thought that would prove that Nelson was a desirable enough destination that people would pay twice as much for an Airbnb than they were two or three years ago. He commented that he liked where Mr. Barton was going with his conversation. Mr. Barton noted that people were attracted to the beauty in Nelson County and there was a price to be paid to maintain that beauty. He noted that people were establishing bed and breakfasts because it profitable to do so. He noted that the people with bed and breakfasts were not paying the tax, rather they were collecting it from people outside of Nelson County. He preferred to tax people coming into the County from somewhere else, rather than tax the people who lived in Nelson. He thought it was a good way to provide revenue enhancement. Mr. Barton commented that increasing the real estate tax rate was a completely different topic but an increase of one penny did not come close to covering inflation. He noted that they reduced the real estate tax rate by 10 percent the previous year. He stated that the primary thing for him was what they did for the children of Nelson County.

Mr. Rutherford noted that the Board was used to seeing requests for additional funding from the schools in amounts with two commas. He did not believe a real estate tax increase of a penny was a necessary feat. He commented that he did like Mr. Parr's idea of utilizing the remaining recurring revenue. He said he was around \$805,000 as an amount for the schools. He was not sure if he wanted to use any of the money set aside for the debt capacity since they had future capital projects which included school needs. He commented that increasing the TOT from 5 percent to 10 percent was 100 percent jump and it was not good for that industry to realize immediately. He noted that he would love to see TOT revenues go towards capital projects related to the schools, but once they started using it for recurring expenses, it was gone forever. He felt that they should utilize what they had. Mr. Rutherford noted that he was sitting at \$805,000 of the \$1.5 million. He noted that would utilize all of their recurring revenue and force them to look at

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other options. He noted that the following year would be a tough budget year. He pointed out that the TOT revenue was not a number to count on for recurring expenses.

Mr. Reed commented that as the prices for short-term rentals increased, the amount of TOT increased. He noted that they would get an increase in recurring revenues when the tourism dollar increased faster than the housing dollar. He commented that if they maintained the capital expenditure projection and the debt service to support that, money invested in more affordable housing would create a bigger rate of return to the County than the impact of a one penny increase on real estate tax. He thought they would be able to get people in the County and be able to house people that live in the County. He admitted that his main support of debt service was primarily so that they could put something toward single family homes in the County. He thought that was incredibly important. He noted that they had already prioritized recreation. He believed that a penny increase affected everyone across the board. He thought it was the most equitable system. Mr. Reed noted that he still submitted his original proposal.

Mr. Parr agreed with Mr. Reed's comment on the TOT that as the value increased, the revenue increased.

Mr. Barton felt it was clear that the TOT would not influence the demand for those things. He commented that it seemed to be an incredibly profitable thing that many people were getting involved in. He thought it was something that they could tax with the least influence. He noted that he wanted to win the argument because the revenue would go to schools. He commented that the quality of education did not depend on amount of money, but it did depend upon on attitude. He felt that fully funding the schools was the proper thing to do and the transient occupancy tax seemed like the way to do it.

Mr. Reed commented that the biggest employer in County was the County. He noted that the biggest recipients of the money they had in the County, were the people of the County who run the County, and run the Schools. He commented that if they were providing the best opportunity for the best employer in the County to provide the best level of services, best insurance, best working conditions, and best cost of living increases possible, they were building the County. He challenged the Board to do that.

Mr. Rutherford maintained his position, noting that he did not support a real estate tax increase of a penny. He reminded the Board that the TOT tax rate was not set to same deadline as real estate tax and personal property tax. He noted that the TOT discussion could continue. He pointed out that the day's meeting related to discussing any real estate and personal property tax increases, and hopefully determining an amount for the schools. Ms. McGarry noted that the Board would authorize the budget public hearing at the April 11th meeting for a May 9th public hearing. Ms. McGarry explained that if there were any increases to the tax rates, they would have to go to public hearing. She noted they were working with a specific timeline on tax rates because they would have to hold a public hearing and then transmit the information to the Commissioner, who then would inform the Treasurer so that the tax tickets could go out.

Mr. Rutherford reviewed the 2022 tax rates: Real Estate Tax \$0.65, Personal Property Tax at \$2.79, Machinery and Tools Tax at \$1.25, and Mobile Home Tax \$0.65.

Mr. Reed commented that if they were increasing salaries by 7 percent, he did not see any reason why they could not raise the real estate tax rate by one penny to cover it. Mr. Reed made a motion to increase the Real Estate Tax Rate from \$0.65 to \$0.66. Mr. Barton seconded the motion. Mr. Barton commented that it sent the message that things are not free, and there was a price to pay for everything. He noted that most of the 7 percent increase went to people from the County. Mr. Parr asked if there was a list of employees residing in County versus out of County. Ms. McGarry noted that they probably did not have that information but it was probably something they could put together. Mr. Harvey recalled the last time the Board did a penny increase; they took the worst public bashing they had ever taken. He noted that he swore he would never do a penny tax increase again because it was brutal. Mr. Reed noted he was willing to deal

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with it and asked how else they would be paying the cost of the 7 percent increase. Ms. McGarry commented that revenue enhancements may have to be a consideration for the next year, depending on the economy depending revenues for the upcoming year. Mr. Barton noted that Mr. Reed was trying to make the point that there was a cost associated with whatever they do. Mr. Rutherford reiterated the motion was to raise the Real Estate Tax by one penny from \$0.65 to \$0.66. He noted that he was not supportive of increasing the Real Estate Tax necessarily. He thought there may be more work and refinement with the TOT. He indicated that they had been working on TOT enforcement. There being no further discussion, Supervisors voted (2-3) by roll call vote and the motion failed, with Mr. Rutherford, Mr. Parr and Mr. Harvey voting no, and the Real Estate Tax Rate remained at \$0.65.

The Board discussed the remaining tax rates and Mr. Rutherford suggested they remain the same. Mr. Barton moved to set the tax rates for Personal Property at \$2.79, Machinery and Tools and \$1.25 and Mobile Homes at \$0.65. Mr. Harvey seconded the motion. There being no further discussion, Supervisors voted unanimously to approve the motion.

Ms. McGarry confirmed that the tax rates would remain the same and there would be no public hearing. Mr. Rutherford reported that on April 20th there would be a joint Board of Supervisors and School Board meeting at 6 p.m. He also reminded the Board that the Regular Board of Supervisors' meeting would take place on April 11th. Ms. McGarry noted that during the April 11th meeting, the Board would authorize the public hearing on the budget for May 9th. She noted that they would need to look at another date to review the other fund budgets prior to the public hearing. She explained that the public hearing ad would need to go to the paper by Friday, April 21st so they would need to review the other fund budgets prior to that date. The Board discussed considering April 18th as the next meeting date and decided to have a meeting date selected by the April 11th Board meeting.

B. General Fund Revenues

Ms. McGarry provided a review of local revenues.

Real Estate Tax \$20,604,678

She reported that they were projecting a \$379,846 increase in Real Estate Tax, which was about a 1.9 percent increase. She noted that the projected increase was primarily due to natural growth. She explained that they used historical growth rates to determine the estimates.

Public Service Tax \$1,303,291

Personal Property Tax & Mobile Home Tax \$2,704,886

Machinery & Tools Tax \$72,189

She reported that Public Service Tax was projected to increase by \$205,826, which was an 18.8 percent increase. Ms. McGarry noted that they were expecting Personal Property and Mobile Home Tax to decrease by \$499,216, or 8 percent. She explained that the decrease was primarily due to market conditions that have shown a decrease in vehicle values provided by JD Power. She indicated that they were not predicting any change with Machinery and Tools Tax Revenues.

Late Penalty Tax – 10% \$255,613

Late Penalty Interest – 10% \$162,800

Ms. McGarry noted that they were predicting the Late Tax Penalty to increase by \$75,613. She also reported that they were estimating Late Tax Interest to increase by \$22,800.

Local Sales and Use Tax \$2,190,076

Ms. McGarry reported that the Local Sales and Use Tax revenue for FY24 was provided by the State at \$2,190,076. She noted that was an increase of about \$146,739 or 7.2 percent.

Mr. Reed asked why there was a 42 percent increase in the Late Tax Penalty. Ms. McGarry noted there was an increase because it was based on a percentage applied to the total tax that was predicted to be delinquent. She pointed out that it was only an 11 percent increase from what was projected for FY23.

Business License \$54,000

Ms. McGarry reported that they were expecting a \$9,000 increase in Business License revenues. She noted that was primarily because Short Term Rental people were now paying a \$30 business license fee instead of a registration fee.

Electric Consumption Tax \$65,000

Telecommunications Gross Receipts Tax \$15,000

Bank Franchise Tax \$109,728

Recordation Tax \$300,000

Ms. McGarry reported that there was no change in Electric Consumption Tax revenues for FY24. She noted that they were projecting a slight decrease in Telecommunications tax. She noted that there was about an \$8,000 increase in Motor Vehicle License fees. She reported no change in the Bank Franchise tax revenue. She indicated that they were projecting a decrease in recordation tax, which was primarily due to market conditions and fewer transactions being recorded.

Transient Lodging Tax \$1,800,000

Meals Tax \$1,350,000

Ms. McGarry reported that the TOT was estimated to increase by \$648,879 for a total estimated revenue of \$1.8 million. She pointed out that it was only \$80,268 from what was projected for FY23. Ms. McGarry reported that Meal Tax was estimated to increase by \$179,607. She noted that the increase was \$20,644 from the FY23 projected revenue amount.

Dog Licenses \$15,130

Dog Pound Fees \$1,800

Ms. McGarry reported that dog license fees were predicted to also increase by about \$2,000 but when looking at the FY23 projected revenue, the FY24 amount was about the same. She noted there were no changes in the predicted FY24 amount for Dog Pound fees.

Short Term Rental Registration Fees \$0

Transfer Fees \$1,200

Subdivision Fees \$11,000

Building Permits \$276,353

Building Inspection Fees and Fines \$16,000

Zoning Permits and Fees \$11,500

Well/Septic Fees \$7,000

Land Disturbing Permits \$7,500

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Ms. McGarry explained that the Short Term Rental Registration fees used to be required but that was coming out and would be part of the Business License category. Ms. McGarry reported that Transfer Fees were showing a \$200 increase, but when looking at the FY23 projected, there was no difference. She reported that Subdivision fees would remain the same as FY23. She reported that they were estimated a \$51,353 increase from the FY23 budgeted amount in Building Permits, but it was only a \$23,976 increase from FY23 projected revenue. She reported no changes to the Building Inspections Fees and Fines. She noted they were estimating a decrease of \$5,900 for Zoning Permits and Fees. She reported no change in FY24 Well/Septic fees or Land Disturbing Permits.

Tourism Sales \$500

Ms. McGarry reported an estimated \$2,000 decrease in Tourism sales for FY24. She noted that was only a \$250 decrease from FY23 projected revenues. She explained that these were items for sale in the Visitor's Center.

Court Fines \$125,000

Jail Admission Fees \$1,750

Courthouse Security Fees \$30,000

She reported a \$40,000 increase in Court Fines for FY24. Mr. Barton asked what that was from. Ms. McGarry indicated that a lot of it was from traffic ticket revenue. She explained that \$85,000 had been budgeted for FY23 but they were actually projected to bring in \$125,000 for FY23 so they carried that number forward for their FY24 estimate. She reported no change to Jail Admission Fees. She estimated a slight \$4,000 increase in Courthouse Security Fees from the budgeted amount. She reported that they were projecting about \$36,000 in FY23 and only \$30,000 in FY24.

Courthouse Construction Fees \$8,000

Ms. McGarry noted that the Courthouse Construction Fees for FY24 were \$8,000. She noted they had backed them down from \$12,000 in FY23.

Interest on Investments \$500,000

Rental of General Property \$0

Lease/Rent Devils Knob Tower \$4,150

Ms. McGarry noted that in FY23 they had budgeted to bring in \$25,000 in Interest on Investments, but they were projecting to bring in \$565,586 in FY23. She noted they estimated \$500,000 for FY24. She noted there was nothing in for the Rental of General Property. She noted that the rental income for the Devils Knob Tower site was estimated at \$4,150 which was no change from FY23 projected.

Real Estate Tax Sale Proceeds \$0

Ms. McGarry reported on Real Estate Tax Sale Proceeds, noting they were hard to predict. She noted that FY23 was going to have about \$38,514 but they did not know about FY24 so it was set at \$0. She explained that they would appropriate those funds as tax sales happened.

Sheriff's Fees \$12,500

Law Library Fees \$2,500

Concealed Weapon Fees \$0

Courthouse Maintenance Fees \$6,000

Document Reproduction Fees \$3,500

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Excess Clerk Fees Paid to State \$30
Court Appointed Attorney Fees \$1,000
Fingerprint/Report Fees \$250
Circuit Court Postage \$250

Ms. McGarry reported no changes to the Sheriff's Fees, Law Library Fees, or Concealed Weapon Permit fees from FY23 to FY24. She reported that Courthouse Maintenance Fees, Document Reproduction Fees, and Excess Clerk Fees Paid to State were estimated to remain the same. She reported that Court Appointed Attorney fees had been backed down from \$1,800 to \$1,000. She noted that the Fingerprint/Report fees remained the same at \$250. She noted that the Circuit Court Postage also remained the same at \$250. Mr. Rutherford asked if that meant no one got Concealed Weapon permits. Ms. McGarry noted that it was probably going to a different line.

Commonwealth Attorney Fees \$2,200
Landfill Tipping Fees \$216,000
Recreation Fees \$42,000
Sale of Maps and Literature \$202
Expenditure Refunds \$7,500

Ms. McGarry reported the Commonwealth Attorney fees to remain the same at \$2,200. She estimated the Landfill Tipping fee revenues to remain the same at \$216,000. She reported that they were projecting a decrease in Recreation fees for FY23, so the projected amount was carried into FY24 at \$42,000. She reported no change to Sale of Maps and Literature, or Expenditure Refunds.

VPA/CSA Refunds \$5,100
VPSA Rebate \$98,216

Ms. McGarry reported that they kept the VPA/CSA Refunds (Department of Social Services and Children's Services Act) the same at \$5,100. She reported the VPSA Debt Rebate FY24 estimate at \$98,216. She indicated that FY24 was the County's last year of the rebate.

Opioid Abatement Settlement Funds \$9,161
Election Primary Filing Fees \$0
Gifts/Donations \$0
CCTL COVID19 Grant \$0

Ms. McGarry provided an estimate of \$9,161 in Opioid Abatement Settlement Funds for FY24. She reported \$0 in Election Primary Filing fees, \$0 in Gifts/Donations, and \$0 for the CCTL COVID19 Grant for the Electoral Board.

Check Return Fee \$600
Administrative Fee (Delinquent Collection) \$28,000
Duplicate Bill Fee \$500
Donations Parks and Recreation \$0

She reported that the Check Return fee estimate was decreased by \$400. She noted that the Administrative Fees related to Delinquent Tax Collection were kept at \$28,000. She noted the Duplicate Bill Fee was at \$500. She reported that no Donations were budgeted for Parks and Recreation. She noted those were appropriated when received.

AEP Edge Grant \$0

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Donation Animal Control \$65

She noted that Donations for Animal Control were decreased back to the usual amount of \$65.

Asset Forfeiture Non DCJS Sheriff \$0

Asset Forfeiture Non DCJS Commonwealth Attorney \$0

Ms. McGarry noted that Asset Forfeiture Funds were appropriated when received.

Miscellaneous \$0

Miscellaneous Line Amount \$0, Ms. McGarry noted it was a catch all if they could not determine where the receipt of funds should be categorized.

Recovered Costs \$65,000

Recovered Costs \$65,000, decrease of \$25,000 from FY23's budgeted amount of \$90,000.

DMV Stop Fees \$36,000

Reimbursements for Foster Care \$1,600

Shared Maintenance (Microwave) \$8,000

Ms. McGarry noted the County received some revenue from Augusta County to share the County's Microwave system.

Court Ordered Restitution \$1,500

Ms. McGarry estimated Court Ordered Restitution at \$1,500 for FY24. She noted they were projecting \$4,193 for FY23.

EMS Revenue Recovery \$719,800

EMS Revenue Recovery – Ms. McGarry reported that in FY23, \$736,230 was budgeted and tracking to bring in about \$719,800 for FY23. She noted they carried forward the \$719,800 for FY24.

BZA Applicant Reimbursements \$0

Recycling \$16,000

Recycling – Projecting \$18,000 for FY23 and estimating \$16,000 for FY24. Mr. Reed asked about the recycling funds. Ms. McGarry noted they were the funds received back from metal recycling.

VDOT Sheriff's Department Agreement Old Rt. 6 \$0

Mr. Rutherford asked what it was for. Ms. McGarry explained that when VDOT was working on Rt. 250 after the landslide, Old Rt. 6 had to be policed to keep trucks from traveling through.

Forest Service Cooperative Agreement \$4,400

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Ms. McGarry reported that the total local revenue was estimated to increase from FY23 budgeted by \$1,437,301 or 3.98 percent. She noted they were showing a decrease \$104,496 from what was projected for FY23, or -0.28 percent.

Mr. Reed asked about the Concealed Weapon Permit fees going to another line. Ms. McGarry noted she would have to look further into it to find out where that money went. Mr. Reed noted he was curious to know what that number was and how prevalent permits were in the County.

The Board opted to not review the State and Federal Revenues during the meeting and decided to review those numbers on their own. Ms. McGarry noted that staff was available to answer any questions they may have.

Mr. Parr asked about TOT and whether there was a way to identify how much of the increase was a result of the efforts to be more proactive in collecting. Ms. McGarry not sure how easy that would be to determine. Mr. Rutherford noted that the Commissioner of Revenue had also collected past due TOT amounts, some of which were large sums. Ms. McGarry suggested that Airbnb and VRBO paying on behalf of short term rental owners may also be helping with that increase in revenue. Mr. Parr noted the previous year's TOT discussion and suggested looking how they could possibly allocate half of the increase in TOT realized, to the school system. Ms. McGarry noted she could ask but she was not sure how they could go about it.

Mr. Rutherford noted that one of issues they had been dealing with was receiving large checks from Airbnb and VRBO without them indicating who they were paying the TOT for. Ms. McGarry and Mr. Rutherford both noted that issue should be corrected soon, but they were unsure of where it was in the process. Mr. Rutherford noted that once that issue was resolved, they would be able to know who had rentals and where.

Ms. McGarry noted that she had provided an email to the Board from Maureen Kelley on March 28th regarding Short Term Rental (STR) numbers from a website called All the Rooms. She explained that the site was showing a decrease in STR for Nelson. She noted that as of November 2022, STR down from 875 in September to 783 in November. She noted that as of March 28th, Nelson had 515 STR's. Ms. McGarry referenced Ms. Kelley's comments that the market continued to cool, but January through April were the slowest months for lodging. Ms. McGarry noted that some owners took their rentals off the market during that time, so that also affected the numbers. Mr. Rutherford also commented that Wintergreen did not make snow, it also affected rentals on the mountain.

III. OTHER BUSINESS (AS MAY BE PRESENTED)

The Board had no other business to discuss.

IV. ADJOURNMENT (CONTINUE TO APRIL ____, 2023 AT ____ FOR A BUDGET WORK SESSION)

At 4:47 p.m., Mr. Parr made a motion to adjourn the meeting and Mr. Reed seconded the motion. There being no further discussion, Supervisors approved the motion by vote of acclamation and the meeting adjourned.

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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
Thomas D. Harvey, North District Supervisor
Ernie Q. Reed, Central District Supervisor
Robert G. “Skip” Barton, South District Supervisor
Candice W. McGarry, County Administrator
Amanda B. Spivey, Administrative Assistant/Deputy Clerk
Linda K. Staton, Director of Finance and Human Resources
Dylan M. Bishop, Director of Planning and Zoning
John Adkins, Emergency Services Coordinator

Absent: J. David Parr, West District Supervisor – Vice Chair

I. CALL TO ORDER

Mr. Rutherford called the regular meeting to order at 2:05 p.m. with three (3) Supervisors present to establish a quorum and Mr. Harvey arrived shortly after. Mr. Parr was absent.

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

II. PUBLIC COMMENTS

Wisteria Johnson Shipman, VA

Ms. Johnson commented that she was present to speak on a new law regarding livestock management in Nelson County. She noted understood that there had been problems with animals getting out of their confines and causing harm, but there had been no procedure for restitution. She agreed that there was a need for a law, but asked that the Board carefully choose the language in the law so that it punished the willfully negligent or habitual offenders, rather than law abiding livestock owners. She pointed out that a misdemeanor charge could bring expense upon the average livestock owners. She reiterated her request that the Board carefully choose language that would still support the responsible livestock owners and punish the habitual offenders.

William Percy, Lovingston, VA

Mr. Percy thanked the Board for their time and service. He commented that he had attended a recent Electoral Board meeting and found that there was a proposition for additional personnel in the Registrar's office. He was unsure whether the request was coming into consideration for the budget. He noted that he was advocating in favor of the new position, noting the additional workload that had been placed on the Registrar due to the pandemic. He felt that the Registrar would not have requested the position if it was not necessary. He commented that Nelson County might suggest to the State to have some sort of quotient to measure what the cost of a vote was per precinct. He noted it could possibly determine a number to compare Nelson County to rest of localities in the state. He asked if the VDOT representative might be able to

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explain to the public how traffic options were simulated for intersections. He asked the Board to consider options in improve screen visibility for the YouTube stream. He also asked if the Board would make sure to speak into their microphones so that they could be better heard.

Mr. Harvey arrived and joined the meeting.

There were no other persons wishing to speak under public comments.

III. CONSENT AGENDA

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

A. Resolution – **R2023-18** Minutes for Approval

**RESOLUTION R2023-18
NELSON COUNTY BOARD OF SUPERVISORS
APPROVAL OF MINUTES
(December 13, 2022)**

RESOLVED, by the Nelson County Board of Supervisors that the minutes of said Board meetings conducted on **December 13, 2022** be and hereby are approved and authorized for entry into the official record of the Board of Supervisors meetings.

B. Resolution – **R2023-19** Budget Amendment

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RESOLUTION R2023-19
NELSON COUNTY BOARD OF SUPERVISORS
AMENDMENT OF FISCAL YEAR 2022-2023 BUDGET
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I. Appropriation of Funds (General Fund)

<u>Amount</u>	<u>Revenue Account (-)</u>	<u>Expenditure Account (+)</u>
\$ 347.36	3-100-002404-0002	4-100-032020-5650
\$ 347.36		

II. Appropriation of Funds (Piney River Fund)

<u>Amount</u>	<u>Revenue Account (-)</u>	<u>Expenditure Account (+)</u>
\$ 18,802.68	3-501-001608-0003	4-501-042040-3004
\$ 38,992.50	3-501-004105-0001	4-501-042040-8004
\$ 57,795.18		

III. Transfer of Funds (General Fund Recurring Contingency)

<u>Amount</u>	<u>Credit Account (-)</u>	<u>Debit Account (+)</u>
\$ 23,000.00	4-100-999000-9901	4-100-013010-1010
\$ 176.00	4-100-999000-9901	4-100-013010-2001
\$ 500.00	4-100-999000-9901	4-100-013010-5201
\$ 3,600.00	4-100-999000-9901	4-100-013010-5401
\$ 4,900.00	4-100-999000-9901	4-100-013010-5413
\$ 1,450.00	4-100-999000-9901	4-100-013010-5501
\$ 200.00	4-100-999000-9901	4-100-013020-5401
\$ 36,000.00	4-100-999000-9901	4-100-091050-7074
\$ 38,992.50	4-100-999000-9901	4-100-093100-9207
\$ 108,818.50		

C. Resolution – **R2023-20** Authorization for Public Hearing on FY24 Budget

RESOLUTION R2023-20
NELSON COUNTY BOARD OF SUPERVISORS
AUTHORIZATION FOR PUBLIC HEARING ON FY24 BUDGET

BE IT RESOLVED, by the Nelson County Board of Supervisors, that pursuant to §15.2-2503, and §15.2-2506 of the Code of Virginia 1950 as amended that a public hearing on the FY24 Budget is hereby authorized to be held on Tuesday, May 9, 2023 at 7:00 PM in the General District Courtroom of the Courthouse in Lovingston, Virginia.

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D. Resolution – **R2023-21** Establishment of 2023 Tax Rates

**RESOLUTION R2023-21
NELSON COUNTY BOARD OF SUPERVISORS
ESTABLISHMENT OF 2023 TAX RATES**

RESOLVED, by the Nelson County Board of Supervisors, pursuant to and in accordance with Section 58.1-3001 of the Code of Virginia, 1950, that the tax rate of levy applicable to all property subject to local taxation, inclusive of public service corporation property, shall remain effective until otherwise re-established by said Board of Supervisors and is levied per \$100 of assessed value as follows:

Real Property Tax	\$0.65
Tangible Personal Property	\$2.79
Machinery & Tools Tax	\$1.25
Mobile Home Tax	\$0.65

IV. NATIONAL PUBLIC SAFETY TELECOMMUNICATORS WEEK (R2023-22)

Mr. John Adkins, Emergency Services Coordinator was present and he thanked the Board for the invitation to attend. Mr. Adkins introduced Senior Telecommunications Officer, Raven Rose. He noted that Ms. Rose was also a TAC and the dispatch center’s QA lead. Mr. Adkins then introduced Amy Justus who was also a TAC and Senior Telecommunications Officer. He then introduced Lacey Vance, noting she had recently returned to the center. Mr. Adkins thanked the Board for honoring the work that his department did, 24 hours a day, seven days a week, helping to keep the public safe and answering those calls when help is needed. Mr. Rutherford thanked the telecommunicators for their service, noting that they were the unsung, unseen heroes.

Mr. Reed read **Resolution R2023-22** and moved to approve it as presented. Mr. Barton seconded the motion, and there being no further discussion, Supervisors approved the motion unanimously (4-0) by roll call vote and the following resolution was adopted:

**RESOLUTION R2023-22
NELSON COUNTY BOARD OF SUPERVISORS
NATIONAL PUBLIC SAFETY TELECOMMUNICATORS WEEK
April 9-15, 2023**

WHEREAS, emergencies can occur at any time that require law enforcement, fire or emergency medical services; and

WHEREAS, when an emergency occurs the prompt response of law enforcement, firefighters and paramedics is critical to the protection of life and preservation of property; and,

WHEREAS, the safety of our first responders is dependent upon the quality and accuracy of information obtained from citizens who telephone into the Nelson County Emergency Communications Center; and

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WHEREAS, Public Safety Telecommunicators are the first and most critical contact our citizens have with emergency services; and

WHEREAS, Public Safety Telecommunicators are the single vital link for our deputies and firefighters by monitoring their activities by radio, providing them information and insuring their safety; and

WHEREAS, each dispatcher has exhibited compassion, understanding and professionalism during the performance of their job in the past year;

NOW THEREFORE BE IT RESOLVED, that the Nelson County Board of Supervisors declares the week of April 9-15, 2023 as National Public Safety Telecommunicators Week in Nelson County, in honor of the men and women whose diligence and professionalism keep our county and citizens safe.

V. PRESENTATIONS

A. VDOT Report

Mr. Robert Brown of VDOT was present. Mr. Rutherford noted that they needed to remove Dutch Creek (Route 641) from the Rural Rustic List. He reported that the residents of Dutch Creek did not want it on the list.

Mr. Brown reported that the structure replacement on Route 623 off Route 151 had been completed and the roadway was open. He noted that Route 654 (Cedar Creek Road) was currently closed to thru traffic due to the Rural Rustic project underway. He explained that they were installing a new drainage structure which would take a few weeks to complete. He noted that upon completion of the structure, the road would reopen and they would begin working on the Rural Rustic Project, which was their first project of the year. He indicated that the completion of Cedar Creek's Rural Rustic Project would complete the paving of the entire road. Mr. Brown noted Mr. Barton's request from the last Board meeting and reported that VDOT was looking at additional, more effective warnings for the restricted underpass on Tye River Road. He noted that they were considering some sort of overhead warning system prior to the structure. He pointed out that it would be an expensive option, but noted the engineers would provide a recommendation on the best option. Mr. Brown also noted they were evaluating the intersection of Route 56 and 29, as there had been some recent accidents there.

Mr. Brown reported that VDOT's maintenance forces had been doing a lot of brush cutting, ditch cleaning and maintenance basics. He explained that they had a lot of metrics in maintenance that were becoming a factor in their business decisions and money. He noted that was a good thing as it would hopefully allow them to qualify for more maintenance dollars. Mr. Brown noted they would also be working on the Lovington entry signs.

Supervisors then discussed the following VDOT issues:

Mr. Barton:

Mr. Barton commented that the residents of Cedar Creek Road were very happy.

Mr. Harvey:

Mr. Harvey had no VDOT issues to discuss.

Mr. Reed:

Mr. Reed noted that the 151 Corridor Study Meeting hosted by VDOT would take place on April 18th at RVCC from 4 to 6 p.m. He noted his appreciation for that meeting. Mr. Reed also thanked Mr. Brown for his office being so responsive to one of his constituents along Adial Road who had a few blocked culvert pipes. Mr. Reed noted that his constituent was so appreciative of the assistance when she called to report the issue, noting that VDOT was planning to take care of the problem the following day. Mr. Brown indicated that he would pass along the appreciation to Headquarters.

Mr. Rutherford:

Mr. Rutherford noted there would be continued discussions with VDOT on the entries into Lovington and making them more attractive and welcoming.

Mr. Rutherford asked if changes could be made to the proposed Rural Rustic List and whether they could be made at the next meeting. Mr. Brown noted that the list was put together based on feedback from the Board, as well as some of the road needs seen by VDOT. He noted that the Board decided on the list by priority and it could be changed however they wanted.

B. Secondary Six Year Plan Work Session (R2023-23)

Mr. Brown reported that he had a draft of the Six Year Plan. He noted that they were not able to do a lot of programming in the plan because they did not yet have priority placed on the roads. He reported that Cedar Creek Road was going to be completed in the current year. He then noted that in the previous year, projects were completed on Wilson Road, Campbell's Mountain Road, and North Fork Road. He noted that the projects on Jack's Hill, Cedar Creek Road, Ball Mountain, Honey Suckle Lane and Cow Hollow should be completed this year.

Mr. Brown noted that the County would be receiving an allocation of \$628,098 in FY24 for designated Unpaved Road funding. He noted the allocation would increase to \$671,748 in FY25, but in the third year of the plan(FY26), the dollar amount dropped considerably, down to \$454,996. He noted the amount remained pretty close to the same for the rest of the plan. He explained that the decrease was not bad news. He noted that when the unpaved mileage was recalculated for a County, that determined how much funding was allocated. He indicated that the Board and VDOT had been proactive in building the roads, so there were fewer unpaved roads in Nelson County. Mr. Rutherford asked if Mr. Brown would be able to send a complete list. Mr. Brown noted he did not have a complete list, but he would send what he had. He commented that they had about 90 miles of unpaved roads in Nelson County a few years earlier. He guessed there were about 40 miles or so remaining. Mr. Barton commented that when he moved to Nelson in 1980, half of the roads were unpaved. Mr. Brown noted he would look into the current unpaved road miles and get back to the Board.

Mr. Brown reported that they needed to finish the plan and asked that the Board prioritize the some of the roads on the list so they could program a few more years into the Six Year Plan. Mr. Brown reviewed the list that needed to be prioritized.

Hunting Lodge – He noted if that section was paved, it would pave Hunting Lodge down to Aerial Drive, which had been hard surfaced a few years ago.

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Jenny's Creek – Mr. Brown noted that was a cut-thru road off of 151 to 56 and was an important road.

Buffalo Station – He reported that it was a fairly long unpaved road with a lot of steep hills and grades. He indicated that it would be good to get the road paved as it would help decrease the maintenance costs.

Fork Mtn – Mr. Brown reported that the traffic count was high and noted that road had been provided by the Board as a request for paving by a citizen.

Berry Hill Road – Mr. Brown commented that there had a lot of development occurring along Berry Hill in recent years. He suggested that it would be a good road to prioritize high.

Whealers Cove – Mr. Brown reported that the road had recently come up. He indicated that the road was long (about 4 to 6 miles), and they had received a request through the Board to do a section. He noted that completing 1.5 miles of Wheelers Cove would take care where most of the homes were located. Mr. Rutherford commented that it was done like that on purpose to not go any further than that section.

Mr. Brown commented that they had taken Dutch Creek off of the list.

Walk Around Lane – Mr. Brown noted that was the last section of unpaved road in Rhue Hollow.

Greenfield Drive – Mr. Brown reported that what was on the list to complete would tie the completed sections all together.

Gulleysville – Mr. Brown explained that there had been some serious drainage issues previously that required replacement of a culvert. He noted that VDOT wanted to pave a section of Gulleysville as the final step in completing that replacement. He explained that there had been a lot of water runoff in the area where the drainage issues were occurring and a lot of silt and gravel were being washed onto a citizen's property. He indicated that was the main reason the section of road had been suggested for hard surfacing. He noted there was not much going on past that point, so they did not necessarily need to do it all. He noted they could do anything that the Board wanted to do. Mr. Brown understood that some people may not want the road paved. Mr. Reed noted he had a few opinions from people but that was a few years ago, so he needed to reach back out to those people to see how things were going. Mr. Reed asked about culvert and erosion work recently. Mr. Brown explained that they had replaced the culvert and done some ditch work as well, but the steepness of the grade caused the gravel to wash into the property owner's yard during a flooding event. He reiterated that they did not need to complete the whole road, but that section was there due to the maintenance and to protect the citizen's property. Mr. Reed asked if Mr. Brown could send him the citizen's contact information so that he may reach out. Mr. Brown agreed to do so.

Mr. Rutherford asked about considering Eagle Mountain Drive (Route 648), noting issues in inclement weather and road width issues. He explained that it was a cut-thru road from Brownings Cove over to 56. He noted that he thought it had a pretty high traffic count as it was a quicker option to get to the top of the mountain for 56. He noted that it broke off of Brownings Cove and connected off of Coon Hollow Lane. Mr. Rutherford thought that Mr. Barton represented one side of the road; while he represented the other. Mr. Rutherford asked Mr. Brown to look into Eagle Mountain and asked if it could be put on the list in place of Dutch Creek.

Mr. Brown asked for the Board to place some priority on how the list would be set for the public hearing. Mr. Rutherford suggested grouping the roads on the list based on their proximity to one another. The Board put the roads in the following priority:

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- 1 Hunting Lodge Road
- 2 Jenny's Creek Road
- 3 Buffalo Station
- 4 Fork Mtn
- 5 Gulleysville Lane
- 6 Berry Hill Road
- 7 Wheelers Cove Road
- 8 Walk Around Lane
- 9 Green Field Drive

Mr. Brown asked if Eagle Mountain would possibly be moved up the list if it had a high traffic count. Mr. Rutherford thought it would. He suggested putting it on the list and they could move it around at the public hearing if needed. Mr. Brown noted that he would email the traffic count to the Board. Mr. Reed noted he would reach out to the property owner on Gulleysville before the public hearing.

Mr. Harvey asked about unpaved roads in North District. Mr. Rutherford noted that Mr. Brown would be sending the full list of unpaved roads left and he could review and make any suggestions or additions.

Mr. Reed made a motion to approve **Resolution R2023-23** with the Rural Rustic Priority List as amended. Mr. Barton seconded the motion. There being no further discussion, Supervisors unanimously approved the motion (4-0) by roll call vote and the following resolution was adopted:

**RESOLUTION R2023-23
NELSON COUNTY BOARD OF SUPERVISORS
AUTHORIZATION FOR PUBLIC HEARING
FY24-FY29 SECONDARY SIX-YEAR ROAD PLAN
AND CONSTRUCTION PRIORITY LIST**

WHEREAS, The Virginia Department of Transportation and the Board of Supervisors of Nelson County, in accordance with Sections 33.2-331 and 33.2-332 of the Code of Virginia, are required to conduct a public hearing to receive public comment on the proposed Secondary Six-Year Plan for Fiscal Years 2024 through 2029 in Nelson County and on the Secondary System Construction Budget for Fiscal Year 2024,

NOW THEREFORE BE IT RESOLVED, that a public hearing will be held for this purpose in the General District Courtroom of the Nelson County Courthouse, 84 Courthouse Square, Lovingston, Virginia at 7:00 pm on Tuesday, May 9, 2023.

C. Opioid Abatement Authority Funds Application - Region Ten (**R2023-24**)

Ms. McGarry noted to the Board that the State Opioid Abatement Authority had funds available for competitive grant applications. She commented that as she had previously reported, the County had been talking to Region Ten about the multi-jurisdictional application. She reported that the application period would close on May 5th, and noted the Region Ten was present to discuss the application and provide a presentation. She noted that they would then ask the Board to consider adoption of Resolution R2023-24 to authorize the County's participation in the multi-jurisdictional application.

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Ms. Shannon Wright, Senior Director of Developmental Disability and Rural Services for Region Ten was present to discuss the Opioid Abatement Authority Funding and Regional Proposal. She provided a history of the three waves of opioid epidemic, which began in the 1990's with the natural synthetic opioids and methadone being prescribed, and resulted in an increase in opioid related deaths with the prescribing of the new opioid OxyContin. She then explained that the rise in heroin deaths began in 2010, due to the heroin market expanding to attract users who were addicted to pain medication. She noted that in 2013, the rise of synthetic opioid deaths was significant, particularly with fentanyl. Ms. Wright reported that from 2019 to 2020, opioid related deaths increased by 38 percent. She then noted that prescription opioid deaths rose by 17 percent and synthetic opioid related deaths increased by 56 percent. She commented that pharmaceutical companies held some responsibility for the opioid epidemic because they were overprescribed for many reasons without any safety mechanisms in place. She noted that manufacturers failed to warn about the risks of addiction in their promotion of the products or on the packaging. She commented that OxyContin was fraudulently described as less addictive than the older opioids.

She reported that in 2016 to 2017, a collection of cases from the Appalachia region grew to over 3,000 cases in both state and federal courts. She noted that in 2017, the cases were combined into a multi-district litigation. She explained that the litigation was initiated against both the prescription opioid manufacturers and all the organizations in the supply/distribution chain. She reported that after three years a settlement was reached and in Virginia, only the state and its direct subdivisions (cities and counties) were able to directly participate in the settlement. She further noted that only organizations that are parties to the settlement could receive distributions and grants. She explained that cities and counties and state agencies could partner with various organizations to provide services, but they had to adhere to procurement laws and oversee the work. Ms. Wright reported that in Virginia, the Opioid Abatement Authority (OAA) was developed as an independent body to abate and remediate the opioid epidemic in the Commonwealth through financial support from the fund, in the form of grants, donations, and assistance to treat, prevent and reduce opioid use disorder and misuse of opioids in the Commonwealth. She explained that compensation occurred through an application process. She noted that fund distributions would continue through 2038.

Ms. Wright reviewed opioid data specific to Nelson. She showed Nelson's EMS call for opioid related incidents from 2018 to February 2023. She reported that the calls grew to 175 by FY22, which was the highest rate in five years. She noted that the FY23 data was incomplete as it only went through February. She reviewed the Emergency Department Visits related to overdoses. She reported that for Nelson County, the rate of overdose for all drugs was the highest in the region in 2022 and exceeded the numbers across Virginia. She reported that the rate for opioid overdoses followed the same trend as the highest in the region and the highest in the state numbers. She then noted that for opioid related deaths, Nelson County was the lowest. She indicated that was good news about the efforts in the County already in place to address opioid deaths.

