



BOARD OF SUPERVISORS

THOMAS D. HARVEY
North District

ERNIE Q. REED
Central District

JESSE N. RUTHERFORD
East District

J. DAVID PARR.
West District

DR. JESSICA LIGON
South 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
JANUARY 9, 2024
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. REORGANIZATION OF THE BOARD AND ANNUAL ORGANIZATIONAL MEETING**
 - A. Election of Chair and Vice Chair
 - B. Resolution – **R2024-01** Annual Organizational Meeting of the Board

- III. PUBLIC COMMENTS**

- IV. CONSENT AGENDA**
 - A. Resolution – **R2024-02** Minutes for Approval
 - B. Resolution – **R2024-03** Budget Amendment

- V. PRESENTATIONS**
 - A. VDOT Report
 - B. Thomas Jefferson Soil and Water Conservation District Programs Update

- VI. NEW & UNFINISHED BUSINESS**
 - A. Interest Free Loan Request – Wintergreen Rescue Squad (R2024-04)
 - B. Nelson EMS Proposed FY25 Shift Schedule Change
 - C. NCCDF Request for Support of Housing Opportunities via Fee Waivers (R2024-05)

- VII. REPORTS, APPOINTMENTS, DIRECTIVES AND CORRESPONDENCE**
 - A. Reports
 1. County Administrator’s Report
 2. Board Reports
 - B. Appointments
 - C. Correspondence
 - D. Directives

- VIII. 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. Ordinance O2023-08 – Amendment to Chapter 11, Taxation, Article I, Sec. 11-5.1 Exemption for Volunteer Fire and Rescue Members

The purpose of the public hearing is to receive public input on an Ordinance proposed for passage to amend Chapter 11, Taxation, Article I, Sec. 11-5.1 Exemption for Volunteer Fire and Rescue Squad Members. Proposed amendments to Section 11-5.1 would change the exempted amount of personal property taxes from the first five thousand dollars (\$5,000.00) of assessed value to a credit of three hundred dollars (\$300.00) on the personal property tax bill of eligible volunteer fire and rescue squad members.

- IV. OTHER BUSINESS (AS PRESENTED)**
- V. ADJOURNMENT**



DIVISION 2. CONDUCT OF MEETINGS

Sec. 2-41. Scope.

The rules of procedure in this division shall govern the conduct of the board of supervisors' meetings.

Sec. 2-42. Rules of order.

Robert's Rules of Order shall be observed as the rules for conducting the business of the board of supervisors.

(Res. of 9-13-72)

Sec. 2-43. Chairman.

The board of supervisors shall, at its first meeting after election, elect one (1) of its number as chairman. The chairman, if present, shall preside at such meeting and at all other meetings during the term for which so elected.

(Res. of 3-11-80, § A)

State law reference(s)—Similar provisions, Code of Virginia, § 15.1-528.

Sec. 2-44. Vice-chairman.

The board of supervisors shall, at its first meeting after election, elect one (1) of its number as vice-chairman. The vice-chairman shall preside at meetings in the absence of the chairman and shall discharge any other duties of the chairman during the chairman's absence or disability.

(Res. of 3-11-80, § A)

State law reference(s)—Similar provisions, Code of Virginia, § 15.1-528.

Sec. 2-45. Terms of officers.

The chairman and vice-chairman of the board of supervisors shall be elected for one-year terms; but either or both may be reelected for one (1) or more additional terms.

(Res. of 3-11-80, § A)

State law reference(s)—Authority for above section, Code of Virginia, § 15.1-528.

Sec. 2-46. Clerk.

The board of supervisors shall, at its first meeting after election, designate the county administrator as clerk, who shall serve at the pleasure of the board and whose duties shall be those set forth by Virginia Code Sections

15.1-531 and 15.1-532 and resolution of the board as adopted from time to time. The minutes of the board shall be duly drawn by the clerk.

(Res. of 3-11-80, § B)

Sec. 2-47. Annual meeting.

The first meeting held after the newly elected members of the board of supervisors have qualified, and the first meeting held in the corresponding month of each succeeding year, shall be known as the annual meeting. At such annual meeting, the board shall establish the days, times and places for regular meetings of the board for the ensuing twelve (12) months.

(Res. of 3-11-80, § C)

State law reference(s)—Similar provisions, Code of Virginia, § 15.1-536.

Sec. 2-48. Regular meetings.

Except as otherwise provided by law, the board of supervisors shall meet in regular session not less often than once each month upon such day or days as may be established. The board may, however, subsequently establish different days, times or places for such regular meetings by passing a resolution to that effect in accord with Virginia Code Section 15.1-536. When the day established as a regular meeting day falls on a legal holiday, the meeting shall be held on the next following regular business day.

(Res. of 3-11-80, § C)

State law reference(s)—Similar provisions, Code of Virginia, § 15.1-536.

Sec. 2-49. Special meetings.

- (a) A special meeting of the board of supervisors shall be held when requested by two (2) or more of the members. Such request shall be in writing, addressed to the clerk of the board, and shall specify the time and place of meeting and the matters to be considered at the meeting. Upon receipt of such request, the clerk shall immediately notify each member of the board and the commonwealth's attorney or the county attorney, if one is employed, in writing, to attend upon such meeting at the time and place mentioned in the request. Such notice shall specify the matters to be considered at the meeting. The clerk shall send a copy of such notice to each member of the board and the commonwealth's attorney or the county attorney, if one is employed, by certified mail not less than five (5) days before the day of the special meeting. The clerk may have such notice served on the members of the board and the commonwealth's attorney or the county attorney, if one is employed, by the sheriff of the county, if he deems the same necessary to secure their attendance. The clerk shall also notify the general news media of the time and place of such meeting and the matters to be considered.
- (b) No matter not specified in the notice shall be considered at such meeting, unless all the members of the board are present. The sheriff shall be allowed fifty cents (\$0.50) for the service of each such notice, payable out of the county levy. The five (5) days' notice may be waived if each member of the board of supervisors and the commonwealth's attorney or the county attorney, if one is employed, attends the special meeting and signs a waiver.

(Res. of 3-11-80, § C)

State law reference(s)—Special meetings, Code of Virginia, § 15.1-537; creation of office of county attorney, Code of Virginia, § 15.1-9.1:1.

Sec. 2-50. Agenda.

The agenda for all meetings of the board of supervisors shall be established by the clerk of the board in consultation with the chairman.

(Res. of 3-11-80, § D)

Sec. 2-51. Adjournment by majority.

Notwithstanding any other provision of this Code, a majority of the members of the board of supervisors present at the prescribed day, time and place to attend any meeting held or to have been held pursuant to the provisions of this division shall constitute a quorum for the purpose of adjourning such meeting 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 board is completed.

(Res. of 3-11-80, § E)

State law reference(s)—Similar provisions, Code of Virginia, § 15.1-536.

Sec. 2-52. Voting.

- (a) All questions submitted to the board of supervisors for decision shall be presented by appropriate motion of a member and seconded by another member. Such questions shall be determined by a majority of the supervisors voting thereon by voice vote, roll call or any other method of voting which shall identify the matter to be voted upon and shall record the individual votes of the members. In the case of any matters involving the appropriation of any sum exceeding five hundred dollars (\$500.00) a majority of the total membership shall be required. The clerk shall record the name of each member voting and how he voted. Whenever any member wishes to abstain from voting on any question, he shall so state and his abstention shall be announced by the chairman and recorded by the clerk.
- (b) Since the board has elected not to provide for the appointment of a tie-breaker, any tie vote shall defeat the motion, resolution or question voted upon.
- (c) Matters requiring public hearings shall not be subject to vote by the board before such public hearing has been held; provided, that nothing herein shall be construed to prevent the deferral or continuance of consideration of any matter prior to the holding of such public hearing.
- (d) Amendments to a motion, unless accepted by the member making the original motion and the member seconding the same, shall be subject to vote by the board before any action is taken on the original motion.
- (e) Discussion of any motion may be terminated by any member's moving the previous question, whereupon the chair shall call for a vote on the motion and, if carried by a majority of those voting, shall then call for a vote on the original motion under consideration. A motion of the previous question shall not be subject to debate and shall take precedence over any other matter.
- (f) After a vote has been taken on a matter before the board, any member may move for its reconsideration, provided such motion is made at the same meeting or an adjournment thereof at which the matter was originally acted upon. The effect of the motion to reconsider, if adopted, shall be to place the original question in the exact position it occupied before it was voted upon.

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- (g) Any vote previously taken by the board, with the exception of zoning matters (which shall be subject to reconsideration only as above stated) and ordinances, may be rescinded by a majority of total membership of the board.

(Res. of 3-11-80, § F)

State law reference(s)—How questions determined, Code of Virginia, § 15.1-540; tie breakers, Code of Virginia, § 15.1-535.

Sec. 2-53. Order and decorum.

- (a) The chairman of the board of supervisors shall preserve order and decorum, and shall decide questions of order without debate, subject to an appeal to the board.
- (b) When deciding important issues, members should explain their individual votes.
- (c) No member shall, in debate, use language or gesture calculated to wound, offend or insult another member.
- (d) Citizens are encouraged to speak on issues, but shall limit their remarks to the question before the board. The board shall determine a time limit on citizen speakers, if necessary. Citizen speakers should avoid repetition when possible.

(Res. of 3-11-80, § F)

Sec. 2-54. Amendment to, suspension of rules of procedure.

This division may be amended by a majority vote of the board of supervisors at the next regular meeting following a regular meeting at which the motion to amend is made. By majority vote of those board members present and voting, this division may be suspended on any matter before it.

(Res. of 3-11-80, § H)

Secs. 2-55—2-70. Reserved.

Chairs and Vice Chairs

	<u>Chair</u>	<u>Vice Chair</u>
2024	<i>J. David Parr - W</i>	<i>Ernie Q. Reed - C</i>
2023	Jesse N. Rutherford - E	J. David Parr - W
2022	Jesse N. Rutherford - E	Robert G. Barton - S
2021	Ernie Q. Reed -C	Jesse N. Rutherford - E
2020	Thomas D. Harvey -N	Ernie Q. Reed -C
2019	Larry D. Saunders - S	Thomas D. Harvey -N
2018	Thomas H. Bruguiere -W	Larry D. Saunders - S
2017	Thomas D. Harvey - N	Thomas H. Bruguiere - W
2016	Allen M. Hale - E	Thomas D. Harvey - N
2015	Larry D. Saunders - S	Allen M. Hale - E
2014	Constance Brennan - C	Larry D. Saunders - S
2013	Thomas H. Bruguiere - W	Constance Brennan - C
2012	Thomas D. Harvey - N	Thomas H. Bruguiere - W
2011	Joe Dan Johnson - S	Thomas H. Bruguiere - W
2010	Constance Brennan -C	Joe Dan Johnson -S
2009	Allen M. Hale - E	Constance Brennan - C
2008	Thomas D. Harvey - N	Allen M. Hale - E
2007	Thomas H. Bruguiere - W	Thomas D. Harvey - N
2006	Harry S. Harris - S	Thomas H. Bruguiere - W
2005	Gary E. Wood - E	Constance Brennan - C
2004	Constance Brennan - C	Gary E. Wood - E
2003	Thomas D. Harvey - N	Constance Brennan - C

Chairs and Vice Chairs

2002	Thomas H. Bruguere - W	Thomas D. Harvey - N
2001	Gary E. Wood - E	Thomas H. Bruguere - W
2000	Harry S. Harris - S	Gary E. Wood -E



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**RESOLUTION R2024-01
NELSON COUNTY BOARD OF SUPERVISORS
ANNUAL MEETING**

JANUARY 9, 2024

WHEREAS, pursuant to the applicable provisions of §15.2-1416 of the Code of VA and Chapter 2, Article 2 of the Code of the County of Nelson, VA, the Nelson County Board of Supervisors conducts an annual organizational meeting at the Board’s first meeting in January of each year; and,

WHEREAS, matters to be determined by the Board of Supervisors in addition to the appointment of a Chairman and Vice-Chairman include the establishment of a schedule of regular and, as applicable, special meetings, the establishment of rules of order, the establishment of (a) meeting agenda(s), and the establishment of Board appointments, including a Clerk and Deputy Clerk to the Board of Supervisors, a Zoning Administrator and a Hazardous Material Coordinator.

NOW THEREFORE BE IT RESOLVED, by the Nelson County Board of Supervisors as follows:

Regular meetings of the Board of Supervisors shall be conducted during Calendar Year 2024 in the General District Courtroom located in the Nelson County Courthouse in Lovingston, VA on the second Tuesday of each month, beginning at 2:00 p.m., and reconvening thereafter at 7:00 p.m. Should the regular meetings fall on any legal holiday, the meeting shall be held on the next following regular business day, without action of any kind by the Board; unless otherwise cancelled. Should the Chairman or Vice Chairman (if the Chairman is unable to act) find and declare that weather or other conditions are such that it is hazardous for members to attend regular meetings; the meeting(s) will be continued on the following Tuesday. Such finding shall be communicated to the members, staff, and the press as promptly as possible. All hearings and other matters previously advertised shall be conducted at the continued meeting(s) and no further advertisement is required.

Special meetings of the Board of Supervisors may be convened from time to time, as determined by the Board of Supervisors in accordance with the applicable provisions of the Code of VA and the Code of the County of Nelson, VA.

In accordance with the Code of the County of Nelson, VA, Robert’s Rules of Order, shall be observed as the rules for conducting the business of the Board of Supervisors and the agenda for all meetings of the Board of Supervisors shall be established by the Clerk of the Board in consultation with the Chairman.



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Board of Supervisors appointments for Calendar Year 2024 shall be as follows:

Thomas Jefferson Planning District Commission:

Jesse N. Rutherford

Thomas Jefferson Planning District Commission:

Ernie Q. Reed

Director of Emergency Services:

Board of Supervisors Chair

Emergency Services Coordinator:

John Adkins

Piedmont Workforce Network Council:

Clerk to the Nelson County Board of Supervisors:

Candice W. McGarry

Deputy Clerk to the Nelson County Board of Supervisors:

Amanda B. Spivey

Zoning Administrator:

Dylan M. Bishop

Hazardous Materials Coordinator:

John Adkins

Thomas Jefferson EMS Council:

John Adkins

Nelson County EMS Council:

J. David Parr

Thomas Jefferson Community Criminal Justice Board:

Daniel L. Rutherford

Nelson County Social Services Board:

J. David Parr

Nelson County Planning Commission:

Ernie Q. Reed

Adopted: January 9, 2024

Attest: _____, Clerk
Nelson County Board of Supervisors

Sec. 2-73. Director of emergency services.

- (a) The director of emergency services shall be the chairman of the board of supervisors. Succession to the chairmanship is outlined in the basic emergency operations plan.
- (b) The director shall be responsible for organizing emergency services and directing emergency operations through the regularly constituted government structure, and shall utilize the services, equipment, supplies and facilities of existing departments, offices and agencies of the county to the maximum extent practicable. The officers and personnel of all such departments, offices and agencies are directed to cooperate with and extend such services and facilities to the director upon request.
- (c) The director will prepare or cause to be prepared and keep current a local emergency operations plan. He may, in collaboration with other public and private agencies, develop or cause to be developed mutual aid agreements for reciprocal assistance in the case of a disaster or emergency.
- (d) The director shall have the authority to appoint a coordinator and deputy coordinator of emergency services, as well as to authorize the appointment of other emergency service personnel, as deemed necessary, with the consent of the board of supervisors.
- (e) The director shall appoint a team of key personnel known as the emergency operating staff, along with a line of successors for these key personnel, and charge them with the responsibility of directing one (1) or more operations during an emergency. The organization of this staff shall be incorporated into the local emergency operations plan.

(Ord. of 6-8-76(1), § 2)

State law reference(s)—Powers and duties of political subdivisions, Code of Virginia, § 44-146.19.



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**RESOLUTION R2024-02
NELSON COUNTY BOARD OF SUPERVISORS
APPROVAL OF MINUTES
(July 11, 2023)**

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

Approved: January 9, 2024

Attest: _____, Clerk
Nelson County Board of Supervisors

July 11, 2023

Virginia:

AT A REGULAR MEETING of the Nelson County Board of Supervisors at 2:00 p.m. in the General District Courtroom located on the third floor of the Nelson County Courthouse, in Lovingston, Virginia.

Present: Jesse N. Rutherford, East District Supervisor –Chair
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

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

I. CALL TO ORDER

Mr. Rutherford called the meeting to order at 2:00 p.m. with four (4) Supervisors present to establish a quorum and Mr. Parr being absent. Mr. Rutherford asked everyone to continue to keep the law enforcement community and Officer Wagner’s family in their prayers.

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

II. PUBLIC COMMENTS

Rev. James Rose - Wingina, VA

Mr. Rose spoke on behalf of the Gladstone Senior Center. He thanked the Board for their support in the past. He requested \$3,000 for a defibrillator for the Gladstone Senior Center. He noted the need for a defibrillator at the center as seniors gathered there and many had health problems. He commented that two members in the group knew how to use a defibrillator. He reported that Blue Ridge Medical Center had volunteered to train other members of the center. Rev. Rose noted that a member had recently fallen and fractured her hip. He reported that it took almost an hour for EMS to arrive as they had to come from Wintergreen. He noted that this was the reason for the request for the defibrillator as it could help save lives.

James Bibb - Arrington, VA

Mr. Bibb addressed the use of ATE (automated traffic enforcement) in the County. He commented that the lines of law enforcement and revenue generation should never be blurred. He noted that ATE was not law enforcement and was not deployed or marketed as such. He commented that it was also not a tool to increase public safety rather it was a method of revenue generation. He pointed out that cons included incorrectly ticketed drivers, as it did not identify the driver, only the vehicle. He commented that the privatization of traffic enforcement would incentivize companies to prioritize profits over public safety.

William Percy - Lovingston, VA

Mr. Percy thanked the Board for their participation with fireworks the Lovingston Volunteer Fire Department, noting that it was a real success. He hoped to see it continue. He also thanked the Board for

July 11, 2023

the resolution for Jimmy Fortune and Earl Hamner Day. He asked if the YouTube audio and video of the Board meetings could be improved. He asked if they could use some of the School Board equipment like the Promethean and the sound system for Board meetings. Mr. Percy thanked VDOT for their grass cutting efforts. He encouraged VDOT to be more proactive in widening the roads and extending left turn lanes. He referenced an email that he had sent to the Board about Riverside Park in Waynesboro and suggested that the Board take a look at the park as they consider options at the Larkin property.

Edith Napier - Arrington, VA

Ms. Napier thanked the Board for their service and apologized to them for times when they were confronted in public regarding complaints. She noted that she would make an effort, and hoped others would also do the same, to channel concerns in the right manner. She commented that at last month's meeting, she had come before the Board regarding grass cutting on the southern end of the County. She noted that the grass was not cut for Juneteenth. She then reported that a week later, an accident had occurred at Route 29 and Napier Loop in middle of day. She commented that the grass was extremely tall then. She noted that the traffic had to be re-routed from Route 29 through a small neighborhood road. She noted concern that because VDOT was negligent on cutting the grass, they endangered the citizens in that neighborhood in order to keep traffic moving. She asked the Board to impress upon VDOT the importance of cutting the grass in a timely manner, especially on Route 29. She noted that the southern portion of Route 29 seemed to be a neglected area. She did not want to wait until someone was killed before they figure out that cutting the grass could make a difference.

III. CONSENT AGENDA

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

A. Resolution – **R2023-43** Minutes for Approval

**RESOLUTION R2023-43
NELSON COUNTY BOARD OF SUPERVISORS
APPROVAL OF MINUTES
(March 28, 2023)**

RESOLVED, by the Nelson County Board of Supervisors that the minutes of said Board meetings conducted on **March 28, 2023** be and hereby are approved and authorized for entry into the official record of the Board of Supervisors meetings.

B. Resolution – **R2023-44** Amendment to Recreation Fee Schedule

**RESOLUTION R2023-44
NELSON COUNTY BOARD OF SUPERVISORS
AMENDMENT OF NELSON COUNTY PARKS AND
RECREATION
FEE SCHEDULE FOR FACILITY RENTALS
ADDITION OF NELSON CENTER AND RYAN BALLFIELDS**

July 11, 2023

WHEREAS, the Code of Nelson County, Virginia Chapter 2, Administration, Article VII gives the Board of Supervisors the authority to establish by resolution, fees for the operation and regulation of the County’s parks, recreation facilities, and playgrounds; and

WHEREAS, on October 12, 2021, the Nelson County Board of Supervisors approved Resolution R2021-56 for the establishment of fees for Nelson County Parks and Recreation; and

WHEREAS, on December 14, 2021, the Nelson County Board of Supervisors approved Resolution R2021-66 for the establishment of a facility rental fee for use of the Montreal Park & Shelter; and

WHEREAS, to assist in covering the costs to maintain and operate the Nelson Center and Ryan ballfields, Nelson County Parks and Recreation wishes to amend the established fee schedule to include a facility rental fee for the use of these sites;

NOW, THEREFORE BE IT RESOLVED, by the Nelson County Board of Supervisors that the Nelson County Parks and Recreation Schedule of Fees, is hereby immediately amended to include the Nelson Center and Ryan ballfields as part of the facility rentals managed by the Parks and Recreation Department, including the associated facility rental fees as shown in the attached July 2023 Fee Schedule.

Nelson County Parks and Recreation Fees-July 2023

Amended to add: Nelson Center and Ryan Complex Baseball/Softball Field Rentals

SPORTS / PROGRAMMING	
Youth Soccer	\$30 Lil Kickers Program (4-5 yr olds) \$40 Regular Registration (6-14 yr olds) \$50 Late Registration \$5 sibling discount (for families with 2+ children)
Youth Baseball Spring	\$55 Regular Registration \$65 Late Registration \$5 sibling discount (for families with 2+ children)
Youth Baseball Fall	\$25 Tball, \$55 Regular Registration \$65 Late Registration \$5 sibling discount (for families with 2+ children)
Youth Basketball	\$40 Regular Registration \$50 Late Registration \$5 sibling discount (for families with 2+ children)
Youth Cheerleading	\$40 Regular Registration \$50 Late Registration \$5 sibling discount (for families with 2+ children)
Youth Flag Football	\$45 Regular Registration \$55 Late Registration \$5 sibling discount (for families with 2+ children)

Individual Youth Sponsorships	\$40 per child/sponsorship
Adult Kickball	\$150 per team
Adult Softball	\$350 max per team
Adult Volleyball	\$150 per team
Adult Ultimate Frisbee	\$125 per team
Adult Flag Football	\$150 per team
Adult Basketball	\$275 per team
Sports Team Sponsorship (youth and adult)	\$150 per team
*Scholarships for Youth	NCPR offers scholarships to youth participants in need of financial support. A completed application by a guardian is required along with proof of income/need. The fee is then based on a sliding scale depending on household size and eligibility.
Summer Youth Sports Camps	Varies based on length of Camp Instructor Fee + Supplies per person + 10% Rec fee Supplies include additional equipment needed purchased by NCPR and Camp shirts.

SPECIAL EVENTS / RECREATIONAL PROGRAMS	
Special Events (i.e. Piney River Triathlon, Nelson Downriver Race) General Recreation Programs	Varies Individual Expense (Instructor Fee + Supplies needed per person, etc.) Plus 20%. Example: Instructor wants \$20 per participant. NCPR charges \$24 for registration.
COUNTY MERCHANDISE	
Future Blue Ridge Tunnel Merchandise	Product Cost + 25%
COMERCIAL USE PERMITS (ALL PROPERTIES)	
Filming at BRT	Per Recommendation of County Administrator and Director of Parks and Recreation based on length of closure and exact needs of the group.
For-profit Tours	
Private Events	
FACILITY RENTALS	
Montreal Park & Shelter	\$40 per day. Full daily rate ONLY.
Nelson Center & Ryan Baseball/Softball Fields	Weeknight (After 5pm): \$20 per night Full Day: \$100/day (No half day option) Light Usage: \$10/day Flat Fee

IV. RESOLUTION – Honoring Officer Wagner and Support for Legislative Changes to LODA (R2023-45)

Mr. Rutherford noted that Nelson County had recently lost one of their own in the line of duty, Mr. Chris Wagner of the Wintergreen Police Department. Mr. Rutherford noted that the Board wanted to honor Mr. Wagner and his service to the community. He reported that himself, Mr. Parr and Ms. McGarry visited Wintergreen following the incident and learned that licensed police officers who work for private police departments did not get Line of Duty Act (LODA) benefits. He noted that having the benefit of LODA would allow the family members of an officer killed in the line of duty to benefit from something similar to a life insurance policy. Mr. Rutherford pointed out that that LODA benefit did not exist for Mr. Wagner. He noted that Mr. Wagner’s family would also struggle financially in his absence. He explained that the proposed resolution came about based on discussions with the Wagner family and state legislators. He felt that the decision was a no brainer and thought that Nelson County wanted to take care of their own. Mr. Rutherford wanted to honor Mr. Wagner’s memory and begin working on legislation. Mr. Rutherford reported that he had been speaking with State Senators and Delegates and noted that there was already legislation in the works to hopefully be on the agenda for the next session. He noted that Senator Mark Peake and Delegate Ellen Campbell were both involved with moving the legislation forward. Mr. Rutherford indicated that there were several other localities that have agreed to adopted a resolution in Mr. Wagner’s memory and to support legislation.

Mr. Reed thanked Mr. Rutherford for taking the initiative on the matter and moving it forward. Mr. Reed noted that he and the rest of the Board had received an email from Jay Roberts expressing his gratitude and support for the resolution.

Mr. Reed read aloud **Resolution R2023-45** and made a motion to adopt **Resolution R2023-45** as presented. 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 R2023-45
NELSON COUNTY BOARD OF SUPERVISORS
RESOLUTION HONORING OFFICER MARK CHRISTOPHER WAGNER, II
AND REQUESTING AMENDMENT OF THE LINE OF DUTY ACT**

WHEREAS, Mark Christopher Wagner II served for seven years with the Massanutten Police Department, beginning his law enforcement career as a Gate Attendant and in May of 2019, earned Police Officer status following his graduation from Central Shenandoah Police Academy; and

WHEREAS, Officer Wagner joined the Wintergreen Police Department in August of 2020 and diligently served the Wintergreen Community with unwavering honor and commitment; and

WHEREAS, Officer Mark Christopher Wagner II was killed in the line of duty on June 16, 2023, in his capacity as a law enforcement officer employed by the Wintergreen Police Department, a private police department; and

WHEREAS, the Line of Duty Act, Virginia Code § 9.1-400 *et seq.*, excludes private Police Officers from the benefits of that Act; and

WHEREAS, by definition under the Code of Virginia private Police Officers are law enforcement officers; and

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WHEREAS, private Police Officers, just as their counterparts employed by a police department or sheriff's office which is a part of or administered by the Commonwealth or any political subdivision thereof, are responsible for the prevention and detection of crime and the enforcement of the penal laws and are exposed to the same risks of injury or death; and,

WHEREAS, it is the sense of the Nelson County Board of Supervisors that the Line of Duty Act should be amended to afford private Police Officers the benefits available under the Act.

NOW, THEREFORE, BE IT RESOLVED, the Nelson County Board of Supervisors hereby honors Officer Mark Christopher Wagner II of Wintergreen Police Department for his heroism and honorable service to the citizens of Wintergreen and the County, for whom he made the ultimate sacrifice, and

BE IT FURTHER RESOLVED, the Nelson County Board of Supervisors hereby calls upon the General Assembly to amend the Code of Virginia to afford private Police Officers the benefits available under Virginia Code § 9.1-400 *et seq.*, Line of Duty Act, and

BE IT FINALLY RESOLVED, said Board hereby directs that a copy of this Resolution requesting these State Code amendments be delivered forthwith to the County's representatives in the General Assembly.

Mr. Rutherford noted that they had Mr. Russell, Mr. Sheets and Ms. Harris present from Wintergreen. He noted that the Board was there for them and supported them as well as the law enforcement community.

V. PRESENTATIONS

A. VDOT Report

Mr. Robert Brown of VDOT provided the following report:

Mr. Brown reported that VDOT had been mowing in Nelson County. He noted that they had mowed pretty much everything on the west side of Route 29. He reported that they were still working on the east side of Route 29 and now mowing into Shipman and Wingina. He hoped that the mowing would be completed in the next few weeks. Mr. Brown also reported that they had spent the last month working to resolve the issues and concerns brought up in the Facebook post.

Mr. Brown reported on Rural Rustic hard surfacing projects in Nelson. He noted that Honeysuckle Lane and Ball Mountain were both completed. He reported that they were starting to work on Jack's Hill to install a drainage structure. He noted that the road would be closed while the drainage structure was installed and then it would be reopened. He reported that VDOT had been doing a lot clean up from trees and flood damage. He noted that ditching work had been completed on Route 56 and Roseland Road. Mr. Brown noted that he had not received anything from VDOT's traffic engineers regarding any additional warning signs or a detection system for the Tye River Road railroad underpass. He noted that he was pushing for the engineers to provide something so they could see what would be involved and the costs to install it.

Supervisors then discussed the following issues:

Mr. Barton:

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Mr. Barton mentioned the area on Route 56 close to the Buckingham bridge and asked when they may finish paving that area. Mr. Brown indicated that the lower section of Route 56 was set to be paved around 2025. He noted that they would try to make some improvements to make it last until then.

Mr. Harvey:

Mr. Harvey had no VDOT issues

Mr. Reed:

Mr. Reed noted that Parks and Recreation was actively exploring possibilities to develop the Sturt property on Findlay Gap Road. He commented that they hoped to take steps to make it a usable park and noted that people needed to be able to get there. Mr. Barton noted it was an unpaved area with five (5) creeks to cross and there were no culverts. Mr. Brown noted that Findlay Gap was a long road and he hoped that the County would consider asking for proffers to improve the road. Mr. Brown noted the available funding sources which consisted of secondary road construction funding, most of which was already designated for unpaved roads; tele fees; and County safety money. He commented that if there was going to be a need for a major road improvement, the County and VDOT needed to keep their eyes open for opportunities for funding. Mr. Reed noted that the success of whatever Parks and Recreation put on the property would depend on the ability for people to get there safely. Mr. Brown indicated that VDOT would look at the road to determine any deficiencies and then determine any corrections that could be made. Mr. Barton commented that the road was in good shape at the river end.

Mr. Reed reported that one of his constituents had reached out to him regarding a culvert that was just replaced on Dutch Creek Lane. Mr. Reed noted that the constituent had found that the pumps used to divert the water were leaking oil significantly on the ground. He noted concerns regarding any possible creek pollution. Mr. Brown noted that he would contact the crew to see about fixing or replacing the pumps.

Mr. Reed noted that he had not heard any recent updates on the 151 Corridor Study. He reported that the County was working on the final draft of Comprehensive Plan and the data from the study was critical to helping with the plan. He asked if it would be possible to make sure that the information from the 151 Corridor study was available as soon as it could be, so that the information could be included in the plan. Mr. Brown noted that he would speak with Rick Youngblood regarding the completion date for the study.

Mr. Barton asked about setting a priority of cutting grass, particularly in the southern part of the County. He noted there were areas in the Southern end of the County where grass blocked the view at crossovers. He asked if grass could be a priority sooner in the process. Mr. Brown noted that Routes 29 and 151 were treated with a growth retardant to keep growth down so that mowing of the four lanes did not need to take place until mid-June or thereabouts. He noted that they typically started mowing two lane primaries around late April and then started on secondary roads around the beginning of May. He commented that he understood the concerns mentioned. Mr. Brown explained that the southern end of Nelson was maintained by the Amherst VDOT Headquarters and they typically started in the Gladstone area first because there was a lot of Johnson grass down there. He noted that the Bryant area Headquarters mowed the west side of Route 29 and the Shipman Headquarters mowed the east side of Route 29. Mr. Brown did report that VDOT planned to award a mowing contract so that a contractor could help mow secondary routes in Nelson, Amherst, Appomattox and Campbell. Mr. Brown noted that VDOT did not have the people or resources to take care of the mowing like they wanted to. He reported that the Shipman Headquarters had three vacancies in addition to having a few folks out on medical leave. Mr. Barton reiterated that the grass was a problem at the crossovers in the southern end of the County. Mr. Brown noted he understood the concerns and assured that VDOT did not want the vegetation to be the cause of any accident.

Mr. Rutherford related a concerns for Mr. Parr in his absence. He indicated that Mr. Parr had a question regarding a foot bridge on Rose Mill Road. Mr. Rutherford related Mr. Parr's appreciation for the repairs to shoulders. Mr. Rutherford asked if Mr. Brown had been able to look into an email regarding a culvert. Mr. Brown noted that the culvert did need to be replaced under 151 as it was non-functioning. Mr. Rutherford noted for the record that Mr. Parr was absent from the meeting due to a surgery that had been planned for quite a while, but he would be back on his feet in no time. Mr. Rutherford asked Mr. Brown to follow-up with Mr. Parr via email on the concerns mentioned.

Mr. Rutherford noted the need for mowing in the East District, particularly Schuyler. Mr. Brown noted that they had a tractor mowing that day. Mr. Rutherford mentioned a few potholes between Gordons Crossing (Laurel Road) and Ball Mountain that had been patched a few times and were coming back. He asked if there was a repaving schedule for those roads. Mr. Brown was uncertain when they would be on the schedule but noted that they typically made the repairs prior to hard surfacing.

The Board had no other VDOT items to discuss.

B. Automated Speed Enforcement in School Zones – Blue Line Solutions

Ms. McGarry introduced Greg Hogston with Blue Line Solutions. She noted he was present to discuss automated speed enforcement program for school zones. She noted that following the presentation, the Board could consider authorizing a public hearing the get input from the public on the program, or they could move forward, or take no action.

Mr. Hogston thanked the Board for the opportunity. He reported that he resided in Washington County and had retired from law enforcement after having served from 1996 until 2021. He noted that he then started his second career working in his passion traffic safety. Mr. Hogston explained that the Virginia General Assembly passed legislation §46.2-882.1 in 2020 which would allow automated speed enforcement in school zones and highway work zones.

Mr. Hogston provided background information on Blue Line Solutions, noting that they had over 200 years combined in law enforcement experience. He described the Click It or Ticket program, which was the most successful program launched by National Highway Traffic Safety Administration (NHTSA) and noted that as part of the program, 100 drivers were observed to see whether they were wearing their seatbelts at all times while operating a motor vehicle. He noted that following the reporting phase to DMV, a public information and education phase followed. He commented that the success of any enforcement program was dependent on how well the audience effected was educated. He noted that in the Click It or Ticket program, following education, they moved to the enforcement phase for two weeks and following enforcement, they returned to the same location at the same time and day to perform the same observation of drivers wearing seatbelts to determine how the seatbelt usage rates increased. He commented that the reason the Click It or Ticket program had been so successful, was due to the combined use of public education and enforcement. Mr. Hogston explained that the owner of Blue Line used the Click It or Ticket model to develop the model used for their automated School Zone enforcement program.

Mr. Hogston explained that Blue Line Solutions performed a five-day independent, unscrewed data driving report in interested localities' school or work zones using a radar box to capture the flow of vehicles and violations within that zone for a week. He noted that the data was then shared with the Sheriff, Board of Supervisors and School Board, along with the solution for problem. Mr. Hogston reported that data was

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collected in Nelson County in September 2022 in all three school zones from Tuesday, September 27th through Monday, October 3rd during the hours of 7:30 a.m. until 4:00 p.m.

Mr. Hogston reported that during the five-day study at the Nelson County Middle School and High School Zone, there were a total of 45,282 vehicles of which there were 5,314 recorded speeding violations. He explained that per §46.2-882.1, a speeding violation for photo speed enforcement could not be considered unless it was 11 miles per hour or above the school zone speed limit. He showed a pie chart which indicated that a little over 1,000 vehicles exceeded the posted speed limit by 11-14 miles per hour over the posted speed limit. He noted that the orange section showed the number of vehicles exceeding the speed limit by 15-20 miles per hour. He pointed out that anything in the gray part of the chart was considered to be reckless driving by speed which goes from a traffic infraction to a Class 1 Misdemeanor by speed.

Mr. Hogston then reviewed the school zone data at Rockfish Elementary School noting there was a total of 23,387 vehicles passing through during the five-day period. He reported that there were a total of 2,241 speeding violations recorded. He noted that each school zone varied. He pointed out that about 1,700 violations were speeding 11-14 miles over the posted speed limit, with 454 speeding 15-20 miles per hour over the speed limit, and 39 violators going 21 miles per hour over the speed limit or more.

Mr. Hogston then reviewed the Tye River Elementary School data. He reported that there were a total of 48,351 vehicles during the five-day period, with 4,203 of those being in violation of the speed limit. He noted that there were about 2,500 vehicles exceeding the speed limit by 10-14 miles per hour, 941 vehicles exceeding by 15-20 miles per hour, and 702 vehicles exceeding by 21 miles per hour or more.

Mr. Hogston explained that the General Assembly made automated speed enforcement available in two zones: School Zones and Work Zones. He noted that by code, the civil penalty was set at one hundred dollars (\$100.00) per violation. He indicated that there were no points assessed, so it did not go on someone's driving record as a demerit point violation, and it did not go to the driver's insurance. He noted that it would not go to court unless someone followed the rebuttal process by code. He commented that the Supreme Court set the fine high enough to deter bad driving behavior.

Mr. Hogston reviewed the Town of Bridgewater data from the Pre-Program Survey through the Enforcement phase. He explained the 30-day warning period in which speeding violators received warning citations as part of the Public Information and Education phase. He also noted that they used free radar feedback signs which flashed the driver's speed as they entered the area. Mr. Hogston noted that the program was not about revenue generation and collection, it was about speed reduction in the school zones.

Mr. Hogston provided the data for John Wayland Elementary in Bridgewater, which started with 1,095 violations, after the education phase dropped down to 97 violations, and then following the warning phase dropped to 86 violations. He noted that in the enforcement phase the violations went back up to 94. He reported a 91 percent total reduction in speeding violations. He explained that they continuously tracked the data and provided it to the locality so they could see the success of the program. He noted during the summer, they started another round of public information and education to prepare people for when schools start back and remind drivers to slow down.

	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%	

Mr. Hogston then discussed Blue Line’s first account in Virginia, Wythe County. He reported that Wythe County currently had three active schools, with the fourth school launching in the fall. He indicated that the program in Wythe County had reduced the number of speeding vehicles by 96 percent. Mr. Hogston explained that the VDOT regions across the state had different rules on how they implement programs. He noted that the purpose of photo speed enforcement was to have traffic slow down. He pointed out that the process was non-biased means of enforcement that only saw the violation. Mr. Hogston explained that if someone received the violation in the mail and was not driving the vehicle at the time, they would be able to go online and complete a transfer of liability form or file an affidavit to have their case added to the General District Court docket. Mr. Hogston reported that they had seven (7) active accounts, with five (5) more in negotiation.

Mr. Rutherford asked about the data on the Nelson County Middle and High School Zone, noting that in five days, they had 5,314 violations. Mr. Hogston explained that the length of time the lights flashed was determined by the code and left up to the School Superintendent. He noted that based on the times when the lights were flashing, they would subtract out the middle of the day total to get the numbers of School Zone violations (5,314 minus 871). Mr. Hogston then explained that the fee set by the Supreme Court of Virginia was \$100 per violation as a civil penalty. He noted that the fee from Blue Line’s services was \$25 per violation and \$75 of the \$100 would come back to the locality. Mr. Hogston also noted that each violation had to be certified by a sworn law enforcement officer. Mr. Rutherford estimated that after subtracting 871 from 5,314, they would have about 4,400 violations and at \$100 per violation, that was nearly a half million dollars. Mr. Rutherford noted that Blue Line would get 25 percent of that, or about \$100,000. Mr. Hogston noted that Mr. Rutherford was looking at the base line numbers. He pointed out that you could not predict driving behavior. He then explained that there could be a 90 percent reduction through proper education and information, along with proper placement of radar feedback signs. He noted that the goal was 100 percent compliance.

Mr. Rutherford commented that Route 29 was an interstate of sorts. He noted that they could only educate the local population, not those passing through. Mr. Hogston noted that was true but they wanted to educate the populous that the enforcement was going to affect. Mr. Hogston asked why drivers from other localities did not take into consideration the flashing lights for the Nelson County students. He noted that the feedback signs would flash their speed as they entered the school zone also. He explained that the photo enforcement was a safer option than having traditional enforcement where an officer enters into traffic to catch up to a speeder and pull them over. He noted that they were trying to correct driver behavior through automated means of enforcement. He confirmed that in looking at the bottom line number, there was potential for revenue from the program. Mr. Rutherford noted that his hesitation was that safety was not a money making mechanism.