Ms. Wright reported that Region Ten served 598 Nelson County citizens in FY22 (406 adults and 192 children). She noted that number represented 7 percent of the total number that Region Ten served across their entire area. She reported that in Nelson County 55 percent of all adults served had a substance use disorder in their diagnosis, along with 6 percent of children who had a substance use disorder in their diagnosis. Ms. Wright reported that 88 percent of people who received outpatient counseling in FY22 reported that they were satisfied, or very satisfied, with their service from Region Ten. She commented that 96 percent of individuals who received case management from the Nelson Counseling Center, reported positive change or no change in their employment status. She noted that 87 percent of individuals who received substance use treatment reported no arrests in FY22.

Ms. Wright reported that Region Ten provided emergency response to anyone experiencing a psychiatric emergency, who made need inpatient psychiatric hospitalization. She indicated that Region Ten averages 9 emergency evaluations in Nelson County per month (with a low of 3 per month and high of 13 per month). She then reported an average of three (3) ECOs (Emergency Custody Orders) per month, which included law enforcement response. She then noted that of those three ECOs per month, 67 percent of the ECOs became TDOs (Temporary Detention Orders), which meant that someone went to a hospital.

Ms. Wright reported that the OAA established in 2021. She provided information on the distribution of settlement or award funds distributed to Virginia. She noted that three national level opioid settlements had been approved by Virginia state courts as of January 19, 2023, which resulted in payments to Virginia. She reported that 30 percent was paid directly to localities without flowing through the OAA, 15 percent was paid directly to the Commonwealth, and 55 percent was distributed to the OAA. She explained that of the OAA funds, the breakdown was 15 percent to localities, 35 percent to City/County partnerships, 15 percent to State agencies and 35 percent was unrestricted and helped cover the administrative costs of the OAA.

Ms. Wright reviewed the OAA funding requirements. She noted that the OAA Board was directed by statute to prioritize programs and organizations with an established record of success; programs and communities with high incidents of opioid abuse disorder or opioid death rate relative to population; programs in historically economically disadvantaged communities; and applications that included a monetary match from, or on behalf of the applicant, with higher priority given to effort with a larger matching amount. She reported that the funds must treat, prevent, or reduce opioid use disorder or the misuse of opioids. She noted that the efforts must be managed or conducted by any agency of the Commonwealth or participating locality; and the funding could not be used for existing expenditures or indirect costs.

Ms. Wright reported that Albemarle County has agreed to submit a cooperative application and has also agreed to act as fiscal agent for accessing the OAA funds in expanding services across the Region Ten area.

Ms. Wright discussed the proposed service expansion, noting there were three parts:

- Crisis response: She explained that crisis response would provide the appropriate level of assessment and support to people who are experiencing a psychiatric emergency while diverting from involuntary inpatient hospitalization where appropriate. She explained that it would be a new 23-hour bed program. She explained that 23-hour beds were defined as a period of up to 23 hours during which assessment and stabilization services are provided at less than an acute level of care. She noted these are generally indicated for those situations where a person appears to be at risk for harm to self or others, but does not clearly require admission to an inpatient setting. She noted an example would be someone with a substance use disorder who could be under the influence and exhibiting those behaviors but over time, another disposition could be reached. She explained that this level of care offered an opportunity for reassessment and the gathering of additional data, and would decrease overall hospitalizations and improve community connections to resources and support.
- CITAC expansion (Crisis Intervention Team Assessment Center): Ms. Wright explained that the CITAC provided people in crisis an environment outside of the criminal justice system, for proper intervention, assessment, and care. She noted that the program accepted transfers of ECOs based on CITAC capacity and appropriate referral parameters. She explained that the service provided emergency assessment for psychiatric hospitalization and law enforcement transfer of custody for people who are under an emergency custody order and in need of an assessment for inpatient psychiatric hospitalization. She noted that the expansion would decrease reliance on law enforcement, divert from

hospitalization and incarceration for people experiencing a psychiatric emergency, and increase connection to services and supports. She noted that law enforcement would need to work across jurisdictional lines for transfer of custody and how cooperative coverage would work.

- Community Outreach: Ms. Wright explained that the goal of community outreach was to provide support through responding to people in the community at the right time, in the right setting, with behavioral health expertise to support, engage and link to appropriate longer-term services. She noted that initially, the program would work out of Blue Ridge Center in Charlottesville, but with funding and staff, there would be an identified outreach team for each locality. She noted that they would provide community response to a local incident, episodic support for disconnected individuals who are not functioning well in the community, and outreach to consumers who would benefit from a high touch team to engage in services. She noted that this would provide increased connection to ongoing services that support people staying in the community.

Ms. Wright reported that the costs associated with Crisis Response and CITAC Expansion (23-hour bed) for Region Ten's entire service area would be a total of 1,063,661. She noted that the Community Outreach team would be an additional cost of \$300,300 for a total cost of \$1,363,961 for all three. She noted that all funding would expand existing programming, and while there were no monetary match requirements, the OAA did preference to localities who offered a monetary match.

Ms. Wright anticipated that Region Ten could divert to CITAC, all of the Nelson County emergency assessments under ECO that met clinical criteria. She noted that a 23-hour bed would divert primarily people under the influence and in crisis, but with support and time, they could be connected to services and stay in the community rather than going to an inpatient psychiatric hospital. She commented that Region Ten believed that any crisis response in which a person could be diverted from inpatient hospitalization with a 23-hour intervention would be served with the program. She reported that the expected outcomes were numbers served, risk reduction and connection to services.

Ms. Wright reviewed the next steps and timelines noting they would work to establish and distribute FAQs, have a stakeholder meeting, gather cooperative project agreement signatures, establish initial cross jurisdictional agreements. She noted that there would be a locality review of the application by May 2nd and the application deadline for submission was May 5th. She explained that the initial approval was for one year, with four automatic annual approvals. Ms. Wright noted that within 30 days of funding approval, MOUs (Memorandum of Understandings) would be established and signed.

Ms. Wright asked if Nelson County supported the need for the proposed expansion and development of the programs, and whether they would sign a cooperative agreement to be included in the proposal that Albemarle County would be submitting to OAA to fund the programs. She also asked if Nelson would support cross jurisdictional transfer of custody for the CITAC and whether additional information may be needed to support the initiative.

Mr. Barton asked who the settlement was between. Ms. Wright explained that the settlement was between the Commonwealth and three manufacturers. Mr. Barton asked if it was over. Ms. Wright noted that she was unsure how many pending cases there were. She explained that there would be distributions from the OAA through 2038. Mr. Barton asked if the services would be handled by Region Ten. Ms. Wright confirmed that they would. Mr. Barton asked how much money would be coming to Nelson. Ms. Wright noted that Region Ten not asking for Nelson's opioid funding, rather they were looking at applying for the funds with the OAA. She noted that Nelson County was additionally receiving funds directly. Ms.

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McGarry reported that Nelson County was receiving about \$48,000 in OAA funds in FY23, and an additional amount of about \$9,000 in budget for next year. She explained that the County's direct funding from OAA was separate from the funds being requested through a grant process for the multi-jurisdictional application. Ms. McGarry noted it was from the same settlement but different pots of money. Mr. Barton asked if a monetary value could be placed on the services Nelson County was expected to receive. Ms. Wright indicated that as part of the grant, Region Ten would be required to report on the number of people served and the outcomes. Ms. McGarry noted that Region Ten was asking the County to be co-applicant with the other localities that Region Ten served, while Albemarle County would be the lead applicant and fiscal agent for the grant funding. Mr. Barton asked why they would have any objection to the proposal. Ms. McGarry noted that she was not sure, but it was for the Board to discuss.

Mr. Reed noted the total grant fund amount of \$1.363 million. He asked about the comment that there was a priority on those localities who offered a monetary match. Ms. Wright noted that the OAA has said they would give preference to localities that offered a monetary match. He asked if it was more competitive if there was no match. Ms. Wright thought that it would be. Mr. Reed asked what a match would look like for Nelson. Ms. Wright noted it would be up to the locality to decide. Ms. McGarry commented that her understanding from the Zoom meetings on the process was that they would not be asked for a monetary local match, rather some in-kind matching would be involved. Ms. McGarry pointed out that using the County's direct allocation of OAA funds could be done. She noted that the Board had not discussed any direct uses of those opioid funds other than matching some of the adult drug court's local expenses. Mr. Reed noted that Region Ten also provided services for the drug court.

The Board had no further questions for Ms. Wright.

Mr. Reed moved to approve **Resolution R2023-24** and Mr. Barton seconded the motion. There being no further discussion, Supervisors approved the motion by vote of acclamation and the following resolution was adopted:

RESOLUTION R2023-24
NELSON COUNTY BOARD OF SUPERVISORS
AUTHORIZATION TO PARTICIPATE IN REGION TEN COMMUNITY SERVICES BOARD
REGIONAL APPLICATION FOR OPIOID ABATEMENT AUTHORITY GRANT FUNDS
WITH ALBEMARLE COUNTY SERVING AS
LEAD APPLICANT AND FISCAL AGENT

WHEREAS, the mission of the Virginia Opioid Abatement Authority (OAA) is to abate and remediate the opioid epidemic in the Commonwealth through financial support in the form of grants, donations, or other assistance; and

WHEREAS, the OAA operates a financial assistance grant program to support certain cooperative partnerships of cities and/or counties in Virginia that implement regional efforts to treat, prevent, and reduce opioid use disorder and the misuse of opioids; and

WHEREAS, in Nelson County, fifty-five percent (55%) of the adult client population served by Region Ten Community Services Board has a diagnosis of a Substance Abuse Disorder; and

WHEREAS, Nelson County desires to develop and jointly submit an application for regional cooperative partnership funding from the OAA in an approximate amount of \$1,363,931, with no local

match required; and

WHEREAS, the regional grant application includes the following three priorities as a means of advancing services for substance use and co-occurring disorders:

Crisis Response:

To provide the appropriate level of assessment and support to people who are experiencing a psychiatric emergency while diverting from involuntary inpatient hospitalization where appropriate,

CITAC Expansion:

To provide support, assessment, and response to people who are experiencing a psychiatric emergency in a respectful, confidential setting,

Community Outreach:

To provide community outreach and support through responding to people in the community at the right time, in the right setting, with behavioral health expertise to support, engage and link to appropriate longer-term services; and

WHEREAS, Nelson County being a member jurisdiction of the Region Ten Community Services Board agrees to execute a legally binding agreement formalizing a cooperating partnership with the other Region Ten member jurisdictions and organizations if the application for financial assistance is approved; and

WHEREAS, Nelson County agrees that Albemarle County will serve as the lead applicant and the fiscal agent for the cooperative partnership if it is awarded;

NOW, THEREFORE, BE IT RESOLVED, the Nelson County Board of Supervisors authorizes the County's participation as an applicant in the regional application for funding assistance from the Opioid Abatement Authority in conjunction with the other member jurisdictions of the Region Ten Community Services Board and cooperating organizations; and

BE IT FURTHER RESOLVED, that Albemarle County as the lead applicant and designated fiscal agent, as well as the Nelson County Administrator, is hereby authorized to execute all documents in connection with said regional grant application.

D. Dolly Parton's Imagination Library – Nelson Memorial Library

Ms. Susan Huffman, Branch Manager of Nelson Memorial Library, was present to speak on Dolly Parton's Imagination Library. Ms. Huffman asked the Board to not think of her as a librarian or teacher, but rather as an individual speaking on behalf of Grown Nelson Library. She noted she was there because of her love for reading and love of children, and those two had to go together. She provided a statistic that if a person read to their child starting at birth, they would have over one million words in their vocabulary by the time they reached five years of age. She noted that just reading one picture book per day could add 78,000 words per year to a child's vocabulary. She also noted that reading to your children 20 minute per day would not only build their vocabulary, it would provide them with all of the pre-reading skills they needed to be successful in school.

Ms. Huffman reported that in 1995, Dolly Parton launched her Imagination Library in Sevier County, Tennessee to honor her father. She noted that the program has since spread across the United States, Canada, Great Britain and the Republic of Ireland.

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Ms. Huffman explained the program noting that any child from birth to age five could enroll in the program as long as there was a program in their zip code area. She noted that once they were enrolled, a free book was mailed to them every month with their first book being “The Little Engine That Could” and the last being “Look Out Kindergarten Here I Come!” She reported that over 200 million books had been distributed since the program’s creation.

Ms. Huffman explained that if a child enrolled at birth, they would receive 60 books before they age out at age 5. She noted that the books would be a mixture of classic and contemporary fiction and non-fiction, and selected as age appropriate. She indicated that infants would receive board books and older children would get longer books, to include themes such as nursery rhymes, safety, diversity and preparing for school.

Ms. Huffman reported that the cost of the books was covered by Dolly but someone needed to cover the cost of mailing the books and the organization of the program locally. She noted that in order to become an affiliate, they needed a 501(c)(3) organization to be the financial agent. She also noted that there needed to be a group to handle the sign-ups and paperwork. She noted they also needed an organization to do the kick-offs and reading events. She noted that they needed a funding source to be able to pay the \$2.20 per child per month for the mailing costs. She reported that United Way has agreed to be the 501(c)(3) for the Dolly Parton Imagination Library so they would receive all of the donations and then pay the invoices.

Ms. Huffman noted the cost was \$5,677 (about 60 percent of the population of children reached on average). She reported that there were 667 children in Nelson under age 5, and using the matrix, they would probably reach about 400 of them. She pointed out that State legislature would pay half of amount up front. She noted it would cost a little over \$2,000 locally. She also noted that the Nelson Memorial Library would handle all of the kick-off programs and events needed. Ms. Huffman noted that Grow Nelson would take care of all of the needed fundraising.

Ms. Huffman reported that other organizations may also be able help like the Rotary Club, Massies Mill Ruritan Club, and the Masonic Lodge. She noted that she had just found out that United Way was willing to pitch in as well.

Ms. Huffman asked if the Board would be able to contribute \$2,000 for the first year to get the seed money going. She asked for each year after, \$1,000 to put toward the program. She stressed the impact that the program would have on the preschool population in Nelson County before they even get to school.

Mr. Barton noted that it was a no brainer. Mr. Reed noted he had two grandchildren who went to Dollywood a week prior and it was so crowded, they could not get in but they were going back. He noted he had no questions.

Ms. McGarry asked if the \$2,000 could be funder prior to July 1st. Ms. Huffman noted that it could. Mr. Rutherford asked if it was included in the budget request. Ms. McGarry noted that it was not as it was considered a separate request from Jefferson Madison Regional Library (JMRL). She noted that should the Board choose to contribute the \$2,000 for the program, she could foresee Ms. Huffman submitting an annual budget request for the \$1,000 going forward.

Mr. Barton moved to approve the request for \$2,000 for the Imagination Library and Mr. Harvey seconded the motion. There being no further discussion, Supervisors unanimously approved the motion by vote of acclamation.

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Ms. Huffman thanked the Board. Ms. McGarry asked to clarify whether the funding would come from FY23 funds. Mr. Rutherford noted that FY23 non-recurring funds made the most sense.

The Board took a brief recess.

VI. NEW & UNFINISHED BUSINESS

A. Proposed Family Trust Zoning and Subdivision Ordinance Updates

Ms. Bishop explained that the Board had two resolutions for proposed ordinance amendments, one for the Zoning ordinance and one for the Subdivision ordinance, with both relating to family divisions of land.

1. Proposed Zoning Ordinance Amendments (R2023-25)

Ms. Bishop reported that the proposed Zoning Ordinance Amendment would increase the minimum required lot area for family division lots in both A-1 Agriculture and R-1 Residential zoning districts from one (1) acres to two (2) acres. She noted that the amendment was recommended by the Planning Commission with a (3-2) vote to send to the Board of Supervisors.

Mr. Reed moved to approve **Resolution R2023-25** and Mr. Harvey seconded the motion.

Mr. Barton asked where the change was coming from. Ms. Bishop explained that the impetus was updating the subdivision ordinance to allow a family subdivision to be granted to the beneficiary of a family trust. She noted that the Planning Commission then decided to take at all family subdivisions. Mr. Reed clarified that the proposed change they were discussing did not deal with family trusts, rather it came out of the discussion that was had regarding the trust scenario to increase the size of the division rights.

Ms. McGarry asked if Ms. Bishop and Mr. Reed could explain the Planning Commission's thoughts behind going from a one (1) acre lot to a two (2) acre lot. Ms. Bishop noted her understanding was that by allowing a one (1) acre minimum lot size, it was effectively creating a non-conforming lot. She pointed out that the minimum lot size regularly was already two (2) acres. She explained that after the five-year period where it was prohibited from being transferred inside the family, it just became another lot like any other in Nelson County. She noted that a one-acre lot was non-conforming lot in the A-1 district as well as the R-1 district.

Mr. Rutherford called for a roll call vote, noting it was to authorize a public hearing at the next month's meeting. Supervisors approved the motion unanimously (4-0) by roll call vote and the following resolution was adopted:

**RESOLUTION R2023-25
NELSON COUNTY BOARD OF SUPERVISORS
AUTHORIZATION FOR PUBLIC HEARING
AMENDMENT OF THE CODE OF NELSON COUNTY, VIRGINIA
APPENDIX A, ZONING, ARTICLE 4, AGRICULTURAL DISTRICT A-1
AND ARTICLE 5 RESIDENTIAL DISTRICT R-1**

April 11, 2023

BE IT RESOLVED, that pursuant to §15.2-1427, §15.2-107, §15.2-2204, §15.2-2285, §15.2-2310, and §15.2-4307 of the Code of Virginia 1950 as amended, the County Administrator is hereby authorized to advertise a public hearing to be held on **June 13, 2023 at 7:00 PM** in the General District Courtroom in the Courthouse in Lovingson, Virginia. The purpose of the public hearing is to receive public input on an Ordinance proposed for passage to amend Appendix A Zoning, Article 4, Agricultural District A-1 and Article 5, Residential District R-1. Proposed amendments to 4-2-1a would remove the provision for family subdivision lots to have a minimum lot area of one (1) acre and require that family subdivision lots to have a minimum lot area of two (2) acres. In 5-2-1, the amendment would include family subdivision lots and 5-2-1a would be removed to reflect the required two (2) minimum lot size.

2. Proposed Subdivision Ordinance Amendments (**R2023-26**)

Ms. Bishop reported that the County's Subdivision Ordinance currently required a minimum access width of thirty (30) feet, whereas the Code of Virginia only allowed localities to require no less than ten (10) feet and no more than twenty (20) feet for regular family subdivisions. She noted that Planning Commission proposed to reduce the access width requirement for a family subdivision from thirty (30) feet to twenty (20) feet in order to align local ordinance with Virginia code.

Ms. Bishop then reported that the other aspect of the amendment was to allow a family division of land to be sold or gifted to the beneficiary of a family trust with a fifteen (15) year restrictive covenant, meaning it could not be transferred outside of the family for fifteen (15) years. She noted that would also align the County's ordinance with Virginia code.

Mr. Harvey asked what would happen if something came up and someone needed to sell the property within the fifteen (15) year. Ms. Bishop indicated that the Planning Commission could reduce the number of years required if change in circumstances require. Mr. Rutherford asked if they would have to come before the Planning Commission and then the Board. Ms. Bishop commented that it would just go before the Planning Commission for review. Mr. Rutherford asked what would happen if the Planning Commission denied the change. Ms. Bishop noted that there would then be an opportunity to appeal to the Board of Zoning Appeals if denied. Mr. Rutherford noted the process could take 60 to 90 days. Mr. Reed commented that if it were an emergency situation, the Planning Commission would probably take that into consideration. He noted that the purpose of the amendment was to not allow divisions within a trust and then have the property end up in the general public for distribution and then it would become a real estate scenario as opposed to a family scenario. Mr. Rutherford noted that they were only sending it to public hearing, they were not making a decision on the amendment in the current meeting. He indicated that he was supportive of sending it to public hearing and then they could make a decision at that time.

Mr. Reed moved to approve **Resolution R2023-26** and Mr. Harvey seconded the motion. There being no further discussion, Supervisors unanimously approved the motion (4-0) by roll call vote and the following resolution was adopted:

RESOLUTION R2023-26
NELSON COUNTY BOARD OF SUPERVISORS
AUTHORIZATION FOR PUBLIC HEARING
AMENDMENT OF THE CODE OF NELSON COUNTY, VIRGINIA
APPENDIX B SUBDIVISIONS

BE IT RESOLVED, that pursuant to §15.2-1427, §15.2-107, §15.2-2204, §15.2-2285, §15.2-2310, and §15.2-4307 of the Code of Virginia 1950 as amended, the County Administrator is hereby authorized to

advertise a public hearing to be held on **June 13, 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 Appendix B Subdivisions, to reduce the required right-of-way width from thirty (30) feet to twenty (20) feet when a family subdivision results in the creation of a parcel of five (5) acres or less. Proposed amendments also include the addition of family subdivision provisions pertaining to a family land trust which indicate (i) that all trust beneficiaries must be immediate family members; (ii) all trust beneficiaries must agree that the land should be subdivided; and (iii) all beneficiaries agree to place a restrictive covenant on the subdivided property that would prohibit the transfer of the property to a nonmember of the immediate family for a period of 15 years. The proposed amendment includes a provisions that the Planning Commission may reduce the period of years prescribed in clause (iii) when changed circumstances so require.

B. Establishment of 2023 Personal Property Tax Relief (R2023-27)

Ms. McGarry clarified to the Board that the two resolutions authorizing public hearings on the proposed ordinance amendments set the public hearing dates for June 13th, rather than May. The Board was fine with the June 13th date as set.

Ms. McGarry reported that the setting of the Personal Property Tax Relief was done annually in conjunction with the tax rates. She noted that the Board was responsible for setting the Personal Property Tax Relief percentage by which the \$1.7 million the County receives from the State would be distributed among tax payers based on the State Code 58.1-3524. Ms. McGarry noted that the resolution was the same every year, other than the percentage specified. She noted she was proposing to keep the percentage at 39 percent. She noted that to date the personal property tax edit book, they would distribute \$1,585,147 of the \$1,708,030 in the State PPTRA that the County would receive. She reported that would leave about \$123,000 for changes in the upcoming fiscal year. Ms. McGarry asked that the Board consider adopted the resolution as presented with the percentage at 39 percent.

Mr. Reed moved to adopt Resolution R2023-27 and Mr. Harvey seconded the motion. There being no further discussion, Supervisors approved the motion unanimously (4-0) by roll call vote and the following resolution was adopted:

**RESOLUTION R2023-27
NELSON COUNTY BOARD OF SUPERVISORS
2023 PERSONAL PROPERTY TAX RELIEF**

WHEREAS, the Personal Property Tax Relief Act of 1998, Va. Code § 58.1-3524 has been substantially modified by the enactment of Chapter 1 of the Acts of Assembly, 2004 Special Session I (Senate Bill 5005), and the provisions of Item 503 of Chapter 951 of the 2005 Acts of Assembly; and

WHEREAS, the Nelson County Board of Supervisors has adopted an Ordinance for Implementation of the Personal Property Tax Relief Act, Chapter 11, Article X, of the County Code of Nelson County, which specifies that the rate for allocation of relief among taxpayers be established annually by resolution as part of the adopted budget for the County.

NOW THEREFORE BE IT RESOLVED that the Nelson County Board of Supervisors does hereby authorize tax year 2023 personal property tax relief rates for qualifying vehicles as follows:

- Qualified vehicles with an assessed value of \$1,000 or less will be eligible for 100% tax relief;
- Qualified vehicles with an assessed value of \$1,001 to \$20,000 will be eligible for 39% tax relief;
- Qualified vehicles with an assessed value of \$20,001 or more shall be eligible to receive 39% tax relief only on the first \$20,000 of assessed value; and
- All other vehicles which do not meet the definition of “qualifying” (business use vehicle, farm use vehicle, motor homes, etc.) will not be eligible for any form of tax relief under this program.

BE IT FINALLY RESOLVED that the personal property tax relief rates for qualifying vehicles hereby established shall be effective January 1, 2023 through December 31, 2023.

VII. REPORTS, APPOINTMENTS, DIRECTIVES AND CORRESPONDENCE

A. Reports

1. County Administrator’s Report

Ms. McGarry presented the following report:

- A. **Comprehensive Plan:** The project website is 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, time to be announced and will entail review of draft chapters pertaining to Land Use and Transportation. A focus group work session on these topics will be held on April 13th from 2pm to 4pm.
- B. **County Website Redesign:** We are at State Two of the nelsoncounty-va.gov website development. The full site framework is set up with completed content organization and (almost) finalized site hierarchy and navigation. All content from the current site is being cleaned and formatted into the new page templates. Edits have begun on HTML (HyperText Markup Language) and CSS (Cascading Style Sheets) for all imported content and testing is being done. A timeline for a demo to get the Board’s feedback is being developed. The current website continues to be limited in functionality.

Ms. McGarry indicated that the Board had received a memo from Maureen Kelley which detailed the format of the new website. Ms. McGarry noted that Ms. Kelley was asking for feedback by noon on April 17th if possible.
- C. **Nelson 151 Corridor Study:** Two public engagement sessions will be held within the study area, with the first being rescheduled to **April 18th at the Rockfish Valley Community Center from 4-6PM.**
- D. **Amherst County Solar Project:** On March 16th, Amherst County’s Planning Commission held a public hearing on a Special Exception Request by Piney River Solar, LLC for a utility-scale project on property in Amherst County that adjoins the Virginia Blue Ridge Railway Trail. Their Planning Commission unanimously recommended denial of the request in a (5-0) vote due to view shed and environmental concerns. Consideration of the Special Exception Permit now goes to the Amherst Board of Supervisors on May 16th at 7pm.
- E. **New Office Building:** 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 Geotech fully analyzes the results. Based on this, I estimate drilling work done by 4/25 and preliminary boring logs by around May 5th 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.

- F. **FY24 Budget:** The Board and staff have conducted budget work session on March 28th, March 31st, April 3rd and April 4th, with other dates to be set at the April 11th regular meeting. Real Estate, Personal Property, Mobile Home, and Machinery and Tools tax rates will remain the same as set in 2022. The Board and School Board have scheduled a joint meeting on April 20th from 6pm to 7pm just prior to the School Board's regular meeting. The Board is being asked to authorize a public hearing on the budget to be advertised and held on the regular May 9th Board of Supervisors meeting at 7pm.

Ms. McGarry noted that the Board did authorize the public hearing earlier in the afternoon meeting under the Consent Agenda.

- G. **Proposed Tax Relief Ordinances:** The County attorney has drafted proposed Ordinance amendments, as discussed in budget work sessions, that would provide real property tax relief for the surviving spouse of any US Armed Forces member killed in action and any veteran who has a 100 percent service-connected, permanent and total disability. These provisions have been enabled by State Code; however, were not provided for in our Local Code. Staff will ask the Board to authorize a public hearing on these Ordinances at the May regular meeting for potential public hearings in June.
- H. **Gladstone Depot TAP Grant:** A meeting has been scheduled with County staff, VDOT staff, Mr. Barton, and Mr. Rutherford, and Friends of Gladstone Depot for April 18h at 10am to discuss the project and the draft TAP Agreement. The TAP Agreement will then be presented for consideration by the full Board at a subsequent meeting.
- I. **Growth and Accessibility Planning (GAP) Technical Assistance Program:** The County has been selected by the Office of Intermodal Planning and Investment (OIP) to receive a GAP Technical Assistance grant for a Nellysford Small Area Development Plan. Planning activities include looking at: Connectivity of non-motorized networks and facilities, preservation of natural areas, mixed-use neighborhoods, including mixed housing types, with affordable housing to meet the projected family income distribution of future residential growth. The next step is working with OIP staff to develop a detailed scope of services, at which time the dollar amount of up to \$100,000 in assistance will be determined.
- J. **Safe Streets and Roads for All (SS4A) Grant Award:** In September 2022, the Board authorized a letter of support for a regional grant application submitted by the TJPDC on behalf of its member jurisdictions to the US Department of Transportation. TJPDC was notified that it was selected to receive the grant for the development of a comprehensive safety action plan which will establish prioritized projects and strategies for each locality to effectively reduce roadway fatalities and serious injuries through consideration of policies and procedures, public education, and infrastructure investment. The next step is development of the scope of work by TJPDC with input from member localities, the establishment of a regional stakeholders group made up of jurisdictional representatives for project oversight, and the development of each jurisdiction's goals and targets to be adopted by each of the governing bodies. There is a local match based on a per capita basis of up to \$30,000, this is TBD for each locality.
- K. **Short-Term Rentals: No Change from the March Report.** The Commissioner and County staff have participated in three demos with vendors that provide STR tracking services. Staff is now in the process of checking references from current users in order to provide a recommendation regarding the

procurement of such services. The approximate cost of this basic service (Address identification and compliance/rental monitoring) from 2 of the vendors is \$25,000 to \$35,000 with both offering additional services that can be added on. These companies utilize programs that “scrub” the internet for STR listings and provide dashboards of related data. The Commissioner’s office is receiving payments from third party collectors such as VRBO and Airbnb with FY23 collections on track to exceed budget.

L. **Regional Library Agreement Review: No Change from the March Report.** 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 late last week for the committee’s review and discussion. Any proposed amendment to the agreement will need approval by each of the Member governing bodies.

M. **Renaissance Ridge Housing Development: No Change from the March report.** Steve Driver of Terra Engineering provided an update to the Planning Department on the status of the Renaissance Ridge Development. The storm water management plan is currently in review with DEQ. They are having an environmental study done which will be sent to the Army Corps for review within the next few weeks. They are getting close to VDOT approval. They are applying for a letter of map amendment to FEMA to update the flood zone and are required to submit a Joint Permit Application with the Virginia Marine Resources Commission. There still has not been an official submission to the County.

N. **Staff Reports:** Department and office reports for April have been provided.

Mr. Barton asked how much of the County was connected to Firefly. Ms. McGarry noted that she would have to look into that information. She noted that Firefly had just celebrated their 20,000th connection across all of the jurisdictions that they served. She reported that one of the statistics they had been provided at the Firefly celebration was that they had laid enough fiber to stretch from Appomattox County to Anchorage, Alaska.

Mr. Reed asked about the GAP program and whether there was additional information on it. Ms. McGarry noted it was recently awarded and they were working to get more details on next steps. She commented that she likely had more information in her office that she could send out to the Board. She reported that they would be having an upcoming Zoom meeting to discuss it further. Mr. Reed asked to be kept in the loop.

Mr. Rutherford found information on Firefly, noting that service was available at all 9,000 plus locations with Central Virginia Electric (CVEC) meters in Nelson. He noted that about 650 that were not hooked up who were on electric service with CVEC. Mr. Rutherford noted that information did not have numbers for ApCo customers. He commented that in February, Firefly had indicated that they were installing service drops and making final connections in Arrington, Shipman, Findlay Mountain and Williamston. He noted there were 100 people in that area and 800 people pre-registered. He estimated that over 50 percent of the County had service.

2. Board Reports

Mr. Barton:

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Mr. Barton reported on the Jail Board meeting, noting that the money had been allocated to complete the architectural work for the renovation project. He noted that the Piedmont Workforce Network came to the job fair in Nelson.

Mr. Harvey:

Mr. Harvey had no report.

Mr. Reed:

Mr. Reed mentioned the Schuyler Wastewater Groundbreaking Ceremony. Mr. Rutherford noted it was at the Walton's Museum on April 20th at 1 p.m. and indicated that if the Board wished to attend, they needed to rsvp by April 12th. Mr. Reed asked Ms. McGarry to sign him up to attend. Mr. Rutherford noted that he planned to attend also. Mr. Reed noted that he attended the TJPDC meeting and the Regional Housing Summit.

Mr. Rutherford:

Mr. Rutherford noted that he attended the TJPDC meeting but there was not much to report. He reported that Housing was a big topic and the need to talk more about solutions. He reported that the Regional Housing Summit went well. He noted that he was happy with the progress made on the budget.

B. Appointments

Economic Development Authority (EDA)

Ms. Spivey reported that there were two applicants interested in serving on the EDA, John Conway and Richard Averitt. Mr. Reed moved to appoint Richard Averitt to the EDA and Mr. Barton seconded the motion. There being no further discussion, Supervisors approved the motion by vote of acclamation.

Agricultural and Forestal District Advisory Committee

Ms. Spivey reported that the Agricultural and Forestal District Advisory Committee had seven (7) terms expiring in May. She noted they were advertising the positions and indicated that several of the members wished to serve again. She also noted that many of the members interesting in serving again had met their term limits but the bylaws allowed for them to be appointed if there were no alternative candidates. She indicated that they would revisit the appointments in May and asked that if the Board knew any good candidates to have them apply. Mr. Reed noted his name on the list and asked what UT stood for. Ms. Spivey explained that Mr. Reed was serving an unexpired term, so he had served a first full term. Mr. Reed indicated that he wished to serve again.

C. Correspondence

Mr. Rutherford noted that they had received a thank you from Rappahannock County for their tour of the Courthouse.

D. Directives

The Board had no directives. The Board took a brief recess before going into closed session.

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

Mr. Reed moved that the Nelson County Board of Supervisors convene in closed session to discuss the following as permitted by Virginia Code Sections 2.2-3711- (A)(7) - “Consultation with legal counsel and briefings by staff members pertaining to actual litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body” – Litigation pertaining to the Region 2000 Services Authority. Mr. Barton seconded the motion and there being no further discussion, Supervisors voted unanimously (4-0) by roll call vote to approve the motion.

Supervisors conducted the closed session and upon its conclusion, Mr. Reed moved to reconvene in public session. Mr. Barton seconded the motion and there being no further discussion, Supervisors voted unanimously (4-0) by roll call vote to approve the motion.

Upon reconvening in public session, Mr. Reed moved that the Nelson County Board of Supervisors certify that, in the closed session just concluded, nothing was discussed except the matter or matters specifically identified in the motion to convene in closed session and lawfully permitted to be discussed under the provisions of the Virginia Freedom of Information Act cited in that motion. Mr. Barton seconded the motion and there being no further discussion, Supervisors voted unanimously (4-0) by roll call vote to approve the motion.

Mr. Barton noted he had received a call from Edith Napier at the Heritage Center regarding a funding request for their Juneteenth event. It was suggested to have them come to the May meeting to discuss their request. Mr. Reed and Mr. Rutherford noted that the Board had received an email from Mr. Napier regarding the request. Mr. Barton noted someone was coming from UVA to give a presentation at the event. Ms. McGarry asked the Board to forward Ms. Napier’s email to staff for more detail so they could follow up.

IX. ADJOURN AND CONTINUE – EVENING SESSION AT 7PM

At 4:19 p.m., Mr. Reed moved to adjourn and continue to the evening session and Mr. Barton 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 four (4) Supervisors present and Mr. Parr being absent.

II. PUBLIC COMMENTS

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Phillip Purvis, Shipman, VA

Mr. Purvis reported to the Board that he owned a home in Shipman that was situated closer than 75 feet from the center of the road. He understood that there was a setback ordinance in place and he was not opposed to the ordinance for new construction. He noted that many homes on Route 56 in Shipman were closer than 25 feet from the edge of the road. He mentioned the discussions on affordable housing. He noted that the home was just a four room home and if he could install a septic tank, he wanted to add on a few more rooms to give it a little more room. He reiterated that he was in favor of 75-foot setback for new construction. He felt that there should be an exemption for older homes from the current requirements that limit. He thought as long as there was enough room on the back of the home, they should be able to add on to it. He asked the Board to consider creating an exemption for existing homes.

Dana Dolder, Arrington, VA

Mr. Dolder reported that he had been a Nelson County resident for 6.5 years. He explained that his property was surrounded by several large properties where there was potential for development. He noted that he periodically stopping in Building and Zoning to see if anyone had pulled permits or submitted plans so that he could be aware of anything going on. He indicated that the last time had been by the office, he was told that they would no longer be able provide him with that information. He said that the office indicated that he would have to submit a FOIA request for review and it would take about two weeks to get the information. He asked why a simple task had gotten complicated. He noted it was public information and a public servant communicating with a citizen of the County. Mr. Rutherford noted that the Board could not communicate in the Public Comment setting but asked that Mr. Dolder reach out to staff.

There was no one else wishing to speak and Public comments were closed.

III. PUBLIC HEARINGS

A. Special Use Permit #867 – Restaurant

Consideration of a Special Use Permit application requesting County approval to allow a restaurant use on property zoned A-1 Agricultural. The subject property is located at Tax Map Parcel #3-A-154B at 66 Saddleback Farm in Afton. The subject property is 28.1 acres and owned by Hodson Living Trust.

Ms. Bishop reviewed the following:

BACKGROUND: This is a request for a Special Use Permit for a restaurant on property zoned A-1 Agriculture.

Public Hearings Scheduled: P/C – March 22 / Board – April 11

Location / Election District: 72 Saddleback Farm (Afton) / North Election District

Tax Map Number / Total acreage: 3-A-154B / 28.1 acres +/- total

Applicant/Owner Contact Information: Hodson Living Trust (Patricia Hodson), 151 Veritas Lane, Afton, VA / (434) 531-7755 / patricia@veritaswines.com

Applicant/Owner Contact Information: Patricia Hodson, 291 Saddleback Farm, Afton, VA 22920

Comments: Rezoning #479 from R-1 Residential to A-1 Agriculture with concurrent SUP #480 for a restaurant was approved by the Board of Supervisors on January 11, 2022. At the time, an addition had already been constructed to be utilized as a restaurant, and required approval of a Special Use Permit to allow public access. Because this restaurant addition was attached to the existing bed and breakfast operation, there was difficulty determining an efficient and cost-effective method to comply with statewide building code requirements, such as firewall separation. The owners have diligently pursued a path forward, and have determined that the most appropriate way to proceed would be to construct an entirely separate facility for the restaurant use. Because the original SUP expired after one year, the owners are required to secure a new SUP for the new construction. Currently, food is prepared at the winery facility on an adjoining parcel, and transported to the Farmhouse for service to guests.

DISCUSSION:

Land Use / Floodplain: The Farmhouse currently operates as a bed and breakfast, a by-right use. The R-1 portion along Afton Mountain Road was rezoned to A-1 in 2022, to align the zoning with the existing vineyard use. This change has not yet been reflected on the County's GIS. There are no floodplains on the property. This area is primarily agricultural and residential.

Access and Parking: This property is accessed by an existing entrance from Afton Mountain Road, to Saddleback Trail, to Saddleback Farm. Previous comments from VDOT indicate that the current access from Afton Mountain Road is adequate for the planned use. Parking requirements pursuant to Section 12-7-6 are satisfied with existing parking.

Utilities: The owners continue to work with the Health Department regarding septic requirements, and the Office of Drinking Water regulates the public waterworks well. Any additional comments will be provided at the meeting.

Erosion & Sediment Control / Stormwater: When total land disturbance of a development exceeds 10,000 square feet, an Erosion and Sediment Control Plan is required to be approved by the Building Inspections Office.

Comprehensive Plan: This property is located in an area designated Rural and Farming, 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.

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;

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- 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.

At their meeting on March 22, 2023, the Planning Commission voted (5-0) to recommend approval of this application to the Board of Supervisors.

Ms. Bishop had no additional comments from VDOT or in regards to Utilities. The Board had no questions for staff.

Applicant George Hodson, CEO of Veritas Vineyard and Winery, was present for the meeting. Mr. Hodson explained that in working through the details of the firewall and mixed use of the bed and breakfast, they had determined that a freestanding structure would be best moving forward. He indicated that a new building would have minimal impact on the farm and parking areas were already in existence. He noted that they had received a lot of positive feedback about the project and people were excited. He reiterated that the intent was for minimal impact with the project and noted that they had a great working relationship with the Building Official, Jeremy Marrs. He planned to start work as soon as possible. He expressed gratitude for the cooperation from the County, County staff and the Building official, noting they had a productive relationship. He indicated that Veritas wanted to be an asset to the County and continue to doing what they do.

The Board had no questions for the applicant.

Mr. Rutherford opened the public hearing. There being no persons wishing to speak, the public hearing was closed.

Mr. Barton moved to approved **Special Use Permit #867 – Restaurant** as presented and Mr. Harvey seconded the motion. There being no further discussion, Supervisors unanimously approved the motion (4-0) by roll call vote.

B. Ordinance O2023-01 Amendment to Chapter 3, Animals

Consideration of an ordinance proposed for passage to amend Chapter 3, Animals, to incorporate provisions pertaining to the fence law, proposed fees and removal of sections that are duplicative of state law.

Ms. McGarry provided a presentation on the **Proposed Ordinance O2023-01** Amendments to Chapter 3, Animals, of the Code of Nelson County. She reported that the purpose of the proposed amendments was to remove references to outdated State Code sections; update definitions and remove unnecessary definitions; remove sections that are duplicative of State Laws in effect and locally enforced under those statutes; implement local fee changes and additions; and update penalties for violations to match State law and implement a civil penalty for certain violations. She also reported that proposed changes included amending Article V. Fence Law to amend existing Section 3-81 Boundaries declared lawful fences to include domesticated livestock or poultry. She noted the addition of Section 3-82 Unlawful for livestock to run at large; and the addition of Section 3-83 Recovery of Costs.

Ms. McGarry reviewed the updated and removed definitions, noting that the updated definitions were Animal, Livestock and Releasing Agency. She indicated that the removed definitions were Board, Pound, State Veterinarian, State Veterinarian's Representative and Treasurer.

Ms. McGarry reviewed the Sections (3-36, 3-37 and 3-39) removed as they were duplicative of State law. She noted that the laws remained in effect and continued to be locally enforced. She explained that Section 3-36: Dogs or Hybrid canines killing, injuring or chasing livestock or poultry as it was enforced under State Code Section §3.2-6583. She then noted that Section 3-37: Dangerous or vicious dogs was enforced under State Code Section §3.2-6583. She noted Section 3-39: Confinement and disposition of stray animals was enforced under State Code section §3.2-6546. She reported that Mr. Payne had recommended the removal of these sections as State Code changed all the time and there was no need to try and keep up with them on a local level as they could be enforced under State code.

Ms. McGarry reported that they had proposed fee changes to Section 3-40(b) as the current fees were 20 years old. She noted that the dog adoption fees included sterilization, Distemper/Parvo and Rabies vaccination. She reported that the current dog adoption fee was \$70 and the proposed fee was \$160. She noted that the basic SPCA fee was \$150. Ms. McGarry noted that the cat adoption fees included sterilization, Distemper and Rabies vaccination. She reported that the current cat adoption fee was \$65 and the proposed fee was \$90. She noted that the basic SPCA fee was \$80 for one cat or \$120 for two cats.

Ms. McGarry reviewed proposed changes to Section 3-40(d) Current daily confinement fee for licensed dog or other companion animal. She noted that the current fee was \$5 per day and the proposed fee would increase to \$10 per day. Ms. McGarry noted that Kevin Wright could not be present that evening but in talking to him, he had indicated that Animal Control did not do a lot of adoptions, as most of the adoptions were because a person had brought an animal to the shelter and asked to adopt it if it was unclaimed.

Ms. McGarry reviewed the proposed new fees in Section 3-40(d):

- Dog Pick-Up Fees
 - Licensed Dog: \$0 (waived)
 - Unlicensed dog: \$25
- Daily Confinement Fees
 - Unlicensed Dog: \$20 per day
 - Any companion animal for court related, rabies related, and/or isolation related reasons: \$25 per day

Ms. McGarry reviewed updated penalties for violations and proposed new civil penalty. She noted that Section 3-71 Unlawful acts; criminal penalties, was updated to reflect State Code §3.2-6587. She noted that proposed new section 3-72 Civil penalty for certain violations, was authorized by State Code §3.2-6543. She noted that it basically noted that a violation of any section of the chapter may be punishable by a civil penalty in the amount of \$150. She explained that it was not any type of misdemeanor, it was just a \$150 civil penalty. She indicated that the civil penalty shall not preclude an action for injunctive, declaratory, or other equitable relief. She noted that the section also stated that any monies raised pursuant to the section would be placed in the County's general fund. She also noted that a person would be able to waive trial and pay the civil penalty.

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Ms. McGarry presented the proposed amendment to Section 3-81, Boundaries declared lawful fences. She explained that Ordinance 2019-02 was adopted in November 2019 to amend Chapter 3 to declare boundaries lawful fences; meaning that Nelson County went from a “fence out” locality to a “fence in” locality. She indicated that the proposed amendment would include domesticated livestock or poultry to read: “The boundary line of each lot or tract in this county is hereby declared a lawful fence to any domesticated livestock or poultry.”

Ms. McGarry reported that proposed new section 3-82, Unlawful for livestock to run at large, was authorized by Virginia Code Section §55.1-2820. She explained that when the County became a fence-in locality and declared property boundaries lawful fences, it enabled local legislation to prohibit dogs and livestock from “running at large”. She noted that Section 3-43 Dogs running at large was enacted in November 202 via Ordinance O2020-02 and amended in October 2022 via Ordinance O2022-03. Ms. McGarry explained that the purpose of proposed Section 3-82 was not to penalize the responsible livestock owner whose livestock occasionally get outside of their fences. She noted that it was to give Animal Control officers enforcement authority in cases where livestock are habitually roaming beyond their fences and are negatively impacting the public’s health, safety and welfare and/or causing property damage.

Ms. McGarry explained that proposed Section 3-82 provided that it was unlawful for the owner or manager to willfully and negligently allow domesticated livestock or poultry to run at large. She noted that any owner or manager allowing such animals to run at large would be in violation of the section which shall be punishable as a Class 1 misdemeanor.

Ms. McGarry reviewed proposed new Section 3-83, Recovery of Costs. She noted that the proposed section provided authority to recover costs associated with Animal Control dealing with livestock recovery and confinement. She noted that the costs would serve as a deterrent to those who willfully or negligently allow their livestock or poultry to run at large.

Mr. Reed asked for the presentation to be sent out. He noted that it was a very clear presentation compared to what was provided in the packet. He thanked staff and Animal Control.

Mr. Barton noted that there was no intention not to cooperate with farmers and only use in cases of negligence.

Mr. Rutherford noted that the people suffering from livestock at large, were truly suffering. He referenced someone coming face to face with a bull in their yard. He noted there were some parts of the County where livestock were continuing to get out. He commented that if there were issues with the ordinance later on, they would work to make corrections. Ms. McGarry indicated that this would allow Animal Control officers to have an enforcement mechanism in place. She noted that it would not affect the majority of the County’s farmers.

Mr. Rutherford opened the public hearing.

ML Moore, Amherst, VA

Ms. Moore spoke in support of the proposed ordinance. She commented that the elimination of the duplicative language simplified what was in the current code. She noted that the proposal would not negatively impact Nelson County farmers, however it would keep a few negligible owners from going scot free. She referenced instances of livestock at large that had taken place four days within one week. She pointed out that livestock at large damaged properties and were a safety concern. She thought that the

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updated ordinance would cure the behavior, help affected landowners, and provide Animal Control with the tools needed to uphold the law. She asked the Board to adopt the proposed ordinance.

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

Mr. Reed moved to adopt Ordinance O2023-01 as presented. Mr. Rutherford suggested putting a start date for the ordinance to go into effect. He asked what the current start date was. Ms. McGarry noted that it was currently written to be effective immediately upon adoption. Mr. Rutherford suggested allowing Animal Control time to notify all of the habitual offenders so they could have one last chance to take care of their fences. Mr. Barton commented that if they were taking care of their fences, Animal Control would recognize that. Mr. Rutherford noted it could be effective immediately, he was just providing an option. Mr. Barton seconded the motion. Mr. Rutherford noted that the ordinance would take effect immediately and call for a roll call vote. There being no further discussion, Supervisors approved the motion (3-1) by roll call vote, with Mr. Harvey voting no and **Ordinance O2023-01** was adopted as presented.

DRAFT



BOARD OF
SUPERVISORS

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Human Resources

ORDINANCE 02023-01
NELSON COUNTY BOARD OF SUPERVISORS
AMENDMENT OF THE CODE OF NELSON COUNTY
CHAPTER 3, ANIMALS

Chapter 3 ANIMALS¹

ARTICLE I. IN GENERAL

Amend

Sec. 3-1. Bird sanctuary.

- (a) The area of one-fourth ($\frac{1}{4}$) acre, more or less, of land lying in the Schuyler Magisterial District of the county, fronting on Highway No. 29 and belonging as right-of-way property of the state department of highways and

¹Editor's note(s)—A resolution adopted October 10, 2000 amended Ch. 3 in its entirety, adding §§ 3-2 and 3-3, deleting former Art. II, Div. 1, §§ 3-26—3-45, and Div. 2, §§ 3-46—3-66, and adding new Arts. II and III as set forth herein. This resolution numbered Art. II as §§ 3-27—3-60; Art. II has been renumbered, at the editor's discretion, to begin with § 3-26, in keeping with the current numbering style of the Code.

Former Art. II pertained to dogs and cats. Former Div. 1 contained general provisions and derived from § 2 of an ordinance of March 8, 1961, § VI of a resolution of April 12, 1961, an ordinance of April 8, 1986, a resolution of August 9, 1994, an ordinance of July 11, 1995, an ordinance of April 12, 1998, an ordinance of May 12, 1998, and Res.(2) of November 11, 1980. Former Div. 2 pertained to rabies control and license, and derived from §§ 1—16 of an ordinance of March 8, 1961, §§ II—V of a resolution of April 12, 1961, Ord.(2) of October 10, 1962, § 1 of Res. (3) of October 10, 1962, an ordinance of December 13, 1972, an ordinance of June 8, 1982, Ord.(2) of May 12, 1987, and an ordinance of July 11, 1995.

Cross reference(s)—Motor vehicles and traffic, Ch. 7; zoning, App. A; noise control, § 8-26 et seq.

State law reference(s)—~~Comprehensive animal laws, Code of Virginia, § 3-1-796.66 et seq.; local animal control ordinances, Code of Virginia, § 3-1-796.94; county health regulations, Code of Virginia, § 15-1-510; offenses involving animals, Code of Virginia, § 18-2-403.1 et seq.—~~

transportation, and joining the property of W. F. Thurston, Faber, Virginia, whose permission is granted, is hereby designated as a bird sanctuary and every citizen is called upon to conserve bird wildlife through care, feeding and protection from danger of any kind and all kinds.

- (b) The area within two hundred (200) feet either side of the highway along Route 56 (Crabtree Falls Highway) from the intersection of Route 56 and Route 687 (North Fork Road) to the intersection of Route 56 and the Blue Ridge Parkway, is hereby designated as a bird sanctuary.

(Res. of 4-14-65, §§ 1, 2; Ord. of 5-11-2004)

Amend

Sec. 3-2. Definitions.

The following words as used in this chapter shall have the following meanings:

Adoption means the transfer of ownership of a dog or cat from a releasing agency to an individual.

Agricultural animals means all livestock and poultry.

~~*Animal* means any nonhuman vertebrate species except fish. For the purposes of Virginia Code Section 3.1-796.98, animal means any species susceptible to rabies, including fish except those fish captured and killed or disposed of in a reasonable and customary manner.~~

“Animal” means any nonhuman vertebrate species except fish. For the purposes of Virginia Code §3.2-6522, animal means any species susceptible to rabies. For the purposes of Virginia Code §3.2-6570, animal means any nonhuman vertebrate species including fish except those fish captured and killed or disposed of in a reasonable and customary manner.

Animal-control officer means a person appointed as an animal control officer or deputy animal control officer as provided in Virginia Code Section 3.2-6558 ~~1-796.104~~.

Animal shelter means a facility which is used to house or contain animals and which is owned, operated, or maintained by a duly incorporated humane society, animal welfare society, society for the prevention of cruelty to animals, animal rescue group, or any other organization devoted to the welfare, protection, and humane treatment of animals.

~~*Board* means the board of agriculture and consumer services.~~

Companion animal means any domestic or feral dog, domestic or feral cat, non-human primate, guinea pig, hamster, rabbit not raised for human food or fiber, exotic or native animal, reptile, exotic or native bird, or any feral animal or any animal under the care, custody, or ownership of a person or any animal which is bought, sold, traded, or bartered by any person. Agricultural animals, game species, or any animals regulated under federal law as research animals shall not be considered companion animals for the purposes of this chapter.

Euthanasia means the humane destruction of an animal accomplished by a method that involves instantaneous unconsciousness and immediate death or by a method that involves anesthesia, produced by an agent which causes painless loss of consciousness, and death during such loss of consciousness.

Humane investigator means a person who has been appointed by a circuit court as a humane investigator as provided in Virginia Code Section 3.2-6558 ~~1-796.106~~.

Humane society means any chartered, nonprofit organization incorporated under the laws of this commonwealth and organized for the purpose of preventing cruelty to animals and promoting humane care and treatment of animals.

Kennel means any establishment in which five (5) or more canines, felines, or hybrids of either are kept for the purpose of breeding, hunting, training, renting, buying, boarding, selling, or showing.

Law-enforcement officer means any person who is a full-time or part-time employee of a police department or sheriff's office which is part of or administered by the commonwealth or any political subdivision thereof and who is responsible for the prevention and detection of crime and the enforcement of the penal, traffic or highway laws of

the commonwealth. Part-time employees are compensated officers who are not full-time employees as defined by the employing police department or sheriff's office.

~~*Livestock* includes all domestic or domesticated: bovine animals; equine animals; ovine animals; porcine animals; cervidae animals; capradae animals; animals of the genus Lama; ratites; fish or shellfish in aquaculture facilities, as defined in Virginia Code Section 3.1-73.6; enclosed domesticated rabbits or hares raised for humane food or fiber; or any other individual animal specifically raised for food or fiber, except companion animals.~~

"Livestock" includes all domestic or domesticated: bovine animals; equine animals; ovine animals; porcine animals; cervidae animals; capradae animals; animals of the genus Lama or Vicugna; ratites; fish or shellfish in aquaculture facilities, as defined in Virginia Code §3.2-2600; enclosed domesticated rabbits or hares raised for human food or fiber; or any other individual animal specifically raised for food or fiber, except companion animals.

Other officer includes all other persons employed or elected by the people of Virginia, or by any municipality, county, or incorporated town thereof, whose duty is to preserve the peace, to make arrests, or to enforce the law.

Owner means any person who: (i) has a right of property in an animal, (ii) keeps or harbors an animal, (iii) has an animal in his care, or (iv) acts as a custodian of an animal.

Person means any individual, partnership, firm, joint-stock company, corporation, association, trust, estate, or other legal entity.

Poultry includes all domestic fowl and game birds raised in captivity.

~~*Pound* means a facility operated by the commonwealth, or any locality, for the purpose of impounding or harboring seized, stray, homeless, abandoned, or unwanted animals; or a facility operated for the same purpose under a contract with any county, city, town, or incorporated society for the prevention of cruelty to animals.~~

Primary enclosure means any structure used to immediately restrict an animal or animals to a limited amount of space, such as a room, pen, cage, compartment, or hutch. For tethered animals, the term includes the shelter and the area within reach of the tether.

~~*Releasing agency* means a pound, animal shelter, humane society, animal welfare society, society for the prevention of cruelty to animals, or other similar entity that releases a dog or cat for adoption pursuant to Virginia Code Section 3.1-796-126:1.~~

"Releasing agency" means (i) a public animal shelter or (ii) a private animal shelter, humane society, animal welfare organization, society for the prevention of cruelty to animals, or other similar entity or home-based rescue that releases companion animals for adoption.

Research facility means any place, laboratory, or institution licensed by the U. S. Department of Agriculture at which scientific tests, experiments, or investigations involving the use of living animals are carried out, conducted, or attempted.

~~*State veterinarian* means the veterinarian employed by the commissioner of agriculture and consumer services as provided in Section 3.1-723.~~

~~*State veterinarian's representative* means an employee of the department of agriculture and consumer services who is under the direction of the state veterinarian.~~

Sterilize or *sterilization* means a surgical or chemical procedure performed by a licensed veterinarian that renders a dog or cat permanently incapable of reproducing.

~~*Treasurer* includes the treasurer and his assistants of Nelson County designated by law to collect taxes in such county.~~

(Res. of 10-10-00)

Sec. 3-3. Enforcement.

The provisions of this article shall be enforced by the animal control officers and the sheriff and his deputies, and may be enforced by any other law enforcement officer properly situated to do so.

(Res. of 10-10-00)

Sec. 3-4. Nelson County Animal Control Policies and Procedures Manual.

Be it resolved, by the Nelson County Board of Supervisors that the document entitled Nelson County Animal Control Policies and Procedures (Manual) is hereby approved and authorized for incorporation as an appendix to the Nelson County Personnel Policies and Procedures Manual.

(Res. of 11-14-00)

Editor's note(s)—A resolution adopted November 14, 2000, enacted a provision which was not specifically amendatory of the Code. At the editor's discretion, this provision has been included herein as a new § 3-4, for classification purposes.

Sec. 3-5. Trapping, hunting, etc. of birds unlawful.

- (a) It shall be unlawful to trap, hunt, shoot or attempt to shoot or molest in any manner any bird or fowl or to rob bird nests or wild fowl nests. Such restrictions shall not prevent lawful hunting of game birds under authority of a permit issued pursuant to state law. Provided, however, if starlings or similar birds are found to be congregating in such numbers in a particular locality that they constitute a nuisance or a menace to health or property then said starlings or birds may be destroyed by the local residents affected by the nuisance; and
- (b) Anyone violating the provisions of this section shall be punished as a Class II misdemeanor.

(Ord. of 5-11-2004)

Secs. 3-6—3-25. Reserved.

ARTICLE II. DOGS AND CATS

Amend

Sec. 3-26. Unlicensed dogs prohibited.

It shall be unlawful for any person to own a dog four (4) months or older in this county unless such dog is licensed, as required by the provision of this article.

(Res. of 10-10-00)

~~State law reference(s) — Code of Virginia, § 3-1-796.85.~~

Amend

Sec. 3-27. How to obtain license.

A resident of this county shall make written application to the treasurer accompanied by the amount of license tax then in effect and a current certificate of vaccination. Upon receipt of the application, which shall contain verification of the owner's residence in this county, the treasurer shall issue a license receipt for the tax and list thereon the name and address of the owner or custodian, the date of and amount of payment, the year for which issued, the serial number of the tag, the sex of the dog and whether neutered, or if a kennel, as the case may be, and deliver the metal license tags as provided for herein. The information thus received shall be retained by the treasurer, open to public inspection, during the period for which such license is valid.

(Res. of 10-10-00)

~~State law reference(s) — Va. Code Sec. 3.1-796.86.~~

Amend

Sec. 3-28. Amount of license tax.

The annual license tax shall be collected as follows:

- (a) Spayed or neutered dogs: Five dollars (\$5.00).
- (b) Sexed dogs: Seven dollars (\$7.00).
- (c) Lifetime dog license: Thirty dollars (\$30.00).

A lifetime license shall be valid only for as long as the dog's owner resides in this county and the dog's rabies vaccination is kept current.

- (d) Kennels:

Five (5) to ten (10) dogs: Twenty-five dollars (\$25.00).

Eleven (11) to twenty (20) dogs: Fifty dollars (\$50.00).

Twenty-one (21) to fifty (50) dogs: Seventy-five dollars (\$75.00).

- (e) No license tax shall be levied on any dog that is trained and serves as (i) a guide dog for a blind person, (ii) a hearing dog for a person who is deaf or hard of hearing, or (iii) a service dog for a mobility-impaired or otherwise disabled person. As used in this section, "hearing dog," "mobility-impaired person," "otherwise disabled person" and "service dog" shall have the same meanings as assigned in Virginia Code Section 51.5-40.1.

(Res. of 10-10-00; Ord. No. O2021-04, 7-13-21)

~~State law reference(s) — Code of Virginia, § 3.1-796.87.~~

Amend

Sec. 3-29. When license tax payable.

The license tax on dogs shall be due and payable as follows:

- (a) On or before January 1 and not later than January 31 of each year, the owner of any dog four (4) months old or older shall pay a license tax as prescribed in section 3-28.
- (b) If a dog becomes four (4) months of age or comes into the possession of any person between January 1 and November 1 of any year, the license tax for the current calendar year shall be paid forthwith by the owner.
- (c) If a dog becomes four (4) months of age or comes into the possession of any person between October 31 and December 31 of any year, the license tax for the succeeding calendar year shall be paid forthwith by the owner and such license shall protect such dog from the date of purchase.

(Res. of 10-10-00)

~~State law reference(s) — Va. Code Sec. 3.1-796.88.~~

Amend

Sec. 3-30. Effect of dog not wearing collar as evidence.

Any dog not wearing a collar bearing a license tag of the proper calendar year shall prima facie be deemed to be unlicensed, and in any proceeding under this chapter the burden of proof of the fact that such dog has been licensed, or is otherwise not required to bear a tag at the time, shall be on the owner of the dog.

(Res. of 10-10-00)

~~State law reference(s) — Va. Code Sec. 3.1-796.89.~~

Sec. 3-31. What dog license shall consist of.

A dog license shall consist of a license receipt and a metal tag. The tag shall be stamped or otherwise permanently marked to show the sex of the dog, the calendar year for which issued, and shall bear a serial number. The license tag for a kennel shall show the number of dogs authorized to be kept under such license and have attached thereto a metal identification plate for each of such dogs, numbered to correspond with the serial number of the license tag.

(Res. of 10-10-00)

Amend

Sec. 3-32. Duplicate license tags.

If a dog license tag is lost, destroyed, or stolen, the owner or custodian shall at once apply to the treasurer or his agent who issued the original license for a duplicate license tag, presenting the original license receipt. Upon affidavit of the owner or custodian before the treasurer or his agent that the original license tag has been lost, destroyed or stolen, he shall issue a duplicate license tag which the owner or custodian shall immediately affix to the collar of the dog. The treasurer or his agent shall endorse the number of the duplicate tag for any dog shall be one dollar (\$1.00).

(Res. of 10-10-00)

~~State law reference(s) — Va. Code Sec. 3.1-796.91.~~

Amend

Sec. 3-33. Displaying receipts; dogs to wear tags.

Dog license receipts shall be carefully preserved by the licensees and exhibited promptly on request for inspection by any animal control officer or other officer. Dog license tags shall be securely fastened to a substantial collar by the owner or custodian and worn by such dog. It shall be unlawful for the owner to permit any licensed dog four (4) months or older to run or roam at large at any time without a license tag. The owner of the dog may remove the collar and license tag required by this section when (i) the dog is engaged in lawful hunting, (ii) the dog is competing in a dog show, (iii) the dog has a skin condition which would be exacerbated by the wearing of a collar, (iv) the dog is confined, or (v) the dog is under the immediate control of its owner.

(Res. of 10-10-00)

~~State law reference(s) — Va. Code Sec. 3.1-796.92 supp.~~

Amend

Sec. 3-34. Payment of license tax subsequent to summons.

Payment of the license tax subsequent to a summons to appear before a court for failure to pay the license tax within the time required shall not operate to relieve such owner from the penalties provided.

(Res. of 10-10-00)

~~State law reference(s) — Va. Code Sec. 3.1-796.103.~~

Amend

Sec. 3-35. Rabies inoculation of dogs and domesticated cats; availability of certificate.

The owner or custodian of all dogs and domesticated cats four (4) months of age and older shall have them currently vaccinated for rabies by a licensed veterinarian or licensed veterinary technician who is under the immediate and direct supervision of a licensed veterinarian on the premises. The supervising veterinarian on the premises shall provide the owner of the dog or the custodian of the domesticated cat with a certificate of vaccination. The owner of the dog or the custodian of the domesticated cat shall furnish within a reasonable period of time, upon the request of an animal control officer, humane investigator, law enforcement officer, state veterinarian's representative, or official of the department of health, the certificate of vaccination for such dog or cat. The vaccine used shall be licensed by the United States Department of Agriculture for use in that species.

(Res. of 10-10-00)

~~State law reference(s) — Va. Code Sec. 3.1-796.97:1 supp.~~

Remove

~~Sec. 3-36. Dogs or hybrid canines killing, injuring or chasing livestock or poultry.~~

- ~~(a) It shall be the duty of any animal control officer or other officer who may find a dog, including a hybrid canine as defined in section 3-61, in the act of killing or injuring livestock or poultry to kill such dog forthwith whether such dog bears a tag or not. Any person finding a dog committing any of the depredations mentioned in this section shall have the right to kill such dog on sight as shall any owner of livestock or his agent finding a dog chasing livestock on land utilized by the livestock when the circumstances show that such chasing is harmful to the livestock. Any court shall have the power to order the animal control officer or other officer to kill any dog known to be a confirmed livestock or poultry killer, and any dog killing poultry for the third time shall be considered a confirmed poultry killer. The court, through its contempt powers, may compel the owner, custodian, or harbinger of the dog to produce the dog.~~
- ~~(b) Any animal control officer who has reason to believe that any dog is killing livestock or poultry shall be empowered to seize such dog solely for the purpose of examining such dog in order to determine whether it committed any of the depredations mentioned herein. Any animal control officer or other person who has reason to believe that any dog is killing livestock, or committing any of the depredations mentioned in this section, shall apply to a magistrate of the county, city or town wherein such dog may be, who shall issue a warrant requiring the owner or custodian, if known, to appear before a general district court at a time and place named therein, at which time evidence shall be heard. If it shall appear that the dog is a livestock killer, or has committed any of the depredations mentioned in this section, the district court shall order that the dog be (i) killed immediately by the animal control officer or other officer designated by the court or (ii) removed to another state which does not border on the commonwealth and prohibited from returning to the commonwealth. Any dog ordered removed from the commonwealth which is later found in the commonwealth shall be ordered by a court to be killed immediately.~~

~~(Res. of 10-10-00)~~

State law reference(s) — Va. Code Sec. 3.1 796.116 and Sec. 3.1 796.126:10.

Remove

Sec. 3-37. Dangerous or vicious dogs.

(a) — "~~Dangerous dog~~" means a canine or canine crossbreed that has bitten, attacked, or inflicted injury on a person or companion animal, or killed a companion animal; however, when a dog attacks or bites another dog, the attacking or biting dog shall not be deemed dangerous (i) if no serious physical injury as determined by a licensed veterinarian has occurred to the other dog as a result of the attack or bite (ii) both dogs are owned by the same person. No dog shall be found to be a dangerous dog as a result of biting, attacking or inflicting injury on another dog while engaged with an owner or custodian as part of lawful hunting or participating in an organized, lawful dog handling event.

"Vicious dog" means a canine or canine crossbreed that has (i) killed a person; (ii) inflicted serious injury to a person, including multiple bites, serious disfigurement, serious impairment of health, or serious impairment of a bodily function; or (iii) continued to exhibit the behavior that resulted in a previous finding by a court that it is a dangerous dog, provided that its owner has been given notice of that finding.

(b) — Any animal control officer who has reason to believe that a canine or canine crossbreed within his jurisdiction is a dangerous dog or vicious dog shall apply to a magistrate of the jurisdiction for the issuance of a summons requiring the owner or custodian, if known, to appear before a general district court at a specified time. The summons shall advise the owner of the nature of the proceeding and the matters at issue. The animal control officer shall confine the animal until such time as evidence shall be heard and a verdict rendered. If the animal control officer determines that the owner or custodian can confine the animal in a manner that protects the public safety, he may permit the owner or custodian to confine the animal until such time as evidence shall be heard and a verdict rendered. The court, through its contempt powers, may compel the owner, custodian or harbinger of the animal to produce the animal. If, after hearing the evidence, the court finds that the animal is a dangerous dog, the court shall order the animal's owner to comply with the provisions of the ordinance. If, after hearing the evidence, the court finds that the animal is a vicious dog, the court shall order the animal euthanized in accordance with the provisions of Section 3.1 796.119 of the Code of Virginia.

(c) — No canine or canine crossbreed shall be found to be a dangerous dog or vicious dog solely because it is a particular breed. No animal shall be found to be a dangerous dog or vicious dog if the threat, injury or damage was sustained by a person who was (i) committing, at the time, a crime upon the premises occupied by the animal's owner or custodian, (ii) committing, at the time, a willful trespass or other tort upon the premises occupied by the animal's owner or custodian or (iii) provoking, tormenting, or physically abusing the animal, or can be shown to have repeatedly provoked, tormented, abused or assaulted the animal at other times. No police dog which was engaged in the performance of its duties as such at the time of the acts complained of shall be found to be a dangerous dog or a vicious dog. No animal which, at the time of the acts complained of, was responding to pain or injury, or was protecting itself, its kennel, its offspring, or its owner or owner's property, shall be found to be a dangerous dog or a vicious dog.

(d) — The owner of any animal found to be a dangerous dog shall, within ten (10) days of such finding, obtain a dangerous dog registration certificate from the local animal control officer for a fee of fifty dollars (\$50.00) in addition to other fees that may be authorized by law. The local animal control officer shall also provide the owner with a uniformly designed tag which identifies the animal as a dangerous dog. The owner shall affix the tag to the animal's collar and ensure that the animal wears the collar and tag at all times. All certificates obtained pursuant to this subdivision shall be renewed annually for the same fee and in the same manner as the initial certificate was obtained.

(e) — All certificates or renewals thereof required to be obtained under this section shall only be issued to persons eighteen (18) years of age or older who present satisfactory evidence (i) of the animal's current rabies vaccination, if applicable, (ii) that the animal is and will be confined in a proper enclosure or is and will be confined inside the owner's residence or is and will be muzzled and confined in the owner's fenced in yard until the proper enclosure is constructed, and (iii) that the owner has at least one hundred thousand dollars (\$100,000.00) liability insurance that covers animal bites. In addition, owners who apply for certificates or renewals thereof under this section shall not be issued a certificate or renewal thereof unless they present

satisfactory evidence that (i) their residence is and will continue to be posted with clearly visible signs warning both minors and adults of the presence of a dangerous dog on the property and (ii) the animal has been permanently identified by means of a tattoo on the inside thigh or by electronic implantation.

- (f) While on the property of its owner, an animal found to be a dangerous dog shall be confined indoors or in a securely enclosed and locked structure of sufficient height and design to prevent its escape or direct contact with or entry by minors, adults, or other animals. The structure shall be designed to provide the animal with shelter from the elements of nature. When off its owner's property, an animal found to be a dangerous dog shall be kept on a leash and muzzled in such a manner as not to cause injury to the animal or interfere the animal's vision or respiration, but so as to prevent it from biting a person or another animal.
- (g) If the owner of an animal found to be a dangerous dog is a minor, the custodial parent or legal guardian shall be responsible for complying with all requirements of this section.
- (h) After an animal has been found to be a dangerous dog, the animal's owner shall immediately, upon learning of same, notify the local animal control authority if the animal (i) is loose or unconfined, (ii) bites a person or attacks another animal; (iii) is sold, given away, or dies; or (iv) has been moved to a different address.
- (i) The owner of any animal which has been found to be a dangerous dog who willfully fails to comply with the requirements of the ordinance shall be guilty of a Class I misdemeanor.
- (j) All fees collected pursuant to the ordinance, less the costs incurred by the animal control authority in producing and distributing the certificates and tags required by the ordinance, shall be paid into a special dedicated fund in the treasury for the purpose of paying the expenses of any training course required under Section 3.1-796.105 of the Code of Virginia.

(Res. of 10-10-00; Ord. of 12-9-03)

State law reference(s) — Va. Code Sec. 3.1-796.93:1.

Sec. 3-38. Dogs in kennels prohibited from running at large.

The owner of a kennel shall securely fasten the license tag to the kennel enclosure in full view and keep one (1) of the identification plates provided therewith attached to the collar of each dog authorized to be kept enclosed in the kennel. Any identification plates not so in use must be kept by the owner or custodian and promptly shown to any dog warden or other officer upon request. A kennel dog shall not be permitted to stray beyond the limits of the enclosure, but this shall not prohibit removing dogs therefrom temporarily while under the control of the owner or custodian for the purpose of exercising, hunting, breeding, trial or show. A kennel shall not be operated in such manner as to defraud the county of the license tax applying to dogs which cannot be legally covered thereunder or to in any manner violate other provisions of this article.

(Res. of 10-10-00)

Remove

Sec. 3-39. Confinement and disposition of stray animals.

For purposes of this section:

Animal shall not include agricultural animals.

Rightful owner means a person with a right of property in the animal.

Humane society when referring to an organization without the commonwealth, means any nonprofit organization organized for the purpose of preventing cruelty to animals and promoting humane care and treatment or adoption of animals.

- (a) Cats for which there is no proof of rabies vaccination and dogs and hybrid canines, as defined in section 3-61, found running at large without the tag as required in section 3-33 or which are otherwise in violation of this chapter shall be seized and confined in the county's pound.

~~(b) An animal confined pursuant to this section shall be kept for a period of not less than five (5) days, such period to commence on the day immediately following the day the animal is initially confined in the facility, unless sooner claimed by the rightful owner thereof. The operator or custodian of the pound shall make a reasonable effort to ascertain whether the animal has a collar, tag, license, tattoo, or other form of identification. If such identification is found on the animal, the animal shall be held for an additional five (5) days, unless sooner claimed by the rightful owner. If the rightful owner of the animal can be readily identified, the operator or custodian of the pound shall make a reasonable effort to notify the owner of the animal's confinement within the next forty eight (48) hours following its confinement.~~

~~(c) If an animal confined pursuant to this section has not been claimed upon expiration of the appropriate holding period as provided by subsection b, it shall be deemed abandoned and become the property of the pound or shelter. If such abandoned animal did not, when delivered to the pound, bear a collar, tag, license, tattoo, or other form of identification, it may be humanely destroyed or disposed of by:~~

~~(1) Sale or gift to a federal agency, state supported institution, agency of the commonwealth, agency of another state, or a licensed federal dealer having its principal place of business located within the commonwealth, provided that such agency, institution or dealer agrees to confine the animal for an additional period of not less than five (5) days.~~

~~(2) Delivery to any humane society or animal shelter within the commonwealth;~~

~~(3) Adoption by any person who is a resident of the county and who will pay the required license fee, if any, on such animal;~~

~~(4) Adoption by a resident of an adjacent political subdivision of the commonwealth;~~

~~(5) Adoption by any other person, provided that no animal may be adopted by any person who is not a resident of the county for which the pound or animal shelter is operated, or of an adjacent political subdivision, unless the animal is first sterilized; or~~

~~(6) Delivery, for the purposes of adoption or euthanasia only, to a humane society or an animal shelter located in and lawfully operating under the laws of another state provided that such humane society or animal shelter (i) maintains records which would comply with Virginia Code Section 3.1-796.105; (ii) requires that adopted dogs and cats be sterilized; and (iii) has been approved by the state veterinarian or his designee as a facility which maintains such records, requires adopted dogs and cats to be sterilized, and provides adequate care and euthanasia.~~

~~If such abandoned animal, when delivered to the pound, bore a collar, tag, license, tattoo, or other form of identification, it may be humanely destroyed or disposed of by the methods described in subdivisions (2), (3), (4), or (5) of this subsection.~~

~~No pound or shelter shall deliver more than two (2) animals or a family of animals during any thirty day period to any one (1) person under subdivisions (3), (4), or (5) of this subsection.~~

~~If an animal is required to be sterilized prior to adoption pursuant to subdivision (5) of this subsection, the pound or animal shelter may require that the sterilization be done at the expense of the person adopting the animal.~~

~~(d) Nothing in this section shall prohibit the immediate destruction of a critically injured, critically ill, or unweaned animal for humane purposes. Any animal destroyed pursuant to the provisions of this chapter shall be euthanized by one (1) of the methods prescribed or approved by the state veterinarian.~~

~~(e) Nothing in this section shall prohibit the immediate destruction or disposal by the methods listed in subdivisions (2) — (6) of subsection (c) of an animal that has been delivered voluntarily or released to a pound, animal shelter, animal control officer, or humane society by the animal's rightful owner after the rightful owner has, in writing, surrendered all property rights in such animal and has read and signed a statement (i) certifying that no other person has a right of property in the animal and (ii) acknowledging that the animal may be immediately euthanized or disposed of by the methods listed in subdivisions (2) — (6) of subsection (c).~~

~~(f) Nothing in this section shall prohibit any feral dog or feral cat not bearing a collar, tag, tattoo, or other form of identification which, based on the written certification of a disinterested person, exhibits~~

behavior that poses a risk of physical injury to any person confining the animal, from being euthanized after being kept for a period of not less than three (3) days, at least one (1) of which shall be a full business day, such period to commence on the day the animal is initially confined in the facility, unless sooner claimed by the rightful owner. The certification of the disinterested person shall be kept with the animal as required by Virginia Code Section 3.1-796.105. For purposes of this subsection, a disinterested person shall not include a person releasing or reporting the animal to the facility.

(Res. of 10-10-00)

State law reference(s) — Va. Code Sec. 3.1-796.96.

Amend

Sec. 3-40. Fees.

The following shall apply in connection with the adoption of an animal:

- (a) Each prospective owner shall complete an application prepared by the animal control officer.
- (b) In connection with the adoption of a dog the owner shall pay ~~seventy dollars (\$70.00)~~ one hundred sixty dollars (\$160.00), which fee shall include spaying or neutering of the animal, a rabies vaccination, a tattoo of the adoption number, and a license tag certificate. In the case of the adoption of a cat the owner shall pay ~~sixty five dollars (\$65.00)~~ ninety dollars (\$90.00), which fee shall include spaying or neutering of the animal, a rabies vaccination, and a tattoo of the adoption number.
- (c) A new owner will receive a license tag certificate when he is permitted to take possession of the adopted animal.

Such certificate must be presented promptly to the treasurer who thereupon shall issue to the owner a license tag.

- (d) In the event that any animal confined pursuant to the comprehensive animal laws adopted in this chapter is claimed by its rightful owner, including adopted owner, such owner shall be charged ~~five dollars (\$5.00)~~ a pick up fee and a daily confinement fee for each day of impoundment of such animal. as follows:

- (1) Licensed dog pick up fee: \$0.00 (waived)
- (2) Unlicensed dog pick up fee: \$25.00
- (3) Licensed dog or companion animal confinement fee: \$10.00/day
- (4) Unlicensed dog confinement fee: \$20.00/day
- (5) Court ordered confinement, rabies monitoring, or isolation fee: \$25.00/day

(Res. of 10-10-00)

Sec. 3-41. Female dog in season.

It shall be unlawful for the owner of any female dog to not maintain such dog in an enclosed or fenced pen while such dog is known to be in season. The owner shall not permit such dog to stray from his premises while such dog is known to the owner to be in season.

(Res. of 10-10-00)

Amend

Sec. 3-42. Dogs prohibited from running at large in designated areas.