Mr. Barton asked how the system worked. Mr. Hogston explained that the LIDAR (Light Detection and Ranging) system was a single beam, single lane device on a stationary fixed pole that emitted a beam of

radiation into the roadway. He noted that if a vehicle broke the beam at 11 miles per hour over the speed limit or greater when the lights were flashing in the school zone, a violation was issued to registered owner of the vehicle. He noted that the violation was issued to the vehicle owner, not the driver. He then explained that a summons would be sent in the mail to the owner and if they were not driving the vehicle that day and their spouse was, the owner could go to website on the summons to complete a transfer of liability form. Mr. Barton asked what would prevent someone from simply throwing away the ticket. Mr. Hogston explained that the Sheriff had the authority under State Code to request a civil summons for those living in the State of Virginia with an unpaid violation. Mr. Hogston noted if the person resided outside of the Commonwealth, Blue Line had a partnership with a government collections agency that they would turn it over to after 60 days of non-payment. Mr. Hogston explained that the fee was paid to Blue Line and then Blue Line would retain the \$25 per violation fee and the County would receive \$75 per violation. He stated that there was no cost at all to the County for the program. Mr. Barton noted that there was always a cost involved, it may not be money, but there was a cost. Mr. Barton commented that there was a benefit also.

Mr. Barton referenced the comment made that it was the privatization of law enforcement. Mr. Barton noted the privatization of prisons and commented that most people would consider that a disaster, even though in the beginning it looked good. Mr. Hogston suggested that the County may want to reach out to other localities working with Blue Line. Mr. Barton asked when the program could possibly be implemented. Mr. Hogston commented that if the program were approved, the most consuming part of the process was the permitting with VDOT. He noted that Blue Line had a former VDOT contracted construction safety engineer handling the permitting, and it usually took a few months for the VDOT residency engineer to turn the permit around. Mr. Hogston commented that the only thing that the County would have invested as far as man-power, would be making the final approval of a violation as required by state code. Mr. Hogston noted the officer handling approvals in Wythe County takes his time reviewing violations and it took about one minute to approve a violation.

Mr. Rutherford asked if Blue Line had any school zones similar to the traffic count on Route 29. Mr. Hogston reported that the Town of Bridgewater school was on a four lane highway and they had over a 90 percent reduction in speeding violations.

Sheriff Hill commented that speed enforcement was one of the biggest complaints made to the Sheriff's Office. He noted that when the studies were conducted, there were deputies in the school zones at that time and the numbers were astronomical. He noted that education and warnings would help. He stated that they did not the manpower to always be there.

Mr. Reed noted his first response was that he was against it as a revenue generator, and he really did not like surveillance. He commented that if he were looking for a best case scenario to accomplish the same type of results the program has, he could not envision one. He noted the 151 corridor, commenting that having any kind of deterrent that could create a safer corridor along 151 would be worth thinking about. Mr. Reed noted if they were considering safety alone and nothing else, he could not think of another scenario to come up with better results. Mr. Reed thought it would be a good program to consider.

Mr. Hogston noted that privacy concerns were frequently brought up, and he reported that the way the code was written, the information could only be used for the violation captured by code and nothing else. He noted that they wanted the program to be successful for all involved and safety was the priority.

Mr. Barton asked if the program was approved, what the time frame would be to get out of it. Mr. Hogston explained that it was a two-year contract. He explained that they set it up for two years because any needed sign updates per code would be updated by Blue Line, at no cost to the School Division or County. He noted that it took two years for Blue Line to make up the infrastructure costs invested in the locality. He

noted that before the program could begin, a resolution had to be adopted by VDOT to establish a school zone and flashing lights had to be in place.

Ms. McGarry noted there would be some pro-rated costs that the County would be responsible for, should they choose to exit the contract early.

Mr. Rutherford asked Mr. Hogston if they had any examples of a major throughway other than Virginia. Mr. Hogston indicated that he could check with the other states they have programs in, noting they were in Tennessee, Georgia, Louisiana and Iowa. Mr. Rutherford noted he looked at the two intersections that Mr. Hogston referenced (Bridgewater) and they both had 45 miles per hour speed limits and stoplights. Mr. Rutherford commented that Nelson had a speed limit of 60 on Route 29 and then School Zone speed limit was 35. He wanted to have examples similar to what was in Nelson County. Sheriff Hill noted that having signage posted sooner could help. Mr. Hogston noted that signage placement signs were dependent on State Code and the VDOT district.

Mr. Rutherford noted he was still hesitant and he asked the preference of the rest of the Board. Mr. Reed was in favor of public hearing to get feedback from the public. He noted it was important to be thoughtful.

Mr. Reed moved to hold a public hearing on the subject at the September Board meeting. Mr. Barton seconded the motion. There being no further discussion, Supervisors approved the motion unanimously (4-0) by roll call vote.

The Board took a brief recess.

VI. NEW & UNFINISHED BUSINESS

A. Proposed Amendment to Transient Occupancy Tax Rate (O2023-02)

Ms. McGarry reported that the Board had requested that the Transient Occupancy Tax (TOT) be placed on the July agenda. She indicated that this was for consideration of Ordinance 2023-02, Amendment of the Code of Nelson County, Virginia, Chapter 11, Taxation, Article VI Transient Occupancy Tax. She noted that the public hearing was held on May 9, 2023. She reported that the amendment would propose to move rate from 5 percent to 7 percent.

Mr. Barton moved to adopt **Ordinance O2023-02** to increase the transient occupancy tax from 5 percent to 7 percent. Mr. Reed seconded the motion. Mr. Rutherford confirmed that the effective would be January 1, 2024. He stated he did not feel it was necessary to raise the tax at the current time.

Mr. Reed noted that there were a lot of big picture things in front of the County with the Larkin property, the Callohill Drive development for the new office building for Social Services and Planning and Zoning. He noted the last time increasing the TOT was up for consideration, it was to help fund the schools. He commented that the State had made school funding more difficult and the locality had to bear the burden of ensuring schools were properly funded. Mr. Reed noted that since no action was previously taken on the TOT, a stakeholder team had been created which consisted of himself and Mr. Rutherford. He noted they had met with members of the short term rental community. He also noted that business licenses were now required for short term rentals and that was being tracked more closely. He commented that in the Commissioner of Revenue's report, 36 short term rental business licenses issues were issued last month. He pointed out that part of that increase could be that they had people with a short term rental but did not have a business license. He also noted the costs associated with providing services to people staying in Nelson. Mr. Reed estimated that there were roughly 1,000 short term rentals in the Central District alone.

He noted with Nelson's population of about 15,000, there could be another 3,000 people in the County visiting and using services that they were not paying taxes for.

Mr. Reed reviewed the rates charged in other localities:

- Roanoke - 8 percent
- Charlottesville - 8 percent
- Albemarle County - 8 percent
- Richmond - 8 percent
- Loudon County - 8 percent
- Harrisonburg was at - 7 percent
- Staunton - 6.7 percent
- Lynchburg - just over 7 percent
- Augusta County - 6 percent
- Waynesboro - 6 percent

Mr. Reed thought that increasing the transient occupancy tax would provide the County the ability to accomplish some of the things they wanted to do. He noted the County's good credit rating and pointed out that they had a good vision to have the debt capacity to do things. Mr. Reed indicated that he was strongly in favor of increasing the transient occupancy tax to seven (7) percent. He pointed out that the current budget decreased the amount of money they had planned to have in debt service. He noted that this would provide an opportunity to build that back up so they could be on track to do the things discussed during capital planning over the last few years.

Mr. Barton commented that he concurred with Mr. Reed. He pointed out that it was not a tax that the people of Nelson County would pay, rather it was a tax that people coming to enjoy Nelson County would pay. He noted that people enjoyed Nelson because it was beautiful and clean, and all of those things incurred costs. He commented that the extra money could be used by the County for debt service, noting that the Contingency fund was less than the last year. He did not see the short term rental industry slowing down, as it seemed to be very profitable. He noted that this additional revenue would provide the opportunity to do things for the people of Nelson without increasing taxes to the people of Nelson County. Mr. Barton strongly supported implementing the tax increase.

There was no further discussion and Mr. Rutherford called for a roll call vote. Supervisors voted (2-2) and the motion failed, with Mr. Harvey and Mr. Rutherford voting no.

B. Proposed Pay Study Implementation (R2023-46)

Ms. McGarry presented the following report on the Proposed Pay Study Implementation information:

Background:

The last compensation study was performed in 2016 and implemented in 2017. In January of 2022, the Board of Supervisors authorized the conduct of a classification and compensation study through contracting with Management Advisory Group International, Inc. (MAG) in order to perform a periodic comprehensive employee compensation review. The study encompassed all County, Constitutional Office, and Department of Social Services positions.

Study methodology included:

- collection of current personnel, human resources and organizational background information;

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- review/analysis of current class/job descriptions;
- identification of classification benchmarks;
- conduct a market review of the County's market position;
- monitoring of Job Analysis Questionnaires completed by employees;
- review of the job data provided by employees; and,
- analysis with recommendations concerning the relative ranking of included County positions to develop a classification plan that will ensure internal equity.

Organizations typically included as competitors in a market review are those that are:

- competing with County government for employees, for either lower level or higher-level positions;
- geographically situated in such a fashion as to almost automatically be considered a competitor;
- structured similarly to the County, or providing similar types of services;
- attractive to highly valued employees for one reason or another; and,
- within a reasonable commuting distance.

Organizations surveyed and reviewed include:

- Albemarle County
- Augusta County
- Amherst County
- Appomattox County
- Bedford County
- Buckingham County
- Campbell County
- Fluvanna County
- Greene County
- Lynchburg
- Orange County
- Powhatan County
- Staunton
- Waynesboro

Status:

The Board was provided with a presentation on the preliminary results of the pay study by MAG at its regular meeting on February 14, 2023 including cost of implementation. These preliminary implementation costs were used to assist the Board in FY24 budgetary planning to implement 2 of the 3 components recommended in the Study; 1) a 5% across the Board Cost of Living Adjustment, and/or 2) movement to the minimum of the newly recommended pay bands for each position, whichever is greater. The third element, **currently not budgeted for in FY24** includes an equity/market adjustment based on time in position to address compression.

Since the initial presentation, staff has worked with MAG to refine the recommended pay structure and a memo is attached that details those adjustments. These adjustments are anticipated to be addressed within the Employee Benefits funding currently in the adopted FY24 budget. Staff would like the Board to possibly consider implementation of the third pay adjustment component – the equity/market adjustment to address compression, sometime during the fiscal year; possibly in December 2023.

Action Requested: Consideration of the adoption of proposed resolutions R2023-46 and R2023-47.

Resolution R2023-46 provides for adoption of the proposed pay plan which is necessary in order to establish position pay ranges for each County, Constitutional Office, and Registrar's Office position and a basis for which to move applicable employees to the minimum pay for their position.

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Resolution R2023-47 amends the salary and classification system based on the 2 elements of the pay study that are funded within the FY24 budget and describes how those are applied to County employees, Constitutional Officers and Registrar and their employees in order to establish new rates of pay effective July 1, 2023.

Potential Future Action:

- Implementation of the third pay adjustment component recommended in the pay study - equity/market adjustment to address compression.
- Implementation of the new position descriptions developed by MAG; to be reviewed by staff and presented for Board approval and implementation.

Ms. McGarry reported that adjustments to position classifications as recommended by department heads and administration were included in the attached report dated July 5, 2023. She noted that these changes more accurately represent the level of duties and responsibilities associated with the positions relative to those in similar class codes and corresponding pay grades within the study. She stated that no new positions were created by these changes. She reported that expenses relative to the changes listed were shown on the last page of the Implementation Report Summary.

She reported on the individual changes addressed as follows:

- Animal Control Officer (Grade #110), now Grade #111.
- Animal Control Supervisor (Grade #114), now Director of Animal Control Grade #116.
- Sheriff's Department Administrative Assistant I (Grade #109), reclassified as Administrative Assistant II Grade #111.
- Information Systems Specialist (Grade #115) represents both non-exempt positions in the Information Systems Department.
- Parks & Recreation Technician (Grade #108), now Parks & Recreation Specialist Grade #110.

Ms. McGarry noted that they were trying to be more uniform with titles by using specialist instead of technician.

- Supervisor of Building, Grounds & Maintenance (Grade #120), now Director of Public Works Grade #121.
- Maintenance Worker (Grade #106), now Maintenance Technician I (Grade #107) and Maintenance Technician II (Grade #109); allows more flexibility within the department based on experience and knowledge.
- Finance Technician II (A/P) (Grade 107), and Finance Technician II (Payroll & HR) (Grade #109), both now are Finance & HR Specialist positions (Grade #110).
- Director of Planning & Zoning (Grade #124), now Grade #123 (classified with Director of Information Systems and Director of Tourism & Economic Development).

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- Constitutional officers are not included in pay classifications due to their status as elected officials whose pay is determined by the state according to each locality's population size.
- Pay adjustments for FY24 (July 1, 2023 – June 30, 2024) will be at a 5% increase over FY23 salaries plus and adjustment to minimum (if needed) to meet the new salary scales as presented in the MAG compensation study.
- Finally, the adjustment toward maximum recommended in the study by MAG addressing equity adjustments for employment experience represents an additional future cost of \$96,807 plus benefits for a total of \$117,437. Staff recommends this component be revisited in December 2023 to consider for January 2024, reducing the current fiscal year budget cost to \$58,719.

Ms. McGarry reviewed the new pay scale which included the adjustments she just presented. She noted that the pay scale included the current grade, along with the proposed title for the position, the minimum, midpoint and maximum pay range for each class of positions. She asked that the Board consider the new pay ranges.

Mr. Rutherford asked if it would impact part-time positions. Ms. McGarry noted that it would. Mr. Rutherford asked if there were a lot of part-time positions. Ms. McGarry reported that they did, particularly in Solid Waste with the Convenience Center attendants. Mr. Rutherford asked if part-time positions received full benefits, or if those were only for full-time positions. Ms. McGarry reported that only full-time positions received benefits beyond FICA and Medicare. Ms. McGarry explained that during the budget process, the Board provided the funding for the 5 percent Cost of Living Adjustment (COLA) and moving people to the minimum of the new pay scales if they were not already there. She explained that these changes provided the framework to be able to move people to the minimum, by having the newly established pay ranges.

Mr. Rutherford confirmed that the movement to the minimums had already been budgeted. He asked about the actions needed for the resolutions. Ms. McGarry noted that they would be adopting Resolution R2023-46 to adopt the pay plan as presented, or amended if the Board chose to make changes. Mr. Reed asked whether any amendments to the budget would be needed to cover the change. Ms. McGarry commented that staff felt the adjustment could be handled within the budgetary funding that was approved. Mr. Reed asked about the recommendation to revisit in December. Ms. McGarry explained that staff would like the Board to consider compression adjustment. She noted that when they moved people to the minimum and there are vacancies, people would be hired at the new minimum, which would mean that people with no experience would be making the same amount of money as someone who may have been working a few years. suggested at least looking at compression issues later on. She noted that the compression component is what would possibly be considered in the future.

Mr. Reed moved to approve **Resolution R2023-46** as presented and Mr. Harvey seconded the motion. There being no further discussion, Supervisors approved the motion by vote of acclamation and the following resolution was adopted:

RESOLUTION R2023-46
NELSON COUNTY BOARD OF SUPERVISORS
ADOPTION OF FY2023-2024 PAY PLAN

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

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WHEREAS, Nelson County in recognizing the importance of its workforce of dedicated and talented professional staff, is committed to promoting the organizational values of exceptional service to the public, consistent and excellent performance, innovation, good fiscal, social, and environmental stewardship; and ethical behavior; and

WHEREAS, the County strives to administer pay and benefits in a way that is fair and transparent, and that does not consider race, ethnicity, religion, sex, gender, sexual orientation, gender identity or expression, or other factors unrelated to work performance; and

WHEREAS, in order to provide competitive, sustainable, and responsible compensation, it is a recognized best practice that employee compensation should be reviewed periodically to ensure that salary levels are competitive with other employers in the appropriate labor market; and

WHEREAS, since the last such employee compensation review was performed in 2016, in January 2022, the Board of Supervisors authorized the conduct of a classification and compensation study through contracting with Management Advisory Group International, Inc. (MAG) in order to perform said periodic employee compensation review; and

WHEREAS, the proposed pay plan as attached is a product of that study and establishes position pay ranges based on: market reviews, current organizational structure, discussions with human resources professionals and management, job analysis based on current class/job descriptions and completion of job analysis questionnaires by incumbent employees, and internal equity and external competitiveness considerations;

NOW, THEREFORE BE IT RESOLVED, the Nelson County Board of Supervisors does hereby adopt the FY2023-2024 Pay Plan as proposed and/or amended as attached, effective July 1, 2023.

C. FY23-24 Salary and Classification System (**R2023-47**)

Ms. McGarry asked the Board if they had any questions regarding the proposed resolution. There were no questions by the Board.

Mr. Reed moved to approve **Resolution R2023-47** as presented and Mr. Harvey seconded the motion. There being no further discussion, Supervisors approved the motion by vote of acclamation and the following resolution was adopted:

RESOLUTION R2023-47
NELSON COUNTY BOARD OF SUPERVISORS
FY2023-2024 AMENDMENT OF SALARY AND CLASSIFICATION SYSTEM

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

WHEREAS, the Board of Supervisors authorized the conduct of a classification and compensation study through contracting with Management Advisory Group International, Inc. (MAG) in order to perform said periodic employee compensation review; and

WHEREAS, the Board of Supervisors in the adoption and appropriation of its FY24 budget, included funding for employee salary adjustments resulting from the MAG classification and compensation study

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consisting of either a five percent (5%) salary increase or movement to the minimum of the newly established and approved positional pay ranges as applicable; whichever is greater,

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

Salary adjustments shall be hereby authorized for Nelson County personnel (full-time and regular part-time) employed pursuant to the County's salary classification and pay plan, effective on July 1, 2023. The pay ranges assigned to each position classification shall be pursuant to those established within the 2022-2023 pay study and included herein as Attachment A. Employee compensation adjustments will be based upon five percent (5%) of current salary, or the minimum pay for the position classification, whichever is greatest. Salaries as of July 1, 2023 shall be calculated based upon the salary in effect on June 30, 2023.

Additionally, a five percent (5%) salary adjustment shall be authorized for all regular part-time employees and all full-time employees employed by a Constitutional Officer, inclusive of the Officer and Registrar. The five percent (5%) for all Constitutional Officers and their Compensation Board funded permanent staff positions shall be calculated based upon the salary in effect on June 30, 2023 (Compensation/Electoral Board and local supplement). Constitutional and Registrar office positions are also included in Attachment A position classifications. Salaries as of July 1, 2023 shall be calculated based upon the salary in effect on June 30, 2023 (Compensation Board and local supplement).

Finally, as part of the classification and compensation study results, employee equity/market adjustments were recommended using several factors including years in current position and applicable education. This adjustment may be considered for implementation at a later date and will be based upon the differential of the adjusted FY24 salary at July 1, 2023 to the equity/market salary placement as designated by position within the pay study results.

D. Proposed Amendments to Chapter 2, Article I, Section 2-2 Safety Program (**R2023-48**)

Ms. McGarry discussed the proposed amendment to Chapter 2, Article I, Section 2-2 Safety Program. She provided the following report:

Background: There are two ways localities can obtain Line of Duty Act Coverage; one is to participate in and contribute to the State's Line of Duty Act Trust Fund managed by the Virginia Retirement System; the second is to elect to directly fund the cost of benefits provided under the State statute and not participate in the Fund. At some point, when provided the option, Nelson County opted for the latter and obtained this coverage offered through our insurance carrier, VACORP.

The County is and has been paying for Line of Duty Act (LODA) coverage through VACORP, for Sheriff's department deputies and volunteer fire and rescue agencies including the career EMS staff. During the annual insurance renewal process, active deputies and fire and EMS rosters are verified with each covered agency and these are provided to VACORP for coverage.