- (a) It shall be unlawful for dogs to run at large, or remain unconfined, unrestricted, or not penned up, in that portion of Nelson County known as the Wintergreen Development, comprised of ten thousand, nine hundred sixteen (10,916) acres, and more particularly, all that property encompassed by the master plan for Wintergreen as revised from time to time.
 - (b) For the purpose of this provision, a dog shall be deemed to run at large while roaming, running, or self-hunting off the property of its owner or custodian and not under its owner's or custodian's immediate control.
 - (c) Any person within Wintergreen Development who permits his dog to run at large in Wintergreen Development, or remain unconfined, unrestricted, or not penned up, shall be deemed to have violated the provisions of this section which shall be punishable as a Class 1 misdemeanor. ~~and, upon conviction, shall be punished as provided in Section 3.1-796.128 of the Code of Virginia.~~
 - (d) Only law enforcement and animal control officers may initiate criminal proceedings for a violation of this section with the primary responsibility for enforcement lying with the Wintergreen Police Department.
- (Ord. of 9-10-02)

Sec. 3-43. Dogs running at large.

An owner shall not allow his/her dog to run at large in the county, subject to the following:

- (a) *When a dog is deemed to run at large.*
 - (1) For the purposes of this section, a dog is deemed to "run at large" while roaming or running off the property of its owner or custodian and is not under its owner's or custodian's immediate control. Under "immediate control" shall mean (i) secured by leash or lead, or (ii) under control of a responsible person and obedient to that person's commands, or (iii) within the real property limits of its owner or other person consenting to its presence.
 - (2) "Off the property of its owner or custodian" includes, the property of the dog's owner or custodian, or other person consenting to the dog's presence, in which a third party has a property right such as an easement for ingress and egress or for a public right-of-way, public road, public sidewalk, or public trail.
- (b) *When a dog is not considered to be running at large.*

A dog is not considered to "run at large" in the following circumstances:

Dogs used for hunting. Dogs used for hunting are exempted from the prohibitions of this section and shall not be deemed to be running at large provided any such dog is wearing a collar with a tag showing the name and telephone number of the owner of the dog.

Field trials or training. During field trials or formal obedience, agility, or similar training periods when the dog is accompanied by its owner or custodian.

Fenced dog park or exercise area. When the dog is in a securely fenced, specifically designated dog park or dog exercise area established by the county or another governmental entity, a homeowner's association, or a community organization, where the fencing is designed to prevent a dog from escaping.

Service dog; when leashing is not required. When the dog is a service animal whose handler, because of a disability, is unable to use a harness, leash, or other tether, or the use of such a device would interfere with the service dog's safe and effective performance of work or tasks, provided that the service dog is otherwise under the handler's control through voice control, signals, or other effective means.

Public service training. During search and rescue and similar public service training when the dog is accompanied by its owner or custodian, or by a qualified handler, provided the owner, custodian, or handler has the express permission of the owner or occupant of the property on which the dogs are being trained.

Working farm dogs. When the dog is a working farm dog that is either guarding or herding cows, fowl, goats, sheep, swine, or other domestic animals normally raised on a farm. When the dog is not engaged in guarding or herding farm animals, the exception does not apply.

(c) *Penalties.*

- (1) Except as provided in subsection (2) below, any person who permits his dog to run at large shall be deemed to have violated this section which shall be punishable as a Class 1 misdemeanor.
- (2) The owner or custodian of a dog found running at large in a pack shall be subject to a civil penalty of one hundred dollars (\$100.00) per dog so found. For the purpose of this section, a dog shall be deemed to be running at large in a pack if it is running at large in the company of one (1) or more other dogs that are also running at large. The civil penalty shall be deposited by the treasurer pursuant to the provision of Virginia Code § 3.2-6534.
- (3) Proceedings pursuant to this section may only be initiated by an animal control officer or other law enforcement officer.

(d) *Seizure, impoundment and disposition.* Any dog observed or captured while unlawfully running at large may be seized, impounded and disposed of by an animal control officer or other law enforcement officer pursuant to Virginia Code § 3.2-6546.

(Ord. No. O2020-02, 11-10-20; Ord. No. O2022-03, 10-11-22)

State law reference(s)—Code of Virginia, §§ 3.2-6538, 3.2-6543, and 3.2-6546.

Secs. 3-44—3-60. Reserved.

ARTICLE III. HYBRID CANINES

Sec. 3-61. Definitions.

As used in this article:

Adequate confinement means that, while on the property of its owner and not under the direct supervision and control of the owner or custodian, a hybrid canine shall be confined in a humane manner in a securely enclosed and locked structure of sufficient height and design to (i) prevent the animal's escape; or if the hybrid canine is determined to be a dangerous dog pursuant to the Virginia Code of Virginia Section 3.1-796.93-1, the structure shall prevent direct contact with any person or animal not authorized by the owner to be in direct contact with the hybrid canine, and (ii) provide a minimum of one hundred (100) square feet of floor space for each adult animal. Tethering of a hybrid canine not under the direct supervision and control of the owner or custodian shall not be considered adequate confinement.

Hybrid canine means any animal which at any time has been or is permitted, registered, licensed, advertised or otherwise described or represented as a hybrid canine, wolf or coyote by its owner to a licensed veterinarian, law enforcement officer, animal control officer, humane investigator, official of the department of health, or state veterinarian's representative.

(Res. of 10-10-00)

Amend

Sec. 3-62. Hybrid canine ordinance; penalty.

- (a) No person shall keep or maintain a hybrid canine without a permit for each such animal.
- (b) No person may keep or maintain more than five (5) hybrid canines at any given time. Except as provided below, a person must, within seven (7) business days of first possessing a canine hybrid, obtain a permit therefore from the animal control officer, which permit shall be in addition to all other licenses required in this chapter. In the case of a hybrid canine pup, a permit therefrom must be obtained before the animal becomes four (4) months of age. The permit shall be issued upon receipt of ten dollars (\$10.00) payable to the Treasurer of Nelson County and shall expire, regardless of issuance, on December 31st of the year of issuance. Permits must be renewed each year during the month of December prior to the expiration date thereof.
- (c) The applicant shall provide to the animal control officer on a form to be provided the sex, color, height, weight and identifying marks for each hybrid canine for which a permit is sought.
- (d) An owner of canine hybrids shall provide adequate confinement for such animals satisfactory to the animal control officer. No hybrid canine shall be permitted to run at large, and while on the property of its owner or custodian hybrid canines shall be either under the direct supervision and control of the owner or custodian or adequately confined.
- (e) Should the owner fail to obtain a permit as required herein, or violate any other provision hereof, then the hybrid canine may be seized and disposed in accordance with applicable law. Notwithstanding the foregoing, a violation of this article shall be a Class 3 violation for the first violation and a Class I misdemeanor for a second or subsequent violation.

(Res. of 10-10-00)

State law reference(s)—Va. Code Sec. 3.2-6581 ~~1-796.126-9~~, 3.2-6582.

Secs. 3-63—3-70. Reserved.

ARTICLE IV. PENALTIES

Amend

Sec. 3-71. Unlawful acts; criminal penalties.

- ~~(a) The following shall be unlawful acts and constitute Class 4 misdemeanors:~~
 - ~~(1) *License application*—For any person to make a false statement in order to secure a dog or cat license to which he is not entitled.~~
 - ~~(2) *License tax*—For any dog or cat owner to fail to pay any license tax required by this chapter before February 1 for the year in which it is due. In addition, the court may order confiscation and the proper disposition of the dog or cat.~~
 - ~~(3) *Rabies regulations*—For any person to fail to obey an ordinance passed pursuant to Virginia Code Section 3.1-796.98 and 3.1-796.100.~~
 - ~~(4) *Diseased dogs and cats*—For the owner of any dog or cat with a contagious or infectious disease to permit such dog or cat to stray from his premises if such disease is known to the owner.~~
 - ~~(5) *Concealing a dog or cat*—For any person to conceal or harbor any dog or cat on which any required license tax has not been paid.~~

~~(6) *Removing license tag* For any person, except the owner or custodian, to remove a legally acquired license tag from a dog or cat without the permission of the owner or custodian.~~

~~(7) *Other violations* Any other violation of this chapter for which a specific penalty is not provided.~~

~~(b) It shall be a Class 1 misdemeanor for any person to:~~

~~(1) Present a false claim or to receive any money on a false claim under the provisions of section 3-387 or~~

~~(2) Impersonate a humane investigator;~~

~~(3) Conceal or harbor a rabid animal unless directed to do so by competent authorities.~~

~~State law reference(s) – Va. Code Sec. 3.1-796.128 and 3.1-796.100.~~

~~(Res. of 10-10-00)~~

(a) The following shall be unlawful acts and are Class 4 misdemeanors:

(1) For any person to make a false statement in order to secure a dog or cat license to which he is not entitled.

(2) For any dog or cat owner to fail to pay any license tax required by this chapter before February 1 for the year in which it is due. In addition, the court may order confiscation and the proper disposition of the dog or cat.

(3) Reserved.

(4) Unless otherwise punishable under subsection B, for any person to fail to obey an ordinance passed pursuant to §§ 3.2-6522 and 3.2-6525.

(5) For any owner to fail to dispose of the body of his companion animals in accordance with §3.2-6554.

(6) For the owner of any dog or cat with a contagious or infectious disease, other than rabies, to permit such dog or cat to stray from his premises if such disease is known to the owner.

(7) For any person to conceal or harbor any dog or cat on which any required license tax has not been paid.

(8) For any person, except the owner or custodian, to remove a legally acquired license tag from a dog or cat without the permission of the owner or custodian.

(9) Any other violation of this chapter for which a specific penalty is not provided.

(b) It is a Class 1 misdemeanor for any person to:

(1) Impersonate a humane investigator.

(2) Permit a dog or cat that he owns or is in his custody to stray from his premises when he knows or has been told by the local health department, law-enforcement agency, animal control agency, or any other person who has a duty to control or respond to a risk of rabies exposure that the dog or cat is suspected of having rabies.

State law reference – Va. §3.2-6587.

New

Sec. 3-72. Civil Penalty for certain violations

Notwithstanding anything to the contrary in this chapter, a violation of any section of this chapter may be punishable by a civil penalty in the amount of \$150.00. The animal control officer or law enforcement officer's designation of a particular violation for a civil penalty shall be in lieu of criminal sanctions and preclude prosecution of such violation as a criminal misdemeanor. Imposition of a civil penalty shall not preclude an action for injunctive.

declaratory, or other equitable relief. Monies raised pursuant to this section shall be placed in the County's general fund. An animal control officer or law-enforcement officer may issue a summons for a violation. Any person summoned or issued a ticket for a scheduled violation may make an appearance in person or in writing by mail to the treasurer of the County issuing the summons or ticket prior to the date fixed for trial in court. Any person so appearing may enter a waiver of trial, admit liability, and pay the civil penalty established for the offense charged.

State law reference –Va Code § 3.2-6543.

Secs. 3-73—3-80. Reserved.

ARTICLE V. FENCE LAW

Amend

Sec. 3-81. Boundaries declared lawful fences.

The boundary line of each lot or tract in this county is hereby declared a lawful fence to any domesticated livestock or poultry ~~domesticated by man~~.

(Ord. No. O2019-02, 11-14-19)

New

Sec. 3-82. Unlawful for livestock to run at large.

It is unlawful for the owner or manager of any domesticated livestock or poultry to allow, willfully or negligently, any such animal, as to which the boundaries of lots or tracts of land have been constituted a lawful fence, to run at large beyond the limits of his own lands within the county. Any owner or manager who allows such animal to run at large shall be deemed to have violated this section which shall be punishable as a Class 1 misdemeanor.

State law ref: Virginia Code § 55.1-2820

New

Sec. 3-83. Recovery of Costs.

When domesticated livestock or poultry running at large are recovered by animal control or law enforcement, then all costs associated with the recovery and confinement of such animals shall be the responsibility of the owner or manager. Such costs shall include, but are not limited to, the engagement of private citizens to capture the animals, fees for transporting the animals, boarding expenses for confinement by the county or on the property of others, and expenses incurred in connection with sale or other disposition of such animals.

BE IT FURTHER ORDAINED, by the Nelson County Board of Supervisors that this Ordinance becomes effective upon adoption.

April 11, 2023

IV. OTHER BUSINESS (AS PRESENTED)

The Board had no other business to discuss.

V. ADJOURN AND CONTINUE TO APRIL _____, 2023 AT _____. FOR A BUDGET WORK SESSION.

At 7:37 p.m., Mr. Reed made a motion to adjourn and continue the meeting to April 18, 2023 at 1 p.m. for a budget work session. Mr. Barton seconded the motion, and there being no further discussion, Supervisors approved the motion by vote of acclamation and the meeting adjourned.

DRAFT



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 R2023-57
NELSON COUNTY BOARD OF SUPERVISORS
AMENDMENT OF FISCAL YEAR 2023-2024 BUDGET
September 12, 2023**

I. Appropriation of Funds (General Fund)

<u>Amount</u>	<u>Revenue Account (-)</u>	<u>Expenditure Account (+)</u>
\$265,000.00	3-100-003303-0046	4-100-031020-7035
\$ 2,060.17	3-100-009999-0001	4-100-031020-1003
\$ 7,500.00	3-100-002404-0041	4-100-081050-5895
\$ 9,518.00	3-100-009999-0001	4-100-091050-7020
\$ 3,000.00	3-100-009999-0001	4-100-091050-7025
<hr/>		
\$287,078.17		

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

<u>Amount</u>	<u>Credit Account (-)</u>	<u>Debit Account (+)</u>
\$ 10,210.39	4-100-999000-9905	4-100-022010-1003
\$ 7,500.00	4-100-999000-9905	4-100-081050-5895
\$ 5,500.00	4-100-999000-9905	4-100-091030-5641
\$ 12,300.00	4-100-999000-9905	4-100-091030-5645
<hr/>		
\$ 35,510.39		

Adopted: _____

Attest: _____, Clerk
Nelson County Board of Supervisors

EXPLANATION OF BUDGET AMENDMENT

I. Appropriations are the addition of unbudgeted funds received or held by the County for use within the current fiscal year budget. These funds increase the budget bottom line.

The **General Fund Appropriation of \$287,078.17** reflects requests of (1) **\$265,000** appropriation requested for FY23 ARPA – Law Enforcement Equipment grant awarded to the Sheriff’s Dept. to be received and expensed in FY24; (2) **\$2,060.17** reappropriation request for Sheriff’s FY23 unused Forest Cooperative Agreement funds to be expended/received in FY24; (3) **\$7,500** appropriation requested in FY24 Virginia Department of Historic Resources (DHR) Cost Share Survey and Planning Funds Agreement (total cost to be shared is \$15,000 with \$7,500 in local match); (4) **\$9,518** reappropriation of FY23 unexpended funds for FY22 Management Advisory Group (MAG) Compensation Study contract to be expensed in FY24; (5) **\$3,000** reappropriation of FY23 unexpended funds for Website Development and Upgrade contract to be expensed in FY24. *The total appropriation request for this period is below the 1% of expenditure budget limit of \$696,637.92 for September.*

II. Transfers represent funds that are already appropriated in the budget but are moved from one budget 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 \$35,510.39 requested are:

(1) **\$10,210.39** is requested to cover the appropriation approved by the Board in June for part-time hours necessitated by the Commonwealth Attorney’s absence during military deployment through September 2023 (wages and FICA charges to be reimbursed in full by the Compensation Board for these costs); (2) **\$7,500** is requested to cover the Local Match required by the FY24 Virginia Department of Historic Resources (DHR) Cost Share Survey and Planning Funds Agreement (total cost to be shared is \$15,000 with \$7,500 in local match); (3) **\$5,500** is requested to appropriate Community Investment Collaborative funds approved Aug. 8, 2023 for Spill Team workshop to develop a Brand Compass and marketing materials for the community as proposed by the Lovingson Village Association; (4) **\$12,300** appropriation is requested as approved by the Board Aug. 8, 2023 pursuant to the Rockfish Valley Senior Group’s FY24 funding request. *Following approval of these expenditures, the balance of Non-Recurring Contingency would be \$353,788.61.*



COMMONWEALTH of VIRGINIA

Department of Criminal Justice Services

The Honorable Jackson H. Miller
Director

Tracy Louise Winn Banks, Esq.
Chief Deputy Director

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

June 6, 2023

Candice McGarry
County Administrator
84 Courthouse Square
Lovingson, Virginia 22949

RE: 508516-LE ARPA - Law Enforcement Equipment

Dear Candice McGarry:

31020-7035

Congratulations on being a recipient of the above referenced grant program! Your DCJS grant award number is **509820** and was approved for a total award of **\$265,000**, funded through Award Number **21.027 (2023 ARPA)**. The project period is **7/1/2022** through **6/30/2024**.

Included with this letter is a Statement of Grant Award/Acceptance (SOGA). Copies of the FY24 Special Conditions, Reporting Requirements, and Projected Due Dates are posted online at <https://www.dcjs.virginia.gov/grants/grant-requirements> for your review. In addition, there may be "Action Item" Special Conditions related to your grant award called *Encumbrances* that require your immediate attention. If there are any, please submit those documents via the On-line Grants Management System (OGMS) at <https://ogms.dcjs.virginia.gov/>.

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

Additional reporting requirements will be necessary for purchases over \$5000.00. Please refer to the grant conditions regarding the required documentation for claims submission and reimbursement on page 12 of the **ARPA Grant Special Conditions**. Documentation may include, but not be limited to: Equipment Type, VIN or Serial Number, Title Holder, Date of Acquired Goods/Services, and Description of Measures Taken to Prevent Loss, Damage.

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

Candice McGarry
June 6, 2023
Page Two

If you have any questions, please contact your DCJS Grant Monitor through the OGMS portal, or contact the ARPA staff at rr-learpagrants@dcjs.virginia.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Jackson Miller", written in a cursive style.

Jackson Miller

Company No: 001 Account Number: 4100 310201003
 Date: 8/15/23 Forest Cooperative Agreement Wages
 Budget Amount Year To Date Encumbrances

\$4,400.00 \$2,339.83 \$2,339.83 \$2,339.83
 Period: Time: 1058
 Balance \$2,060.17 FY23

Date	Source	Reference	Number	PO#	Amount	Period	Description
07292022	PR	1	20220729		\$322.80	202207	-PAYROLL ENTRY-
08312022	PR	1	20220831		\$2,017.03	202208	-PAYROLL ENTRY-
		G/L	Year-To-Date-		\$2,339.83		

***** 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-
 07012022 BA 1 0000301 \$4,400.00 202207 -APPROPRIATION ENTRY- 04595
 ***** Budget Amount- \$4,400.00

<2,339.83>
\$2,060.17 - Reapprop. FY24 carry-over (2)

**VIRGINIA DEPARTMENT OF HISTORIC RESOURCES
COST SHARE SURVEY AND PLANNING FUNDS AGREEMENT
NELSON COUNTY
FISCAL YEAR 2023-2024**

This agreement is entered into this day June 30, 2023 by Nelson County (the County) and the Virginia Department of Historic Resources (DHR), to fund a selective architectural survey and Preliminary Information Form for the proposed Shipman Historic District. It is the mutual hope and expectation of the County and DHR that this project will result in increased awareness about the location and significance of historic properties and will support the County's long-term planning, education and development goals for this important place.

Witness that Nelson County and DHR, in consideration of mutual covenants, promises and agreements herein contained, agree as follows:

Scope of Agreement: With this agreement, DHR shall provide funding in the amount of \$7,500 for the project and Nelson County agrees that it will provide local matching funds in the amount of \$7,500.

DHR will serve as fiscal agent for the project and will assume administrative responsibility for hiring a qualified consultant, paying all bills, monitoring the progress of the project and ensuring final delivery of a satisfactory product by the scheduled deadlines. Nelson County will be invited to participate in developing the project scope of work and selecting the project consultant.

Nelson County will assume responsibility for notifying local residents and property owners about the project and arranging any necessary community meetings at the beginning of the project. Nelson County will receive copies of the interim submittals from the project consultant, and will be given the opportunity to review the materials, and provide additional guidance and feedback.

If the preferred consultant's cost for the project exceeds \$15,000, negotiations to reduce the scope of services will be explored. If the project cost exceeds \$15,000 after this negotiation and Nelson County decides not to pursue the project on account of additional cost, DHR will not invoice Nelson County \$7,500 for the amount of its contribution. If the project costs are less than \$15,000 DHR, in consultation with the locality, will explore the possibility of additional work to support the project. If no additional work is warranted, DHR will reduce the amount invoiced for the locality portion of the project by the saving amount.

Period of Performance: DHR Cost Share Program funds for this project are available until June 7, 2024, at which time all DHR funds for the project will be expended. If project work is not complete by June 7, 2024, DHR, in consultation with the locality, will explore the possibility of a contract extension with the consultant.

Funding Contingency: DHR Cost Share program funding is contingent upon budgetary considerations. It is understood and agreed among the parties herein that DHR shall be bound hereunder only to the extent of the funds available or which may hereafter become available for the purpose of this agreement. Should funding limitations curtail the project, any remaining funding provided by the County shall be returned by DHR within 30 days of project termination.

This agreement shall consist of:

1. This signed form
2. Any negotiated modifications to this Agreement agreed to by both parties in writing; and
3. DHR's contract documents with the consultant selected to carry out this project, all of which shall be incorporated herein

In witness whereof, the parties have caused this Agreement to be duly executed intending to be bound thereby.

APPLICANT:
NELSON COUNTY

BY: Candice W. McManis

TITLE: County Administrator

DATE: 6/30/2023

SOLICITOR:
DEPARTMENT OF HISTORIC RESOURCES

BY: Julie V. Hangan

TITLE: Director

DATE: 8/10/2023

FUND #-100 GENERAL FUND EXPENDITURES

	FY/2020 EXPENSE	FY/2021 EXPENSE	FY/2022 EXPENSE	ADOPTED FY/2023 BUDGET	AMENDED FY/2023 BUDGET	2023/06 ACTUAL	DEPT FY/2024 REQUEST	ADMIN FY/2024 RECOMMENDS	ADOPTED FY/2024 BUDGET
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NON-DEPARTMENTAL

091030-5645	Rockfish Senior Center Meals	12,367	12,367						
091030-5646	Schuyler Senior Center Meals								
091030-5647	Other Senior Center Contribu	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000
091030-5648	Va. Institute of Gov't	9,000	9,000	9,000	9,000	9,000	9,000	9,000	9,000
091030-5652	Wintergreen Performing Arts	16,504	16,334	16,092	16,092	17,184	18,384	18,384	18,384
091030-5655	Retiree Supplement			2,500	2,500	2,500	2,500	2,500	2,500
091030-5656	Habitat for Humanity- Piedmo	16,538	16,538	18,064	18,064	22,832	18,064	18,064	18,064
091030-5657	Community Center Tax Refunde								
091030-5659	VA BlueRidge Railway Trail F								
091030-5665	Blue Ridge Tunnel(TEA-21)	2,268,318	583,405	81,050	250,000	250,000			
091030-5670	Vietnam War & Conflicts Foun								
091030-5671	BRWC-Latino Outreach								
091030-5680	Schuyler Comm. Ctr-Furnace Co								
091030-5685	TU Planning District Commis	17,435	17,435	17,537	20,412	20,412	20,622	20,622	20,622
091030-5690	Crozet Tunnel Foundation	2,502	5,446	2,345		3,320	1,500	1,500	1,500
091030-5695	Rt 250 Afton Overlook Improv	7,500	7,500						
091030-5700	Humane Society of Nelson Cou								
091030-5705	Jefferson Area CHIP								
091030-5710	TJ Area Crisis Intervention								
	--TOTAL DEPARTMENT--	3,332,976	3,915,723	1,077,486	4,174,426	4,486,725	1,523,028	4,563,669	4,691,407

CAPITAL OUTLAY

091050-1001	Convenience Centers			10,277					
091050-1002	UPS Battery Replacement (IT)				16,000	16,000	16,031	16,031	16,031
091050-1003	Sheriff Dept Lexipol Softwar			34,578			59,359	59,359	59,359
091050-1004	911 NICE Call Recorder Upgra				47,000	47,000	107,000	107,000	107,000
091050-1005	ECC UPS Replacement (E911)						27,850	27,850	27,850
091050-1006	Tower UPS Replacements								
091050-1007	Replace Trimble GPS Units								
091050-2001	Building Inspections Softwar	11,753							
091050-2002	Firewall Upgrade (IT)			4,500					
091050-7001	Ig Format Printer/Scanner (B			9,380			10,000	10,000	10,000
091050-7005	McGinnis Bldg. Structural Re		13,950						
091050-7006	McGinnis Bldg. HVAC Replacem			2,790					
091050-7007	Architectural Partners CH Te				50,000	50,000			
091050-7010	Elementary Schools Study	2,425							
091050-7011	Livingston Revitalization Pl	9,432	24,311						
091050-7015	Transfer Station Scales Repl	34,083							
091050-7016	Registrar Office Renovation-					5,975	5,975	5,975	5,975
091050-7017	Maasies Mill Polling Pl Impr	8,917							
091050-7018	Voting Machine Replacement (
091050-7019	Electronic Pollbook Replacem					42,125	42,125	42,125	42,125
091050-7020	FY22 Compensation Study			5,345		25,180	15,862	15,862	15,862
091050-7021	Courthouse Complex Repairs/P	4,147	2,767	1,407	93,507	137,795	100,074	93,507	93,507
091050-7022	Courthouse Camera Replacemen			15,623		19,400	16,400	16,400	16,400
091050-7023	Comprehensive Plan Update								
091050-7025	Website Development & Upgrad								
091050-7026	IT Email Archive System		7,572						

(MAG) ← 9,518.00
 (MAG) ← 3,000.00

Company No: 223 Account Number: 4100 910507020 Period: 1423
Date: 9/08/23 FY22 Compensation Study Encumbrances Balance Time: 1423

Budget Amount \$25,380.00 Year To Date \$15,862.00 Encumbrances \$.00 Balance \$9,518.00

Date	Source	Reference	Number	PO#	Amount	Period	Description
12122022	AP	1	2243		\$6,345.00	202212	MANAGEMENT ADVISORY GBH-P02744
05092023	AP	1	2309		\$9,517.00	202305	MANAGEMENT ADVISORY GBH-P02777
G/L Year-To-Date-					\$15,862.00		

***** 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-*****

03272023 BT 1 0000283 \$25,380.00 202303 MAG CONTRACT 04708
***** Budget Amount- \$25,380.00

<15,862.00>
9,518.00 - Approp. in FY24 (C)

Company No: 223 Account Number: 4100 910507025 Period: Time: 1423

Date: 9/08/23 Website Development & Upgrade Encumbrances Balance \$3,000.00

Budget Amount \$19,400.00 Year To Date \$16,400.00 Encumbrances \$19,400.00 Balance \$3,000.00

Date	Source	Reference Number	PO#	Amount	Period	Description	BH
02132023	AP	1	NCG0123	\$1,600.00	202302	HIDDEN POND, LLC	BH- 02758
03132023	AP	1	NCG0223	\$800.00	202303	HIDDEN POND, LLC	BH- 02764
04112023	AP	1	NCG0323	\$4,700.00	202304	HIDDEN POND, LLC	BH- 02770
05252023	AP	1	NCG0423	\$5,100.00	202305	HIDDEN POND, LLC	BH- 02780
06282023	AP	1	NCG0523	\$4,200.00	202306	HIDDEN POND, LLC	BH- 02789

***** 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- *****

01102023 BT 1 0000280 \$19,400.00 202301 NC WEBSITE DEVELOPMENT C004662
 ***** Budget Amount- \$19,400.00

Handwritten notes:
 < 16,400.00 >
 3,000.00 - Apprg. in FY24 (M)



BOARD OF
SUPERVISORS

THOMAS D. HARVEY
North District

ERNIE Q. REED
Central District

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AMANDA B. SPIVEY
Administrative Assistant/
Deputy Clerk

LINDA K. STATON
Director of Finance and
Human Resources

June 14, 2023

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

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

1. Commonwealth Attorney's Funding Request: The Board voted to approve a request from the Commonwealth Attorney's office to extend funding to maintain the part-time employment of Benjamin Beliles until September 30, 2023 at \$45.60 per hour. Mr. Beliles will be working 16 hours per week for 13 weeks. The total cost with FICA is \$10,210.39. The Commonwealth Attorney's office will continue to request reimbursement for Nelson County from the Virginia Compensation Board.

Please advise should additional information on these subjects be required.

Cc: File - County Administration

Appropriate \$ 10,210.39
4-100-22010-1003



BOARD OF SUPERVISORS

THOMAS D. HARVEY
North District

ERNIE Q. REED
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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

August 9, 2023

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

Please be advised of the Board of Supervisors decision in session on August 8, 2023 of the following funding request:

Pay To -> 1. Lovingston Village Association Funding Request: The Board voted to approve a request from the Community Investment Collaborative in the amount of \$5,500 for a proposal from Spill Team to host a workshop to help develop a Brand Compass that will assist Lovingston in the areas of target customers' focus, voice, language, and other elements needed to develop the brand and marketing materials for the community. Please advise should additional information on these subjects be required.

Cc: File - County Administration

91030-5641

\$5,500.00 (4)



BOARD OF
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Central District

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Administrative Assistant/
Deputy Clerk

LINDA K. STATON
Director of Finance and
Human Resources

August 9, 2023

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

Please be advised of the Board of Supervisors decision in session on August 8, 2023 of the following funding request:

1. *Valley* Rockfish Senior Group Funding Request: The Board voted to approve a funding request from the Rockfish Senior Group in the amount of \$12,300 for FY24. Please advise should additional information on these subjects be required.

Cc: File - County Administration

*(Vendor #3368)
91030-5645
\$12,300⁰⁰ (2)*



- 2023 Legislative Priorities -

PUBLIC EDUCATION FUNDING

We urge the State to fully fund its share of the realistic costs of the Standards of Quality (SOQ) without making policy changes that reduce funding or shift funding responsibility to localities.

- Localities need an adequately-defined SOQ that closes the gap between what school divisions are providing and what the State currently funds in the SOQ.
- We support adequate pipeline programs for teachers, especially in critical shortage areas.
- Localities and school divisions should have flexibility in the use of state funds provided for school employee compensation.
- We support funding and policies for hiring school bus drivers and mental health professionals.

BUDGETS AND FUNDING

We urge the governor and legislature to enhance state aid to localities and public schools, to not impose mandates on or shift costs to localities, and to enhance local revenue options.

- Adequate state investment for local service delivery is crucial.
- 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.
- We support additional and strengthened revenue options for localities in order to diversify the local revenue stream; the state should not restrict local revenue sources or confiscate or redirect local general fund dollars to the state treasury.
- Any tax reform efforts should examine financing and delivery of state services at the local level and how revenue is generated relative to our economic competitiveness.

BROADBAND

We 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.

- We support additional dollars for localities and the private sector to help extend service to areas unserved by any broadband provider.
- Cooperative efforts among private broadband, internet and wireless companies, and electric cooperatives to ensure access to service at an affordable cost are key to success.
- We support state and federal efforts to address concerns such as easement usage associated with broadband deployment and to maintain local land use and permitting authorities.

New & Unfinished Business

DATE: September 8, 2023

RE: September 12, 2023 Agenda Summary Item V. A-H New & Unfinished Business

V. NEW & UNFINISHED BUSINESS

A. Change in November Regular BOS Meeting Date (R2023-58):

This change of the regular meeting from November 14th to November 16th is being requested due to the conflict with the Board's attendance of the VACo Conference which runs through November 14, 2023.

Recommended Action: Adoption of proposed resolution **R2023-58**

B. Gladstone Depot TAP Resolution of Support (R2023-59):

The Board previously authorized the submittal of FY25/26 Transportation Alternative (TA) Program grant funding pre-applications for further funding of the Gladstone Depot Relocation and Restoration Project which received an initial funding award in September of 2022. The pre-application was screened in for submittal of a final application due October 2, 2023 and requires a Governing Body letter of support.

The initial funding award occurred in September of 2022, the County signed off on the grant agreement in May 2023 and returned it to VDOT for its execution. Between May 2023-August 2023, VDOT and FHWA (Federal Highway Administration) performed further review of the grant and determined that there were multiple elements of the project budget/estimate that were not eligible expenditures within the grant parameters. The primary of these ineligible expenditures being relocation of the Depot building. They have related to County staff and Friends of Gladstone Depot representatives that because this is funded in the category of historic preservation and rehabilitation of a historic transportation facility, that "TA funds cannot be used to relocate the historic transportation building to either another alignment on or near the current property or to another property because the historic property is directly tied to the land where it was originally built." They also advised that "In the event that TA funds could not be used for a relocation of the Depot, relocating a historic transportation structure would potentially make the building not historic anymore if moved from its original location and would jeopardize its eligibility for TA funds to support otherwise eligible historic preservation activities." FHWA did indicate there could be some caveats to this second issue depending on circumstances that would have to be talked through. They also advised that they did not believe the project could be completed within the four-year window allowed in the initial grant and they recommended that the initial grant award be canceled and the County proceed with a total project application in the FY25/26 final submission up to the maximum project cap for federal funding of \$2.5Million or consider applying for the total project in the FY27/28 cycle. VDOT indicated they would like to review the full budget for the project in order to provide guidance about which project expenses are not eligible for TA grant fund reimbursement; which are generally anything related to the relocation and anything that falls outside of historic preservation/rehabilitation activities. Friends of Gladstone and their consultant Coleman Adams are evaluating these expenditures for provision to VDOT for this review.

County staff met with Ms. Absher and Ms. Sanchez of the Friends of Gladstone Depot to discuss

the feasibility of the project moving forward given that relocation of the Depot would have to be paid for with a different funding source and that moving it may render it ineligible for future TA grant funding. Staff has followed up with VDOT to get clarification on several questions that are aimed to help Friends of Gladstone Depot make a decision to proceed or not. Should the group wish to proceed, staff will work with VDOT/FHWA, the Friends of Gladstone Depot, and the TJPDC between now and the grant submission deadline to re-work the grant application for eligible project expenditures.

Recommended Action: Adoption of proposed resolution **R2023-59** so it is available for final grant submittal by the October 2, 2023 deadline.

C. Lovingston TAP Resolution of Support (R2023-60):

The Board previously authorized the submittal of a FY25/26 Transportation Alternative (TA) Program grant funding pre-application for funding of the Lovingston Front Street Sidewalk Improvements Project. The pre-application was screened in for submittal of a final application due October 2, 2023 and requires a Governing Body letter of support.

This application is for the widening of sidewalks on the west side of Front street between Main Street and Theater Drive in order to meet accessibility standards. Curb ramps with detectable warning surfaces will be installed and curb extensions and bump-outs will be constructed at future crosswalk locations. Additional work includes replacing driveway ramps that don't meet ADA standards and utility pole relocation from the sidewalk area so they are unobstructed. TJPDC is working with VDOT staff to update budget estimate numbers for the final application submittal.

Recommended Action: Adoption of proposed resolution **R2023-60** so it is available for final grant submittal by the October 2, 2023 deadline.

D. Nelson County Drug Court Funding Request:

Lisa Bryant, Circuit Court Clerk has requested the Board provide either monetary funding in the Drug Court Budget for gift cards or purchase gift cards as incentives to participants in the County's Drug Court program. There are currently 2 participants enrolled.

Recommended Action: Authorize a nominal budgetary contribution to the Drug Court budget for this purpose to be transferred from non-recurring contingency.

E. Nelson FFA Alumni Chapter Funding Request:

The Nelson FFA Alumni Chapter is requesting funding for High School FFA teams to travel to two National FFA competitions involving four students at each competition – one in September and one in November. The cost per student is \$1,000. Full funding would be \$8,000; however, the Chapter is requesting any support the Board is willing to give. The Alumni Chapter advised that the FFA Chapter has requested School Board funding (outcome pending) and the annual bluegrass music fundraiser will be held on October 14th.

Recommended Action: Consider authorizing a contribution to be paid from non-recurring contingency.

F. Authorization for PH to Correct FY24 Budget Adoption and Appropriation Resolutions (R2023-61):

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.

Recommended Action: Adoption of proposed Resolution **R2023-61**

G. Authorization for PH on FY24 Budget Amendment for School Construction Funds (R2023-62):

On March 28, 2023, the Board of Supervisors voted 3-0 (Mr. Parr and Mr. Harvey being absent) to provide a letter of financial commitment for the School Division's School Construction Assistance Program grant application that stated its pledge of financial support in the form of payment of debt service of related financing to fund the proposed NCHS renovation as follows:

"As chairman of the Nelson County Board of Supervisors, we pledge financial support to fund the renovation of Nelson County High School through the payment of debt service for the duration of the loan term. Grant funds are requested to partially fund the cost of the renovation which will include electrical, mechanical, lighting and plumbing and upgraded floor and wall surfaces. Anticipated cost of the renovation is \$24,517,032 though actual costs will not be known until the project is bid. Sufficient funds will be afforded the school division to operate and maintain the facility for the duration of the loan term."

The School Division was awarded the 10% grant at a special meeting of the Department of Education Board on May 11, 2023 in the amount of \$2,451,703, which was communicated to Supervisors via email the same day. The official notification from the State Department of Education was dated June 21, 2023.

County and School Division Staff met and discussed the project status and they are currently in negotiations with an architectural firm for AE services related to the renovation. The grant funds must be contractually obligated by November 2023 and they are working towards meeting this deadline. They anticipate using only these grant funds in FY24 with the project financing and majority of expenditures expected to occur in FY25. Staff will be in consultation with the Schools and Davenport on project financing options and timeline in the near future.

The proposed FY2023-2024 Budget Amendment provides for a supplemental appropriation of School Construction Assistance Program Grant Funds, as requested by the School Division. This request is in the amount of \$2,451,703 which pursuant to §15.2-2507 of the Code of Virginia exceeds the statutory limit of one percent of the total expenditures shown in the currently adopted budget, that can be approved without first holding a public hearing.

Recommended Action: Adoption of proposed Resolution **R2023-62**

H. Special Use Permit #986 – Outdoor Entertainment Venue:

The Board held a public hearing on August 8th on SUP #986 and deferred its consideration until this September 12th regular meeting. During this session, the Board reviewed the condition recommendations provided by the Planning Commission and requested an alternative suggestion for the condition that limits the number of events per year to 150.

Planning Staff recommend this alternative: Events with fewer than 75 attendees will be not be limited. Events with between 76-125 attendees will be limited to 75 per year. Events between 126-150 attendees will be limited to 25 events per year. Category 1 and 2 Events shall receive individual Temporary Event Permits. Exempt events will be unaffected by this condition.

Recommended Action: Consider staff's recommended alternative condition to SUP #986



BOARD OF
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RESOLUTION R2023-58
NELSON COUNTY BOARD OF SUPERVISORS
RESCHEDULING OF NOVEMBER 2023 REGULAR MEETING

WHEREAS, the Nelson County Board of Supervisors hereby establishes that an alternate date for the Board's regular monthly meeting on November 14, 2023 is necessary due to the attendance of some members of said governing body at the annual conference of the Virginia Association of Counties through November 14, 2023;

NOW THEREFORE BE IT RESOLVED, by the Nelson County Board of Supervisors pursuant to §15.2-1416 (Regular meetings) of the Code of Virginia that the regular meeting of the Board on **Tuesday, November 14, 2023** be and hereby is rescheduled to **Thursday, November 16, 2023**.

Approved: _____

Attest: _____, Clerk
Nelson County Board of Supervisors

Code of Virginia
Title 15.2. Counties, Cities and Towns
Subtitle II. Powers of Local Government
Chapter 14. Governing Bodies of Localities
Article 2. Meetings of Governing Bodies

§ 15.2-1416. Regular meetings

A. The governing body shall assemble at a public place as the governing body may prescribe, in regular session in January for counties and in July for cities and towns. Future meetings shall be held on such days as may be prescribed by resolution of the governing body but in no event shall less than six meetings be held in each fiscal year.