LODA benefits paid are subject to approval by the State and may include:

- Death Benefit of \$100,000 (\$25,000 for presumptive causes if within 5 years after retirement)
- Continuation of Health Insurance coverage for:
 - o Officer (in case of Permanent Disability)
 - o Spouse (in case of Officer Death or Permanent Disability)
 - o Children (in case of Officer Death or Permanent Disability) to age 26

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The State LODA Statute (9.1-400) applies to “members of any fire company or department or emergency medical services agency that has been recognized by an ordinance or a resolution of the governing body of any county, city, or town of the Commonwealth as an integral part of the official safety program of such county.” Chapter 2, Article 1, Section 2.2 of the County Code provides these named entities recognized by the County under this statute; however, this was last done in 1996 and some of the named entities have changed names since then. Leaving this “as is” could cause an issue should the State question a claimant’s coverage under an improperly named entity within the County Code and could potentially compromise these members’ access to these benefits.

Action Requested: Adoption of the proposed resolution R2023-48, which authorizes a public hearing to be held on August 8, 2023, to amend the County Code, Chapter 2, Article 1, Section 2.2 Safety Program, to reflect the current proper organizational names that are recognized by the County as an integral part of the official safety program of the County and therefore covered by the County’s LODA insurance coverage. Active rosters for these entities provided to VACORP would also be updated to reflect the current organizational names, if needed, ensuring continuity between the active organizational rosters on file with VACORP and the covered entities listed in the County Code.

Potential Future Action: Should the effort prevail to amend the State Code to include private police departments and animal control officers in the definition of law enforcement under the LODA statute, this County Code section may need to be amended. However, the State Code amendment may be a year away from becoming effective and therefore it is recommended the proposed County Code change be considered now.

Mr. Barton moved to approve **Resolution R2023-48** as presented and Mr. Reed seconded the motion. There being no further discussion, Supervisors approved the motion by vote of acclamation and the following resolution was adopted:

RESOLUTION R2023-48
NELSON COUNTY BOARD OF SUPERVISORS
AUTHORIZATION FOR PUBLIC HEARING
AMENDMENT OF THE CODE OF NELSON COUNTY, VIRGINIA
CHAPTER 2, ADMINISTRATION, ARTICLE I, SECTION 2-2 SAFETY PROGRAM

BE IT RESOLVED, that pursuant to §15.2-1427 of the Code of Virginia 1950 as amended, the County Administrator is hereby authorized to advertise a public hearing to be held on **August 8, 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 Chapter 2, Administration, Article I, Section 2-2 Safety Program. Proposed amendments to Section 2-2 are to update the names of the entities covered by the Line of Duty Act as some of the names have changed.

VII. REPORTS, APPOINTMENTS, DIRECTIVES AND CORRESPONDENCE

A. Reports

1. County Administrator’s Report

Ms. McGarry noted that she had a few additional items not included with her report. She reported to the Board that Former Nelson County Finance Director Ella Browning passed away. Ms. McGarry reported that Ms. Browning had been employed by the County for 27 years (July 1973 to December 2000). She noted that Wells-Sheffield was handling the arrangements and any information would be provided to the Board.

Ms. McGarry then thanked the Lovingson Volunteer Fire Department and the School Division for their

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collaboration on the 4th of July fireworks display. She noted that the County had received a lot of positive feedback on the event.

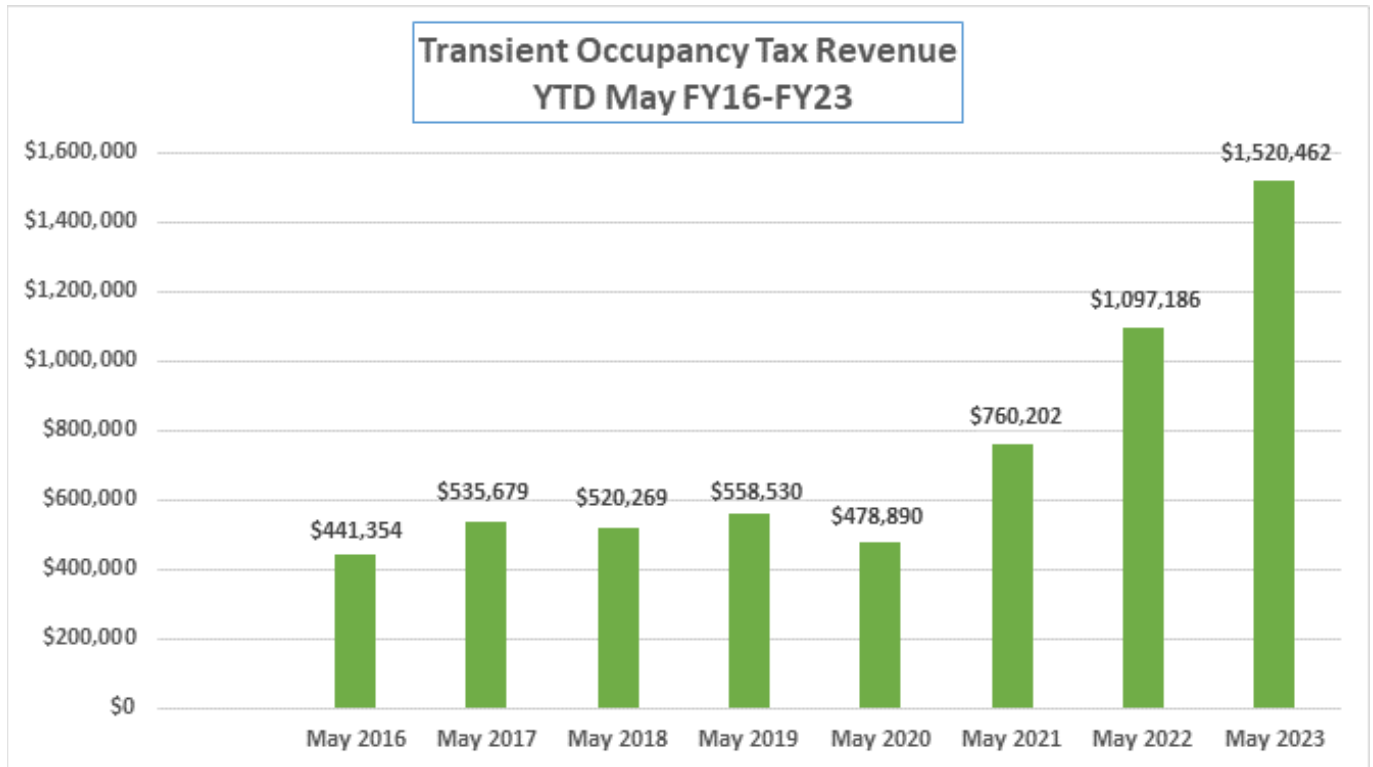
Ms. McGarry reported that the new County website has launched. She noted that most of the site was complete and functional, but they were still in the process of making some updates and adding in documents. She asked for any feedback or suggestions using the link on the website. Mr. Reed noted that the website looked really nice.

Ms. McGarry then presented the following:

- A. Comprehensive Plan:** The project website is www.Nelson2042.com. Draft chapters and the implementation matrix were reviewed at a joint work session of the Board of Supervisors and Planning Commission. There is much work still to be done and more public engagement to be had. There will be a Public Open House on the latest full draft plan on August 29th at 6:30pm – 9pm at the Nelson Center in Lovington.
- B. Personal Property Tax Valuation:** In follow up on a question posed by the Board at the June meeting, the Commissioner of Revenue uses 90% of the retail value of vehicles provided by the JD Powers pricing guide. State Code section 58.1-3103 vests the Commissioner of Revenue with the authority “to assess, at fair market value, all subjects of taxation in his county or city each year.” Section 58.1-3503(B) states, “However, assessment ratios shall only be used with the concurrence of the local governing body.”

Mr. Rutherford asked about the assessment ratio (90% value) and who set the ratio. Ms. McGarry noted that the Commissioner of Revenue set the ratio but it was usually done in partnership with the Board. Mr. Rutherford asked when the 90 percent was set. Ms. McGarry noted that she would have to check as it had been that way for a while. Ms. McGarry confirmed that the assessment method was at the discretion of the Commissioner of Revenue.

- C. Short Term Rentals: 1) Business Licenses:** In follow up on a question posed by the Board at the June meeting, the Commissioner’s Office is tracking the number of business licenses issued for short term rentals and they will be providing me with that information to be distributed to the Board. **2) Graph of 8-year history of Transient Occupancy Tax receipts on a cash basis for May year over year:**



D. Status of VDH Renovations at Heritage Center: Ms. Johnette Burdette, Heritage Center Director emailed me an update that included challenges they have faced through the pandemic that has driven up their costs from those originally expected: 1) cost of the renovation has more than doubled since initial estimates 2) bid costs were substantially more than original estimates due to increase in supply and labor costs while DGS (Department of General Services) worked on a lease for VDH, 3) Increased interest rates presented a problem with their debt to income ratio. They have been working with Virginia Community Council in securing the required funding for the project and are now working on lease amendments with DGS amid staffing transitions in both DGS and VDH. They anticipate a new completion date of December 2023 and will share a revised construction schedule once they have it. Ms. Burdette would like to come and provide the Board with an official update at the August regular meeting.

- E. NC Adult Drug Court:** NC Drug Court informational flyers are being sent to area attorneys, magistrates, and ACRJ in order to get the word out that court is ready for participants. The court currently has two referrals, one of which is in the screening process and the other's intake is being hampered by their attorney's slow response. Coordination meetings are taking place between the Coordinator, Clinician, and Region Ten in order to iron out the evaluation process as they start to get referrals. The Coordinator's office has been established in one of the former advisement offices near the Circuit court and is in the process of getting furnished and drug testing supplies have been ordered. These costs are covered by the DOJ implementation grant. As a reminder, this Court will be conducted weekly on Tuesdays at 12:30 in Circuit Court.

- F. Virginia Outdoors Foundation PTF Grant – Sturt Park:** Jerry West participated in an application feedback session with VOF and is scheduling a small stakeholder meeting to review the feedback and collaborate on ways to improve the application prior to the next submission deadline of August 7th. Areas of improvement include:
 - A. Public Access
 - a. With it being in a rural area away from foot access, how will we promote access and bring people in to visit. (field trips, etc.)
 - B. Plan Alignment
 - a. How will it best benefit an underserved community?
 - b. How does it align with the new comprehensive plan?
 - c. Given a master plan has not yet been developed, what are the next steps and how will it best fit community needs.

- G. Larkin Property Master Planning:** A work session with Architectural Partners related to Master Planning is being considered for either **Tuesday, August 1st or Wednesday August 2nd. BOS input on these dates is requested.**

The Board decided to plan for Wednesday, August 2nd at 2 p.m., pending confirmation from Mr. Parr during the break for dinner.

- H. NCSA Rate Increase:** The Nelson County Service Authority held its public hearing on proposed rate increases on June 15th with the new rates being adopted as advertised and effective July 1, 2023. The new rate schedule is available upon request.

- I. Courthouse Complex Trees Evaluation:** Paul Truslow is having several tree specialists (arborists) evaluate and make recommendations regarding the health of trees on the Courthouse lawn. Of particular concern are the large pin oak at the right-hand corner of the entrance road and the sugar maple on the opposite side (left-hand) of the entrance road. These evaluations and recommendations will be shared with the Board for consideration at a future meeting.

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

Mr. Rutherford commented that he had spoken with Mr. Truslow regarding the trees at the Courthouse. He asked about the large ash tree being treated at the front of the Courthouse. Ms. McGarry confirmed that it has been treated and continues to be treated. Mr. Rutherford asked if that was the only ash tree the County

had. She noted that was the only ash tree she had been shown and it was in pretty good health. She noted it had some cabling.

2. Board Reports

Mr. Barton:

Mr. Barton reported that the jail meeting would take place that Thursday.

Mr. Harvey:

Mr. Harvey had no report.

Mr. Reed:

Mr. Reed had no report.

Mr. Rutherford:

Mr. Rutherford had no report.

B. Appointments

Nelson County Library Advisory Committee – Central District

Ms. Spivey reported that Mr. Chuck Strauss had applied for the Nelson County Library Advisory Committee – Central District representative position. She noted that Mr. Strauss was the husband of Mrs. Jane Strauss who had served in that position previously.

Mr. Reed moved to appoint Chuck Strauss to the Nelson County Library Advisory Committee. Mr. Barton seconded the motion and there being no further discussion, Supervisors approved the motion by vote of acclamation.

Agricultural and Forestal District Advisory Committee

Ms. Spivey reported that they were still looking for a producer member for the Agricultural and Forestal District Advisory Committee. Mr. Reed commented that he had served as the producer previously and suggested that if another Board member wished to serve in the Board member position, he could serve again as producer.

Mr. Barton moved to appoint Mr. Rutherford as the Board member representative and Mr. Reed as a producer member on the Agricultural and Forestal District Advisory Committee. Mr. Harvey seconded the motion. There being no further discussion, Supervisors approved the motion unanimously (4-0) by roll call vote.

C. Correspondence

Mr. Barton noted Rev. Rose's request for money to buy a defibrillator. He thought it was a good idea. Mr. Rutherford commented that he had no issue with it. Mr. Harvey not in favor, as everyone would be requesting money for one. Mr. Barton noted the isolation of Gladstone. Rev. Rose noted the seniors met in Fire and Rescue building on Wednesdays but there was no one there from the Rescue Squad. Mr. Barton noted that they had a call for one of the seniors in Gladstone and it took Rescue an hour to get there. Mr. Harvey noted that was a problem that needed to be dealt with. Mr. Barton commented that this would be one way to deal with it. Mr. Rutherford suggested that staff look into the cost of a defibrillator and also reach out to Gladstone Fire and Rescue to see if they may have a defibrillator that could be made accessible to the Gladstone Senior Group. Mr. Rutherford noted that staff may also reach out to the EMS Council. Mr. Reed noted that two seniors already knew how to use the defibrillator and Blue Ridge Medical had offered to train the group on how to use it. Mr. Rutherford noted that Ms. McGarry would communicate with Gladstone Fire and Rescue, and then they would work from there.

D. Directives

Mr. Barton indicated that he had spoken with several people who were reporting that the dumpsters in Gladstone were a mess. He asked whose duty it was to keep them clean since he had heard that it was not the duty of the person opening and closing the gate. Ms. McGarry explained that when a report was received that the dumpsters were a mess, someone from either Maintenance or the Transfer Station would then go and clean it up. Mr. Barton asked if there could be a regular process to take care of the site. Mr. Harvey suggested that most of the trash was coming from Amherst County. Ms. McGarry noted that if the Board wished, staff could look at what it would take to have another manned site. She pointed out that there would be costs associated with it, but benefits as well. Mr. Rutherford noted that Gladstone was shared by three counties: Appomattox, Amherst and Nelson. Mr. Barton asked how the County intended to take responsibility for it and make clean up a routine. Ms. McGarry noted that they had an issue with people leaving large items at the site like furniture and mattresses. Mr. Rutherford suggested that a long term solution was a manned site, if Amherst was willing to participate. He noted he could reach out to Amherst if the Board wanted. Ms. McGarry reported that they had used cameras in the past to try and determine who was misusing the site, but it was time consuming and did not accomplish much. She noted that other cameras had been knocked down in the past.

Mr. Barton asked for a discussion on the transient occupancy tax included on the agenda for August. Mr. Rutherford and Ms. McGarry noted that they had already voted on it that day. Ms. McGarry explained that it was a tie vote and it was basically killed. Mr. Barton asked when it could be considered again. Ms. McGarry noted that she could find out when it could be considered again.

Mr. Reed asked about the process on the Callohill building, and where things stood. Ms. McGarry noted that PMA would be working with the new Director of Social Services, Brad Burdette, on any space needs adjustments so they could then determine any impacts to cost estimates. She indicated that it was on her radar to follow up and see where they were in the process. She noted that once that was complete, she thought PMA would then be able to proceed with conceptual plans for the space. She commented that her understanding was that the Board was not quite ready to proceed with having the Building Inspections and Planning and Zoning facility up there. She noted that if the Board did want to proceed with that, it would follow a similar process. Mr. Reed suggested that the before they committed to a site plan or infrastructure building out, the Board should consider the other parts of Callohill that could possibly be used for development. He noted that they may be able to coordinate the site development to cut down on costs. He suggested that they have Planning and Zoning, Social Services and someone from the Community Development Foundation present at a meeting to discuss the possibilities for the site. Mr. Rutherford asked if Building Inspections was included in the Social Services building committee. He suggested it would be

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good to have them present in a professional capacity to attend the development meetings for the Social Services building, as well as the Larkin property development.

Mr. Reed noted staff discussions with the Nelson County Service Authority regarding the Comprehensive Plan. He wondered about moving forward with conversations in using Larkin for possible water impoundments. Ms. McGarry noted it would likely take some engineering and hydrology evaluation. Mr. Reed agreed and suggested that the Service Authority may be able to help guide the County on who to reach out to.

VIII. ADJOURN AND CONTINUE – EVENING SESSION AT 7PM

At 5:03 p.m., Mr. Reed moved to adjourn and continue the meeting to 7:00 p.m. 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 meeting to order at 7:00 p.m. with four (4) Supervisors present to establish a quorum and Mr. Parr was absent.

II. PUBLIC COMMENTS

There were no persons wishing to speak under Public Comments.

III. PUBLIC HEARINGS

A. Ordinance O2023-05 – Amendment to Chapter 11, Taxation, Article II Real Property Tax

Consideration of an ordinance proposed for passage to amend Chapter 11, Taxation, Article II, Real Property Tax. The proposed amendments would provide for real property tax relief for they surviving spouse of any United States armed forces member killed in action. Additionally, the amendments would provide for real property tax relief for any veteran who has a 100 percent service-connected, permanent and total disability, and would also allow a surviving spouse to be eligible to qualify for the exemption. These provisions have been enabled by State Code; however, have not been provided for in the County Code.

Ms. McGarry introduced the proposed Ordinance O2023-05. She referenced Virginia State Code §58.1-3219, which provided for the proposed amendment. She noted that Article 2.3 provided exemption for disabled veterans and Article 2.4 provided exemption for surviving spouses of members of the Armed Forces killed in action. Ms. McGarry explained that the purpose of the amendment was that the County had been administering and providing the real property tax relief exemptions per the State Code; however, they were not added to the County Code as required. She reported that the proposed ordinance amendments mirrored the language of the State Code provisions. She noted that the proposed Division 4 of Chapter 11, Taxation, Article II Real Property Tax of the County Code would be added, providing real property tax exemptions for the surviving spouse of any member of the U.S. armed forces killed in action and disabled veterans and/or their surviving spouses.

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Ms. McGarry explained that **new Sec. 11-68** Real Property tax exemption for surviving spouse of any member of the armed forces of the United States who was killed in action, would apply to tax years beginning on or after January 1, 2015. She indicated that the total tax exemption applied to those dwellings with assessed values in the most recently ended tax year that are not in excess of the average assessed value for such year on property zoned single family residential. She noted that if applicable, the portion of the value in excess of the average assessed value was taxable. Ms. McGarry indicated that the surviving spouse qualified for the exemption as long as they did not remarry.

Ms. McGarry explained that **new Sec. 11-69** detailed the application for the exemption. She reported that the surviving spouse claiming the exemption under Sec. 11-68 must file an application with the Commissioner of Revenue that provides the stated information. Ms. McGarry noted that the surviving spouse was required to refile the information originally provided only if the principal place of residence changed. She reported that the surviving spouse was required to promptly notify the Commissioner of Revenue of any remarriage.

Ms. McGarry explained that **new Sec. 11-70** was the exemption for disabled veterans and surviving spouse. She reviewed the exemptions:

- Applied to tax years beginning on or after January 1, 2015
- Applied to veterans rated by the US Department of Veterans Affairs to have a 100 percent service-connected, permanent, and total disability on or after January 1, 2011
- Applied to said disabled veteran's principal place of residence and land not exceeding 1 acre
- Applied to surviving spouse of an eligible veteran under this section as long as the death of the veteran occurred on or after January 1, 2011
- Surviving spouse qualifies for the exemption as long they do not marry
- Qualifying surviving spouse is not restricted from moving to a different principle place of residence

Ms. McGarry explained that **new Sec. 11-71** provided for the application for exemption. She noted that the veteran or surviving spouse claiming the exemption under Sec. 11-70 must file an application with the Commissioner of Revenue that provided the stated information. She indicated that the veteran was required to refile the information originally provided only if the veteran's principal place of residence changed. She then noted that the surviving spouse claiming exemption was required to provide documentation that the veteran's death occurred on or after January 1, 2011.