B. The days, times and places of regular meetings to be held during the ensuing months shall be established at the first meeting which meeting may be referred to as the annual or organizational meeting; however, if the governing body subsequently prescribes any public place other than the initial public meeting place, or any day or time other than that initially established, as a meeting day, place or time, the governing body shall pass a resolution as to such future meeting day, place or time. The governing body shall cause a copy of such resolution to be posted on the door of the courthouse or the initial public meeting place and inserted in a newspaper having general circulation in the county or municipality at least seven days prior to the first such meeting at such other day, place or time. Should the day established by the governing body as the regular meeting day fall on any legal holiday, the meeting shall be held on the next following regular business day, without action of any kind by the governing body.

At its annual meeting the governing body may fix the day or days to which a regular meeting shall be continued if the chairman or mayor, or vice-chairman or vice-mayor if the chairman or mayor is unable to act, finds and declares that weather or other conditions are such that it is hazardous for members to attend the regular meeting. Such finding shall be communicated to the members and the press as promptly as possible. All hearings and other matters previously advertised shall be conducted at the continued meeting and no further advertisement is required.

C. Regular meetings may be adjourned from day to day or from time to time or from place to place, not beyond the time fixed for the next regular meeting, until the business before the governing body is completed. Notice of any regular meeting continued under this section shall be reasonable under the circumstances and be given as provided in subsection E of § [2.2-3707](#).

D. The governing body shall provide members of the general public with the opportunity for public comment during a regular meeting at least quarterly.

E. Notwithstanding the provisions of this section, any city or town that holds an organizational meeting in compliance with its charter or code shall be deemed to be in compliance with this section.

Code 1950, § 15-241; 1950, p. 8; 1954, c. 286; 1958, c. 291; 1960, c. 33; 1962, cc. 218, 623, § 15.1-536; 1964, c. 403; 1980, c. 420; 1994, cc. [371](#), [591](#); 1997, c. [587](#); 2004, c. [549](#); 2017, c. [616](#); 2020, c. [1144](#); 2023, c. [536](#).

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

whose provisions have expired.



BOARD OF SUPERVISORS

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LINDA K. STATON
Director of Finance and
Human Resources

**RESOLUTION R2023-59
NELSON COUNTY BOARD OF SUPERVISORS
ENDORSEMENT OF THE GLADSTONE DEPOT PROJECT
TRANSPORTATION ALTERNATIVES FINAL 2023 GRANT APPLICATION**

WHEREAS, in accordance with the Commonwealth Transportation Board construction allocation procedures, it is necessary that a resolution be received from the sponsoring local jurisdiction or agency requesting the Virginia Department of Transportation (VDOT) to establish a project in the County of Nelson.

NOW, THEREFORE, BE IT RESOLVED, that the County of Nelson requests the Commonwealth Transportation Board to establish a project for the **Gladstone Depot renovation project**.

BE IT FURTHER RESOLVED THAT: County of Nelson hereby agrees to provide its share of the total cost for preliminary engineering, right-of-way and construction of this project in accordance with the project financial documents subject to appropriation. The maximum local share is \$625,000 on a lifetime project maximum of \$2.5 Million in federal Transportation Alternatives grant funds.

BE IT FURTHER RESOLVED THAT: The County of Nelson hereby agrees to enter into a project administration agreement with VDOT and provide the necessary oversight to ensure the project is developed in accordance with all applicable federal, state and local requirements for design, right-of-way acquisition, and construction of the project.

BE IT FURTHER RESOLVED THAT: If the County of Nelson subsequently elects to cancel the project, the County of Nelson hereby agrees to reimburse VDOT for the total amount of costs expended by VDOT through the date VDOT is notified of such cancellation. The County of Nelson also agrees to repay any funds previously reimbursed that are later deemed ineligible by the Federal Highway Administration or VDOT.

BE IT FURTHER RESOLVED THAT: The Nelson County Board of Supervisors hereby grants authority for the County Administrator to apply for funds and execute project administration agreements, as well as other documents necessary for approved projects.

Approved: _____

Attest _____, Clerk
Nelson County Board of Supervisors

From: [Candy McGarry](#)
To: [Amanda Spivey](#)
Subject: FW: Gladstone Depot/Nelson County
Date: Tuesday, September 5, 2023 6:32:27 PM
Attachments: [image001.png](#)

FYI for the packets, thanks!

From: Short, Terry (VDOT) [<mailto:Terry.ShortJR@VDOT.Virginia.gov>]
Sent: Tuesday, September 5, 2023 6:16 PM
To: Candy McGarry <CMcGarry@nelsoncounty.org>
Subject: Re: Gladstone Depot/Nelson County

Sure thing. \$2.5M is the total federal TA participation cap, for a total project expenditure of \$3,125,000.

Hope that helps.

Terry



Terry R. Short, Jr.
Assistant Division Director / Local Assistance Division
Virginia Department of Transportation
804.371.0505 desk
540.447.6350 mobile
terry.shortjr@VDOT.Virginia.gov

From: Candy McGarry <CMcGarry@nelsoncounty.org>
Sent: Tuesday, September 5, 2023 6:13:13 PM
To: Short, Terry (VDOT) <Terry.ShortJR@VDOT.Virginia.gov>
Subject: RE: Gladstone Depot/Nelson County

Good Afternoon Terry,

In your email below you said: all projects have a lifetime cap of \$2.5 million in federal funds, so you may apply for up to \$1,913,034 in federal funds – the cap of \$2.5 million requires a local match of \$625,000.

I am looking at section 3.3 Local Match Requirement of the TAP program guidance document. The only way that a local match of \$625,000 works is if the total project expenditure is \$3,125,000 - \$625,000 local and \$2,500,000 TA funds.

Is the total project cost cap \$2.5M or is the total federal funds cap \$2.5M?

Thanks in advance for clarification!

Best,
Candy

From: Short, Terry (VDOT) [<mailto:Terry.ShortJR@VDOT.Virginia.gov>]

Sent: Monday, August 14, 2023 1:48 PM

To: Absher, JoAnne (DCR) <JoAnne.Absher@dcr.virginia.gov>; Brown, Jay S. (VDOT) <Jay.Brown@VDOT.Virginia.gov>; Voll, Brittany (VDOT) <Brittany.Voll@vdot.virginia.gov>; Dudley, Russell A. (VDOT) <Russ.Dudley@VDOT.Virginia.gov>; Candy McGarry <CMcGarry@nelsoncounty.org>; jfunk@coleman-adams.com; Lipscomb, Matthew L., P.E. (VDOT) <Matthew.Lipscomb@VDOT.Virginia.gov>; Amanda Spivey <aspivey@nelsoncounty.org>

Subject: Gladstone Depot/Nelson County



IRONSCALES couldn't recognize this email as this is the first time you received an email from this sender Terry.ShortJR@VDOT.Virginia.gov

Good afternoon,

Thank you again for the conversation last week regarding the Gladstone Depot project. Please find attached PDFs of the emails from our contact at the Federal Highway Administration (FHWA). These contain information about the eligible use of a preserved/rehabilitated historic transportation structure as well as the relocation.

For some general guidance, VDOT provides a supplemental TA guidance document (Transportation Alternatives Program (TAP) – Local Assistance Division; [the 2023 draft version is available now](#)) to FHWA's guidance. Federal laws and regulations supersede any guidance that VDOT provides as this is an FHWA program administered by VDOT. The TA guidance document is intended to provide additional information about the program administered by VDOT, including areas where Virginia may have additional laws and regulations not captured in federal code – this is also where the Locally Administered Projects Manual (LAP Manual) becomes a key resource. The TA guide speaks to eligibility for funding, while the LAP Manual covers all of the requirements for project development and delivery regardless of funding source.

According to federal code and regulations, TA funds may be used for the preservation and rehabilitation of historic transportation facilities per 23 U.S.C. 133(h)(3)(A). This includes projects eligible under the Fixing America's Surface Transportation (FAST) Act of 2015 and described in 23 U.S.C. 101(a)(29) or 23 U.S.C. 213. The eligible historic preservation activities under the current Infrastructure Investment and Jobs Act (IIJA)/Bipartisan Infrastructure Law (BIL) include historic preservation and rehabilitation of a historic transportation facility, in place, for an eligible TA purpose. Here is the current [FHWA guidance on this program](#), which states that only preservation and rehabilitation activities, not operation, are eligible (page 28), and that ineligible activities include "general recreation and park facilities ... or other facilities that do not serve an eligible TA Set-Aside, [Recreational Trails Program], or [Safe Routes to School] purpose" (page 23).

The former activities eligible under the Moving Ahead for Progress in the 21st Century (MPA-21) Act's Transportation Enhancement program 23 U.S.C. 101(a)(29)(E)(ii), including the conversion of historic transportation properties to museums with transportation themes and the operation of a preserved or restored facility, were rendered ineligible by the FAST Act and

remain ineligible under IJJA/BIL.

Due to the planned relocation, further coordination will be required among VDOT and FHWA, with information from DHR, to determine whether FHWA will consider the relocated structure to be eligible for TA funding.

Per our discussion last week, we intend to screen in one pre-application and screen out the other three. Due to the nature of this project, it is not eligible to be split across multiple project UPCs as the TA program requires that all projects reach construction and be completed. Under new Commonwealth Transportation Board policy, all projects have a lifetime cap of \$2.5 million in federal funds, so you may apply for up to \$1,913,034 in federal funds – the cap of \$2.5 million requires a local match of \$625,000.

The current project under UPC 121612 is required to reach construction, defined as construction advertisement, by September 30, 2026. If the project is not able to meet this requirement, then it will be canceled and the funding deobligated. If you have concerns about meeting this date, then we recommend canceling the existing project and submitting a full application for the \$2.5 million (dependent upon project budget/need) to start over with a new four-year timeline beginning in FY25 or FY26, contingent upon funding award. Further, depending on the project timeline, you may elect not to pursue a full application in this cycle but instead apply in the calendar year 2025 cycle for funding to begin in FY27 or FY28.

As discussed on Friday, VDOT would like to review the full budget for this project to provide guidance about which expenses are not eligible for reimbursement. Generally, these are any expenses relating to the relocation and anything that falls outside of the historic preservation/rehabilitation activities, including the installation of an upgraded kitchen, etc. Please provide a site plan for the project when providing the list of expenses so that we can review the proposed external project components for eligibility.

We highly recommend ongoing coordination with Jay Brown at the Lynchburg District to provide additional information about the intended use of the project, including planned operating hours, in advance of submitting a full application.

Thank you,

Terry



Terry R. Short, Jr., AICP

Assistant Division Director / Local Assistance Division

Virginia Department of Transportation

804.371.0505 - desk

540.447.6350 - mobile

terry.shortjr@VDOT.Virginia.gov

RE: Question Regarding TA Eligibility - Historical Preservation

Minor, Steven (FHWA) <steven.minor@dot.gov>

Tue 7/11/2023 3:59 PM

To: Voll, Brittany (VDOT) <Brittany.Voll@vdot.virginia.gov>

Cc: Short, Terry (VDOT) <Terry.ShortJR@VDOT.Virginia.gov>

Good afternoon,

Transportation Museums and Visitor Centers are not eligible under Transportation Alternatives. MAP-21 legislation in 2012 eliminated those categories. (They used to be eligible under the Transportation Enhancement activities).

Transportation Alternatives funds can be used for historic preservation purposes to preserve and protect the building according to historic preservation standards. TA funds cannot be used to develop exhibits for a museum, visitor center amenities, or to provide other amenities inconsistent with historic preservation.

Work for preserving building integrity is eligible. However, additional work for turning the building into an event venue is **not** eligible. Furthermore, if you use Federal-aid funds for historic preservation, then additional work that would compromise the historic integrity **cannot** be permitted.

For the outside work there are some questions in terms of potential eligibility. What is the historic integrity of the fencing? If there is no historic precedence, it is **not** eligible. If the fencing is necessary for historic integrity, then it is eligible. Landscaping that is consistent with the historic character of the building and necessary for ensuring building integrity would be eligible. Leaving dirt is not considered a finished product (23 U.S.C. 319). The landscaping should be consistent with the historic character. Legislation allows necessary access (walkway), but no ornamental items that are not consistent with the historic train station.

I recommend speaking with the state Historic Preservation Officer to look at this project before moving forward.

Steven.

From: Voll, Brittany (VDOT) <Brittany.Voll@vdot.virginia.gov>

Sent: Tuesday, July 11, 2023 12:19 PM

To: Minor, Steven (FHWA) <steven.minor@dot.gov>

Cc: Short, Terry (VDOT) <Terry.ShortJR@VDOT.Virginia.gov>

Subject: Re: Question Regarding TA Eligibility - Historical Preservation

CAUTION: This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Hi Steven,

We appreciate your help looking into this.

This is what the application states regarding use:

"The Gladstone Depot will be utilized as a museum and community center/meeting place for local organizations. The future center will develop a transportation display/museum beginning with the local history of the bateaus, Kanawha Canal, Richmond Alleghany Railroad and into the modern-day era of CSX passenger and freight transportation. Friends of Gladstone Depot will also develop a plan for live interpretation of the Gladstone C&O yard, which will involve volunteers. The Friends of Gladstone Depot will implement a volunteer roster to help coordinate the volunteers and to provide professional presentations to the public. They will also utilize the Gladstone Depot as a public rental venue for weddings, family reunions and private events. The staffing will initially be done by Board members until funding is in place to support paid staff such as interpreters and accountants. Funds will be generated through small museum entry fees and venue rental fees. The Friends of Gladstone Depot will leverage existing and future relationships with other organizations to identify volunteers that will support the operations. They have referenced opportunities to form partnerships with James River State Park, Virginia Canals and Navigational Society, and the Old Dominion Chapter of Historical Railways among others. They have initiated efforts with the support of the Director of the Roanoke Transportation Museum to become part of the Heritage Rail Trail which would help generate additional revenue."

Thank you again,

Brittany D. Voll, ENV SP, CTPA

Federal Programs Manager / Local Assistance Division

Virginia Department of Transportation

804-786-8918 | 804-659-1602

Brittany.Voll@VDOT.Virginia.gov



From: Minor, Steven (FHWA) <steven.minor@dot.gov>

Sent: Tuesday, July 11, 2023 10:54 AM

To: Voll, Brittany (VDOT) <Brittany.Voll@vdot.virginia.gov>

Cc: Short, Terry (VDOT) <Terry.ShortJR@VDOT.Virginia.gov>

Subject: RE: Question Regarding TA Eligibility - Historical Preservation

Hi,

I am doing some research now. I do have one question, Is the train depot going to be part of a trail or another type of transportation mode?

Steven.

From: Voll, Brittany (VDOT) <Brittany.Voll@vdot.virginia.gov>

Sent: Tuesday, July 11, 2023 10:37 AM

To: Minor, Steven (FHWA) <steven.minor@dot.gov>

Cc: Short, Terry (VDOT) <Terry.ShortJR@VDOT.Virginia.gov>
Subject: Question Regarding TA Eligibility - Historical Preservation

CAUTION: This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Good morning Steven,

We are going through a Transportation Alternatives pre-application cycle now, with a closing date of August 15, and have some questions regarding expense eligibility relating to a specific pre-application.

A locality has submitted a pre-application for a historic preservation project to restore a train depot, and we are wondering if you could provide additional guidance about what types of individual expenses are eligible/ineligible for this type of project. Attached is the estimate of costs for this specific pre-application that prompted our questions. Are expenses for work external to the building footprint eligible, such as landscaping and fencing?

We would be happy to set up a virtual meeting to discuss in more detail if that would be helpful. Please let me know if you have any questions or need additional information.

Thank you,

Brittany D. Voll, ENV SP, CTPA

Federal Programs Manager / Local Assistance Division



Virginia Department of Transportation

804-786-8918 | 804-659-1602

Brittany.Voll@VDOT.Virginia.gov

RE: Question Regarding TA Eligibility - Historical Preservation

Minor, Steven (FHWA) <steven.minor@dot.gov>

Tue 7/25/2023 11:41 AM

To: Voll, Brittany (VDOT) <Brittany.Voll@vdot.virginia.gov>

Cc: Short, Terry (VDOT) <Terry.ShortJR@VDOT.Virginia.gov>

Hello,

Please see below some information in reference to TA eligibility. Please let me know if you have additional questions.

For TA-eligible historic preservation projects, can TA funds be used to relocate the historic transportation building to either another alignment on or near the current property or to any other property?

No – the historic property is directly tied the land where it was originally built.

In the event that TA funds could not be used for a relocation, would relocating a historic transportation structure jeopardize its eligibility for TA funds to support otherwise eligible historic preservation activities?

Yes – that would potentially make the building **NOT** historic anymore if it is moved from its original location.

The one caveat is that you could theoretically temporarily lift the structure using TA money to fix the foundation and then lower the structure back down on the foundation. There may be some other caveats, on an ask like this that should be talked through. What potential options are there in terms, of why do you want to move this building? Is there an access issue that can fixed another way? What are other constraints are at this location etc.?

Steven.

Steven Minor

U.S. DOT | Community Planner

Federal Highway Administration – Virginia Division

Office: (804) 775-3359

Additional Contact: Teams (Calendar Invite)

Steven.Minor@Dot.Gov

From: Minor, Steven (FHWA)

Sent: Monday, July 24, 2023 9:44 AM

To: Voll, Brittany (VDOT) <Brittany.Voll@vdot.virginia.gov>

Cc: Short, Terry (VDOT) <Terry.ShortJR@VDOT.Virginia.gov>

Subject: RE: Question Regarding TA Eligibility - Historical Preservation

Good Morning,

I will do some research and reach out to HQ. It may be a bit if I cannot find the answer as our two HQ specialists are out of the office until the beginning of August.

Steven.

From: Voll, Brittany (VDOT) <Brittany.Voll@vdot.virginia.gov>

Sent: Friday, July 21, 2023 10:08 AM

To: Minor, Steven (FHWA) <steven.minor@dot.gov>

Cc: Short, Terry (VDOT) <Terry.ShortJR@VDOT.Virginia.gov>

Subject: Re: Question Regarding TA Eligibility - Historical Preservation

CAUTION: This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Good morning Steven,

We've had a little more internal discussion about historic preservation projects in general and had a couple of follow-up questions. For TA-eligible historic preservation projects, can TA funds be used to relocate the historic transportation building to either another alignment on or near the current property or to any other property? In the event that TA funds could not be used for a relocation, would relocating a historic transportation structure jeopardize its eligibility for TA funds to support otherwise eligible historic preservation activities?

I'm happy to schedule a call if that would be easier!

Thank you,

Brittany D. Voll, ENV SP, CTPA

Federal Programs Manager / Local Assistance Division

Virginia Department of Transportation

804-786-8918 | 804-659-1602

Brittany.Voll@VDOT.Virginia.gov



From: Voll, Brittany (VDOT) <Brittany.Voll@vdot.virginia.gov>
Sent: Wednesday, July 12, 2023 8:46 AM
To: Steven Minor <Steven.Minor@DOT.gov>
Subject: Re: Question Regarding TA Eligibility - Historical Preservation

Thank you, Steven. Your email was very comprehensive and addressed all of our questions.

Brittany D. Voll, ENV SP, CTPA

Federal Programs Manager / Local Assistance Division



Virginia Department of Transportation

804-786-8918 | 804-659-1602

Brittany.Voll@VDOT.Virginia.gov

From: Minor, Steven (FHWA) <steven.minor@dot.gov>
Sent: Tuesday, July 11, 2023 4:01 PM
To: Voll, Brittany (VDOT) <Brittany.Voll@vdot.virginia.gov>
Subject: RE: Question Regarding TA Eligibility - Historical Preservation

Take a look at the e-mail I just sent you. If you have questions lets schedule a quick Teams call Friday morning.

Steven.

From: Voll, Brittany (VDOT) <Brittany.Voll@vdot.virginia.gov>
Sent: Tuesday, July 11, 2023 3:51 PM
To: Minor, Steven (FHWA) <steven.minor@dot.gov>
Subject: Re: Question Regarding TA Eligibility - Historical Preservation

CAUTION: This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Hi Steven,

Yes, I am available today at/after 5 p.m., tomorrow for most of the day, and all day Friday. Please let me know what would work for you and I'd be happy to send an invitation.

Thank you,
Brittany

Brittany D. Voll, ENV SP, CTPA

Federal Programs Manager / Local Assistance Division

Virginia Department of Transportation

804-786-8918 | 804-659-1602

Brittany.Voll@VDOT.Virginia.gov

From: Minor, Steven (FHWA) <steven.minor@dot.gov>
Sent: Tuesday, July 11, 2023 3:28:05 PM
To: Voll, Brittany (VDOT) <Brittany.Voll@vdot.virginia.gov>
Subject: RE: Question Regarding TA Eligibility - Historical Preservation

Hi Brittany,

Would you have time for a phone call?

Steven.

From: Voll, Brittany (VDOT) <Brittany.Voll@vdot.virginia.gov>
Sent: Tuesday, July 11, 2023 10:37 AM
To: Minor, Steven (FHWA) <steven.minor@dot.gov>
Cc: Short, Terry (VDOT) <Terry.ShortJR@VDOT.Virginia.gov>
Subject: Question Regarding TA Eligibility - Historical Preservation

CAUTION: This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Good morning Steven,

We are going through a Transportation Alternatives pre-application cycle now, with a closing date of August 15, and have some questions regarding expense eligibility relating to a specific pre-application.

8/14/23, 8:25 AM

Mail - Voll, Brittany (VDOT) - Outlook

A locality has submitted a pre-application for a historic preservation project to restore a train depot, and we are wondering if you could provide additional guidance about what types of individual expenses are eligible/ineligible for this type of project. Attached is the estimate of costs for this specific pre-application that prompted our questions. Are expenses for work external to the building footprint eligible, such as landscaping and fencing?

We would be happy to set up a virtual meeting to discuss in more detail if that would be helpful. Please let me know if you have any questions or need additional information.

Thank you,

Brittany D. Voll, ENV SP, CTPA

Federal Programs Manager / Local Assistance Division

Virginia Department of Transportation

804-786-8918 | 804-659-1602

Brittany.Voll@VDOT.Virginia.gov





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**RESOLUTION R2023-60
NELSON COUNTY BOARD OF SUPERVISORS
ENDORSEMENT OF THE FRONT STREET SIDEWALK IMPROVEMENT PROJECT
TRANSPORTATION ALTERNATIVES FINAL 2023 GRANT APPLICATION**

WHEREAS, in accordance with the Commonwealth Transportation Board construction allocation procedures, it is necessary that a resolution be received from the sponsoring local jurisdiction or agency requesting the Virginia Department of Transportation (VDOT) to establish a project in the County of Nelson.

NOW, THEREFORE, BE IT RESOLVED, that the County of Nelson requests the Commonwealth Transportation Board to establish a project for the **Front Street Sidewalk Improvement Project**.

BE IT FURTHER RESOLVED THAT: County of Nelson hereby agrees to provide its share of the total cost for preliminary engineering, right-of-way and construction of this project in accordance with the project financial documents subject to appropriation. The maximum local share is \$625,000 on a lifetime project maximum of \$2.5 Million in federal Transportation Alternatives grant funds.

BE IT FURTHER RESOLVED THAT: The County of Nelson hereby agrees to enter into a project administration agreement with VDOT and provide the necessary oversight to ensure the project is developed in accordance with all applicable federal, state and local requirements for design, right-of-way acquisition, and construction of the project.

BE IT FURTHER RESOLVED THAT: If the County of Nelson subsequently elects to cancel the project, the County of Nelson hereby agrees to reimburse VDOT for the total amount of costs expended by VDOT through the date VDOT is notified of such cancellation. The County of Nelson also agrees to repay any funds previously reimbursed that are later deemed ineligible by the Federal Highway Administration or VDOT.

BE IT FURTHER RESOLVED THAT: The Nelson County Board of Supervisors hereby grants authority for the County Administrator to apply for funds and execute project administration agreements, as well as other documents necessary for approved projects.

Approved: _____

Attest _____, Clerk
Nelson County Board of Supervisors

From: [Jesse Rutherford](#)
To: [Lisa Bryant](#); [Candy McGarry](#); [Amanda Spivey](#)
Cc: [Ernie Reed](#); [Michael R. Doucette](#); [Christopher Weidl](#); [Erik Laub](#)
Subject: Re:
Date: Friday, August 25, 2023 3:38:54 PM

Candy and Amanda,

Please add this to our agenda in September.

Thanks

Jesse Rutherford

Sent from my Verizon, Samsung Galaxy smartphone
Get [Outlook for Android](#)

From: Lisa Bryant <lbryant@vacourts.gov>
Sent: Friday, August 25, 2023 3:37:24 PM
To: Jesse Rutherford <jrutherford@nelsoncounty.org>
Cc: Ernie Reed <ereed@nelsoncounty.org>; Michael R. Doucette <[REDACTED]>
Christopher Weidl <cweidl@oar-jacc.org>; Erik Laub <elaub@nelsoncounty.org>
Subject:

Jesse,

As you are aware, we now have Drug Court, which meets every Tuesday here at the Courthouse. As part of the participant's progress – they can be given gift cards – to Subway, McDonalds – to show praise for their good works and efforts to comply with all of their rules and responsibilities they have while in Drug Court.

I know that the County is involved in this and I would like to request that the County make a monetary contribution either to the Drug Court budget or in gift cards to further the rewards program.

Thanks, Lisa

Lisa D. Bryant, Clerk
Nelson County Circuit Court
P. O. Box 10
Lovingston, VA 22949
(434)263-7020



August 17, 2023

Mrs. Candy McGarry
County Administrator-Nelson County
P.O. Box 336
Lovingson, VA 22949

Dear Mrs. McGarry,

It is with a great deal of pride and satisfaction that we write to you and the Nelson County Board of Supervisors. This past June, we reactivated the Nelson FFA Alumni Chapter. This organization exists to support the high school and middle school FFA chapters. As a board, we appreciate the opportunity to submit this request on behalf of several successful FFA members from our county.

This past spring, the Nelson County FFA did very well competing against the best teams from across the Commonwealth of Virginia at the Virginia FFA State Convention. The Nelson County FFA chapters will have the opportunity to travel to two different national contests this year. In September, the livestock team will travel to the Big E in West Springfield, Massachusetts, and in November, the Farm Business Management team will travel to the National FFA Convention in Indianapolis, Indiana.

The FFA had two teams do exceptionally well and were recognized in Blacksburg at Virginia Tech during the State FFA Convention in June. The Livestock Evaluation team placed 5th at the state level and will have the opportunity to represent Virginia at the Big E in Massachusetts this September. Team members include Campbell Bauserman, Daniel Campbell, Eli Hatter, and Jodie Saunders. The Farm Business Management team placed first place in the state and will represent Virginia at the National FFA Convention in Indianapolis, Indiana, in November. Team members include Houston Bryant, Justin Higginbotham, Abby Kidd, and Lillian Morgan. While at the National FFA Convention, two members of the Nelson Senior FFA will be recognized in front of over 60,000 FFA members as they receive their American FFA Degrees. This is the highest degree achievable in the National FFA Organization, with less than one percent of FFA members receiving this degree. On top of these students being recognized for their hard work and dedication to the organization, officer teams from both the high school and middle school will have the opportunity to gain leadership skills through numerous workshops offered by the National FFA. The high school officer team includes Lillian Morgan, John Campbell, Abby Kidd, Sam Bryant, Maddie Morgan, and Taylor Campbell. The middle school officer team includes Kyle Evans, Jacob Clements, Lillie Rutherford, Hollace Jackson, Dakota Wood, and Dominic Truslow.

In past years, the Nelson County Board of Supervisors has money budgeted for state-winning teams that are traveling to compete in National Competitions. The past trips would not have been possible without the Nelson County Board of Supervisors' support.

These individuals have spent most of their summer and time after school this Fall preparing to go to the Big E and National FFA Convention to compete. The months, and yes, for some, the years of preparation have paid off for these young citizens of our county. These students will have the opportunity to represent Nelson County and the Commonwealth of Virginia in these National contests.

It is our hope that the Board of Supervisors will be able to continue to provide financial assistance for these students who are representing Nelson County. The chapters and alumni are working hard to raise the funds necessary for these students to travel to these national competitions. The anticipated costs for each of these students are around \$1,000. Planning has begun for the Annual FFA Bluegrass benefit that will be held on October 14th to cover as much of these costs as possible. Students, parents, and alumni put in a tremendous amount of effort to make these fundraisers a success.

We appreciate any assistance that you and the Board members can provide in this matter. The Board's tradition of rewarding students who distinguish themselves and the County of Nelson above all other localities in the State is a key motivating factor for these students. We appreciate the Board's generosity in the past and look forward to working with you in the future.

Sincerely,

Kim Bryant

Sarah Harvey

Abby Bryant

Dana Campbell

Nelson FFA Alumni Executive Board

From: [Dana Campbell](#)
To: [Amanda Spivey](#)
Cc: [Candy McGarry](#)
Subject: RE: FFA funding request
Date: Tuesday, August 29, 2023 2:17:01 PM

Hi Amanda – the \$1,000/student amount was given simply to show the cost per child of the trip. We would be pleased with whatever amount the board could provide. In the past, I believe they have funded about \$1,000-2,000. The FFA Chapter itself has made a request to the School Board but I do not know if they have addressed that request. The FFA Chapter's annual Bluegrass Benefit will be held on Oct. 14th. I can be present at the meeting. Dana

From: Amanda Spivey
Sent: Tuesday, August 29, 2023 10:03 AM
To: Dana Campbell <dcampbell@nelsoncounty.org>
Cc: Candy McGarry <CMcGarry@nelsoncounty.org>
Subject: FFA funding request

Dana,

I am in receipt of the attached funding request from the FFA Alumni. We plan to have this on the agenda for consideration at our September 12, 2023 Board of Supervisors' 2 p.m. meeting. We would like to have someone present from the Alumni Group to address the Board regarding this request. Can you clarify the amount of funding requested - \$1,000 per student for 8 students? Do you have any updates on any funds raised thus far? Are the Schools providing any funding for these two groups?

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



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**RESOLUTION R2023-61
NELSON COUNTY BOARD OF SUPERVISORS
AUTHORIZATION FOR PUBLIC HEARING
CORRECTION OF FY24 BUDGET ADOPTION AND APPROPRIATION
RESOLUTIONS**

BE IT RESOLVED, by the Nelson County Board of Supervisors, that pursuant to §15.2-2503, and §15.2-2506 of the Code of Virginia 1950 as amended that a public hearing is hereby authorized to be held on Tuesday, October 10, 2023 at 7:00 PM in the General District Courtroom of the Courthouse in Lovingson, Virginia. The purpose of the public hearing is to receive public input on proposed resolutions correcting the originally approved FY24 Budget Adoption (R2023-40) and Appropriation (R2023-41) Resolutions, to include the \$2,111,079 budgeted within the General Fund to be transferred to the VPA (Department of Social Services) Fund. The General Fund total, including the VPA Fund transfer amount, is \$50,222,334 making the FY24 total appropriations for all funds \$95,163,565.

Approved: _____

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>
	\$95,163,565

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>
	\$95,163,565



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**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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LINDA K. STATON
Director of Finance and
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**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.



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 R2023-62
NELSON COUNTY BOARD OF SUPERVISORS
AUTHORIZATION FOR PUBLIC HEARING
AMENDMENT OF FY2023-2024 BUDGET- SUPPLEMENTAL APPROPRIATION
SCHOOL CONSTRUCTION ASSISTANCE PROGRAM GRANT FUNDS**

BE IT RESOLVED, by the Nelson County Board of Supervisors, that pursuant to §15.2-2507 of the Code of Virginia 1950 as amended that a public hearing is hereby authorized to be held on Tuesday, October 10, 2023 at 7:00 PM in the General District Courtroom of the Courthouse in Lovingston, Virginia. The purpose of the public hearing is to receive public input on a proposed FY2023-2024 Budget Amendment that provides for a supplemental appropriation of School Construction Assistance Program Grant Funds, as requested by the School Division. This request is in the amount of \$2,451,703 which exceeds the statutory limit of one percent of the total expenditures shown in the currently adopted budget that can be approved without first holding a public hearing.

Approved: _____

Attest: _____, Clerk
Nelson County Board of Supervisors

§ 15.2-2507. Amendment of budget

A. Any locality may amend its budget to adjust the aggregate amount to be appropriated during the current fiscal year as shown in the currently adopted budget as prescribed by § 15.2-2504. However, any such amendment which exceeds one percent of the total expenditures shown in the currently adopted budget must be accomplished by publishing a notice of a meeting and a public hearing once in a newspaper having general circulation in that locality at least seven days prior to the meeting date. The notice shall state the governing body's intent to amend the budget and include a brief synopsis of the proposed budget amendment. Any local governing body may adopt such amendment at the advertised meeting, after first providing a public hearing during such meeting on the proposed budget amendments.

B. Pursuant to the requirements of §§ 15.2-1609.1, 15.2-1609.7, 15.2-1636.8, and 15.2-1636.13 through 15.2-1636.17 every county and city shall appropriate as part of its annual budget or in amendments thereto amounts for salaries, expenses and other allowances for its constitutional officers that are not less than those established for such offices in the locality by the Compensation Board pursuant to applicable law or, in the event of an appeal pursuant to § 15.2-1636.9, by the circuit court in accordance with the provisions of that section.

1983, c. 319, § 15.1-162.1; 1984, c. 523; 1997, cc. 587, 602; 2007, c. 297.

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.

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

September 7, 2023

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

Dear Mrs. McGarry,

I am writing to request a Supplemental Appropriation in the amount of \$2,451,703 for the School Construction Assistance Program (SCAP) grant that was awarded on May 11, 2023. A copy of the grant award is attached for your review.

Thank-you,

A handwritten signature in blue ink, appearing to read 'A. Hester', is written over a light blue horizontal line.

Dr. Amanda Hester, Division Superintendent

Cc: Grant File



COMMONWEALTH of VIRGINIA

Lisa Coons, Ed.D.
Superintendent of Public Instruction

DEPARTMENT OF EDUCATION
P.O. BOX 2120
RICHMOND, VA 23218 2120

Office: (804) 225-2057
Fax: (804) 371-2099

June 21, 2023

Dr. Amanda Hester
Division Superintendent
Nelson County Public Schools
84 Courthouse Square
Lovingston, Virginia 22949

RE: Notice of award and quarterly reimbursement process for *School Construction Assistance Program* grant funds

Dear Dr. Hester:

At its business meeting on May 11, 2023, the Board of Education ("Board") awarded School Construction Assistance Program grants to 28 school divisions for 40 school project applications that met the minimum qualifying total criteria score of 65 points and other application requirements. I am pleased to inform you that the following school project application submitted by Nelson County Public Schools for the School Construction Assistance Program (SCAP) was awarded a grant as follows:

Approved SCAP Project Application:	SCAP Grant Award Amount:
Nelson County High School	\$2,451,703

This letter is also to inform you of the process established by the Virginia Department of Education ("VDOE") for divisions to request cost reimbursement or draw-down of awarded grant funds for qualifying project costs. School divisions may submit funding requests each quarter by the following due dates: **January 1; April 1; July 1; and October 1. All qualifying project costs submitted by these dates for VDOE review and payment must be dated on or prior to the quarterly due dates.** VDOE will review all grant funding requests received by the quarterly due dates and process them for payment, if approved. Applications received after the due dates will be reviewed and processed during the next quarterly period.

All funding requests submitted by divisions are made using the Funding Request Form (attached and available online at <https://www.doe.virginia.gov/scap>) and must include supporting documentation substantiating the qualifying project costs for which grant funding is requested. The supporting documentation must include the American Institute of Architects (AIA) Document G702 - Application and Certificate for Payment and Document G703 - Continuation Sheet. This required documentation must be signed by the project architect and contractor before submission to VDOE.

Funding requests must be submitted to VDOE using the "Reimbursement Application Box" set up in the School Construction Assistance Program (SCAP) application in the VDOE Single Sign-On Web Systems (SSWS) portal. This "box" is located on the right-hand side pull-down menu on the SCAP application page and allows divisions to upload their funding request form and supporting documentation in PDF format or as a single zip file containing multiple PDF documents. Detailed instructions on the submission process can be found on the SCAP application page in the SSWS portal.

As a reminder, the following project costs qualify for state funding based on current appropriation act language and Board program guidelines:

Planning, design (architectural and engineering), site acquisition, construction phase costs involving the core building structure and related site work, but not including most financing costs (e.g., closing costs, legal counsel and financial advisor costs, and annual debt service for principal and interest payments that has already begun to be paid), outdoor facilities predominantly used for extracurricular athletic activities, loose equipment, and furniture. The principal-only portion of future debt service payments not yet begun on school projects where construction is pending or just begun is an allowable project cost with grant funding.

Because of the significant amount of state funding involved and legislative/public interest in this program, VDOE is advising divisions awarded these funds to maintain a separate accounting of the revenues received and expenditures made from these funds. Program expenditures may be accounted for locally by establishing a separate expenditure account code or sub-account in the general ledger.

Lastly, as required by Board guidelines, please also submit the attached document to VDOE as soon as possible certifying that the school division will obligate the awarded grant funds within six months of the date of this letter.

Further details on the terms of this grant award are attached. For more information or questions on the SCAP grant reimbursement process, please contact Vijay Ramnarain, Director, Office of Support Services, at Vijay.Ramnarain@doe.virginia.gov or (804) 225-2037.

Sincerely,



Lisa Coons, Ed.D.

Superintendent of Public Instruction

LC/VR

c: Shannon Irvin

Attachments

Terms of Grant Award

Funding Request Form

Certification of Grant Fund Obligation

Nelson County
Planning & Zoning

Memo

To: Board of Supervisors
From: Emily Hjulstrom, Planner
Date: September 12, 2023
Re: Recommendations for Condition to Limit Number of Events – SUP 986

The Board of Supervisors conducted a public hearing for Special Use Permit 986 on August 8th, 2023. During this session, they reviewed the condition recommendations provided by the Planning Commission. The Board has requested an alternative suggestion for the condition that limits the number of events per year.

Exempt events include agritourism activities that, by virtue of the number of attendees, size and location of property, or hours of conduct, do not cause any substantial impact(s) on the health, safety, or general welfare of the public. Category 1 and 2 Temporary Event Permits are currently not limited in number but are required to be applied for individually, they would still need to be applied for individually if this Special Use Permit is approved. Temporary Social Events do not require a permit.

While this is not the only option, it aims to support the Board in making their recommendation. The Board has emphasized the importance of avoiding ambiguity in the condition and has requested a comprehensive approach that clearly addresses various types of events.

On July 26th, the Planning Commission recommended the following:

- The number of events shall be limited to 150 per year.

Staff recommends this alternative:

- Events with fewer than 75 attendees will be not be limited. Events with between 76-125 attendees will be limited to 75 per year. Events between 126-150 attendees will be limited to 25 events per year. Category 1 and 2 Events shall receive individual Temporary Event Permits. Exempt events will be unaffected by this condition.

Nelson County Planning Commission

To: Board of Supervisors

From: Dylan M. Bishop, Director of Planning & Zoning *DMB*

Date: August 8, 2023

Re: SUP #986 – Outdoor Entertainment Venue in A-1 – Silver Fox Lavender Farm
(877 Glenthorne Loop)

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

Public Hearings Scheduled: P/C – July 26; Board – August 8

Location / Election District: 877 Glenthorne Loop / Central District

Tax Map Number(s) / Total acreage: 21-A-115 / 12.83 acres +/- total

Owner/Applicant Contact Information: Stephen & Suzanne Groves, 877 Glenthorne Loop, Nellysford, VA 22958, 540-903-2750, suzigroves@yahoo.com

Comments: This property currently contains an existing barn and infrastructure that is utilized for lavender farm activities, as well as up to (twelve) 12 Social Temporary Events per year, which are both by-right uses in the A-1 Agriculture District. At the time the structure was approved as farm-exempt, however was constructed by a company using an engineered building package to satisfy building codes. There are no physical expansions proposed with this application.