Ms. McGarry noted that an optional additional section that was not currently included in the proposed ordinance was relative to appeals. She explained that it would be the Board's option to add **Sec. 11-72**, which detailed how someone could appeal to the Department of Veterans Services regarding their application. She indicated that State law reference for that optional section was Virginia code §58.1-3219.7.

Ms. McGarry explained that next steps would be to conduct the public hearing to receive citizen input on the proposed ordinance. She noted that the Board could consider including the optional additional section: Sec. 11-72 Appeals. She then noted that the Board would consider adoption of the proposed Ordinance O2023-05 as presented (which was required) or as amended to include option Sec. 11-72 Appeals.

Mr. Reed and Mr. Rutherford were in agreement to approve the ordinance with added section 11-72.

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

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Mr. Reed moved to approve **Ordinance O2023-05** as amended to include Section 11-72 Appeals. Mr. Barton seconded the motion. There being no further discussion, Supervisors approved the motion unanimously (4-0) by roll call vote and the following ordinance was adopted:

ORDINANCE O2023-05
NELSON COUNTY BOARD OF SUPERVISORS
AMENDMENT OF THE CODE OF NELSON COUNTY, VIRGINIA
CHAPTER 11, TAXATION, ARTICLE II REAL PROPERTY TAX

BE IT HEREBY ORDAINED, by the Nelson County Board of Supervisors that the Code of Nelson County, Virginia, Chapter 11, Taxation, Article II is hereby amended as follows:

New

DIVISION 4. EXEMPTIONS FOR VETERANS AND/OR SURVIVING SPOUSE

Sec. 11-68. Real property tax exemption for surviving spouse of any member of the armed forces of the United States who was killed in action.

A. For tax years beginning on or after January 1, 2015, there is hereby exempted from taxation the real property described in subsection B of the surviving spouse (i) of any member of the armed forces of the United States who was killed in action as determined by the U.S. Department of Defense and (ii) who occupies the real property as his principal place of residence. For purposes of this section, such determination of "killed in action" includes a determination by the U.S. Department of Defense of "died of wounds received in action." If such member of the armed forces of the United States is killed in action after January 1, 2015, and the surviving spouse has a qualified principal residence on the date that such member of the armed forces is killed in action, then the exemption for the surviving spouse shall begin on the date that such member of the armed forces is killed in action. However, the county shall not be liable for any interest on any refund due to the surviving spouse for taxes paid prior to the surviving spouse's filing of the affidavit or written statement required by § 11-69. If the surviving spouse acquires the property after January 1, 2015, then the exemption shall begin on the date of acquisition, and the previous owner may be entitled to a refund for a pro rata portion of real property taxes paid pursuant to Va. Code § 58.1-3360.

B. Those dwellings in the county with assessed values in the most recently ended tax year that are not in excess of the average assessed value for such year of a dwelling situated on property that is zoned as single family residential shall qualify for a total exemption from real property taxes under this article. If the value of a dwelling is in excess of the average assessed value as described in this subsection, then only that portion of the assessed value in excess of the average assessed value shall be subject to real property taxes, and the portion of the assessed value that is not in excess of the average assessed value shall be exempt from real property taxes. Single family homes, condominiums, town homes, manufactured homes as defined in Va. Code § 46.2-100 whether or not the wheels and other equipment previously used for mobility have been removed, and other types of dwellings of surviving spouses, whether or not the land on which the single family home, condominium, town home, manufactured home, or other type of dwelling of a surviving spouse is located is owned by someone other than the surviving spouse, that (i) meet this requirement and (ii) are occupied by such persons as their principal place of residence shall qualify for the real property tax exemption.

If the land on which the single family home, condominium, town home, manufactured home, or other type of dwelling is located is not owned by the surviving spouse, then the land is not exempt.

For purposes of determining whether a dwelling, or a portion of its value, is exempt from county and town

real property taxes, the average assessed value shall be such average for all dwellings located within the county that are situated on property zoned as single family residential.

C. The surviving spouse of a member of the armed forces killed in action shall qualify for the exemption so long as the surviving spouse does not remarry. The exemption applies without any restriction on the spouse's moving to a different principal place of residence.

D. The exemption from real property taxes applies to (i) the qualifying dwelling, or the portion of the value of such dwelling and land that qualifies for the exemption pursuant to subsection B, and (ii) except land not owned by the surviving spouse, the land, not exceeding one acre, upon which it is situated. A real property improvement other than a dwelling, including the land upon which such improvement is situated, made to such one acre or greater number of acres exempt from taxation pursuant to this subsection shall also be exempt from taxation so long as the principal use of the improvement is (i) to house or cover motor vehicles or household goods and personal effects as classified in subdivision A 14 of § 58.1-3503 of the Va. Code and as listed in Va. Code § 58.1-3504 and (ii) for other than a business purpose.

E. For purposes of this exemption, real property of any surviving spouse of a member of the armed forces killed in action includes real property (i) held by a surviving spouse as a tenant for life, (ii) held in a revocable inter vivos trust over which the surviving spouse holds the power of revocation, or (iii) held in an irrevocable trust under which the surviving spouse possesses a life estate or enjoys a continuing right of use or support. The term does not include any interest held under a leasehold or term of years.

F. 1. In the event that (i) a surviving spouse is entitled to an exemption under this section by virtue of holding the property in any of the three ways set forth in subsection E and (ii) one or more other persons have an ownership interest in the property that permits them to occupy the property, then the tax exemption for the property that otherwise would have been provided shall be prorated by multiplying the amount of the exemption by a fraction that has 1 as a numerator and has as a denominator the total number of all people having an ownership interest that permits them to occupy the property.

2. In the event that the principal residence is jointly owned by two or more individuals including the surviving spouse, and no person is entitled to the exemption under this section by virtue of holding the property in any of the three ways set forth in subsection E, then the exemption shall be prorated by multiplying the amount of the exemption by a fraction that has as a numerator the percentage of ownership interest in the dwelling held by the surviving spouse, and as a denominator, 100 percent.

State law reference—Va. Code § 58.1-3219.9

New

Sec. 11-69. Application of exemption.

A. The surviving spouse claiming the exemption under Section 11-68 shall file with the commissioner of the revenue on forms to be supplied by the county an affidavit or written statement (i) setting forth the surviving spouse's name, (ii) indicating any other joint owners of the real property, and (iii) certifying that the real property is occupied as the surviving spouse's principal place of residence. The surviving spouse shall also provide documentation from the United States Department of Defense or its successor agency indicating the date that the member of the armed forces of the United States was killed in action. The surviving spouse shall be required to refile the information required by this section only if the surviving spouse's principal place of residence changes.

B. The surviving spouse shall promptly notify the commissioner of the revenue of any remarriage.

State law reference—Va. Code § 58.1-3219.10

New

Sec. 11-70. Exemption for disabled veterans and surviving spouse.

A. For tax years beginning on or after January 1, 2015, there is hereby exempted from taxation the real property, including the joint real property of married individuals, of any veteran who has been rated by the U.S. Department of Veterans Affairs or its successor agency pursuant to federal law to have a 100 percent service-connected, permanent, and total disability, and who occupies the real property as his principal place of residence. If the veteran's disability rating occurs after January 1, 2011, and he has a qualified primary residence on the date of the rating, then the exemption for him under this section begins on the date of such rating. However, the County, shall not be liable for any interest on any refund due to the veteran for taxes paid prior to the veteran's filing of the affidavit or written statement required by § 11-71. If the qualified veteran acquires the property after January 1, 2011, then the exemption shall begin on the date of acquisition, and the previous owner may be entitled to a refund for a pro rata portion of real property taxes paid pursuant to Va. Code § 58.1-3360.

B. The surviving spouse of a veteran eligible for the exemption set forth in this article shall also qualify for the exemption, so long as the death of the veteran occurs on or after January 1, 2011, and the surviving spouse does not remarry. The exemption applies without any restriction on the spouse's moving to a different principal place of residence.

C. The exemption from real property taxes applies to the qualifying dwelling pursuant to this section and to the land, not exceeding one acre, upon which it is situated. If the veteran owns a house that is his residence, including a manufactured home as defined in Va. Code § 46.2-100 whether or not the wheels and other equipment previously used for mobility have been removed, such house or manufactured home shall be exempt even if the veteran does not own the land on which the house or manufactured home is located. If such land is not owned by the veteran, then the land is not exempt. A real property improvement other than a dwelling, including the land upon which such improvement is situated, made to such one acre or greater number of acres exempt from taxation pursuant to this subsection shall also be exempt from taxation so long as the principal use of the improvement is (i) to house or cover motor vehicles or household goods and personal effects as classified in subdivision A 14 of § 58.1-3503 of the Va. Code and as listed in Va. Code § 58.1-3504 and (ii) for other than a business purpose.

D. For purposes of this exemption, real property of any veteran includes real property (i) held by a veteran alone or in conjunction with the veteran's spouse as tenant or tenants for life or joint lives, (ii) held in a revocable inter vivos trust over which the veteran or the veteran and his spouse hold the power of revocation, or (iii) held in an irrevocable trust under which a veteran alone or in conjunction with his spouse possesses a life estate or an estate for joint lives or enjoys a continuing right of use or support. The term does not include any interest held under a leasehold or term of years.

The exemption for a surviving spouse under subsection B includes real property (a) held by the veteran's spouse as tenant for life, (b) held in a revocable inter vivos trust over which the surviving spouse holds the power of revocation, or (c) held in an irrevocable trust under which the surviving spouse possesses a life estate or enjoys a continuing right of use or support. The exemption does not apply to any interest held under a leasehold or term of years.

E. 1. In the event that (i) a person is entitled to an exemption under this section by virtue of holding the

property in any of the three ways set forth in subsection D and (ii) one or more other persons have an ownership interest in the property that permits them to occupy the property, then the tax exemption for the property that otherwise would have been provided shall be prorated by multiplying the amount of the exemption by a fraction that has as a numerator the number of people who are qualified for the exemption pursuant to this section and has as a denominator the total number of all people having an ownership interest that permits them to occupy the property.

2. In the event that the primary residence is jointly owned by two or more individuals, not all of whom qualify for the exemption pursuant to subsection A or B, and no person is entitled to the exemption under this section by virtue of holding the property in any of the three ways set forth in subsection D, then the exemption shall be prorated by multiplying the amount of the exemption by a fraction that has as a numerator the percentage of ownership interest in the dwelling held by all such joint owners who qualify for the exemption pursuant to subsections A and B, and as a denominator, 100 percent.

State law reference—Va. Code § 58.1-3219.5

New

Sec. 11-71. Application for Exemption

Application for exemption. — The veteran or surviving spouse claiming the exemption under this article shall file with the commissioner of the revenue of the county, city, or town or such other officer as may be designated by the governing body in which the real property is located, on forms to be supplied by the county, city, or town, an affidavit or written statement (i) setting forth the name of the disabled veteran and the name of the spouse, if any, also occupying the real property, (ii) indicating whether the real property is jointly owned by married individuals, and (iii) certifying that the real property is occupied as the veteran's principal place of residence. The veteran shall also provide documentation from the U.S. Department of Veterans Affairs or its successor agency indicating that the veteran has a 100 percent service-connected, permanent, and total disability. The veteran shall be required to refile the information required by this section only if the veteran's principal place of residence changes. In the event of a surviving spouse of a veteran claiming the exemption, the surviving spouse shall also provide documentation that the veteran's death occurred on or after January 1, 2011.

State law reference -Va. Code § 58.1-3219.6

New

Sec. 11-72. Appeals

The Commissioner of the Department of Veterans Services shall hear and decide appeals by veterans residing in the Commonwealth from a denial of their application pursuant to Sec. 11-71 by a commissioner of the revenue or other assessing officer. However, such appeal shall be limited to appeals based upon a finding of fact regarding eligibility criteria set forth in subdivision (a) of Section 6-A of Article X of the Constitution of Virginia and Article 2.3 of the Code of Virginia. The Commissioner of the Department of Veterans Services shall not be authorized to hear or decide appeals regarding a dispute over the assessed value of any property. Nothing in this section shall be construed to limit the appeal of a decision of the Commissioner of the Department of Veterans Services by either party to the circuit court in the locality in which the veteran resides.

State law reference – Va. Code § 58.1-3219.7

BE IT FURTHER ORDAINED, that this ordinance becomes effective upon adoption.

B. Review of Special Use Permit #2017-01 – “Festival Grounds” (R2023-49)

Consideration of a review of existing Special Use Permit 2017-01 requesting County approval to use specified subject properties for a “Festival Grounds” land use. The application involves a total of seven (7) subject properties located in the Arrington area of the South District, including: Tax Map Parcel #77-A-1, which is an approximately 390-acre parcel owned by Lockn, LLC; and Tax Map Parcels #67-4-18, #67-4-18A, #67-4-20, and #77-5-15, which are owned by The Estate of Rhonda Holland & JoAnn Nesson and which total 514.02 acres; and Tax Map Parcels #67-A-74A and #67-A-74B, which are a total of 70.8 acres owned by James Goodwin. All subject properties are zoned Agricultural (A-1) and total 974.82 acres.

Ms. McGarry presented the following:

On April 11, 2017, the Board of Supervisors approved SUP 2017-01 for a Festival Grounds use on property zoned A-1 Agriculture located in Arrington (Lockn, Oak Ridge, Goodwin). Festival Grounds are defined in Article 24 of the Zoning Ordinance as “the use of land for the hosting and operation of Category 3 Temporary Events, and the construction, erection, or other use of structures or other improvements (temporary or permanent) associated with Category 3 Temporary Events. The minimum acreage for a Festival Grounds is 250 acres. Contiguous parcels under the same or different ownership or control may be aggregated to attain the minimum acreage; if contiguous parcels are under different ownership or control, the owner or agent for each parcel must formally authorize the application for a Festival Grounds Special Use Permit.”

Ms. McGarry noted that Special Use Permit 2017-01 covered a total of 974.82 acres. She showed the parcels on a map.



July 11, 2023

Category 3 Temporary Events are those events having or projecting more than 10,000 attendees, and requires a Festival Grounds SUP. The approval of SUP 2017-01 authorized the properties for Festival Grounds use, however each individual event requires individual permitting. This means that each event requires a new application and fee with current transportation plan, safety plan, and site plan.

Section 24-2-E-2 requires that a Festival Grounds SUP “shall be automatically reviewed at a public hearing conducted by the Board of Supervisors every five (5) years after the initial issuance, after which the Board may revoke or modify the terms and conditions of the SUP...”

At the time of approval, the only modification was an adjustment to event time limits, which is detailed on page 2 of the attached 2017 staff report. There were no additional conditions. The owners have confirmed that there are no changes in ownership to the associated parcels.

Ms. McGarry noted that Ms. Reagan Holland Thompson was not able to attend but she had provided a narrative included in the packet. Ms. McGarry noted that Mr. James Clinton Bibb was present on behalf of all of the property owners.

Mr. Bibb confirmed that he was present on behalf of all of the property owners, but he was a direct employee of Lockn’. Mr. Bibb noted that Lockn’ Farm was a 390-acre property in Arrington, Virginia. He commented that the farm had hosted many events such as the Lockn’ Festival, The Festy, Blue Ridge Rock Fest, Spartan Race, Overland Experience, along with several other music shows, community events and weddings. He explained that Lockn’ Farm worked with its cohorts of the Special Use Permit symbiotically to produce venues that are suitable for many applications, which allowed them to pivot if the need arises, due to weather or traffic concerns. He reported that Lockn’ had invested millions in infrastructure upgrades on the farm to ensure a facility that is fully capable. He explained that Lockn’ Farm had an office building with a bunk house, farmhouse, storage buildings, several miles of gravel roads, a sculpted grassed amphitheater, a private well-fed 50,000-gallon potable water distribution system, a large septic dispersal system, a Fiber optic network, and an extensive underground electrical grid, all while restoring and maintaining the historical value and charm of the property.

Mr. Bibb commented that over the last number of years, the hosted events have contributed immensely to the local economy and community, both directly and indirectly. He noted that they worked with all local agencies to ensure a cohesive community with the county entities, its residents and the event itself. He commented that they continued to look toward the future of the property with various events and upgrades.

The Board had no questions for the applicant.

Mr. Rutherford opened the public hearing.

Eric Keane - Arrington, VA

Mr. Keane commented that he was trying to unravel the multiple layers of Special Use Permits in that area. He noted that there were exemptions associated with by-right ag use, and there were permits associated with the fairgrounds. Mr. Keane indicated that his main concern revolved around Wilson Road, the bridge on Wilson Road and the use of that area and structure inappropriately. He referenced the Blue Ridge Rock Fest and noted that thousands of cars ending up coming through Wilson Road and crossing the bridge over the railroad tracks. He noted that there were other events using Wilson Road and the bridge that should not be impacting his immediate residential area. He did not want to speak against approval, but he wanted to recognize that there were approval processes that were not encompassing the resources being used by the permits. He noted that he would appreciate that the Board and other approving officials would look at all

July 11, 2023

aspects of the usage, not just what was located in the immediate areas of Route 29, Oak Ridge Road and Diggs Mountain. He was concerned that due diligence was not being done when it came to approval of certain events in the area, in terms of the usage of the bridge and Wilson Road. Mr. Keane noted that the bridge structure going over the railroad tracks on Wilson Road was decrepit and it did not make sense to send additional traffic through there.

Heather Goodwin, Arrington, VA

Ms. Goodwin was present on behalf of Oak Ridge. She noted that she had not planned to speak but she hoped to answer some of Mr. Keane's concerns. She reported that it was Oak Ridge's understanding that VDOT was in the process of finalizing construction plans for the bridge and the design had been completed. She indicated that VDOT was in negotiation with Oak Ridge on having a lay down area for the construction. She pointed out that as a result of the bridge construction, the pathway from Oak Ridge Road down to Wilson Road would be shut down for a considerable amount of time while the change is made. She noted that they were in agreement that the bridge was unsafe and she had seen the images from underneath the bridge it was frightening. She reported that from Oak Ridge's standpoint, they complied with any recommendations and regulations from any of the entities (VDOT, Health Department, Planning and Zoning). She noted that the process allowed the property owners to engage in a more expedient fashion with larger events that come in for brief periods of time, provide lodging and meal tax revenues and an influx of individuals to spend money in the County. She asked that the Board proceed with the renewal of Special Use Permit 2017-01

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

Mr. Rutherford reviewed the options for Resolution R2023-49 noting the Board could approve the resolution with one of the following options: Option 1: re-approve Special Use Permit 2017-01 without modifications; Option 2: re-approve Special Use Permit 2017-01 with modifications; or Option 3: revoke Special Use Permit 2017-01. He suggested the Board approve the resolution with Option 1, reapprove Special Use Permit 2017-01 without modifications.

Mr. Barton made a motion to approve **Resolution R2023-49 with Option 1** to re-approve Special Use Permit 2017-01 without modifications. 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 R2023-49
NELSON COUNTY BOARD OF SUPERVISORS
FIVE-YEAR REVIEW OF
SPECIAL USE PERMIT 2017-01 FESTIVAL GROUNDS**

WHEREAS, on April 11, 2017, the Nelson County Board of Supervisors approved Special Use Permit 2017-01 for a Festival Grounds use on 974.82 acres of property, zoned A-1 Agriculture consisting of seven (7) subject properties located in the Arrington area of the South District, including: Tax Map Parcel #77-A-1, which is an approximately 390-acre parcel owned by Lockn, LLC; and Tax Map Parcels #67-4-18, #67-4-18A, #67-4-20, and #77-5-15, which are owned by The Estate of Rhonda Holland & JoAnn Nesson and which total 514.02 acres; and Tax Map Parcels #67-A-74A and #67-A-74B, which are a total of 70.8 acres owned by James Goodwin.; and

WHEREAS, Section 24-2-E-2 of the Code of Nelson County provides that a Festival Grounds Special Use Permit "shall be automatically reviewed at a public hearing conducted by the Board of Supervisors every

July 11, 2023

five (5) years after the initial issuance, and after which hearing the Board may revoke or modify the terms and conditions of the Special Use Permit in accordance with [Article 12, Section 3](#) "Special Use Permits."; and

WHEREAS, the owners of the parcels in said special use permit have confirmed that there are no changes in ownership to the associated parcels and the owners desire to maintain the special use permit as approved on April 11, 2017; and

WHEREAS, the Nelson County Board of Supervisors conducted a public hearing on July 11, 2023 and reviewed Special Use Permit 2017-01 Festival Grounds;

NOW THEREFORE BE IT RESOLVED, that the Nelson County Board of Supervisors hereby re-approves Special Use Permit 2017-01 Festival Grounds without modifications, and;

BE IT FURTHER RESOLVED that the Nelson County Board of Supervisors shall conduct a review of Special Use Permit 2017-01 Festival Grounds at a public hearing in five years' time.