The narrative provided by the applicant details event operations on the property. As interest in their wedding venue business has grown, the applicants are requesting the SUP to expand operations and increase the potential for additional events.

An outdoor entertainment venue is defined as “the non-temporary use of any land, including the erection or use of non-temporary structure(s) or the installation of non-temporary infrastructure, for the hosting and operation of Category 1 and Category 2 Events, Exempt Events, or other entertainment activities for cultural, artistic, social or recreational purposes.”

Category 1 and Category 2 Events, Exempt Events such as Social Temporary are all permitted by-right in the A-1 Agriculture district without permanent facilities or infrastructure. The utilization of the existing barn and infrastructure to host such events, as well as the increased number of events, is what constitutes the Special Use Permit. “Exempt Events” are exempt from permitting requirements in *Article 24 – Temporary Events...*

DISCUSSION:

Land Use / Floodplain: This area is residential and agricultural in nature. Zoning in the vicinity is A-1 Agriculture. A portion of the property is located within a flood zone (Zone A), however only parking areas are located within this area.

Access / Traffic / Parking: This property is accessed by existing entrances Glenthorne Loop. Comments from VDOT indicate that the entrance used for public access will need to satisfy the requirements for a moderate volume commercial entrance, and recommended reducing the number of entrances. Parking requirements in the Zoning Ordinance indicate 1 space for each 100 square feet of area used for assembly is required for clubs, lodges, assembly halls and similar uses without fixed seats. With parking available for up to 196 vehicles, this is sufficient.

Utilities: There is existing septic and well on the property that serves the existing barn. Comments from the Health Department indicate that an engineer will be required to assess the capacity of the existing septic system to determine its adequacy for the proposed use.

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 July 26th, the Planning Commission recommended approval (4-1) of SUP #934 to the Board of Supervisors.

1. The maximum number of attendees at any event shall not exceed 150.
2. Amplified music and sound shall end at 10:30 p.m.
3. There shall be no more than 150 events per year.

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

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

Attachments:

Application

Narrative

Site Plan

Zoning / Floodplain

Public Comments



PERMIT APPLICATION: Nelson County Department of Planning & Zoning

TO THE ZONING ADMINISTRATOR: Special Use Permit # 986
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:
See Attached.

(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: Stephen and Suzanne Groves

Mailing Address: 877 Glenthorne Loop, Nellysford, VA 22958

Telephone #: 540-903-2750 Email Address: suzigroves@yahoo.com

Relationship (if applicable): Owner

Applicant Property Owner Name: N/A

Mailing Address:

Telephone #: Email Address:

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.):
Silver Fox Lavender Farm, 877 Glenthorne Loop, Nellysford, VA 22958

b. Official tax map number: _____, Parcel Map No. 21-A-115

c. Acreage of property: 13

d. Present use: Lavender farm and event venue for up to 150 attendees.

e. Present zoning classification: A-1 Agriculture

f. Zoning classification of surrounding properties: A-1 Agriculture

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.

Signature: Steve Groves Printed Name: Steve Groves

Signature: Suzanne C. Groves Printed Name: Suzanne Groves

(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.

- o Completed application and fee (\$ _____) received on _____
- o Hearing Notice published on _____
- o Planning Commission action: Date of Meeting / Hearing: _____
Recommendation: _____
- o 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/>

Permit Application

Nelson County Department of Planning & Zoning

Applicant: Silver Fox Lavender Farm, (“Silver Fox”)

Special Use Permit/Reason(s) for Request:

The applicant seeks a Special Use Permit to be classified as an Outdoor Entertainment Venue. Currently, Silver Fox is allowed (12) events per year and the business has chosen weddings as events of choice to highlight the farm, natural landscape and scenic vistas. Silver Fox is a small business and pleased to report increased interest in wedding and non-wedding events. In addition to weddings, the business desires to offer smaller event options such family reunions, celebrations of life, company meetings and others. The size of our events will not increase from the current 150 maximum. Most current and future planned events are between 25 - 125 attendees. Since the size of our events does not change, we do not require property or facility expansion or renovation in any way and merely seek to accommodate growth in our business. Nelson County Noise Ordinances are currently enforced and not compromised due to this request. All events end at 10:30.

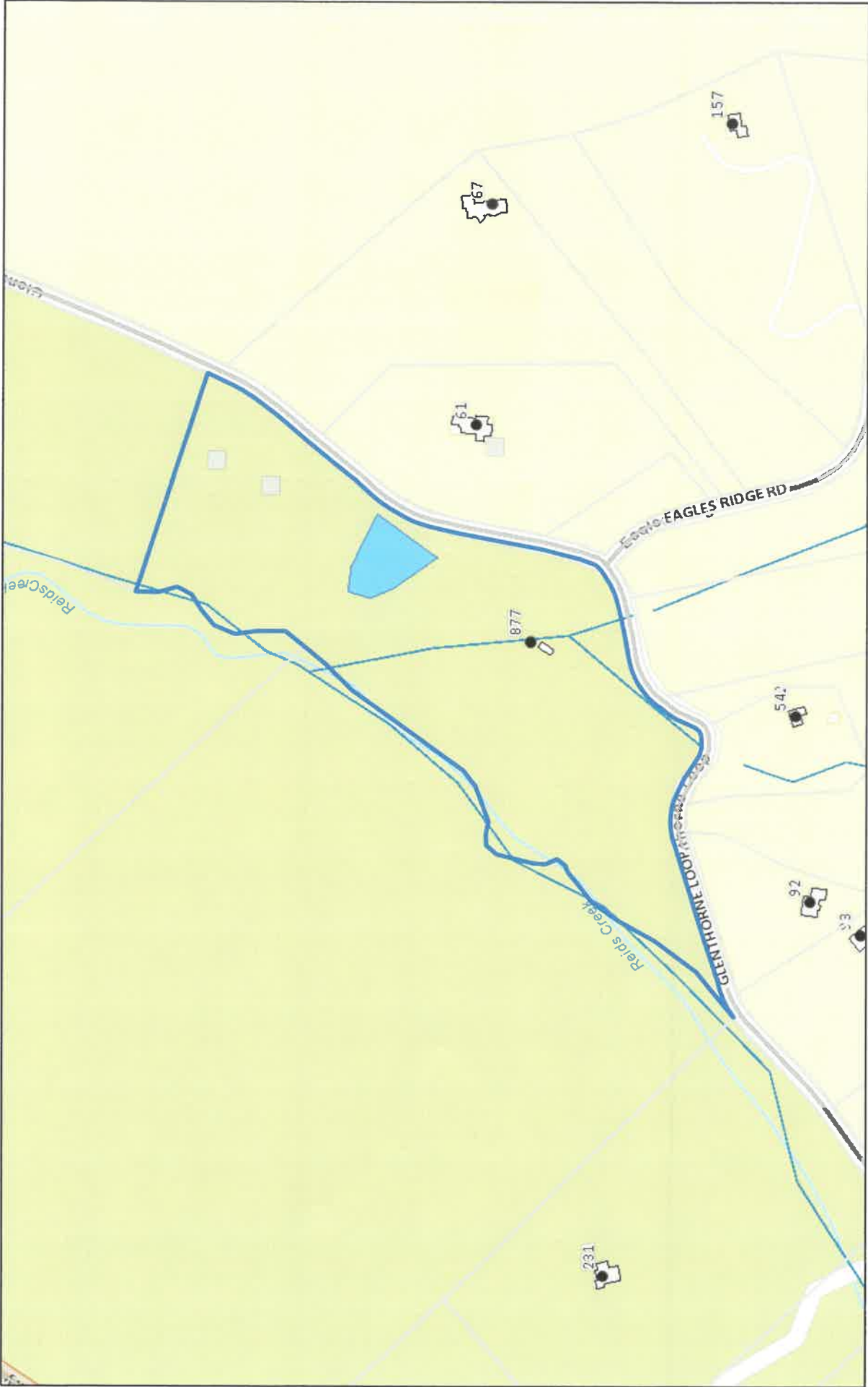
Additional clarifications and business procedures:

Parking: Silver Fox has three parking areas available as outlined on the minor site plan. Using a guide for each parking space being 9’ wide by 18’ deep, the three lots will accommodate 196 cars. This allows more than ample parking space given our max event size is 150. We use event parking directional signs at the entrance/exit areas of each lot and attendants guide guests to open spots. This ensures safety but also depending on event size, traffic can be directed in two different directions from Glenthorne Loop, each connecting at different sections of Route 151 to enhance traffic flow.

Catering: Silver Fox offers a full kitchen for event caterers to include ample counter space as well as two sinks with hot/cold water for clean-up and food prep. A full size refrigerator as well as double ovens are occasionally used. The ovens are most often used to warm up food previously prepared at the caterer’s location. The kitchen has a dedicated entry and exit door and only full service caterers are used thus clean up and trash removal is included.

Restrooms: Silver Fox has two bathrooms inside the venue, one ADA Compliant, and a porta john outside. If there are more than 100 guests, a trailer with at least two stalls is rented by the lessee.

Music: The music is either a DJ or a live band and ends at 10:30 p.m. Volume of music never exceeds noise ordinance levels and enforced. DJ’s or bands have a designated entrance and exit whether they perform inside or outside.



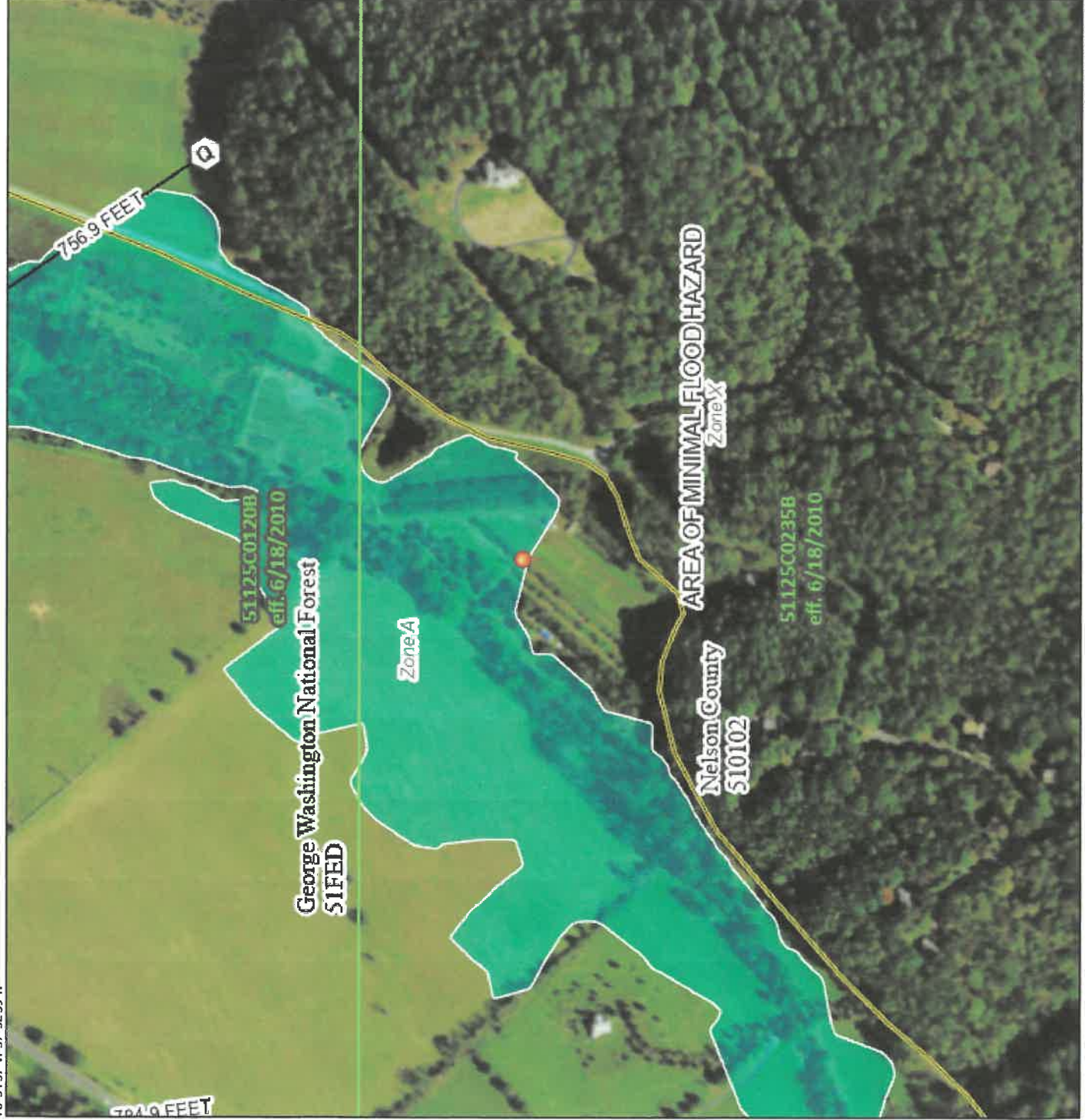
June 12, 2023

1:4,514
0 0.03 0.06 0.12 mi
0 0.05 0.1 0.19 km
Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

National Flood Hazard Layer FIRMette



78°54'37"W 37°52'39"N



1:6,000

78°54'W 37°52'11"N

Basemap: IECG National Map, OrthoImagery. Data refreshed October 2020

Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS

- Without Base Flood Elevation (BFE) Zone A, V, A199
- With BFE or Depth Zone AE, AO, AH, VE, AR
- Regulatory Floodway

OTHER AREAS OF FLOOD HAZARD

- 0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
- Future Conditions 1% Annual Chance Flood Hazard Zone X
- Area with Reduced Flood Risk due to Levee. See Notes. Zone X
- Area with Flood Risk due to Levee Zone D

OTHER AREAS

- NO SCREEN
- Area of Minimal Flood Hazard Zone X
- Effective LOMRs
- Area of Undetermined Flood Hazard Zone X

GENERAL STRUCTURES

- Channel, Culvert, or Storm Sewer
- Levee, Dike, or Floodwall

OTHER FEATURES

- Cross Sections with 1% Annual Chance Water Surface Elevation
- Coastal Transect
- Base Flood Elevation Line (BFE)
- Limit of Study
- Jurisdiction Boundary
- Coastal Transect Baseline
- Profile Baseline
- Hydrographic Feature

MAP PANELS

- Digital Data Available
- No Digital Data Available
- Unmapped



The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

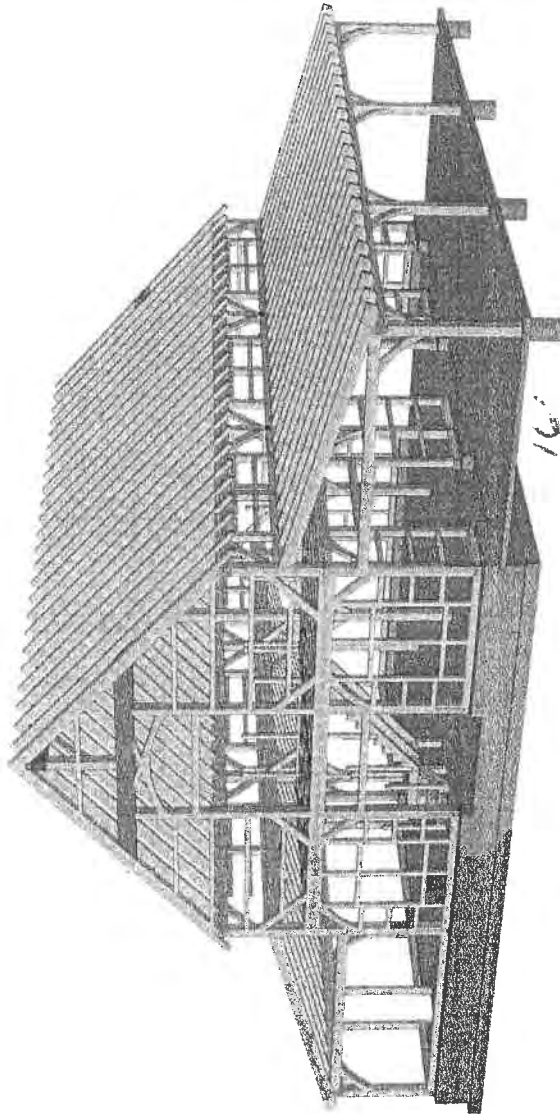
The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 6/6/2023 at 6:03 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

CARRIAGE BARN KIT FOR:

STEVE AND SUZANNE GROVES

3096 GLEN VALLEY DR
CROZET, VA 22932



1440

30' x 48' POST & BEAM CARRIAGE BARN W/ (2) 16' LEAN-TO

REVISION DATE: 4/24/2019

REVISION #1

1440 + 512 = 1952 sq ft.

+ 16' porch = 768

(1952 + 768) = Total SF = 2720 sq ft.

DESIGNED & FABRICATED BY:



DRAWING LIST

COVER	TITLE SHEET & DESIGN DATA
SHEET 1	FOUNDATION PLAN
SHEET 2	POST & BILL PLAN
SHEET 3	FRAMING PLANS
SHEET 4	FRAMING SECTIONS
SHEET 5	FRAMING SECTIONS
SHEET 6	NOTES & DETAILS

THE BARN YARD

MANUFACTURING & DESIGN FACILITY

9 VILLAGE ST.

ELLINGTON, CT 06029

860.454.9103

SHOWCASE LOCATIONS

120 WEST RD. RTE. 6

ELLINGTON, CT 06029 BETHEL, CT 06801

860.896.0836 203.140.1433

www.thebarnyard.com CT LICENSE # 999316 MA LICENSE # 121890

NOTE:
ELEVATIONS & RENDERINGS
ARE ARTISTS' CONCEPTIONS
COLOR AND OPTION STYLES
MAY DIFFER FROM ACTUAL
CONSTRUCTION.

PROJECT NO. 881

PRINT DATE: 04/24/2019

height = 450 sq ft.

GENERAL NOTES:
 1. ALL DIMENSIONS ARE UNLESS OTHERWISE NOTED.
 2. ALL MATERIALS SHALL BE AS NOTED, UNLESS OTHERWISE NOTED.
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FRAMING NOTES:
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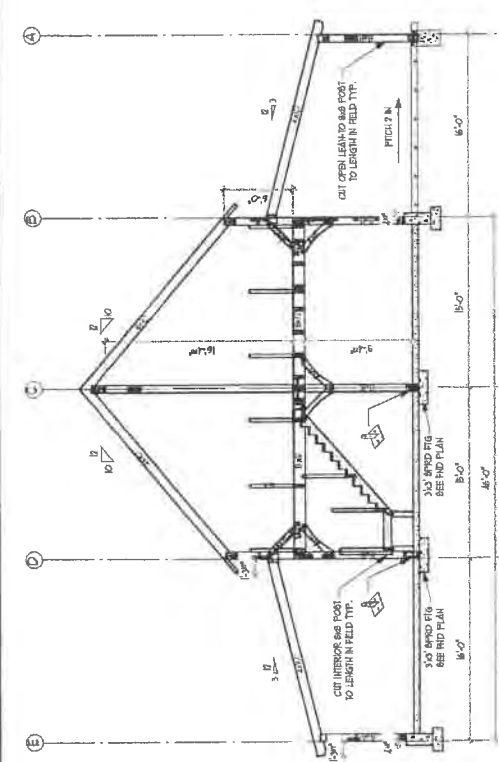
FOUNDATION:
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ROOFING:
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CLADDING:
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INTERIORS:
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MECHANICAL/ELECTRICAL/PLUMBING:
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 9. ALL MATERIALS SHALL BE AS NOTED, UNLESS OTHERWISE NOTED.
 10. ALL MATERIALS SHALL BE AS NOTED, UNLESS OTHERWISE NOTED.



1 SECTION - LINE 1
 TF-4 SCALE: 3/32"=1'-0"

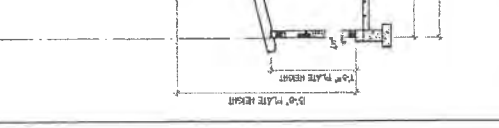
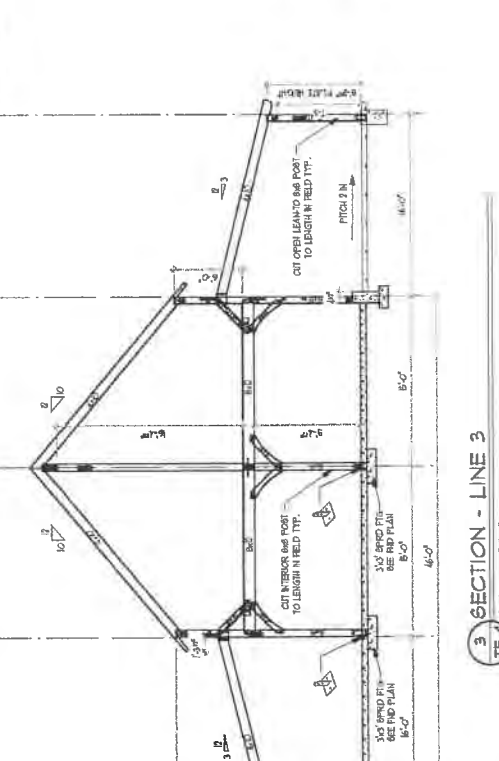
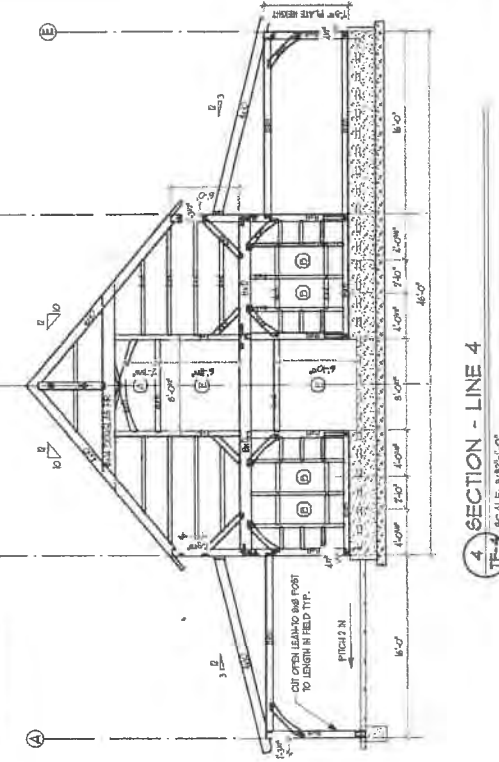
MEMBER	QUANTITY	SCALE	TYPE	DESCRIPTION
(A)	1	10/12	RAFTER	2x10
(B)	1	10/12	TRUSS	2x12
(C)	2	10/12	RAFTER	2x10
(D)	2	10/12	TRUSS	2x12
(E)	1	10/12	RAFTER	2x10
(F)	1	10/12	TRUSS	2x12
(G)	1	10/12	RAFTER	2x10
(H)	1	10/12	TRUSS	2x12
(I)	1	10/12	RAFTER	2x10
(J)	1	10/12	TRUSS	2x12

2 SECTION - LINE 2
 TF-4 SCALE: 3/32"=1'-0"

MEMBER	QUANTITY	SCALE	TYPE	DESCRIPTION
(A)	1	10/12	RAFTER	2x10
(B)	1	10/12	TRUSS	2x12
(C)	2	10/12	RAFTER	2x10
(D)	2	10/12	TRUSS	2x12
(E)	1	10/12	RAFTER	2x10
(F)	1	10/12	TRUSS	2x12
(G)	1	10/12	RAFTER	2x10
(H)	1	10/12	TRUSS	2x12
(I)	1	10/12	RAFTER	2x10
(J)	1	10/12	TRUSS	2x12

3 SECTION - LINE 3
 TF-4 SCALE: 3/32"=1'-0"

4 SECTION - LINE 4
 TF-4 SCALE: 3/32"=1'-0"



CARRIAGE BARN KIT FOR:
 3096 GLEN VALLEY DR
 CROZET, VA 22932

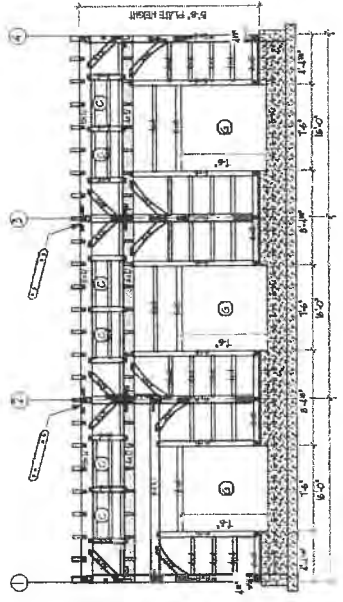
FRAMING SECTIONS

DATE: 04-24-19
 DRAWN BY: JDL
 CHECKED BY: EJB
 PROJECT NO.: 1921

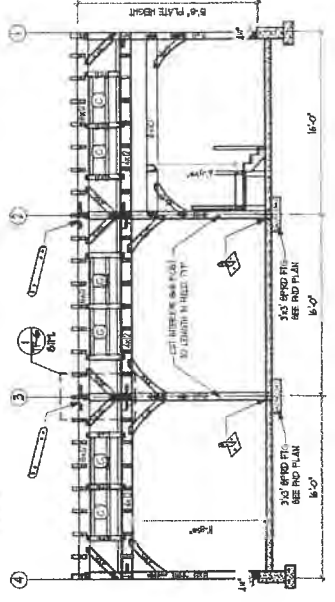
AS NOTED
 TF-4 OF 6

© 2019 THE BARN YARD. ALL RIGHTS RESERVED. THIS DRAWING IS THE PROPERTY OF THE BARN YARD AND IS LOANED TO YOU UNDER A LICENSE. IT IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM.

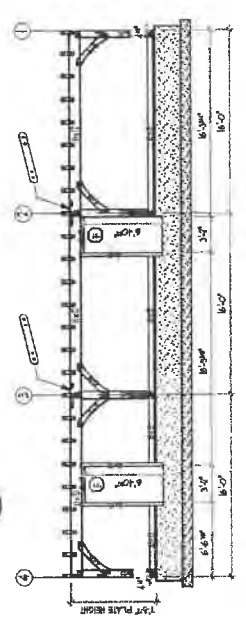
GENERAL NOTES:
 1. ALL DIMENSIONS UNLESS OTHERWISE NOTED.
 2. ALL MATERIALS SHALL BE APPROVED BY THE ARCHITECT.
 3. ALL CONNECTIONS SHALL BE AS SHOWN OR APPROVED BY THE ARCHITECT.
 4. ALL MATERIALS SHALL BE APPROVED BY THE ARCHITECT.
 5. ALL MATERIALS SHALL BE APPROVED BY THE ARCHITECT.
 6. ALL MATERIALS SHALL BE APPROVED BY THE ARCHITECT.
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 10. ALL MATERIALS SHALL BE APPROVED BY THE ARCHITECT.



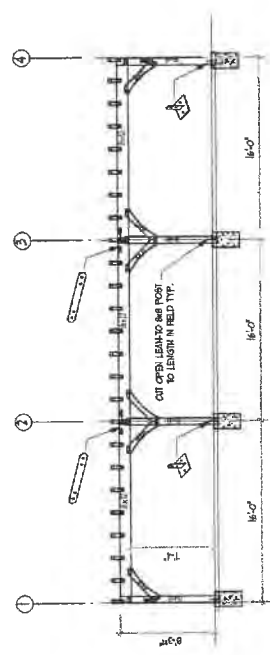
2 SECTION - LINE B
 TF-5 SCALE: 1/8"=1'-0"



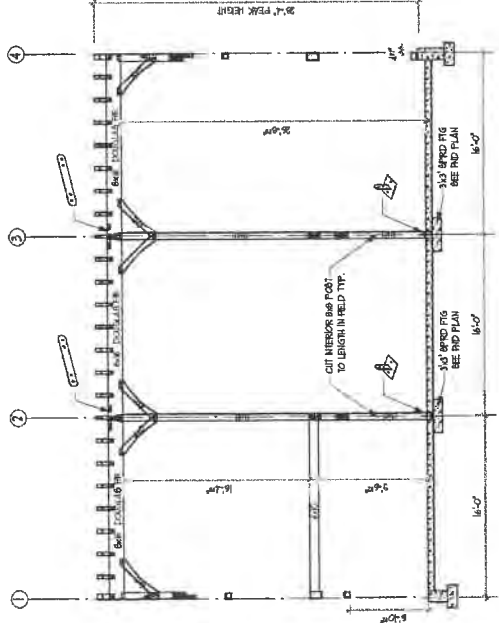
4 SECTION - LINE D
 TF-5 SCALE: 1/8"=1'-0"



5 SECTION - LINE E
 TF-5 SCALE: 1/8"=1'-0"



1 SECTION - LINE A
 TF-5 SCALE: 1/8"=1'-0"



3 SECTION - LINE C
 TF-5 SCALE: 1/8"=1'-0"

FRAMING SECTIONS
 AS NOTED
 TF-5
 ELLIS
 4581

CARRIAGE BARN KIT FOR:
 STEVE AND BIZANNE GROVES
 30% GLEN VALLEY DR
 CROZET, VA 22932

No.

Store: Ellington

1-800-628-2276 | www.greatcountrygarages.com



Type: Draft Ready to Review
Date: 02-04-2019
Salesperson: Jerry Moscato

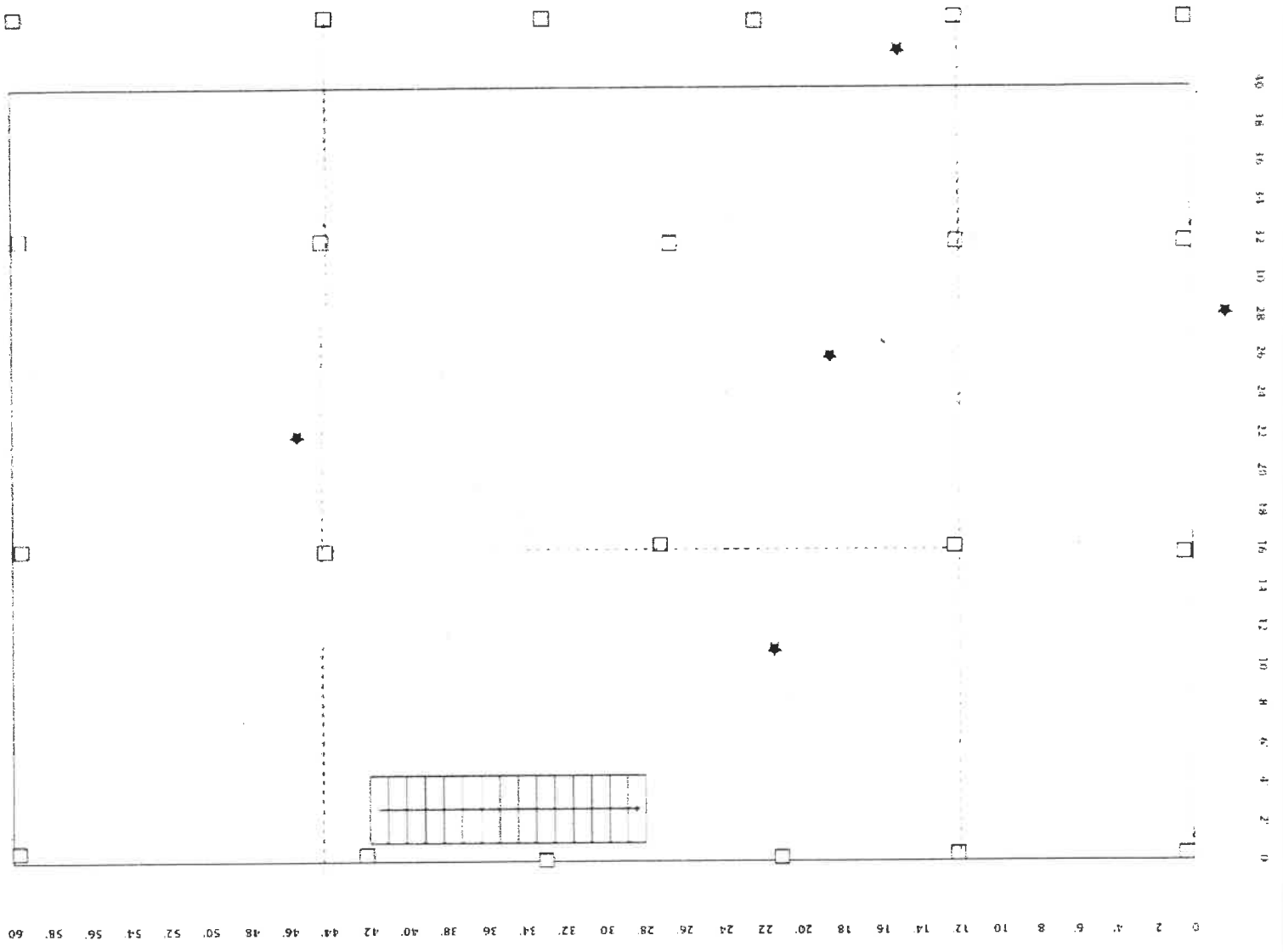
Steve and Suzanne Gravos
Source: Internet Search

3096 Glen Valley Dr
Crozet, VA 22932

(540) 903-2750

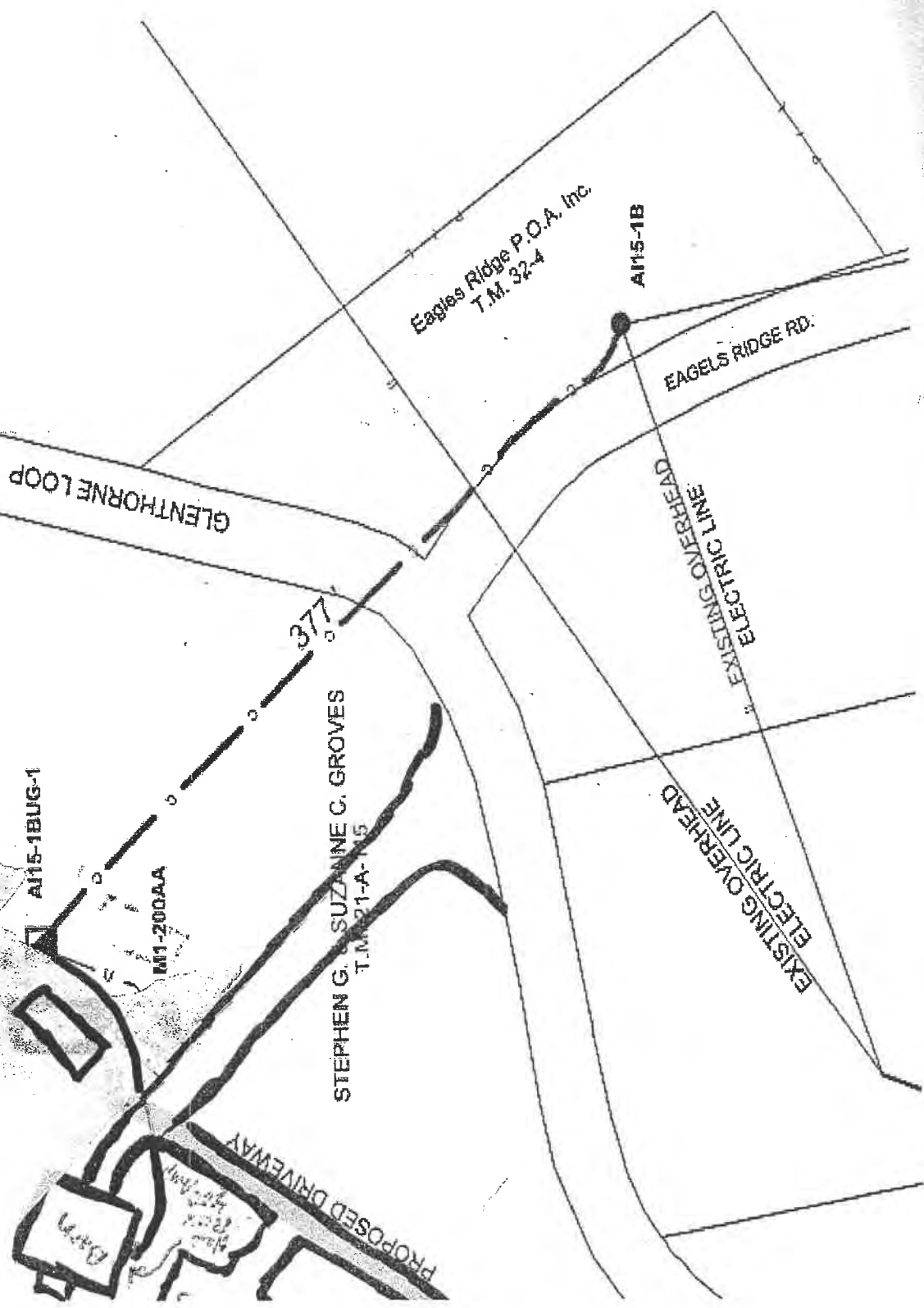
suzigravos@yahoo.com

Floor Plan



Need
400 AMP.
150' From Box To Bus

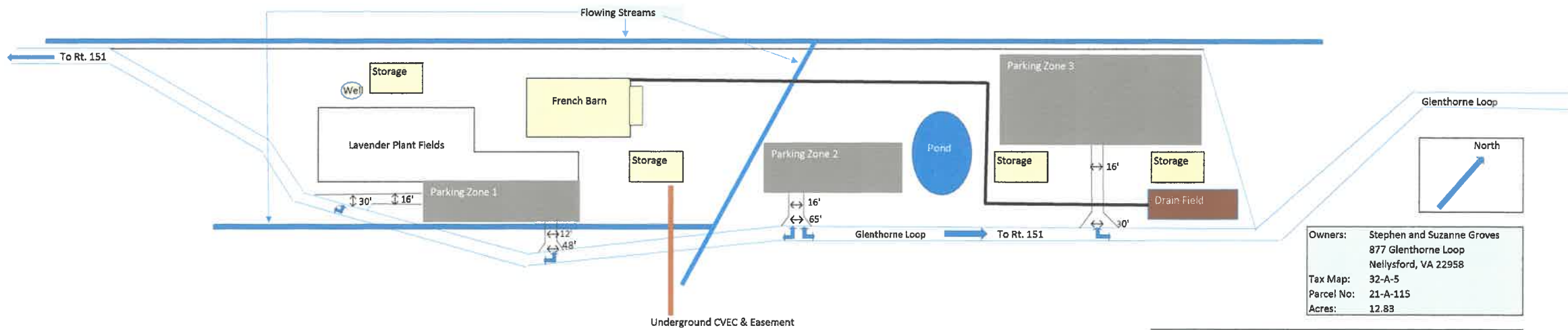
New
Site plan



Legend	
●	Existing Pole
○	Proposed Pole
—	Proposed Overhead Electric Line
- - -	Existing Undergroud
- - -	Proposed Undergroud
- - -	Proposed GUY
○	Under Two Phase
○	Three Phase Ed

Attendum to easement for:

Troala Baran

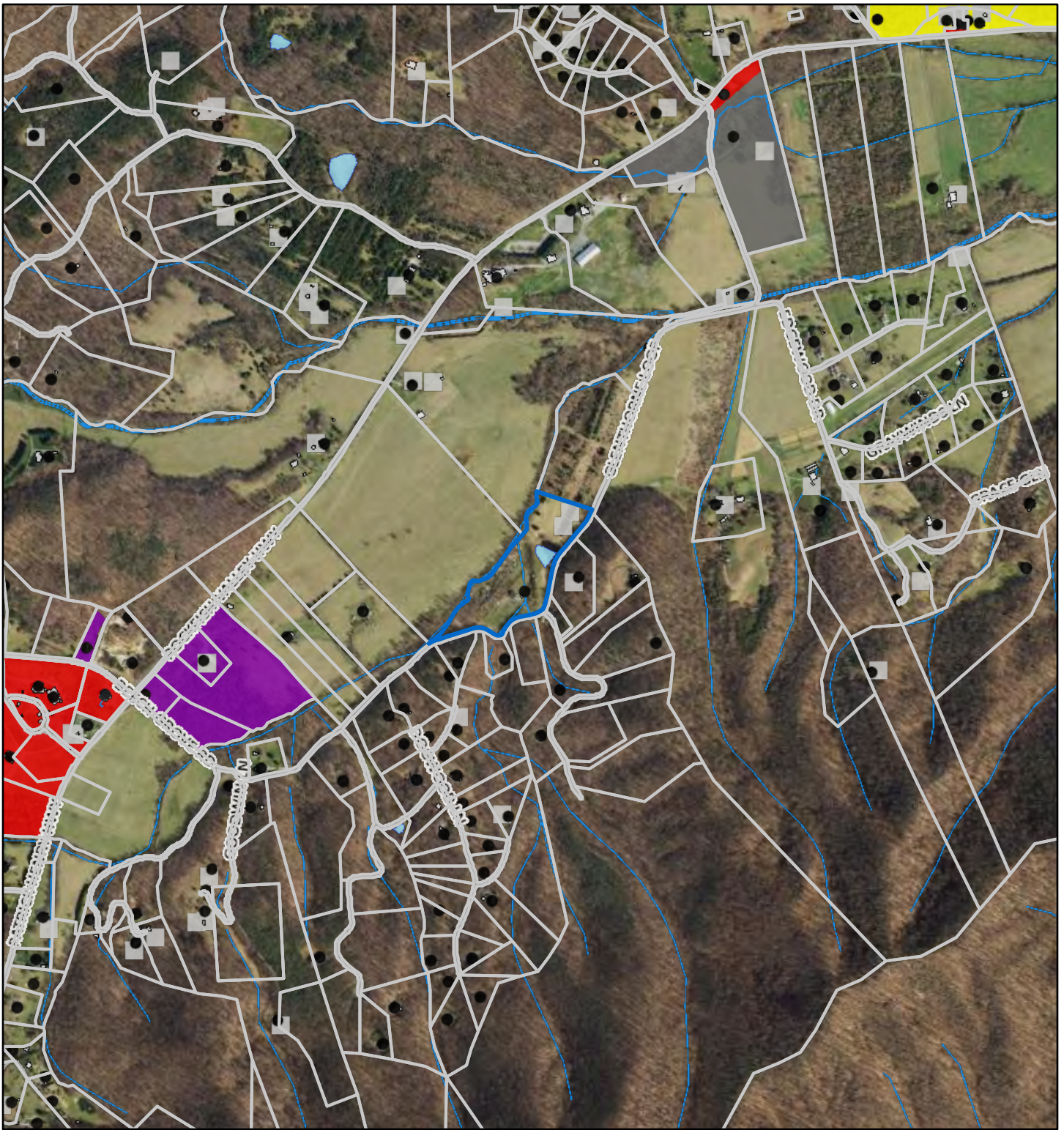


Owners: Stephen and Suzanne Groves
 877 Glenthorne Loop
 Nellysford, VA 22958
Tax Map: 32-A-5
Parcel No: 21-A-115
Acres: 12.83

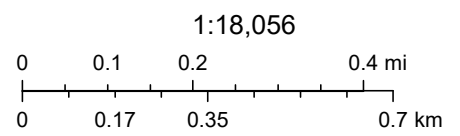
Notes:

1. All adjoining properties per Nelson County GIS are Zoned A-1 Agriculture.
2. Property lines follow Glenthorne Loop and Flowing Stream on the NW side of the property.
3. Parking capacity - calculated using parking spaces equal to 9' X 18'
 Parking Zone 1 = 46
 Parking Zone 2 = 75
 Parking Zone 3 = 75

Planning and Zoning Director: _____
 VA Dept of Transportation: _____
 VA Dept. of Health: _____

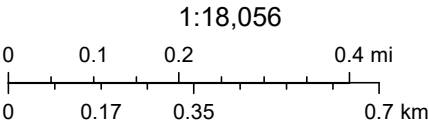


July 20, 2023





July 20, 2023



July 25, 2023

Charles D. Grimes
12604 Little Stones Ln
Herndon, VA 20170

Re: Nelson County, VA Special Use Permit Application #986

Dear Nelson County Planning Commissioners and Board of Supervisors:

My comments are being submitted electronically given COVID-19 precautions.