IV. OTHER BUSINESS (AS PRESENTED)

The Board had no other business to discuss.

V. ADJOURNMENT

At 7:22 p.m., Mr. Reed moved to adjourn and continue to August 2, 2023 at 2 p.m. Mr. Barton seconded the motion. There being no further discussion, Supervisors approved the motion by vote of acclamation and the meeting adjourned.



BOARD OF SUPERVISORS

THOMAS D. HARVEY
North District

ERNE Q. REED
Central District

JESSE N. RUTHERFORD
East District

J. DAVID PARR
West District

DR. JESSICA LIGON
South District

CANDICE W. MCGARRY
County Administrator

AMANDA B. SPIVEY
Administrative Assistant/
Deputy Clerk

LINDA K. STATON
Director of Finance and
Human Resources

**RESOLUTION R2024-03
NELSON COUNTY BOARD OF SUPERVISORS
AMENDMENT OF FISCAL YEAR 2023-2024 BUDGET
January 9, 2024**

I. Appropriation of Funds (General Fund)

<u>Amount</u>	<u>Revenue Account (-)</u>	<u>Expenditure Account (+)</u>
\$ 306.00	3-100-001899-0040	4-100-031020-5419
<u>\$ 306.00</u>		

II. Transfer of Funds (General Fund to Transfer Account)

<u>Amount</u>	<u>Revenue Account (-)</u>	<u>Expenditure Account (+)</u>
\$2,766,838.68	4-100-091030-5619	4-100-093100-9203
<u>\$2,766,838.68</u>		

III. Transfer of Funds (Transfer Account to School Fund)

<u>Amount</u>	<u>Revenue Account (-)</u>	<u>Expenditure Account (+)</u>
\$2,766,838.68	4-100-093100-9203	4-205-066100-9305
<u>\$2,766,838.68</u>		

Adopted: _____

Attest: _____, Clerk
Nelson County Board of Supervisors

EXPLANATION OF BUDGET AMENDMENT:

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

The **General Fund Appropriation of \$306.00** reflect a request of **(1) \$306.00** appropriation of FY24 local asset forfeiture funds received from the sale of seized property for the Sheriff's Department; these are non-DCJS funds. *The total appropriation request for this period is below the 1% of expenditure budget limit of \$758,045.57 for January.*

- II. Transfers represent funds that are already appropriated in the budget but are moved from one line item to another. Transfers do not affect the bottom line of the budget. A transfer from one General Fund account to another in the amount of \$2,766,838.68 are requested as follows: (1) \$2,766,838.68 is requested from the County's American Rescue Plan Act expenditure account to the Transfer to School Fund Operations account for final payment to complete the NCHS roofing project.**

- III. Transfers represent funds that are already appropriated in the budget but are moved from one line item to another. Transfers do not affect the bottom line of the budget. A transfer from General Fund account to the School Fund account in the amount of \$2,766,838.68 is requested as follows: (1) \$2,766,838.68 is requested from the General Fund Transfer account to the School Fund Operations account to the School Fund School Facilities account to allow final payment in the completion of the NCHS roofing project.**

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

December 12, 2023

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

Dear Mrs. McGarry,

I am writing to request a Supplemental Appropriation/Fund Transfer from the County to the Nelson County School Board for the roofing project at Nelson County High School. The total cost of the project is expected to be \$4,509,438.68. The School Board budgeted to use \$1,742,600 of the ESSER III funds the Division was awarded from the Dept. of Education. The remaining balance to be paid by the County of Nelson would be \$2,766,838.68. These funds should be accounted for in major category 66000 – Building Facilities. The Board is requesting the balance of the funding to close the project out. The project is expected to be completed by the end of January, 2024.

I appreciate your consideration of this request.

Respectfully,

A handwritten signature in blue ink, appearing to read 'Amanda Hester'.

Amanda Hester, Ed.D.
Division Superintendent

1/04/2024

ACCT PERIOD: 2023/12
FUND-100 American Rescue Plan Act Expenses

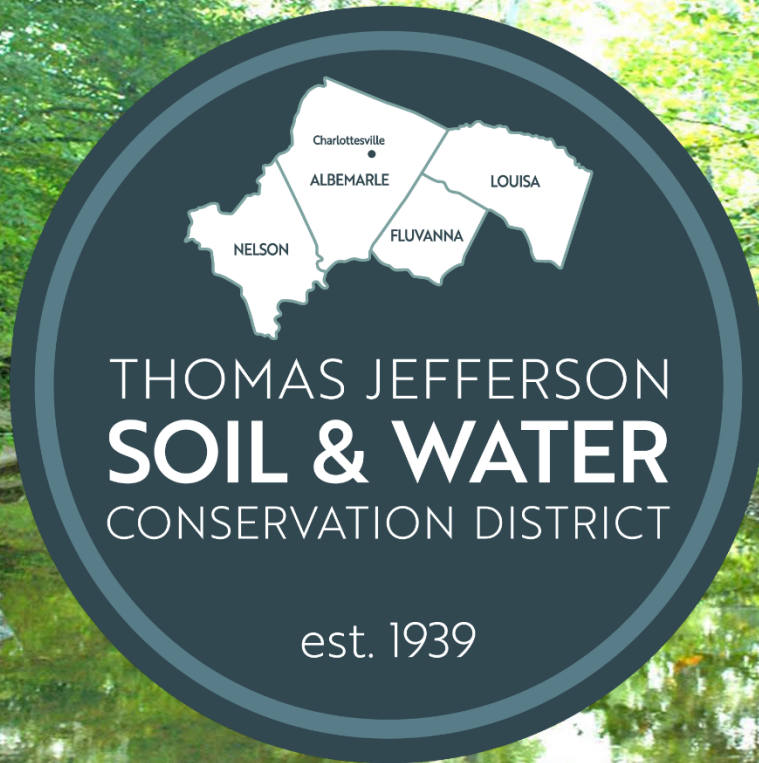
NELSON COUNTY
7/01/2420 - 12/31/2023

PAGE 1
GL150

ACCT#	DESCRIPTION	BUDGET	APPROP.	SUPPL.	TRANSFERS	ACT/BUD.	CUR/MTH	THIS YEAR	ENCUMBER.	AVAILABLE	USED
091030-5619-	American Rescue Plan Act Expenses	2894977.00	2894977.00			2894977.00				2894977.00	
	DEPT. TOTAL	2894977.00	2894977.00			2894977.00				2894977.00	
	FUND TOTAL	2894977.00	2894977.00			2894977.00				2894977.00	
	COMPANY TOTAL	2894977.00	2894977.00			2894977.00				2894977.00	

Your Local Partner in Conservation

V B





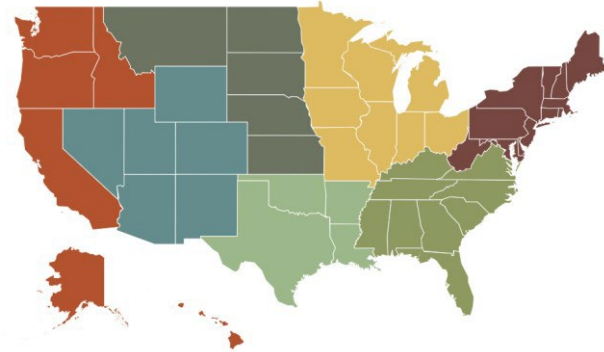
Programs & Technical Services

- ✓ **Overview of Conservation Districts**
- ✓ **TJSWCD Overview**
- ✓ **Agriculture Program**
- ✓ **Septic Program**
- ✓ **Education and Residential Program**
- ✓ **Looking Forward**

What is a Conservation District?

Formed in 1930s in response to Dust Bowl to create local influence

- **Local directors**
- **Local landowners**
- **Local decisions**
- **Local programs**



3000 in U.S.

47 in Virginia

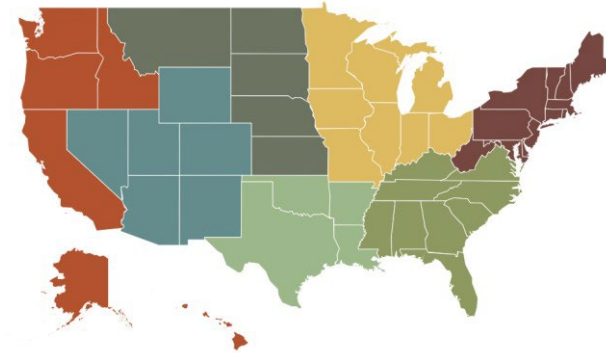
98% of land in U.S.

Following the ecological devastation of the Dust Bowl in the 1930s, President Franklin Delano Roosevelt recommended the Standard State Soil Conservation Districts Act be signed into law by all State Governors. This Act gave states a step-by-step guide to create Conservation Districts and listing their powers and responsibilities.

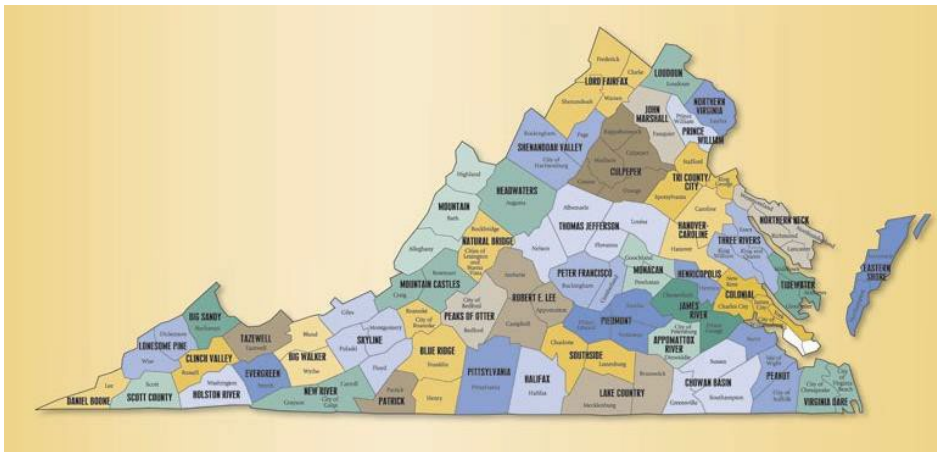
By July 1, 1945, 48 States had passed District-Enabling Acts.

TJSWCD Established in 1939

National Association Conservation Districts



<https://www.nacdnet.org/>



Virginia Association of Soil and Water Conservation Districts

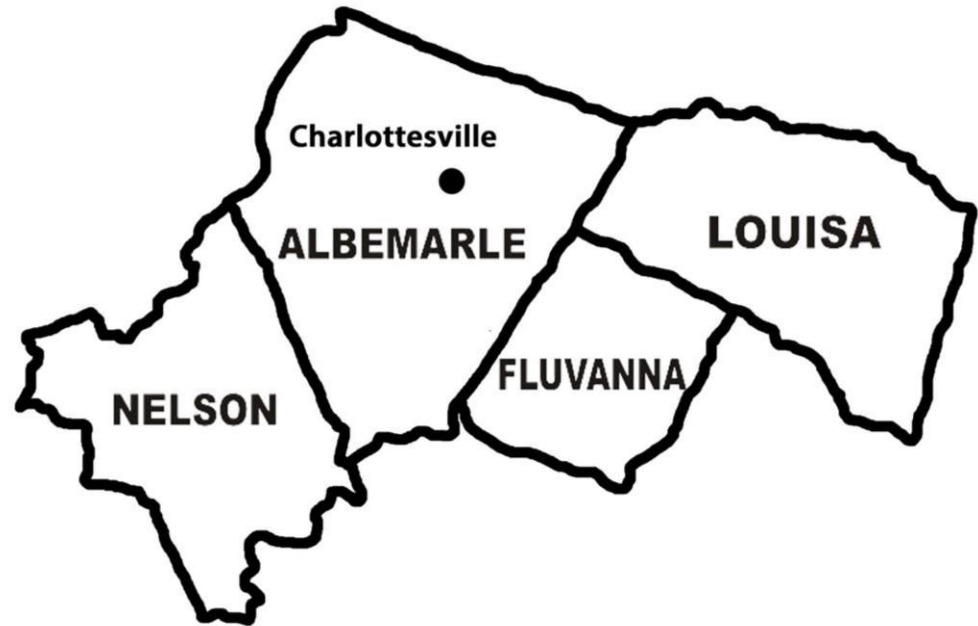
<https://vaswcd.org/>

**Soil and Water Conservation Districts (SWCD)
are
Political Subdivision of State**

**Authorized through
Code of VA 10.1-546**

**Governed by locally
Elected Board of Directors**

District Area - 5 Localities



TJSWCD - Board of Directors

12 Voting Directors + 5 Associate Directors

AGRICULTURAL COST SHARE PROGRAM

Funding Provided by the Virginia Agriculture Cost Share Program (VACS) through the Department on Conservation and Recreation (DCR)



VACS can help to:

- Improve and Protect Water Quality
- Increase Farm Productivity and Efficiency
- Improve Herd and Animal Health
- Control Erosion and Decrease Runoff
- Improve Soil Health and Drought Tolerance
- Improve Wildlife Habitat
- Sequester Carbon and Improve Groundwater Recharge



Improve & Protect Water Quality, Conserve Soil & Scenic Beauty, and Improve Farm Management and Farm Viability through Voluntary Incentive programs.

Agricultural Impact in Nelson County Since 1998



ACCOMPLISHMENTS

55

Miles of Stream
Bank Protected

353

Acres of Trees Planted

670

Acres of Riparian
Buffer Protected

6,690

Acres of Cover
Crop Planted

168

Acres of Cropland
Conversion

over **\$2.9** million
Cost Share Paid
to Landowners

over **\$1** million
Landowner
Contribution

over **\$1** million
Partner
Contribution

Multiple Benefits

Preserving Farm Viability and Improving Profitability

Protecting our Rural and Scenic Landscape and Water Quality



- **Rotational Grazing Systems**
- **Stream Exclusion Fencing**
- **Alternative Watering Systems**



Riparian Buffers and Erosion Control



Before ↑

**670 Acres of
Buffer Area
Protected**

↓ **After**



Cropland and Animal Waste Practices

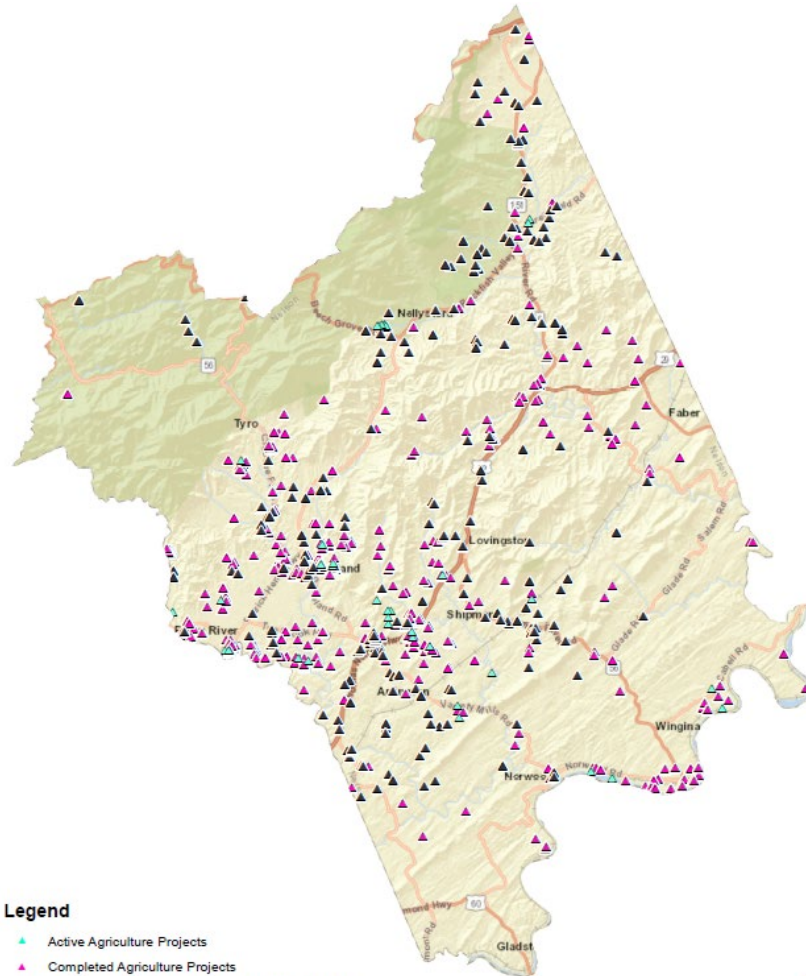
- **Cover Crops**
- **Cropland Conversion**
- **Tree Plantings**



- **Nutrient Management Plans**
- **Grassed Waterways**
- **Animal Waste Facilities**

Geographic Distribution - Since 1998

Best Management Practices (BMPs)



**Implemented - 585
Agricultural (BMPs)**

***There are currently 36 Agricultural
Projects Approved
Totaling \$1,271,120 Million**

**Implemented - 207
Septic (BMPs)**

***There are currently 12 Septic
Projects Approved
Totaling \$35,620**

AGRICULTURAL COST SHARE PROGRAM

Current Projects



**There are 36 Projects Approved
Totaling \$1,271,120 in Nelson County**

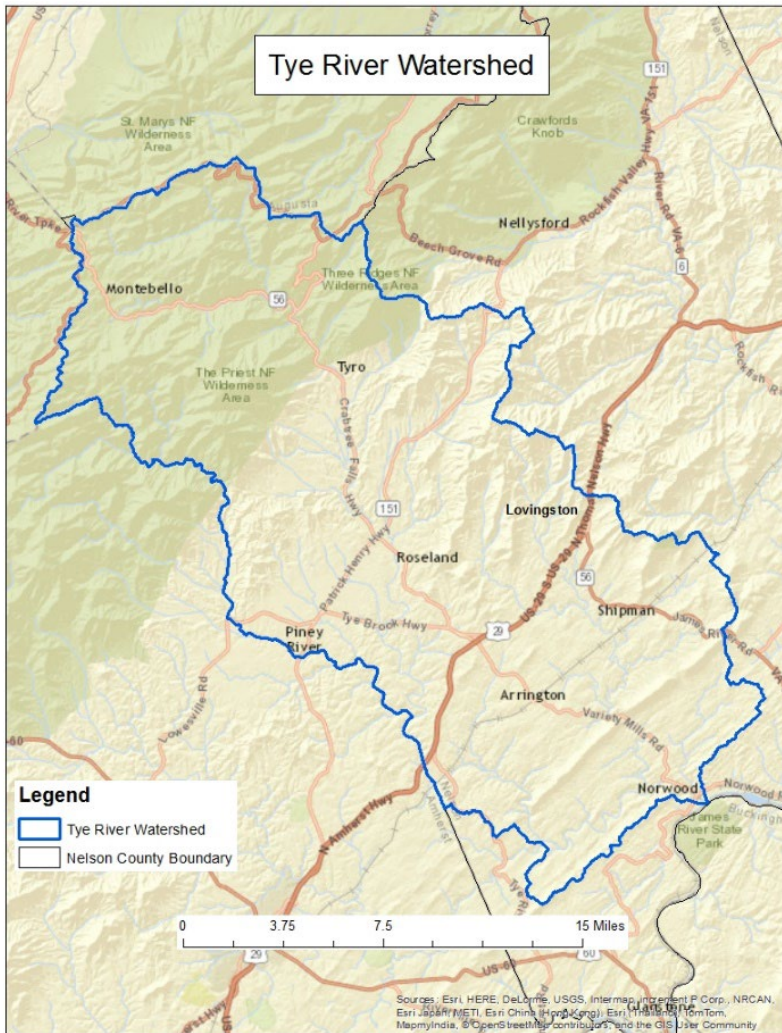
FY24	Non Agronomic Projects Currently Under Construction				
Current	Number of BMPs Under Construction	Total Stream Bank Protected (Feet)	Total Farm Acres	Total Approved Cost Share Payments From TJSWCD	Total Tax Credit Approved
Total	19	75,926.00	902.93	\$1,221,848.21	\$28,169.02

FY24	Agronomic Projects Currently Under Construction			
Current	Number of BMPs Under Construction	Total Cropland Acres Benefitted	Total Approved Cost Share Payments From TJSWCD	Total Tax Credit Approved
Total	17	602.80	\$49,272.50	\$466.88

TYE RIVER WATERSHED TMDL



- DEQ provides supplemental funding for our Agriculture Program and funds our Septic Program.