My name is Charles Grimes, and I am an owner of the property at 93 Honey Locust Lane, Nellysford, VA. Although our primary residence is in Herndon, VA, my wife and I regularly use our house in Winterhaven since purchasing it in late 2008. We enjoyed watching the lavender farm grow over the years, and we understood that it might be used for occasional events, like weddings. However, this special use permit application seeks approval to expand the number of events from 12 per year to an unlimited number. I don't object to the applicants making good use of their property, but such an expansion is not appropriate given the property's location. I therefore oppose the granting of the special use permit for the following reasons.

First, the applicants' property is adjacent to two subdivisions. When enjoying our house, we easily hear music from Devil's Backbone and Bold Rock Cidery, both located on a main highway and a reasonable distance from these subdivisions. Unlimited events and the accompanying sounds so close to our house would greatly diminish our enjoyment of our property. Second, the applicants' property is accessed by Glenthorne Loop, a narrow country road with existing dangerous blind curves. The one closest to the Winterhaven Subdivision is barely two vehicles wide between the steep hillside and the creek. It is difficult to imagine the increased number of vehicles safely navigating Glenthorne Loop, which is also used regularly by walkers from the surrounding neighborhoods. Safety is a big issue for us.

I would be more positive about this application if the number of events could be limited, perhaps to 24 per year (a doubling of the current 12 per year) and if all ingress/egress were via the northern end of Glenthorne Loop only, the far safer route. Some consideration regarding the music also would be appreciated, such as keeping all music inside the buildings onsite.

Again, I appreciate the applicants' efforts to build their business. I just think that this is the wrong location for an unlimited event venue.

Thank you for giving me the opportunity to comment.

Sincerely,

Charles D. Grimes

COMMENTS ON APPLICATION FOR SPECIAL USE PERMIT #986
TO ALLOW AN OUTDOOR ENTERTAINMENT VENUE

My residence overlooks the property owned by Stephen and Suzanne Glover (owners of the Silver Fox Lavender Farm LLC) who have applied for permit #986 to allow an “Outdoor Entertainment Venue” on the 12+ acres. My property runs down to Rte. 627 (Glenthorne Loop) on the opposite side of the road to Silver Fox LLC which advertises itself as a lavender farm raising and selling various lavender products to the public and offering a place to hold social events (probably private such as wedding events). Per its website, other activities have also been hosted there, sometimes what look like to be in support of charitable events.

The application for the change to the “Outdoor Entertainment Venue” states that the type or size of the events will be weddings, family reunions, life celebrations, company and meetings and something designated as “other”. There would be no more than 150 persons in attendance and the objective is to accommodate business growth. There would be adequate parking for up to 196 vehicles. For some reason, the application includes architectural drawings of the barn already on the property rather than descriptions of the attractive indoor facilities which presumably include areas for musical entertainment, dining and dancing. It appears that the party renting the facility provides food and beverages using caterers although there is full kitchen. .

NELSON COUNTY, VA, Code of Ordinances/ Appendix A-Zoning-Article 2-Zoning-Definitions

Outdoor Entertainment Venue: The non-temporary use of any land, including the erection or use of non-temporary structure(s) or the installation of non-temporary infrastructure, for the hosting and operation of Category 1 and Category 2 Temporary Events, Exempt Events, or other entertainment activities for cultural, artistic, social, or recreational purposes.

It would appear that an Outdoor Entertainment Venue allows for a very broad range of event types. In addition to the current barn (a permanent structure) it could allow large pavilion type temporary tents for outside dining and dancing for example and perhaps a temporary outdoor stage/amphitheater for outdoor concerts/theater productions etc. Events could admit the public for a fee.

Sanitary facilities and parking places could be overwhelmed. Permanent safety lighting may need to be installed. Spillover parking along Rte. 627 could impede emergency vehicles to participants and local residents. The existence of a venue that allows category 1 and 2 Events would probably increase noise and light pollution, which is already a concern in this particular area along Rte. 151. Food trucks to serve the visitors and possibly an overnight stay in a parked camper or tent could possibly be allowed for events that are on consecutive days.

Allowing the “Outdoor Entertainment Venue” permit would run with the land and does not preclude the current or future owners from taking full advantage of what is permitted under that broad umbrella.

The current restrictions of 12 events in any given year does limit the ability to be able to offer private social events in a larger number. The relevant ordinance appears to be Article 4 4-1-34. There is a comparable ordinance, Article 4 4-1-50a, which has no restriction on the number of social events in any given year. This ordinance may be more appropriate rather than allowing the switch to an “Outdoor Entertainment Venue” which could negatively impact the use and enjoyment of my property and adversely affect other residences and environment.

July 24, 2023

Stephen K. Whiteway
114 E 58th Street
Savannah, GA 31405

Re: Nelson County, VA Special Use Permit Application #986

Dear Nelson County Planning Commissioners and Board of Supervisors:

These comments are being submitted electronically in keeping with the Covid-19 policies of the county.

My name is Stephen K. Whiteway and I am an owner of the property at 93 Honey Locust Lane, Nellysford, VA. This house and land is located in the Winterhaven Subdivision in Nelson County. We have been owners of this property since December 2008 and, while my wife and I have since moved our primary residence to Georgia, we continue to maintain and use our Nelson County property on a regular basis.

When the lavender farm was first established a few years ago, we were delighted to see the land below our house being used for an agricultural use. We also were not concerned that the property might be used for an occasional event, such as a wedding, as provided in the A-1 Agricultural District of the Nelson County Zoning Ordinance.

This application for a special use permit to allow for unlimited events with up to 150 persons came as somewhat of a surprise to me. While I do not object to the owners/applicants making some economic use of their property, this increase in activity does not seem appropriate for this location and I oppose the granting of the special use permit for the following reasons.

1. The applicants' property lies adjacent to two residential subdivisions. The allowance of unlimited events, which may include music, is not in keeping with the adjoining residential uses permitted by Nelson County prior to this application. When enjoying our property, we can already easily hear the music from Devil's Backbone and Bold Rock Cidery, which are located on main highways and a reasonable distance from these subdivisions. Additional noise on an unlimited basis at our back door will greatly reduce our enjoyment of our property. I also believe that the granting of this special use permit adjacent to residential properties will set a negative precedent for the county.
2. The applicants' property is accessed by Glenthorne Loop, a narrow country road with existing dangerous blind curves. The sharp curve closest to the Winterhaven Subdivision is particularly worrisome, as the roadway is barely two vehicles wide between the steep hillside and the creek. It is hard to imagine 75-150 vehicles leaving the applicants' property in the dark after an event and safely navigating this roadway. Glenthorne Loop

is also used regularly by walkers from the surrounding neighborhoods. Safety is an issue for us.

I would be more positive about this application if the number of events could be limited to, say, 24 per year (a doubling of the current 12 per year) and if all ingress/egress were via the northern end of Glenthorne Loop only, which is the far safer route. Some consideration regarding the music would be appreciated, as well. Perhaps all music could be kept within the buildings onsite.

Again, I appreciate the applicants' efforts to build their business. I just think that this is the wrong location for an unlimited event venue.

Thank you for giving me the opportunity to comment.

Sincerely,

Stephen K. Whiteway

From: [Candy McGarry](#)
To: [Amanda Spivey](#)
Cc: [Dylan Bishop](#); [Emily Hjulstrom](#)
Subject: FW: Glenthorne Loop outdoor entertainment permit.
Date: Tuesday, August 8, 2023 11:53:31 AM

Amanda,

Please print for Mr. Barton. Thanks!


From: mmsedit@aol.com [mailto:mmsedit@aol.com]
Sent: Tuesday, August 8, 2023 11:19 AM
To: harveyasc@gmail.com; Ernie Reed <ereed@nelsoncounty.org>; David Parr <dparr@nelsoncounty.org>; Candy McGarry <CMcGarry@nelsoncounty.org>; Jesse Rutherford <jrutherford@nelsoncounty.org>
Subject: Glenthorne Loop outdoor entertainment permit.

Dear BOS,

Please vote no on this application for an outdoor entertainment permit for this lavender farm. The North & Central districts are over saturated with these venues! NO more please. 150 events per year? Really? And, if a business is trying to legitimately attract weddings, why not construct a facility to contain the attendees and music inside? How many "outdoor venues for weddings" can Nelson support? And, what about the residents of this quiet neighborhood already subjected to a frequently used landing strip on the weekends? 150 events per year recommended by the PC. Really??? Residents of the North & Central districts are already enduring enough. Just vote no please ...

Best Regards,
Marilyn Shifflett
North District

From: [Chris Tuel](#)
To: [Emily Hjulstrom](#); [Dylan Bishop](#)
Cc: [Ernie Reed](#)
Subject: Special Use Permit application - Silver Fox Lavender Farm
Date: Tuesday, July 25, 2023 10:57:44 AM

 **IRONSCALES couldn't recognize this email as this is the first time you received an email from this sender cptuel@gmail.com**

To whom it may concern:

As property owners in the Winterhaven housing community, we are writing regarding the Silver Fox Lavender Farm's Special Use Permit application to be presented at the Planning Commission and Board of Supervisors meetings on July 26th and August 8th.

Our concerns include: 1) increased traffic affecting safety on the road and 2) increased amplified music noise in the neighborhood.

- Already Winterhaven residents hear loud music from local event venues and as residents we would prefer NOT to have more of the same. This would be a further disturbance to our otherwise quiet neighborhood environment.
- The Silver Fox venue is even closer than the aforementioned local venues and is located directly BELOW the Winterhaven development on Glenthorne Loop. Being that the development is elevated up the hill, any music / noise levels will be even louder in volume.
- Glenthorne Loop is a very curvy road with a high number of persons walking on it at all times of the day. It is also part of the Rockfish Valley walking trail, to which extra parking has been added in recent weeks because it is so well used. Extra traffic would make this road even more dangerous than it already is for both walkers, runners, and moving vehicles coming around curves in the road. This danger is multiplied even more if drivers have consumed alcohol at events. In addition, Glenthorne Loop is not particularly well-maintained by VDOT, resulting in high weed growth on each side blocking vision, plus frequent potholes.
- It seems that Silver Fox Lavender Farm is open for lavender only a few days a year - otherwise it is basically an event space. Considering that the property is zoned agricultural, this is a potential loss of tax revenue to Nelson County.

We would very much appreciate your consideration of these concerns.

Thank you.

Christopher P. Tuel and Lisa C. Shannon

Please publish Thurs. August 31st and September 7th in The Nelson County Times:

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

In accordance with Volume 3A, Title 15.2, Counties, Cities and Towns, of the Code of Virginia, 1950, as amended, and pursuant to §15.2-107, §15.2-2204, §15.2-2285, §15.2-2310 and §15.2-4307, the Nelson County Board of Supervisors hereby gives notice that a Public Hearing will start at **7:00 p.m., Tuesday, September 12, 2023** in the **General District Courtroom** on the third floor of the Nelson County Courthouse located at 84 Courthouse Square, Lovingston.

Public Hearing(s):

1. Special Use Permit #998 – Vacation House

Consideration of a Special Use Permit application requesting County approval to allow a Vacation House on property zoned R-1 Residential. The subject property is located at Tax Map Parcel #21-7-2A at 2617 Rockfish Valley Hwy in Nellysford. The subject property is 1.027 acres and is owned by Gretchen Rush and Glenda MacNeil.

2. Special Use Permit #1005 – Campground

Consideration of a Special Use Permit application requesting County approval to allow a Campground (one site) on property zoned A-1 Agriculture. The subject property is located at Tax Map Parcel #86-A-36B at 2601 Falling Rock Dr. in Arrington. The subject property is 2 acres and is owned by Lucas & Caitlin Hoge.

3. School Zone Photo Speed Enforcement

Consideration of a photo speed enforcement program to help reduce speeding through the school zones located within Nelson County.

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: September 12, 2023

Re: SUP #1005 – Campground (one site) in A-1 – 2601 Falling Rock Drive

BACKGROUND: This is a request for a Special Use Permit to allow a one site campground use on property zoned A-1 Agriculture.

Public Hearings Scheduled: P/C – August 23; Board – September 12

Location / Election District: 2601 Falling Rock Drive / South District

Tax Map Number(s) / Total Acreage: 86-A-36B / 2.0 acres +/- total

Applicant/Owner Contact Information: Luke & Caitlin Hoge, 824 Lyndhurst Road, Waynesboro, VA 22980, 703-489-7436 / 516-508-8978, lucasryanhoge@gmail.com / caitfoley7454@gmail.com

Comments: This property contains an existing single-family dwelling that is utilized as a by-right vacation house, or short-term rental. The narrative provided by the applicants indicates that they own a camper that they are requesting to utilize as a short-term rental while their family lives in the existing dwelling.

DISCUSSION:

Land Use / Floodplain: This area is residential and agricultural in nature. Zoning in the vicinity is A-1 Agriculture. There are no floodplains located on this property.

Access / Traffic / Parking: This property is accessed by an existing entrance on Falling Rock Drive. VDOT had no comments.

Utilities: The house is served by existing utilities. The owner has been in contact with the Health Department – a licensed soil evaluator will be required to permit a cleanout to hook the camper to.

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.”

At their meeting on August 23, 2023 the Planning Commission voted (6-0) to recommend approval of SUP #1005 with the following conditions:

- 1. There shall be no more than one site, and the unit shall be provided by the property owner.**
- 2. The location of the site shall meet property setbacks.**

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

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

Attachments:

- Application
- Narrative
- Site Plan
- Zoning



PERMIT APPLICATION: Nelson County Department of Planning & Zoning

TO THE ZONING ADMINISTRATOR: Special Use Permit # 1005
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:

Permit to rent a camper on our property at 2601 Falling Rock Dr. in Arrington.

(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: Luke Hoge

Mailing Address: 824 Lyndhurst Rd Waynesboro VA 22980

Telephone #: 7034897436 Email Address: lucasryanhoge@gmail.com

Relationship (if applicable):

Applicant Property Owner Name: Caitlin Hoge

Mailing Address: 824 Lyndhurst Rd Waynesboro Virginia 22980

Telephone #: 5165088978 Email Address: caitfoley7454@gmail.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.):

2801 Falling Rock Dr. Arrington VA 22922

b. Official tax map number: 88 A 368

c. Acreage of property: 2

d. Present use: Single family home and short term rental

e. Present zoning classification: A1 AGRICULTURAL

f. Zoning classification of surrounding properties: A1 AGRICULTURAL

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.

Signature:  Printed Name: Luke Hoge

Signature:  Printed Name: Caitlin Hoge

(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, Lovingston, Virginia 22949 | *(Physical Address)* 80 Front Street, Lovingston, 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/>

Emily Hjulstrom

From: Luke Hoge <lucasryanhoge@gmail.com>
Sent: Tuesday, August 1, 2023 3:19 PM
To: Emily Hjulstrom *
Cc: Dylan Bishop; caitlin foley
Subject: Re: SUP Application

Sure Emily!

We own a fifth wheel camper that we would like to rent out occasionally to help us cover the mortgage on the house, as well as the payment on the camper, while we live there with our 2 Toddlers and 1 on the way.

We planned to add a cleanout to the existing septic, and use the hose bib for water. The camper has its own filtration and hot water heater. We will also put a 50a electric post to plug into.

The owners are Lucas and Caitlin Hoge. I will send you the first page of the deed as soon as I get home.

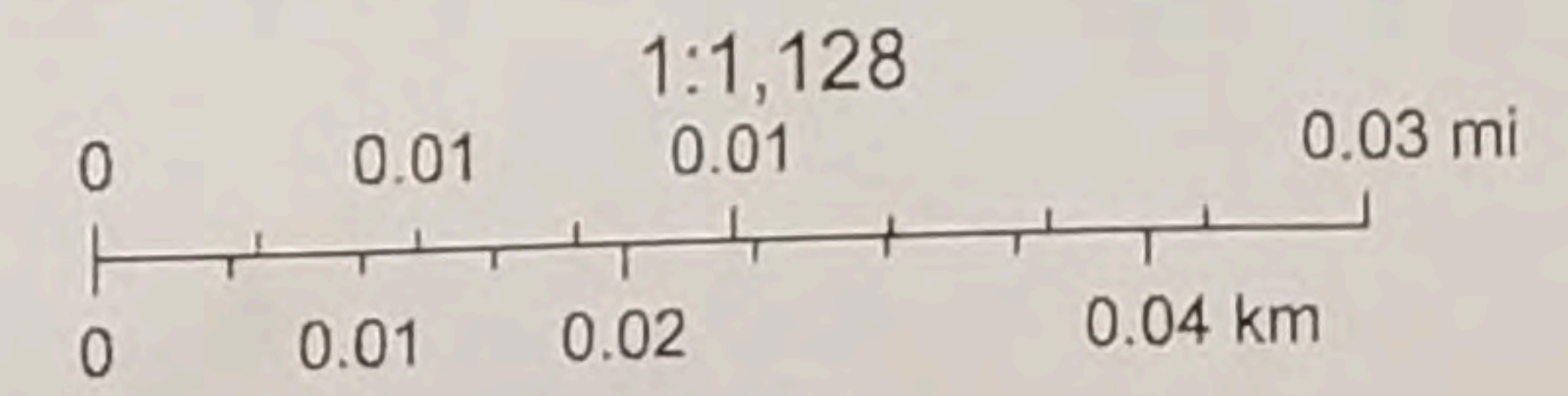
Thanks again!
Luke



July 18, 2023

- - Proposed cleanout
- ◇ - Proposed 50 amp outlet post
- Luke and Caitlin Hese
- 2601 Falling Rock Drive Arrington VA 22922
- 2 Acres

Nelson County Service Authority X _____

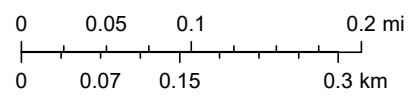


Virginia Geographic Information Network (VGIN)
 P&Z Director X _____
 V D of Transportation X _____
 V D of Health X _____



August 15, 2023

1:9,028



Emily Hjulstrom

From: P Combs <plcnelson1989@yahoo.com>
Sent: Monday, August 14, 2023 10:45 AM
To: Emily Hjulstrom
Subject: Special use permit #1005(Hoge)



IRONSCALES couldn't recognize this email as this is the first time you received an email from this sender
plcnelson1989@yahoo.com

Dear Ms. Hjulstrom,

I am a property owner on Falling Rock Drive, since 1989.
I concur with Mr. Troy Nicks e-mail he sent you.

Thank you for your attention to this matter.

Peggy L. Combs
804 358-4951

Emily Hjulstrom

From: Troy Nicks <troynicks1923@gmail.com>
Sent: Monday, August 14, 2023 8:39 AM
To: Emily Hjulstrom
Subject: Special Use Permit Application #1005 (Hoge)



IRONSCALES couldn't recognize this email as this is the first time you received an email from this sender troynicks1923@gmail.com

Ms. Hjulstrom,

I appreciate your assistance last week in providing information about the subject permit application.

Adjacent and nearby property owners are concerned by the precedent this application could have for eventual establishment of a commercial campground or extended stay campground as defined by the county zoning ordinance.

The subject property lies on Falling Rock Drive whose approx. two mile length is entirely single family dwellings, hay fields and woods. Half of this road follows a creek bed and is narrow and curvy with poor sight distances. Increased transient traffic would create a hazard for existing residents. A commercial operation would also devalue the privacy and tranquility of longstanding property ownership.

Accordingly, it is urged that the requested permit be limited on the record to the terms requested by the applicant, that is, that the issued permit explicitly allow only the occasional rental of a single camping unit owned by the applicant and that no additional paying campers, whether tent campers, travel trailers or motor homes, be allowed on the subject property.

Thank you for your kind attention to this matter.

Respectfully submitted,

Troy Nicks
1923 Falling Rock Drive, Resident since 1984
434 263-4760

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Thank you for your attention to this matter.

Peggy L. Combs
804 358-4951




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

December 20, 2022

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

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

Sincerely,


Jason Friedberg
Vice President, Sales & Marketing

Sole Source Justification

LIDAR Automated Photo Enforcement System

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

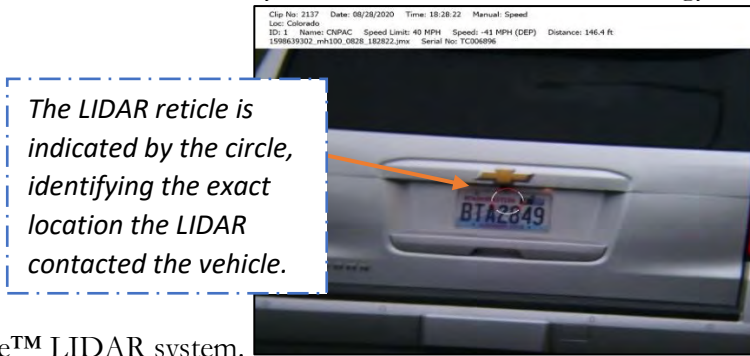
1. **Dedicated, Single Beam Per Lane LIDAR (SBPL) - (Laser)**

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

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

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

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



TrueBlue™ LIDAR system.

3. TrueBlue™ Investigative ALPR

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

A. 911 to ALPR Analytics

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9. **TrueBlue Quick Start Program**

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

10. **Radar Feed Back Signs**

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



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

1st Warning: State Required Warning Sign

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

3rd Warning: School Zone Flashers

11. **TrueBlue™ Assure**

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

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

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

12. Public Information & Education Program

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

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

TRUEBLUE™
SPEED ENFORCEMENT | SCHOOL ZONE

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

A. For the purposes of this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2020, c. 1232.

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



Blue Line Solutions, LLC

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

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

www.bluelinesolutions.org

Nelson County Middle & High School

Nelson County, VA: Thomas Nelson Hwy

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

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

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

Regular Speed Limit: 60 MPH

School Zone Speed Limit: 35 MPH

Dates of Study:

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

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

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

5 Day Total Vehicle Count:

45,282

5 Day Total Speeding Violations Recorded:

5,314

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



Blue Line Solutions, LLC

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

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

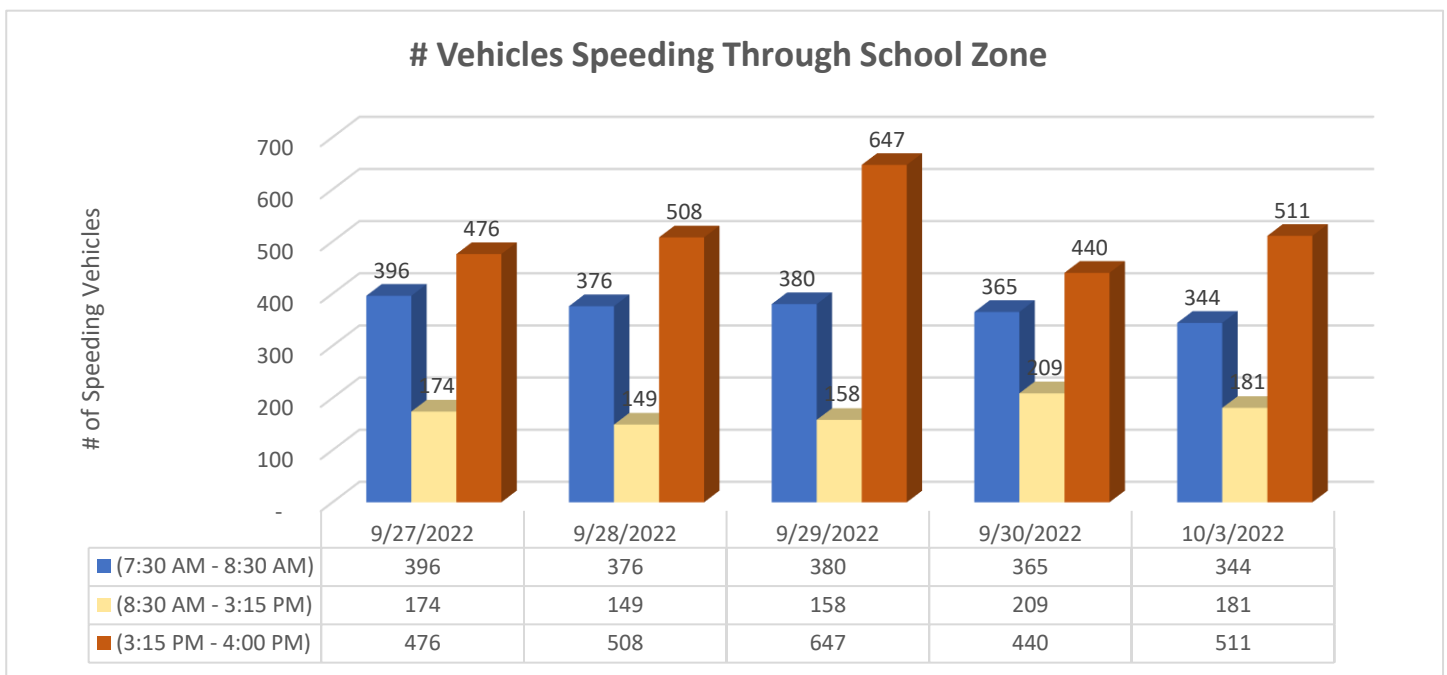
www.bluelinesolutions.org

Nelson County Middle & High School

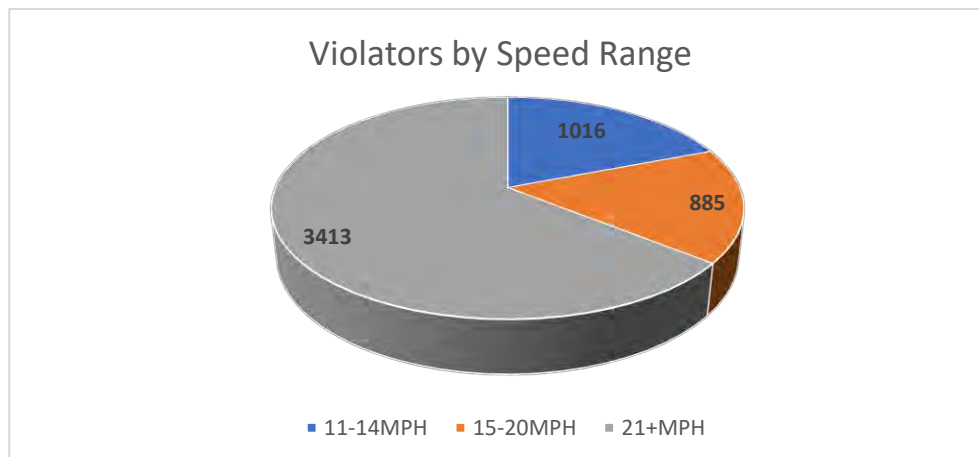
Nelson County, VA: Thomas Nelson Hwy

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

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



The following graph depicts the speed range breakdown of violators.





Blue Line Solutions, LLC

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

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

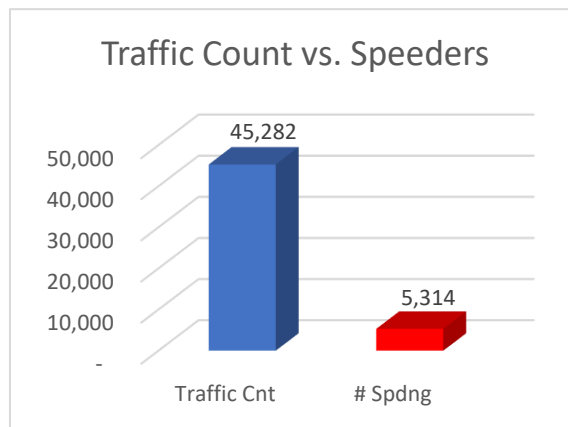
www.bluelinesolutions.org

Nelson County Middle & High School

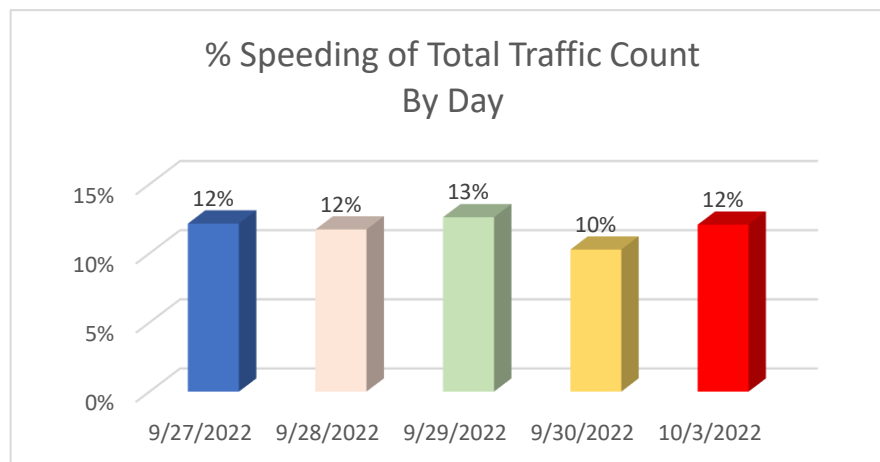
Nelson County, VA: Thomas Nelson Hwy

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

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



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



IMPORTANT NOTE

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

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



Blue Line Solutions, LLC

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

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

www.bluelinesolutions.org

Tye River Elementary School

Nelson County, VA: Thomas Nelson Hwy

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

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

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

Regular Speed Limit: 60 MPH

School Zone Speed Limit: 35 MPH

Dates of Study:

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

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

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

5 Day Total Vehicle Count:

48,351

5 Day Total Speeding Violations Recorded:

4,203

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



Blue Line Solutions, LLC

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

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

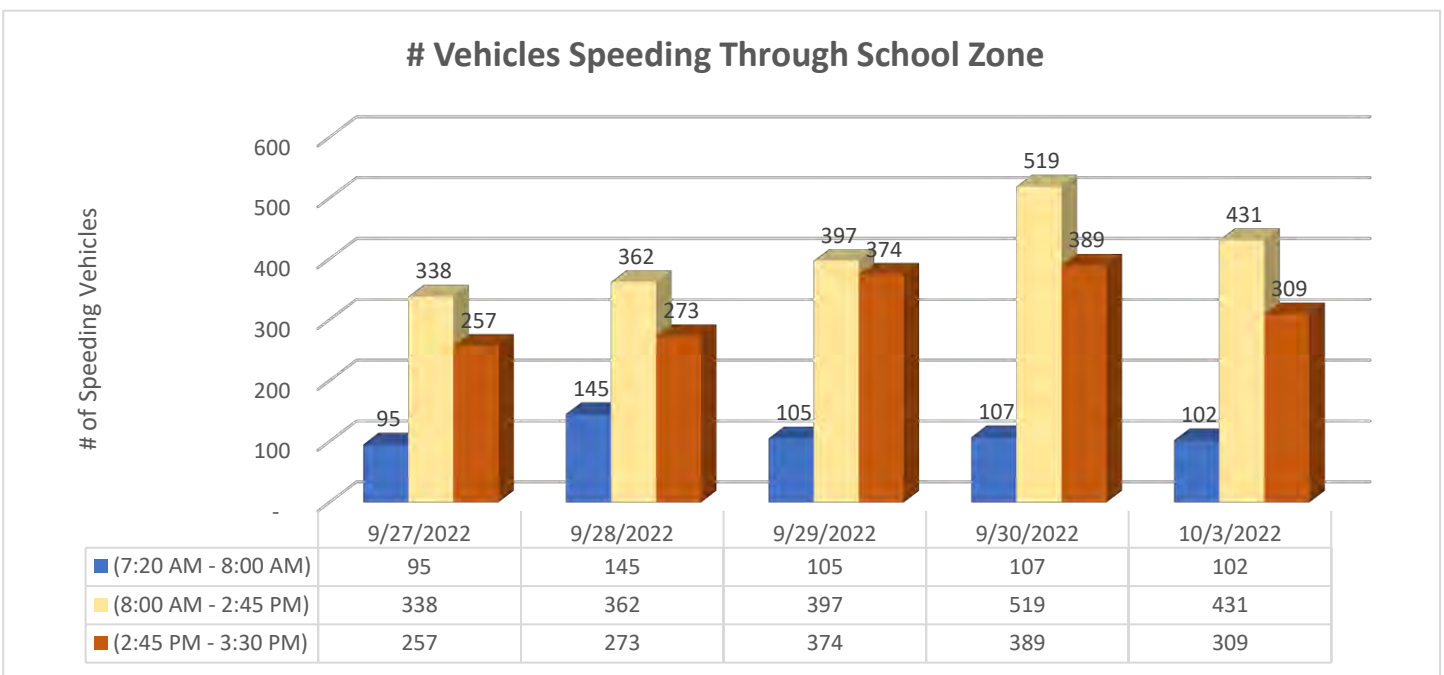
www.bluelinesolutions.org

Tye River Elementary School

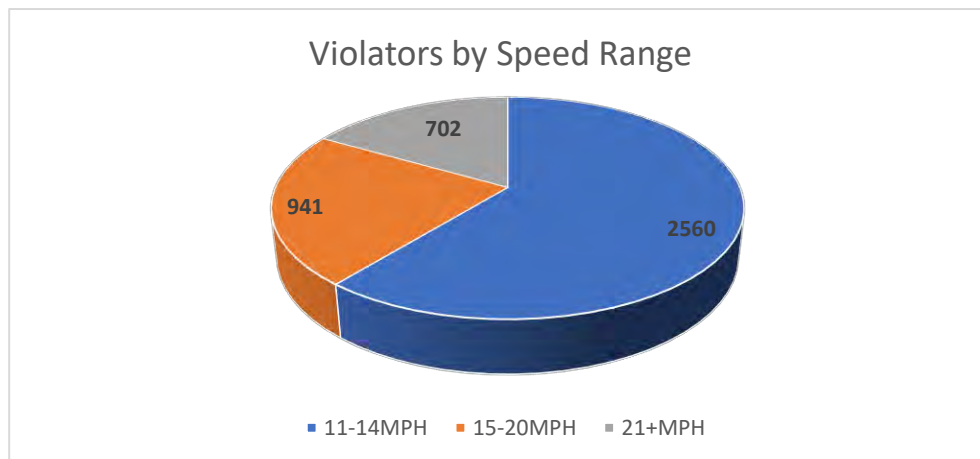
Nelson County, VA: Thomas Nelson Hwy

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

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



The following graph depicts the speed range breakdown of violators.





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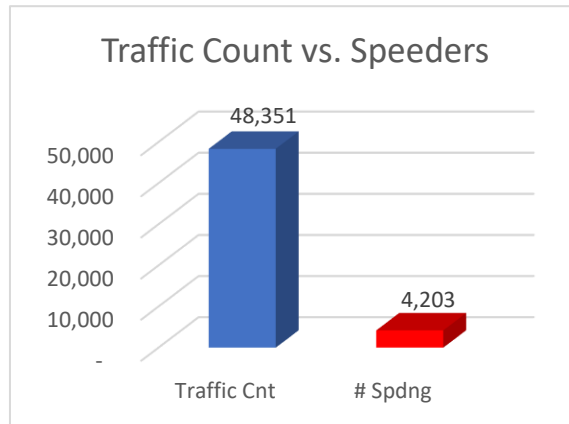
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Tye River Elementary School

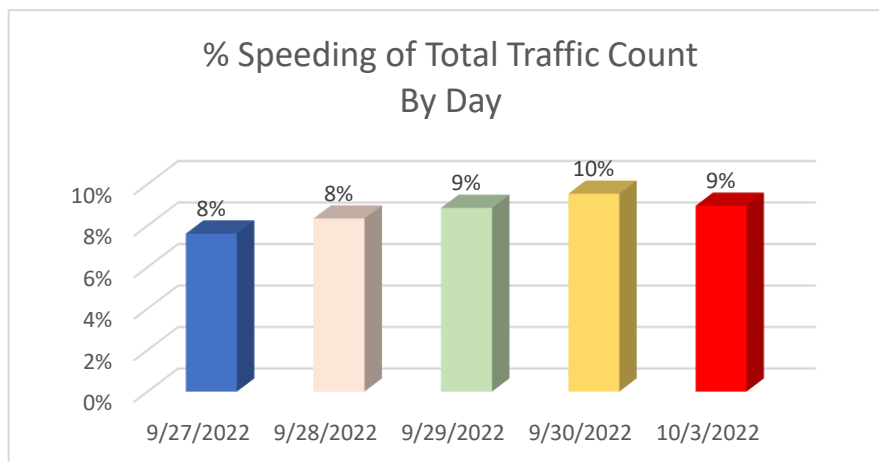
Nelson County, VA: Thomas Nelson Hwy

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

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



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



IMPORTANT NOTE

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

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



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Rockfish Elementary School

Nelson County, VA: Chapel Hollow Rd

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

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

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

Regular Speed Limit: 45 MPH

School Zone Speed Limit: 35 MPH

Dates of Study:

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

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

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

5 Day Total Vehicle Count:

23,387

5 Day Total Speeding Violations Recorded:

2,241

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



Blue Line Solutions, LLC

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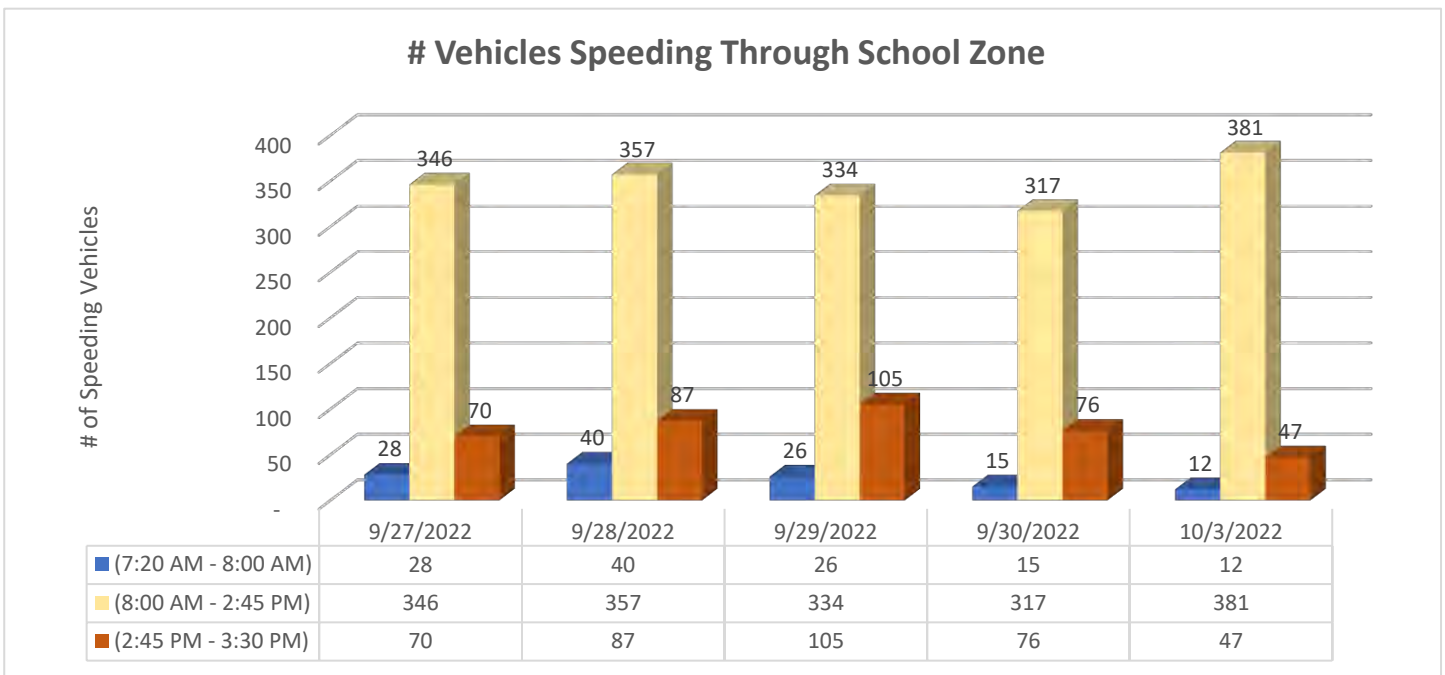
www.bluelinesolutions.org

Rockfish Elementary School

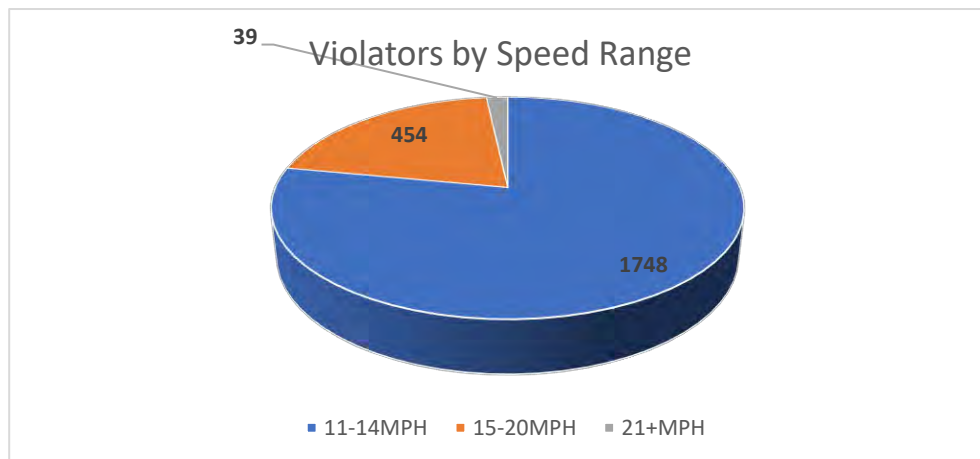
Nelson County, VA: Chapel Hollow Rd

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

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



The following graph depicts the speed range breakdown of violators.





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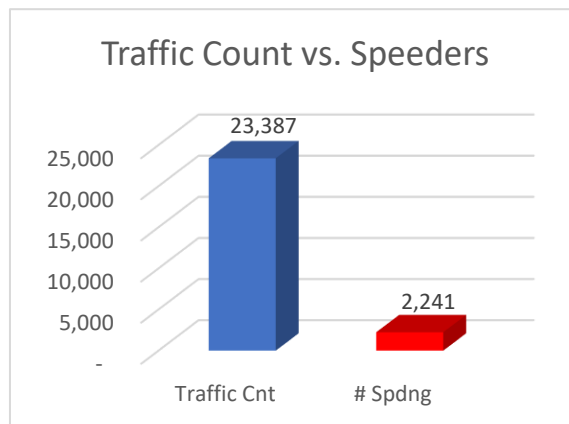
www.bluelinesolutions.org

Rockfish Elementary School

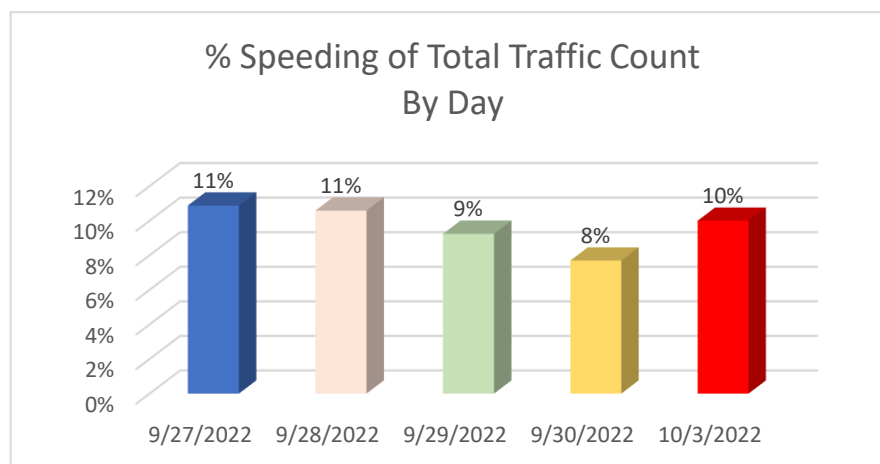
Nelson County, VA: Chapel Hollow Rd

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

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



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



IMPORTANT NOTE

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

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



TRUEBLUE™ SCHOOL ZONE SAFETY PROGRAM

Automated Speed Enforcement

STRIVING FOR ZERO
“ZERO CRASHES, ZERO INJURIES, ZERO FATALITIES”

Mark Hutchinson, Founder & CEO

mark@bluelinesolutions.org



Bridgewater, VA Program Data Report

Bridgewater, VA began implementing a school zone automated speed enforcement program in October of 2022. The purpose of the program was to reduce the number of speeding vehicles traveling through the school zones, thus reducing the likelihood that accidents, injuries, or fatalities could occur. Virginia state law established a fine of \$100 for speeding at 10+ MPH above the posted speed limit.

The Town of Bridgewater, in conjunction with Blue Line Solutions, LLC, established an extensive program that emphasizes components not usually utilized in photo-speed enforcement programs. This program focuses on:

- Public Information
- Education
- Enforcement

THE PROGRAM

The program involves a phased approach during the implementation to inform & educate the public, enforce speeding laws, and measure the outcomes of the program. The main phases are measured as follows:

Phase 1: **Pre-Program Survey** (Initial speed study conducted gathering 5 days of data prior to the implementation of the program to determine the severity of the speeding problem)

Phase 2: **Public Information & Education (PI&E) Survey** (5-day survey conducted at the beginning of the warning period to measure the effectiveness of the PI&E campaign)

Phase 3: **Warning Survey** (5-day survey conducted after the warning period has concluded to measure the effectiveness of the warning period)

Phase 4: **Initial Enforcement Survey** (5-day survey conducted)

Phase 1: Speed studies are conducted over a 5-day period using a small non-descript radar device, placed on a pole in the school zone to collect data. Initial traffic data for a 24-hour period was collected to show a base line number of vehicles traveling through the school zone(s) and the number of vehicles speeding. ***Speeding is defined as any recorded speed more than 10MPH above the designated speed limit.***



Phase 2: Information about this program was disseminated to the public through press releases, social media from the city and school systems to give advance notice of this program – specific PI&E efforts are outlined below. Speed enforcement programs such as this were designed to save lives and are validated by the data enclosed. A second (2nd) speed survey was conducted at the beginning of the warning phase to determine the effectiveness of the PI&E campaign.

The initial PI&E campaign included the following:

DATE	COMMUNICATION	SOURCE
October 14, 2022	Bridgewater adding speed cameras	WHSV3
October 14, 2022	Say Cheese!	Daily News Record
March 21, 2023	Warnings Begin	Daily News Record
March 23, 2023	New Speed Enforcement Technology	WHSV3
June 16, 2023	Town of Bridgewater reporting 92%	WHSV3



Phase 3: For the first 30 days, owners of vehicles travelling through school zones at 10mph above the threshold received warning citations. These citations are marked with a large red warning statement displayed across the front of the notice and served as a reminder to the citizens to slow their vehicle speed down when entering the school zones. **There are no monetary fines during this period.** Once the warning period concluded, a third (3rd) 5- day speed survey was conducted to determine the effectiveness of the warning phase.

Phase 4: After conclusion of the warning period, live enforcement began with speeding violators receiving valid citations. Following the first 30 days of live enforcement, a fourth (4th) speed survey will be conducted to measure the effectiveness of the program.



IMPLEMENTATION SCHEDULE

Table A below outlines the schedule of when the program began, and when each phase occurred.

Table A

School Zone	Pre-Program Survey (Phase 1)	Warning Start Date	PI&E Survey (Phase 2)	Enforcement Live Date	Warning Survey (Phase 3)	Initial Enforcement Survey (Phase 4)
JOHN WAYLAND ELEMENTARY	09/20/2022-09/23/2022, 09/26/2022	03/20/2023	03/20/2023 – 03/24 2023	04/21/2023	05/01/2023-05/05/2023	06/1/2-23 – 06/2/2023, 06/05/2023-06/07/2023

**Post enforcement data coming after the beginning of 23/24 school year*

WARNING PERIOD

The program began with a 30-day Warning Phase in which speeding violators received warning citations in the mail as part of the PI&E efforts. During this phase, **450** warnings were issued. During the first 5-days of the warning phase, another 5-day speed study is conducted to measure the effectiveness of Phase 2. This data shows the effectiveness of PI&E by analyzing the reduction of speeding vehicles vs. the baseline during Phase 2 (without writing the first citation).

SPEED STUDY DATA BY PHASE

Table B

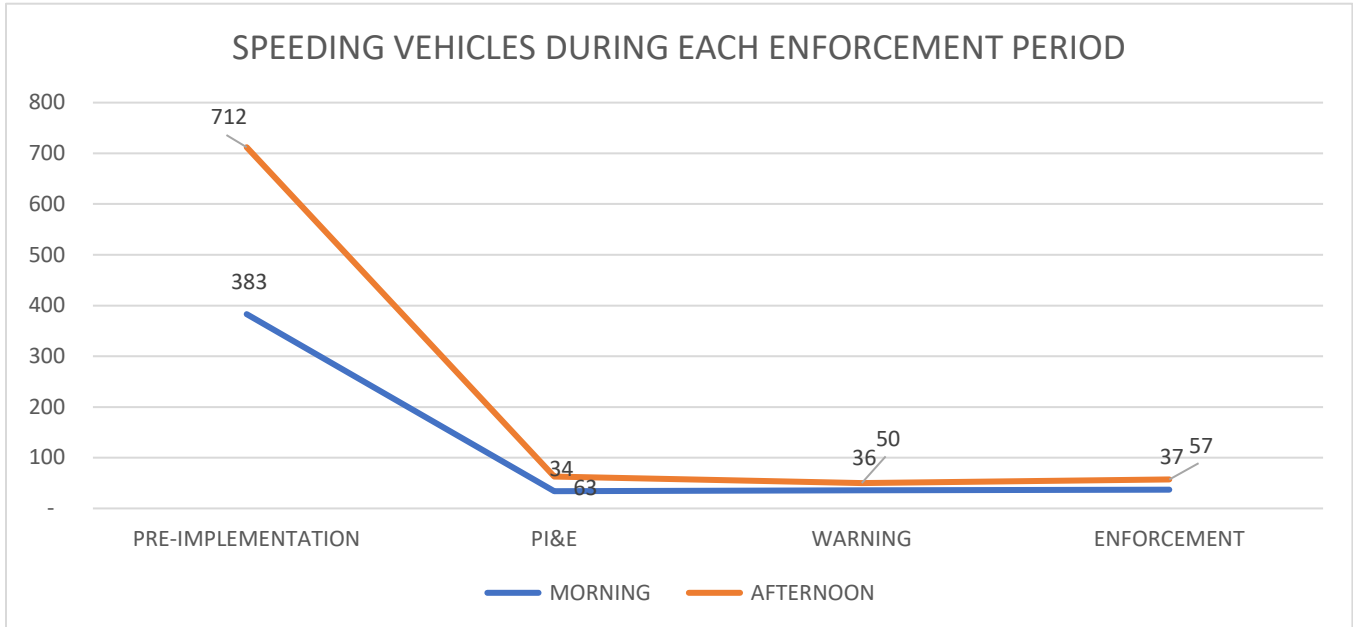
	Pre-Program (Phase 1)	PI&E (Phase 2)	Warning (Phase 3)	Enforcement (Phase 4)
JOHN WAYLAND ELEMENTARY	1,095	97	86	94
TOTAL	1,095	97	86	94
PROGRAM WEEKLY AVERAGE	219	19	17	19
% REDUCTION PER PHASE		91%	92%	91%
% TOTAL REDUCTION			91%	

SPEED REDUCTION

As illustrated above in Table B, the school zone in which the program has been implemented has experienced a 91% reduction in speeding vehicles in less than three months' time. An expected increase in violations was noticed between the Warning and Enforcement studies due to the Enforcement study being gathered at the end of the school year – upticks in violations have been a regular occurrence noted by the program at the end and beginning of school years. **The program thus far has reduced the number of speeding vehicles by 91%.**



Graph A



As illustrated in Graph A, reductions in speeding vehicles have been realized in each phase of the program thus far. Speeding vehicles have reduced from **1,095** in the pre-program survey to **94** in the warning survey.

REDUCTION BY PHASE

As seen below in Table C, the PI&E phase of the program has received the largest reduction. As of the most recent study, the program has reduced speeding overall by **91%**.

Table C

EFFECTIVENESS OF EACH PHASE (SPEEDERS)	
PHASE:	INCREMENTAL REDUCTION IN SPEEDERS:
PRE-PROGRAM TO PI&E	94%
PI&E TO WARNING	0%
WARNING TO ENFORCEMENT	-1%
TOTAL:	91%



TRAFFIC COUNTS

Table D

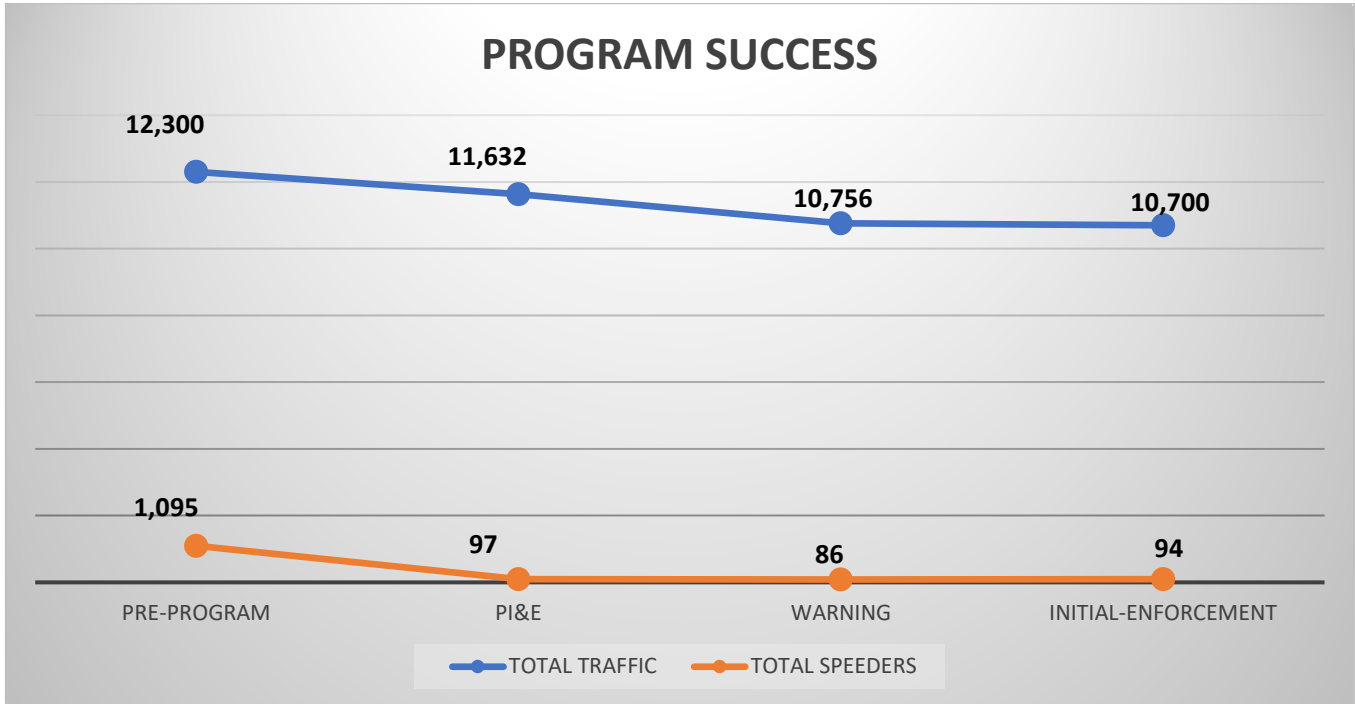
TRAFFIC COUNT (5-DAY STUDY TOTALS)				
	PRE-PROGRAM	PI&E	WARNING	INITIAL-ENFORCEMENT
JOHN WAYLAND ELEMENTARY	12,300	11,632	10,756	10,700
TOTAL	12,300	11,632	10,756	10,700
PROGRAM DAILY AVERAGE	2,460	2,326	2,151	2,140
% REDUCTION PER PHASE		5%	8%	0%
% TOTAL REDUCTION			13%	

As seen in Table D, the overall traffic count has decreased since the pre-program studies. There have been incremental decreases thus far in each of the included phases. Thus far, the program has decreased traffic flow by 13% - further proof of the program's effectiveness.

PHASE 1-4 RESULTS

Prior to the beginning of the program, 1,095 vehicles traveling through the John Wayland Elementary School zone in Bridgewater, VA every week were speeding. This shocking reality brought lift to a program that through public information, education, and enforcement, reduced the number of speeders by 91% in less than three months. Further, traffic flow decreased during this time by 1,600 vehicles per week vs. before the program began. What does all this mean for the children that attend schools here? **A safer place to walk, play and learn!**

Graph C



METHODOLOGY

The TrueBlue™ School Zone Safety Program combines Public Information & Education (PI&E) with enforcement to reach mass driver audiences while enforcing the speed limit laws in school zones. To achieve the goal of reducing speeding violations, a partnership between Bridgewater, VA and BLS created an effective program to reach the community with messaging as it relates to the TrueBlue™ Automated Speed Enforcement program.

SUMMARY

In summary, the overall collaborative efforts between Blue Line Solutions, LLC, the Town of Bridgewater, VA, and key stakeholders, combined with pre, ongoing, and post deployment data and Public Education & Information has proven to make our communities safer. As we 'Strive for Zero' in our school zones, the TrueBlue™ program reflects an overall 94% nationwide reduction rate of speeders which gets us one step closer to our goal of **"Zero Crashes, Zero Injuries and Zero Fatalities"** in areas where our children are.



TrueBlue™ School Zone Safety Program

Automated Speed Enforcement

YOUR SCHOOL ZONE SAFETY PHOTO SPEED ENFORCEMENT PROGRAM IS COMING

KIDS FIRST



SCHOOL PHOTO ENFORCED SPEED

SLOW SCHOOL ZONE

TRUEBLUE™

The central graphic features a group of four diverse school children smiling. To their left is a yellow diamond-shaped sign that reads "SLOW SCHOOL ZONE". To their right is a rectangular sign with a yellow background and black text that reads "SCHOOL PHOTO ENFORCED SPEED". Above the children, the text "YOUR SCHOOL ZONE SAFETY PHOTO SPEED ENFORCEMENT PROGRAM IS COMING" is written in blue. The words "KIDS FIRST" are written in large, bold, yellow letters. At the bottom of the graphic, the word "TRUEBLUE" is written in a large, blue, sans-serif font with a trademark symbol.

Working Together to Achieve

“Zero Crashes, Zero Injuries & Zero Fatalities”

The following report includes the most recent data as it was gathered through the end of the 2022/2023 school year for Chatham County, GA. During each phase of the TrueBlue™ program, 5-days of data is gathered to measure the effectiveness of each phase. Table A below provides an overview of the number of speeders from the pre-program speed surveys to the post-enforcement speed surveys.

Table A

CHATHAM COUNTY SPEED STUDY DATA REPORT					
SCHOOL NAME	PRE-PROGRAM	PI&E	WARNING	ENFORCEMENT	POST ENFORCEMENT
COASTAL MIDDLE	4,189	1,262	1,133	724	323
GEORGETOWN K-8	694	100	9	16	19
MAY HOWARD ELEMENTARY	3,620	805	84	34	35
ST ANDREWS	1,580	1,808	295	82	44
ISLE OF HOPE K-8	674	90	37	28	24
HESSE K-8	4,697	1,197	669	771	524
SOUTHWEST ELEM/MIDDLE	2,012	730	1,492	1,088	590
ST JAMES	5,083	2,449	689	683	434
SUMMARY	23,179	84,410	4,408	3,426	1,993

The TrueBlue™ program is designed to reduce the number of speeders in school zones to make a safer place for our children to study and play. Table B below reflects the overall effectiveness during each phase and depicts an overall **97.8%** reduction rate in speeding.

Table B

EFFECTIVENESS OF EACH PHASE					
SCHOOL NAME	PRE-PROGRAM TO PI&E	PI&E TO WARNING	WARNING TO ENFORCEMENT	ENFORCEMENT TO POST-ENFORCEMENT	TOTAL REDUCTION
COASTAL MIDDLE	73.8%	2.7%	8.5%	8.3%	93%
GEORGETOWN K-8	85.6%	13.1%	-1.0%	-0.4%	97%
MAY HOWARD ELEMENTARY	77.8%	19.9%	1.4%	0.0%	99%
ST ANDREWS	-14.4%	95.8%	13.5%	2.4%	97%
ISLE OF HOPE K-8	86.6%	7.9%	1.3%	0.6%	96%
HESSE K-8	74.5%	11.2%	-2.2%	5.3%	89%
SOUTHWEST ELEM/MIDDLE	63.7%	-37.9%	20.1%	24.8%	71%
ST JAMES	51.8%	34.6%	0.1%	4.9%	91%
TOTAL	87.5%	12.2%	0.0%	1.0%	97.8%

Congratulations Chatham County, GA for implementing a program that makes our children safer where they learn and play!





TRUEBLUE™ SCHOOL ZONE SAFETY PROGRAM

Automated Speed Enforcement

STRIVING FOR ZERO

“ZERO CRASHES, ZERO INJURIES, ZERO FATALITIES”

Mark Hutchinson, Founder & CEO
mark@bluelinesolutions.org



Wythe County, VA Program Data Report

The Wythe County Sheriff's Department began implementing a school zone automated speed enforcement program in September of 2022. The purpose of the program was to reduce the number of speeding vehicles traveling through the school zones, thus reducing the likelihood that accidents, injuries, or fatalities could occur. Virginia state law established a fine of \$100 for speeding at 10+ MPH above the posted speed limit.

Wythe County, in conjunction with Blue Line Solutions, LLC, established an extensive program that emphasizes components not usually utilized in photo-speed enforcement programs. This program focuses on:

- Pre-program Speed Studies
- Public Information & Education

THE PROGRAM

The program involves a phased approach during the implementation to inform & educate the public, enforce speeding laws, and measure the outcomes of the program. The main phases are measured as follows:

Phase 1: **Pre-Program** – During this phase, initial traffic data was collected over a 5-day period to establish a base line number of vehicles traveling through the school zone(s) and the number of those vehicles that were speeding.

Phase 2: **Public Information & Education (PI&E)** – Information about this program is disseminated to the public through press releases, social media posts, school student/parent portals, and open meetings to give advance notice of the upcoming program – specific PI&E efforts are outlined within this document. A 5-day survey was conducted at the beginning of the warning period to measure the effectiveness of the PI&E campaign. Public Education & Information is key to the success of any program.

BLUE LINE SOLUTIONS, LLC
 4409 OAKWOOD DR
 CHATTANOOGA, TN. 37416

The initial PI&E campaign included the following:

Table A

DATE	COMMUNICATION	SOURCE
March 22, 2022	Photo Speed RFP	Wythe County
April 6, 2022	Wythe County Recent Speed Studies	Wythe County Facebook
April 7, 2022	Wythe County Stepping up Enforcement	Daily News Record
August 12, 2022	New School Year Brings Enforcement	SWVA Today
March 23, 2023	New Speed Enforcement Technology	WHSV3



As seen during the initial PI&E campaign, Wythe County made a concerted effort, utilizing many different methods of communication to educate the citizens and communities of the county about the upcoming school zone safety program. The table and graphics above are not all-inclusive of every effort made but do demonstrate some materials and platforms used.

Phase 3: For the first 30 days, owners of vehicles travelling through school zones at 10mph above the threshold received warning citations. These citations are marked with a large red warning statement displayed across the front of the notice and served as a reminder to the citizens to slow their vehicle speed down when entering the school zones. **There are no monetary fines during this period.** Once the warning period concluded, a third (3rd) 5- day speed survey was conducted to determine the effectiveness of the warning phase.

Phase 4: After conclusion of the warning period, live enforcement began with speeding violators receiving valid citations. Following the first 30 days of live enforcement, a fourth (4th) speed survey was conducted approximately around week 5 to measure the effectiveness of the program.



IMPLEMENTATION SCHEDULE

Table B below, outlines the schedule of when each program began, and when each phase occurred. Columns marked with * reflect data forthcoming.

Table B

School Zone	Pre-Program Survey (Phase 1)	Warning Start Date*	PI&E Survey (Phase 2)	Enforcement Live Date	Warning Survey (Phase 3)	Fixed Unit Enforcement Live Date	Initial Enforcement Survey (Phase 4)
Fort Chiswell High School	01/10/2022 – 01/14/2022	08/15/2022 – 08/19/2022	*	09/06/2022	*	03/21/2023	05/01/2023 – 05/05/2023
Jackson Memorial Elementary School	01/10/2022 – 01/14/2022	08/15/2022 – 08/19/2022	*	09/06/2022	*	03/21/2023	05/01/2023 – 05/05/2023
Sheffey Elementary School	05/26/2022 – 05/27/2022, 05/30/2022 – 06/01/2022	08/15/2022 – 08/19/2022	*	09/06/2022	*	03/21/2023	05/01/2023 – 05/05/2023

*Wythe Co., VA implemented their school-zone speed enforcement program in a format different than typical programs. Warning citations were captured and issued during the period of August 15-19th, 2022 using a Handheld LIDAR device. This device continued to be used to capture and issue enforceable violations until March 21st, 2023, when the Fixed Unit ASE devices began enforcing these zones.

Due to the use of the Handheld LIDAR device for the onset of the program, comparable data was captured 5-weeks into Fixed Unit ASE Enforcement and will continue to be updated thereafter.



SPEED STUDY DATA BY PHASE

Table C

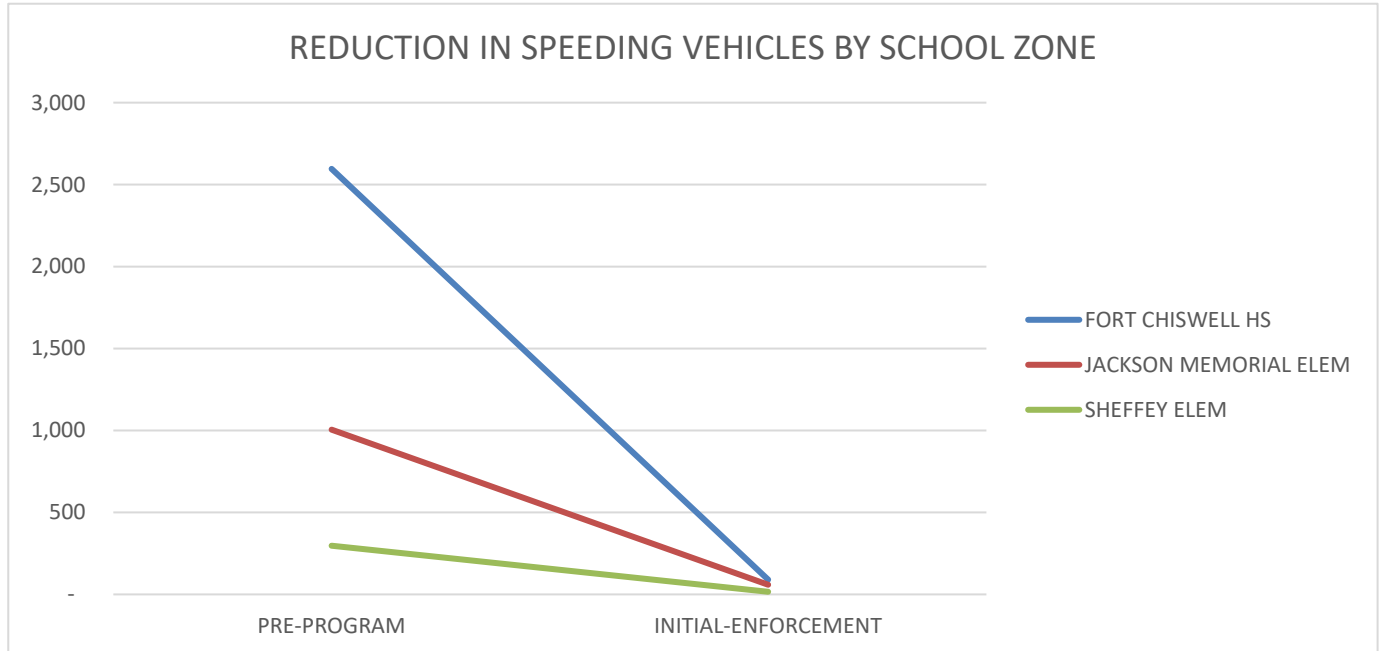
SPEEDING VEHICLES (5-DAY STUDY TOTALS)		
	<u>PRE-PROGRAM</u>	<u>INITIAL-ENFORCEMENT</u>
FORT CHISWELL HIGH SCHOOL	2,596	90
JACKSON MEMORIAL ELEMENTARY SCHOOL	1,005	59
SHEFFEY ELEMENTARY SCHOOL	297	16
TOTAL	3,898	165
PROGRAM DAILY AVERAGE	780	33
% REDUCTION PER PHASE		96%
% TOTAL REDUCTION	96%	

As illustrated above in Table C, the school zone in which the program has been implemented has experienced a 96% reduction in speeding vehicles. **The program thus far has reduced the number of speeding vehicles by 96%.**

Graph B below illustrates the reductions in speeding vehicles in each school zone where the program has been implemented. Speeding vehicles have reduced from 3,898 in the pre-program surveys to 165 in the Initial-Enforcement surveys.



Graph B



Traffic Counts:

Table D

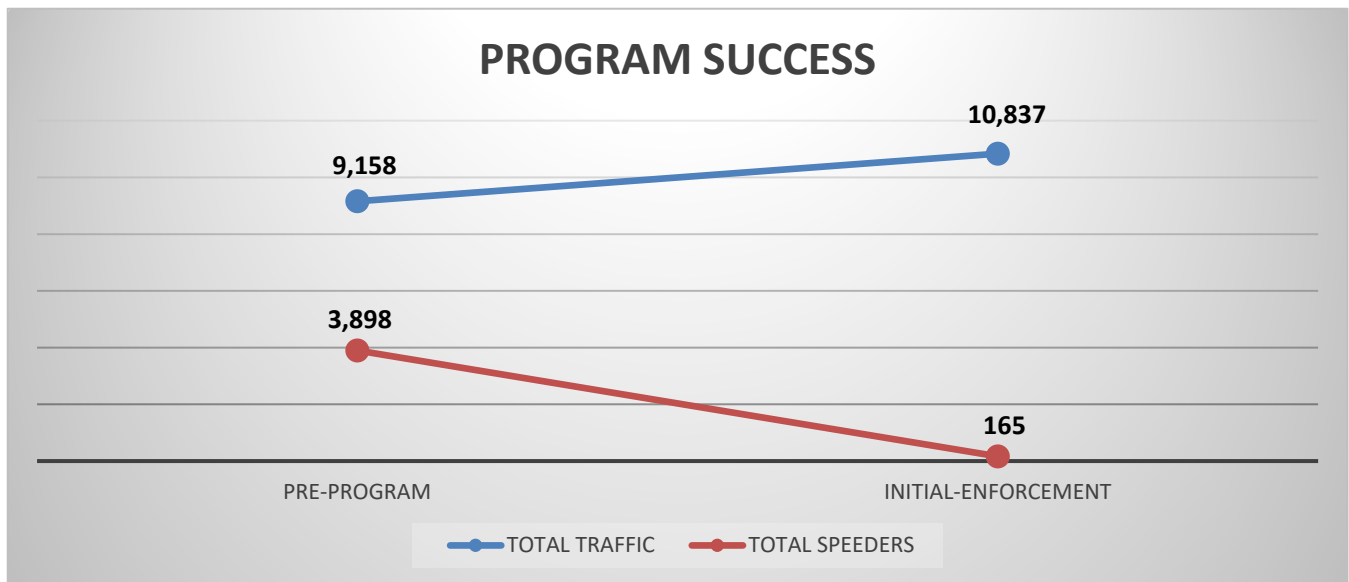
TRAFFIC COUNT (5-DAY STUDY TOTALS)		
	PRE-PROGRAM	INITIAL-ENFORCEMENT
FORT CHISWELL HIGH SCHOOL	5,413	6,949
JACKSON MEMORIAL ELEMENTARY SCHOOL	2,478	2,426
TOTAL	9,158	10,837
PROGRAM DAILY AVERAGE	1,832	2,167
% REDUCTION PER PHASE		-18%
% TOTAL REDUCTION	-18%	

As seen in Table D, the overall traffic count has increased in the included school zones since the Pre-Program studies. **It is important to note that even with this increase in traffic count, speeding vehicles has been lowered by 96% - further evidence of the program's effectiveness.**

PROGRAM SUCCESS - PHASE 1-4 RESULTS

As a technology and data driven company, the overall success of a program is measured by just that – technology to capture data. Graph A below provides an overview of the total number of traffic counts and speeders since the beginning of the program in Wythe County, VA.

Prior to the beginning of the program, 3,898 vehicles traveling through the included school zones in Wythe Co., VA every week were speeding. This shocking reality brought life to a program that through public information, education, and enforcement, reduced the number of speeders by 96% since inception. **This drastic decrease was also achieved even with an increase in traffic count.** What does all this mean for the children that attend schools here? **A safer place to walk, play, and learn!**



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METHODOLOGY

The TrueBlue™ School Zone Safety Program combines Public Information & Education (PI&E) with enforcement to reach mass driver audiences while enforcing the speed limit laws in school zones. To achieve the goal of reducing speeding violations, a partnership between Wythe County, VA and BLS created an effective program to reach the community with messaging as it relates to the TrueBlue™ Automated Speed Enforcement program.

SUMMARY

In summary, the overall collaborative efforts between Blue Line Solutions, LLC, Wythe County, VA, and key stakeholders, combined with pre, ongoing, and post deployment data and Public Education & Information has proven to make our communities safer. As we ‘Strive for Zero’ in our school zones, the TrueBlue™ program reflects an overall 94% nationwide reduction rate of speeders in school zones which gets us one step closer to our goal of *“Zero Crashes, Zero Injuries and Zero Fatalities”* in areas where our children are.