Septic Program Impact in Nelson County Since 2014



ACCOMPLISHMENTS

135

Pump Outs

2

Connections to Public
Sewer

16

Systems Repairs

53

System
Replacements

1

Alternative
System

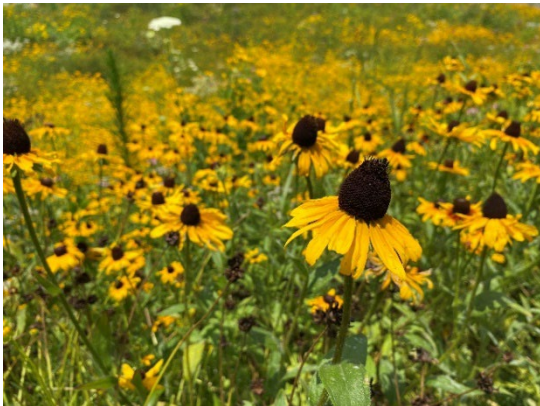
over **\$351k**
Cost Share Paid
to Residents

over **\$312k**
Total Resident
Contribution

EDUCATION and RESIDENTIAL PROGRAMS



- **Education**
 - **Hands-On Educational Programming that Promotes Appreciation and Stewardship of Nelson County and our Watersheds**
- **Residential**
 - **Cost Share Funding for Implementation of Stormwater Best Management Practices (BMPs)**



EDUCATION PROGRAM

Opportunities for Students



- Public Education Programs and Field Trips
- College Scholarships
- Youth Conservation Camp (YCC)
- Youth Conservation Leadership Institute (YCLI)
- Envirothon



*Reading Challenge Patch Program
at Nelson Memorial Library*



*Nelson County Resident Zoe Evans, College
Scholarship Recipient and YCC Attendee*



*Students from Tye River and Rockfish River
Elementary Schools Conduct a Stream
Study*

EDUCATION PROGRAM

Resources for Educators



Supplementing Classroom Lessons through:

- In-Class Watershed Education Experiences
- On-Loan Educational Materials



Nelson County Students Learn about Groundwater



Nelson Middle School Students Receive Help with their Science Fair Projects



Nelson County Students use an Enviroscope Model to learn about Watersheds



Students from Tye River Elementary learn about the Water Cycle

RESIDENTIAL PROGRAM

*Funding is provided through the
Virginia Conservation Assistance Program (VCAP)*



VCAP can help to:

- Treat and control stormwater runoff
- Control erosion
- Conserve water within the landscape
- Improve riparian buffer areas
- Promote native vegetation and wildlife habitat



Eligible Practices Include:

- Conservation Landscaping
- Rain Gardens
- Dry Wells
- Impervious Surface Removal
- Rainwater Harvesting Systems
- Permeable Pavers and more...

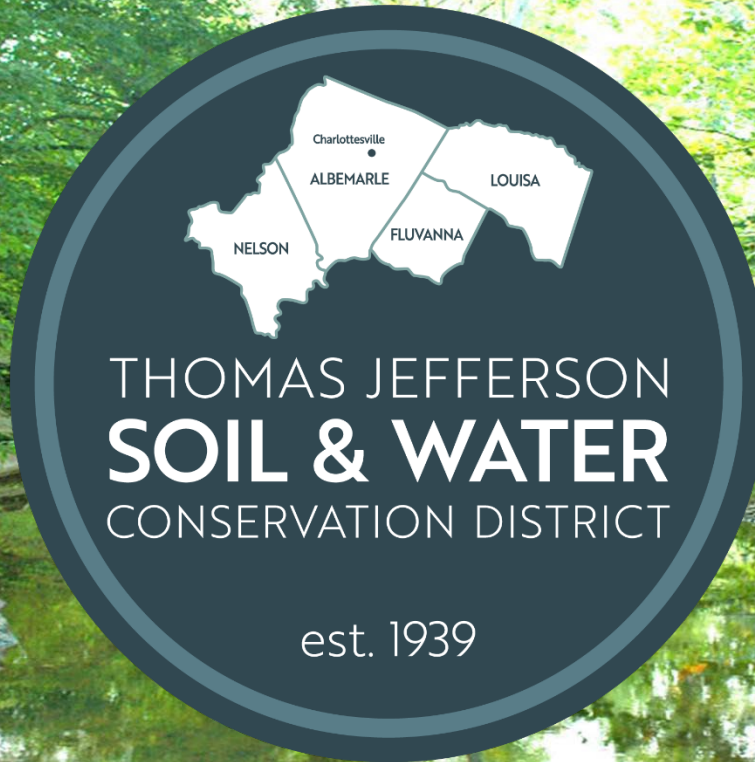


Looking Forward



- **Districts Receiving Over 200 Million Statewide in VACS next year that will be distributed DIRECTLY TO FARMERS.**
- **Continued State Funding for Residential Programs**
- **THANK YOU FOR YOUR CONTINUED SUPPORT!**

Your Local Partner in Conservation





BOARD OF SUPERVISORS

THOMAS D. HARVEY
North District

ERNIE Q. REED
Central District

JESSE N. RUTHERFORD
East District

J. DAVID PARR
West District

DR. JESSICA LIGON
South District

CANDICE W. MCGARRY
County Administrator

AMANDA B. SPIVEY
Administrative Assistant/
Deputy Clerk

LINDA K. STATON
Director of Finance and
Human Resources

**RESOLUTION R2024-04
NELSON COUNTY BOARD OF SUPERVISORS
APPROVAL OF INTEREST FREE LOAN REQUEST FOR
WINTERGREEN RESCUE SQUAD**

BE IT RESOLVED, that the Nelson County Board of Supervisors hereby approves an interest free loan request from Wintergreen Rescue Squad in the amount of \$100,000 to help purchase a 2022 Ford F-450 Ambulance.

Approved: _____

Attest: _____, Clerk
Nelson County Board of Supervisors

NELSON COUNTY EMERGENCY SERVICES COUNCIL

P.O. Box 336
Lovington, Va. 22949

11/29/23

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

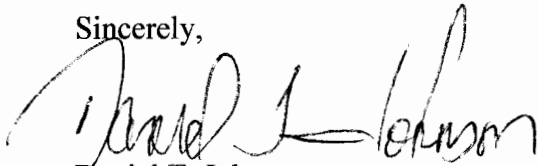
Dear Mrs. McGarry,

The Emergency Services Council has unanimously approved the loan for Wintergreen Rescue Squad, in the amount of \$100,000.00, from the interest free loan account. This was approved at our meeting on 11/21/23.

This loan is for a 2022 F-450 Ambulance. This will be used as unit 176, and will be available in the County.

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

Sincerely,



Daniel T. Johnson
President, NCESC

Nelson County Emergency Loan Fund

Agency Name Wintergreen Rescue Squad

Agency Address P.O. Box 711 Nellysford, VA 22958

Contact Person Curtis Sheets

Title Chief

Phone 434-325-8536

Item Requested Partial payment towards ambulance.

Loan Amount \$100,000

Anticipated Term 7 Years

Down Payment Amount? \$135,000

Replacement Item? YES



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

If Additional Item How Many Do You Already Own? 4

What Will You Do With The Old Item? N/A

Describe Briefly The Scope Of Your Project We purchased an ambulance.

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

What Is The Approximate Net Worth Of Your Agency?

Real Estate Equity+Vehicle Equity+Cash+Investments 1.8M

What Is The Total Debt Amount Of Your Organization? \$0

How Will You Support Your Payment? Fund Raising

Please Attach A Copy Of Your Operating and Capital Budget.

Approved: Yes No

Date Approved: 11/21/23

By Print: DANIEL T. JOHNSON

By Sign: *Daniel T. Johnson*

10/31/2023

Income	2022 YTD	2023 Approved	2023 YTD
Annual Fund Drive	214477	215000	145221
Augusta County	20000	20000	23190
Nelson County	68368	79893	80873
Nelson County Loan	0	100000	0
County Mileage Reimbursement	8735	10000	0
WPOA Opearting Contribution	50000	50000	50000
Memorials, Transports, Misc.	5285	5000	4379
Asset Donation	37907	0	0
Grant Assistance	0	131692	101181
Sale of Vehicles	40000	15000	0
Sundry	15188	15000	24835
Special Events	9738	15000	9580
Total Income	\$469,698.00	\$656,585.00	\$439,259.00
Operating Expense			
Loose Eqpt. Maint.	16861	21000	22335
Vehicle Maint.	32177	36000	24008
Vehicle Fuel/Oil	39766	40000	33056
Insurance,D&O/Veh.	26710	27000	29443
Med. Supplies	17412	16000	15994
Training	29627	18000	24124
Flu Vaccine	0	2000	0
Holiday Social	0	2500	0
Software	0	12000	10308
WPOA Emerg Svces. Reserve	12500	12500	12500
Telephone	-5132	8000	1557
Radio/Data Lines	9703	6000	3615
Office Supplies/Postage	3309	3500	3344
Audit Costs	4000	9400	1850
Bank Charges	175	1000	225
Notes Payable - Nelson County	0	7143	0
Total Admin Expenses	\$187,108.00	\$222,043.00	\$182,359.00
Capital Expenses			
Apparel	19163	18000	10896
Protective Apparel	0	8000	8651
Communication Equipment	9459	10000	7677
Qualification Training	5742	10000	14837
Computer & Office Equipment	3914	4500	3257
Vehicle Replacement	34102	245000	279723
Rescue Equipment	13391	14000	3906
Station Furnishings	5289	5000	4608
Medical Equipment	18923	38000	5725
Training Equipment	9501	7000	7542
Fund Raising Expenses	11509	12000	11733
In-House Grants	0	3750	1893
Capital Reserve	151597	59292	0
Total Capital Expense	\$282,590.00	\$434,542.00	\$360,448.00
Total Expense	\$469,698.00	\$656,585.00	\$542,807.00

From: [Curtis Sheets](#)
To: [Amanda Spivey](#)
Cc: [Daniel T. Johnson](#); [Candy McGarry](#)
Subject: Re: WRS Loan Request
Date: Thursday, November 30, 2023 12:21:31 PM
Attachments: [image.png](#)
[image.png](#)
[image.png](#)
[image.png](#)
[image.png](#)

This is not a replacement. WRS had dropped from 5 to 4 ambulances a few years ago. During Covid and all of the supply chain interruptions we learned that was a terrible mistake. This ambulance takes us back up to five.

I can attend if need be.

We aren't in a particular hurry on this because our annual contribution from WPOA comes on Jan 1. As long as I can get the funds within the next 90 days, my cash flow will work out.

Thanks,

Curtis

Pictured below from newest to oldest:







On Thu, Nov 30, 2023 at 12:05 PM Amanda Spivey <aspivey@nelsoncounty.org> wrote:

Thanks Danny. Is this item a replacement ambulance? I didn't see that indicated on the form. Our December meeting is on December 12th at 2pm. We may be able to squeeze this in on the agenda – is someone able to be present at the meeting?

Amanda

From: Daniel T. Johnson [mailto:bluedogva@verizon.net]
Sent: Thursday, November 30, 2023 10:55 AM
To: Amanda Spivey <aspivey@nelsoncounty.org>
Cc: Candy McGarry <CMcGarry@nelsoncounty.org>; Curtis Sheets <csheets@wtgfireresq.org>; Daniel Johnson <bluedogva@verizon.net>
Subject: WRS Loan Request

Good Morning Amanda,

I have attached a loan request for Wintergreen Rescue Squad from the interest free loan account.

If you have any questions, please let me know.

Thanks,

Daniel T. Johnson

434-981-3305

--

Curtis N. Sheets, MPA
Chief of Wintergreen Fire & Rescue
434-325-8536

Amanda Spivey

From: Angela F Hicks
Sent: Wednesday, January 3, 2024 9:08 AM
To: Amanda Spivey
Subject: RE: interest free loan request - Wintergreen Fire and Rescue

Amanda,

The balance in the Emergency Services interest-free loan account, as of 12/31/2023, is \$548,480.04.

Wintergreen Fire department has an outstanding balance of \$203,125.00.

Wintergreen Rescue does not have an outstanding balance.

Please let me know if you require additional information.

Sincerely,

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

From: Amanda Spivey
Sent: Tuesday, January 2, 2024 9:40 AM
To: Angela F Hicks <AHicks@nelsoncounty.org>
Subject: interest free loan request - Wintergreen Fire and Rescue

Angi,

Happy New Year! When you get a chance this week, can you let me know what the current interest free loan balance is? Also, does Wintergreen have any loans currently?

Thank you,

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

Nelson EMS (NEMS)

Background:

Ideal NEMS Staffing: NEMS has 12 FT providers of which 9 have historically been Advanced Life Support/Paramedic (ALS) and 3 have been Basic Life Support (BLS)/EMT which is the ideal combination per the NEMS program manager Curtis Sheets of Wintergreen Fire and Rescue. **The ideal shift is 3 ALS/Paramedics and 1 BLS/EMT Provider.**

Current NEMS Staffing: 12 FT providers: 3 ALS/Paramedic Providers, 6 BLS/EMT Providers, and 3 Vacancies. They have been advertising to fill the vacancies with an emphasis on ALS/Paramedic providers with no ALS/Paramedic applicants as of December 19th. This provides for **1 ALS/Paramedic and 3 BLS/EMT Providers per shift**, which may result in poorer patient outcomes and a higher probability of complaints. Roughly 2,000 people are treated annually with roughly 50% receiving some level of ALS care. If we were to have all BLS/EMT staffed shifts, it would not only likely reduce patient care service levels, it would negatively impact revenue recovery by a few hundred dollars per call when ALS calls are handled by BLS crews. ALS calls handled by ALS crews are billed at a higher rate due to the higher level of patient care provided.

Current Schedule: 2 crews, stationed in Lovington, providing 24/7 coverage: 4 providers per shift and 3 shifts who work 24 hours on/48 hours off for a total of 2,632 hours per year.

Surrounding Area Schedules: Amherst, Augusta, Buckingham, and Fluvanna work 24 hours on/72 hours off for a total of 2,190 hours per year. This is 442 hours LESS per year than the current NEMS schedule. For comparisons sake, 40-hour per week full-time jobs consist of 2,080 hours per year. This has had a tremendous impact on NEMS provider attraction and retention.

Recommendations for Consideration:

- **Schedule Curtis Sheets on the January 9, 2023 afternoon agenda for discussion, he will be present already to request an interest free loan for a Wintergreen ambulance.**
- **Work Schedule:** As of July 1, 2024 (FY25) Move to a 24 hours on/72 hours off schedule but advertise it now in order to attract applicants and retain staff. This would require hiring 4 more NEMS providers for a total of 16 at an estimated total payroll cost of \$281,000. \$86,000 has been budgeted in the County's Paid EMS budget for phasing of reduced work hours, leaving a deficit or net increase in funding needed of approximately \$195,000 per year.
- **Ambulance Transport Billing Rates:** Consider increasing ambulance transport billing rates to offset increasing service costs. This can be done at any time during the year. Ambulance bills are primarily paid by private insurance, Medicare and Medicaid and the County has a soft billing and hardship waiver program for patient payments.

Current NEMS/WGFR Advertisement:

Wintergreen Fire & Rescue

Positions Available: Paramedic

Check out our new benefits and pay band!

Join our team!

- 52k, 2k additional for Advanced Practice Paramedic
- 12 Skip Shifts per year (new benefit)
- In a phased transition to 24/72
- Access to Wintergreen Resort Ski & Golf
- 6% of annual pay to retirement with no match req.
- 70% paid health insurance, you + family
- Innovative shift schedule - 2,632 hrs/yr
- Progressive protocols (RSI, Vent, IV Pump)
- 2-weeks paid parental leave
- Short-Term/Long-Term Disability Insurance
- Uniforms Provided
- Approx. 2,000 calls per year, transport to 4 hospitals
- Annual cash bonus for years of service.

Candidates should have: NRP, ACLS, PALS, EVOG Class II and BLS (CPR).

Email a resume/cover letter to: mriddle@wtgfireresq.org

www.wtgfireresq.org



Recent Amherst County Advertisement: This is roughly 30% more than what we pay. We pay \$52,000, however we require roughly 450 hours more annually.



AMHERST COUNTY PUBLIC SAFETY

ALS Provider/Firefighters Wanted!

Full-Time Compensation:

- Starting Pay:
 - EMT/AEMT **\$48,353**
 - Paramedic **\$50,722**
 - Annual Certification Bonus:
Minimum \$3,000 incentive for Paramedics
- Virginia Retirement System
- Insurance: Health, Dental, Vision, Life
- Tuition Assistance
- Vacation/Sick Leave
- Approximately \$3,000 annually in holiday pay

Paramedic Salary + certification pay + holiday pay = approx.
\$56,340

What We Need from You:

- Virginia OEMS Certification (required)
- Virginia EVOC (Required)
- FF I & HAZMAT Operations (within 18 months of hire)

About the Department:

Combination Fire/EMS service
24/72 Schedule = greater work-life balance
5,000+ calls for service annually
Innovative equipment/protocols including ultrasound, IV Pumps, and Blood Product Administration (*coming soon*)
Wide response area from fast-growing urban to rural, including near the Blue Ridge Parkway and Appalachian Trail



Applications can be mailed to P.O. Box 140 Amherst, VA 24521 or dropped off at 119 Taylor St. Amherst, Va., 24521 M-F, 8:30 am — 5:00 pm

Download an application at: <https://tinyurl.com/zuc6vjja> or scan QR code —





BOARD OF SUPERVISORS

THOMAS D. HARVEY
North District

ERNIE Q. REED
Central District

JESSE N. RUTHERFORD
East District

J. DAVID PARR
West District

DR. JESSICA LIGON
South District

CANDICE W. MCGARRY
County Administrator

AMANDA B. SPIVEY
Administrative Assistant/
Deputy Clerk

LINDA K. STATON
Director of Finance and
Human Resources

**RESOLUTION R2024-05
NELSON COUNTY BOARD OF SUPERVISORS
SUPPORT OF HOUSING OPPORTUNITIES-FEE WAIVERS FOR
NELSON COUNTY COMMUNITY DEVELOPMENT FOUNDATION
HOUSING PROJECTS**

WHEREAS, historically the County has demonstrated its affirmative support for increasing housing opportunities by working with NCCDF to reduce the cost of housing projects by waiving tipping fees at the transfer station for debris generated by these projects; and

WHEREAS, in addition, the County previously agreed to waive connection (not installation) fees to County-operated water and sewer systems as part of CDBG or other grant-funded projects, and/or allow a 24-month payment period for connection fees on NCCDF-owned property,

NOW THEREFORE BE IT RESOLVED, that in support of increasing housing opportunities, the Nelson County Board of Supervisors does hereby continue to waive tipping fees at the County transfer station for debris generated by NCCDF projects, and allow a 24-month payment period for connection fees to county-operated water and sewer systems on NCCDF-owned property; and that this support be reviewed for adoption annually at each July meeting of the Board of Supervisors going forward.

Approved: _____

Attest: _____, Clerk
Nelson County Board of Supervisors

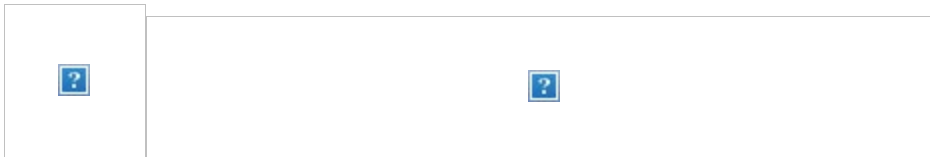
From: [Margaret Clair](#)
To: [Candy McGarry](#); [Amanda Spivey](#)
Cc: [Juliana Piedra](#); [Rose Valentino](#)
Subject: Resolution for Board Consideration
Date: Thursday, December 7, 2023 11:37:26 AM
Attachments: [County Resolution 2024.docx](#)

Hello Candy,

We've done this in the past and I am hoping you can squeeze it in for December, but if not, I think January will work. We have 2 big renovations coming and then I've got to get going on building the ARP project.

Thank you for your consideration and let me know if you have any questions.

Margaret





NELSON COUNTY
COMMUNITY DEVELOPMENT FOUNDATION
POST OFFICE BOX 57
LOVINGSTON, VA 22949
(434) 263-8074

December 7, 2023

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

Dear Candy:

NCCDF has always appreciated the support provided by the Nelson County Board of Supervisors for our programs to increase housing opportunities for Nelson citizens.

In the past, the Board of Supervisors has demonstrated its support for increasing housing opportunities by working with NCCDF to reduce the cost of rehabilitation projects by waiving tipping fees at the county transfer station for demolition and other debris generated by these projects.

In addition, the Supervisors have previously agreed to waive connection (not installation) fees to County-operated water and sewer systems as part of CDBG or other grant-funded projects, and/or allow a 24-month payment period for connection fees on NCCDF-owned properties.

Therefore, NCCDF respectfully requests the Board of Supervisors consider at its next regular meeting a resolution to continue to waive tipping fees at the County transfer station for debris generated from NCCDF projects, and to allow a 24-month payment period for connection fees to county-operated water and sewer systems on NCCDF-owner property, **and that this resolution be reviewed for adoption annually at each July meeting** of the Board of Supervisors going forward.

I have attached a sample resolution for your review. The last resolution adopted on this subject was adopted in July of 2020, I believe.

Thank you for your consideration of this matter.

Sincerely,

Margaret Clair
Executive Director

RESOLUTION _____
NELSON COUNTY BOARD OF SUPERVISORS
SUPPORT OF HOUSING OPPORTUNITIES-FEE WAIVERS FOR
NELSON COUNTY COMMUNITY DEVELOPMENT FOUNDATION
HOUSING PROJECTS

WHEREAS, historically the County has demonstrated its affirmative support for increasing housing opportunities by working with NCCDF to reduce the cost of housing projects by waiving tipping fees at the transfer station for debris generated by these projects; and

WHEREAS, in addition, the County previously agreed to waive connection (not installation) fees to County-operated water and sewer systems as part of CDBG or other grant-funded projects, and/or allow a 24-month payment period for connection fees on NCCDF-owned property,

NOW THEREFORE BE IT RESOLVED, that in support of increasing housing opportunities, the Nelson County Board of Supervisors does hereby continue to waive tipping fees at the County transfer station for debris generated by NCCDF projects, and allow a 24-month payment period for connection fees to county-operated water and sewer systems on NCCDF-owned property; and that this support be reviewed for adoption annually at each July meeting of the Board of Supervisors going forward.

Adopted: _____

Attest: _____



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

STEPHEN A. CARTER
County Administrator

GRACE MAWYER
Administrative Assistant/
Deputy Clerk

CANDICE W. MCGARRY
Director of Finance and
Human Resources

RESOLUTION R2020-28
NELSON COUNTY BOARD OF SUPERVISORS
SUPPORT OF HOUSING OPPORTUNITIES-FEE WAIVERS FOR
NELSON COUNTY COMMUNITY DEVELOPMENT FOUNDATION
HOUSING PROJECTS

WHEREAS, historically the County has demonstrated its affirmative support for increasing housing opportunities by working with NCCDF to reduce the cost of housing projects by waiving tipping fees at the transfer station for debris generated by these projects; and

WHEREAS, in addition, the County previously agreed to waive connection (not installation) fees to County-operated water and sewer systems as part of CDBG or other grant-funded projects, and/or allow a 24-month payment period for connection fees on NCCDF-owned property,

NOW THEREFORE BE IT RESOLVED, that in support of increasing housing opportunities, the Nelson County Board of Supervisors does hereby continue to waive tipping fees at the County transfer station for debris generated by NCCDF projects, and allow a 24-month payment period for connection fees to county-operated water and sewer systems on NCCDF-owned property; and that this support be reviewed for adoption annually at each July meeting of the Board of Supervisors going forward.

Approved: July 14, 2020

Attest:  Clerk
Nelson County Board of Supervisors

EXISTING VACANCIES AS OF JANUARY 1, 2024		
<u>Board or Commission</u>	<u>Term Expired</u>	<u>Incumbent</u>
<i>T.J. Water Resources Protection Foundation 4 year term</i>	12/31/2023	Andy Wright (T4)
Citizen Appointments to be made in 2024		
<u>Board or Commission</u>	<u>Terms Expiring 2024</u>	<u>Incumbent</u>
<i>MACAA Board of Directors 2 year Term</i>	3/13/2024	Chris Sandquist (UT)
<i>Ag & Forestal Dist. Advisory 4 Year Term - 3 Term Limit</i>	5/13/2024	Other Landowners Sunny L. Taylor (T1)
<i>N.C. Economic Dev. Authority 4 year term</i>	6/30/2024 6/30/2024	R. Carlton Ballowe Deborah Brown
<i>JAUNT 3 year term</i>	6/30/2024	Brad Burdette (UT)
<i>Board of Building Appeals 4 Year Term - No Term Limit</i>	6/30/2024 6/30/2024 6/30/2024	R. Carlton Ballowe Ben Butler (unexpired term) Kenneth H. Taylor
<i>Jefferson Madison Regional Library Board 4 Year Term - 2 Term Limit</i>	6/30/2024	Aleta Childs (UT)
<i>N.C. Library Advisory Committee 4 year term appointed by District</i>	6/30/2024	Audrey Evans - West District
<i>Planning Commission 4 Year term appointed by District</i>	6/30/2024 6/30/2024	Mary K. Allen - South Michael Harman-West
<i>Region Ten Community Services Board 3 Year term; 3 term limit</i>	6/30/2024	Peggy Whitehead (T2)
<i>NC Service Authority 4 Year term appointed by District</i>	6/30/2024 6/30/2024	Sergio Sanchez - South David S. Hight-West
<i>NC Social Services Board 4 year term - 2 term limit</i>	6/30/2024	Darlene Smith-Central District (T2)
<i>JABA Board of Directors 2 year term</i>	7/15/2024	Ernie Reed
<i>Board of Zoning Appeals Appointed by Circuit Ct. Judge 5 year term</i>	11/1/2024	Mary Kathryn Allen
<i>JABA Council on Aging 2 year Terms</i>	12/31/2024	Mary S. Cunningham

MONTICELLO AREA COMMUNITY ACTION AGENCY -MACAA
BOARD OF DIRECTORS

1 GOVERNMENT REPRESENTATIVE MEMBER

MEMBER

TERM EXPIRATION

Mr. Chris Sandquist
277 Saddleback Knoll
Nellysford, VA 22958
(434) 361-0041
chris.sandquist@gmail.com

March 13, 2024 (UT)

Term(s) of Office: 2 years from date of appointment, No Limits

Summary of Duties: To serve as an advisor representing the interests of Nelson County in furthering MACAA's mission of eradicating poverty and improving the lives of people living in the served communities.

Board of Directors: MACAA's Board of Directors consists of 15-18 members, with equal representation from three sectors of the community - the private sector (businesses, educational institutions, and other non-profit organizations), the public sector (elected officials from each of the jurisdictions served or their appointed representatives) and constituents (elected representatives of low-income groups). Terms vary from one to five years. Individuals from the community may serve as non-voting members of Board committees.

Meetings: The Board meets at 5:30pm on the last Thursday of each month (November and December meetings combined). Committee meetings vary throughout the month. Meetings are held at the MACAA offices: 1025 Park Street, Charlottesville VA 22901. Phone: 434-295-3171, Fax: 434-296-0093 Office Hours: 9am – 5pm M-F.

URL: www.macaa.org MACAA's Executive Director, Sarah Hanks (434) 295-3171
shanks@macaa.org

Agricultural & Forestal District Advisory Committee

Citizen Members (Producers) 4

Term 4 years

Andy Wright dutchcreekfarm@aol.com
1315 Dutch Creek Lane
Shipman, VA 22971
434-263-8938 (H)

May 13, 2023 – May 13, 2027 (T5)

Billy Newman enviroforllc@netscape.net
356 Deer Run Lane
Shipman, VA 22971
434-263-4172 (H)

May 13, 2023 – May 13, 2027 (T4)

Susan McSwain losthorseshoe3@gmail.com
3254 Dutch Creek Lane
Shipman, VA 22971
434-263-6714 (H)

May 13, 2023 – May 13, 2027 (T5)

Ernie Reed ereed@nelsoncounty.org
971 Rainbow Ridge Road
Faber, VA 22938
434-249-8330

May 13, 2023 – May 13, 2027 (T1)

Citizen Members (Other Landowners) 4

Joyce Burton joybirdpt@gmail.com
96 Old Turtle Place
Nellysford, VA 22958
434-361-2328

May 13, 2023 – May 13, 2027 (T3)

Sunny Taylor sunny@virginia.edu
464 Front Street
Lovingston, VA 22949
434-996-2267 (H)
434-924-7849 (B)

May 13, 2020 – May 13, 2024 (UT)
(Appointed 1-12-2021)

Mary Cunningham mscsherpa@gmail.com
171 Joshua Lane
Afton, VA 22920
434-1587 (H)

May 13, 2023 – May 13, 2027 (T2)

Charlotte L. Rea the.creac1@gmail.com
411 Bland Wade Ln.
Afton, VA 22920
540-456-6509 (H)
434-996-7291 (Cell)

August 13, 2023 – May 13, 2027 (T2)

Commissioner of Revenue

Pam Campbell pcampbell@nelsoncounty.org 434-263-7070
P.O. Box 246
Lovingston, VA 22949

Board of Supervisors Member

Jesse Rutherford jrutherford@nelsoncounty.org

P.O. Box 336

Lovington, VA 22949

434-981-8728

Establishment: Established by the Code of Virginia §15.2-4300 et seq. and the Code of Nelson County, Chapter 9, Article V. on February 11, 2003.

Members: Consists of 10 members, four (4) agricultural producers, four (4) other landowners, the Commissioner of Revenue and a Board of Supervisors member.

Term: Regular terms are 4 years from May 13th to May 13th with a term limit of 3 consecutive terms except in cases where there are no new applicants to fill the vacancy.

Summary of Duties: To advise the Planning Commission and the County governing body and assist in creating, reviewing, modifying, continuing or terminating districts within the county. In particular, the committee shall render expert advice as to the nature of farming and forestry and agricultural and forestal resources with the district(s) and their relation to the entire county.

Meetings: Meetings are held on an as needed basis. Members serve on a voluntary basis, but the Board of Supervisors may at its discretion, reimburse each member for actual and necessary expenses incurred in the performance of duties.

NELSON COUNTY ECONOMIC DEVELOPMENT AUTHORITY

NAME, ADDRESS & PHONE

TERM

Larry Saunders
1610 Wilson Hill Road
Arrington, VA 22922
434-981-1235 (C)
Larrya5819@aol.com

July 1, 2023 -June 30, 2027
(First appointed 3-14-23)

John Bruguere
1339 Stoney Creek West
Nellysford VA 22958
434-277-5516 (W)
540-456-6778 (H)
John@DickieBros.com

July 1, 2023 -June 30, 2027

R. Carlton Ballowe
19218 Thomas Nelson Hwy
Faber, VA 22938
434-263-6285 (H)
434-996-7796 (W)
catbalul@aol.com

July 1, 2020 –June 30, 2024
(First Appointed 3-12-13)

Deborah L. Brown
23 Windy Acres Drive
Afton, VA 22920
434-981-2832 (C)
dbrown@alliedconcrete.com

July 1, 2020 –June 30, 2024
(First Appointed 4-10-18)

Richard Averitt
88 Grace Glen
Nellysford, VA 22958
434-262-3418
richard@raveritt.com

July 1, 2021 – June 30, 2025
(Unexpired term, appointed 4-11-23)

Natt A. Hall, Jr.
462 Horseshoe Mountain Rd.
Roseland, VA 22967
434-361-1780
natthall69@gmail.com

July 1, 2022 – June 30, 2026

J. Alphonso Taylor
288 Village Rd.
Shipman, VA 22971
434-263-5894 (H)
434-263-6195 (W)
alphonsotaylor04@gmail.com

July 1, 2022 – June 30, 2026

Authority: **Established pursuant to the Code of Virginia §15.2-4903 et seq.**

Membership: Consists of seven (7) County Resident members

Term: 4 years, July – June (Staggered) with **no term limits.**

Summary of Duties: To administer the provisions of Virginia State Code §15.2-4905

Meetings: Meets biannually on the 1st Thursday of each month. Members are compensated \$75 per meeting plus mileage.

JEFFERSON AREA UNITED TRANSPORTATION –JAUNT, INC.

2 CITIZEN MEMBERS

Diane McNaught
13721 Patrick Henry Hwy
Roseland, VA 22967
Ph (434) 277-8579
DCKGlobal@yahoo.com

July 1, 2019-June 30, 2022 (T1)
(Appointed March 13, 2018)

Brad Burdette
135 Pine Hill Lane
Norwood, VA 24581
Ph (804) 306-3882
justice7spc@gmail.com

July 1, 2021 -June 30, 2024 (T1)
(Appointed 10/12/21 for UT)

Term(s) of Office: 3 years: July 1st to June 30th

Summary of Duties: To set broad policy in support of JAUNT's mission which is to safely, courteously and promptly provide public and specialized services to meet community mobility needs.

Meetings: Meets the second Wednesday of each month from 10:00 am to 12:00 noon at the JAUNT office, 104 Keystone Place, Charlottesville, VA 22902. Members serve on a volunteer basis. Contact Person is Karen Davis, karend@ridejaunt.org, 434-297-2602.

LOCAL BOARD OF BUILDING CODE APPEALS

<u>NAME & ADDRESS</u>	<u>TERM ENDING</u>
R. Carlton Ballowe (Former Builder) 19218 Thomas Nelson Hwy Faber, VA 22938 434-263-6285 (H) 434-996-7796 (W) catbalu1@aol.com	JUNE 30, 2024
Kenneth H. Taylor (Cabinetry) 2415 Arrington Road Arrington, V A 22922 (434) 263-5564	JUNE 30, 2024
Ben Butler (Builder) 81 Bryant Mountain Rd. Roseland, VA 22967 (434) 531-8888 caplerhomes@msn.com	JUNE 30, 2024 *(Unexpired term, appointed 7/13/2021)
Robin Meyer (Architect) 15 Orchard Rd. Charlottesville, VA 22903 (434) 987-4112 robinmeyer32@gmail.com	JUNE 30, 2026
Robert L. Yoder (Architect) 80 Tuckahoe LN Nellysford, VA 22958 (757) 675-1449 BobYoderArchitect@gmail.com	JUNE 30, 2026

LOCAL BOARD OF BUILDING CODE APPEALS

Establishment:

Established per Section 36-105, of the Code of Virginia, 1950 as amended and Section 119 of the Virginia Uniform Statewide Building Code effective March 1, 2011 and Ordinance O2011-05 adopted August 9, 2011

Term:

Four year terms except for the first three initial appointees' terms shall expire on June 30, 2012. The remaining two appointees' terms shall expire June 30, 2014. Members may be re-appointed without limitation. A member appointed to fill a vacancy shall serve the unexpired term of the member being replaced. At the request of the Board of Supervisors, a serving member may sit beyond the expiration of his term until such time as his successor may be appointed; however, the successor's term shall not be extended by such delay.

Composition:

Members of the LBBCA shall be selected by the Board of Supervisors on the basis of their ability to render fair and competent decisions regarding application of the USBC and shall to the extent possible, represent different occupational or professional fields relating to the construction industry. At least one member should be an experienced builder; at least one member should be a licensed architect or professional engineer, and at least one member should be an experienced property manager. Employees and officials of the locality shall not serve as members of the LBBCA.

Summary of Duties:

To rule on disagreements between the local enforcers of the Virginia Statewide Fire Prevention Code ("the SFPC") or the Virginia Uniform Statewide Building Code ("the USBC") and those persons being regulated under the codes. The power of the local board of appeals is to, when presented with an appeal, rule on the application of the SFPC or USBC by the enforcing agency or to rule on the enforcing agency's denial of a modification request. In exercising these powers, the local board of appeals may reverse or affirm, wholly or partly, or modify any decision under review as well as to determine whether an appeal is properly before them

Meetings:

The LBBCA shall meet at least once annually to assure a duly constituted board, appoint officers as necessary, and receive such training on the USBC as may be appropriate or necessary from staff of the locality. Members are compensated \$75 per meeting.

JEFFERSON MADISON REGIONAL LIBRARY BOARD

NAME, ADDRESS & PHONE

TERM :4 Years, July-June 2 Term Limit

Aleta Childs
400 Dogwood Ln.
Nellysford, VA 22958
H: (540) 272-8202
Aletachilds400@gmail.com

July 1, 2020 – June 30, 2024 (UT)
(Appointed June 8, 2021 Unexp. Term)

Authority: Code of Virginia §42.1-38 - §42.1-41

Membership: Nine (9) members, three (3) C' Ville City appointees, three (3) County appointees, one (1) each from Louisa, Nelson, and Greene Counties.

Term(s) of Office: Regular Terms are 4 years July – June, with a **two (2) term limit**. Membership is voluntary.

Summary of Duties: Administer the Regional Library System with responsibility for budgets, finance, public policy and planning for library services. Serve as a strong advocate for improvement and enhancement of public library services in the region and State and determine Library policies. Additional duties include securing funds for carrying out policies and hiring the library director to administer the library system.

Meetings: Monthly on the 4th Monday of each month. Members serve on a voluntary basis.

NELSON COUNTY LIBRARY ADVISORY COMMITTEE

NAME, ADDRESS & PHONE

TERM :4 Years, July-June

Jennifer Page – **North District**
122 Mickens Road
Afton, Va. 22920
(571) 246-1297
Jpage.nbs@gmail.com

July 1, 2022 – June 30, 2026
(appointed 10-11-22)

Chuck Strauss- **Central District**
112 River View Lane
Faber, VA 22938
strausshaus@hotmail.com

July 1, 2023 - June 30, 2027

Gloria Ashley- **East District**
48 Henry's Hill LN
Lovingston, VA 22949
H (434) 263-5035
W (434) 263-4086
Gashley3@verizon.net

July 1, 2022 – June 30, 2026
(Appointed 3-10-15)

Jean B. Holliday- **South District**
24 Kingswood Ln
Arrington, VA 22922
(434) 263-5266

July 1, 2021 – June 30, 2025

Audrey D. Evans – **West District**
1184 Dickie Rd.
Roseland, VA 22967
(434) 277-5814
bossmare1955@gmail.com

July 1, 2020 - June 30, 2024
(Appointed 2-12-13)

Membership: 5 Members by Election District.

Term(s) of Office: Regular Terms are 4 years July – June, with no term limits. Membership is voluntary.

Summary of Duties: To serve in an advisory capacity to the Jefferson Madison Regional Library Nelson member of the Board, the JMRL Librarian, and the Nelson Librarian.

Meetings: Monthly on the 3rd Monday from 4-6 PM at the Nelson Memorial Library. Members serve on a voluntary basis.

NELSON COUNTY PLANNING COMMISSION

NAME, ADDRESS & PHONE

TERM EXPIRATION

Phillipa Proulx – **North District**
950 Avon Road
Afton, VA 22920
(540) 456-6849 (H)
proulx@cfw.com

June 30, 2026

Robin Hauschner- **Central District**
403 Perry Lane
Lovington, VA 22949
(434) 989-8899
robin.hauschner@gmail.com

June 30, 2026

Charles Amante- **East District**
401 River Trail
Shipman, VA 22971
(703) 269-8586 (H)
amantemail@gmail.com

June 30, 2026

Mary Kathryn Allen- **South District**
7763 Richmond Hwy.
Gladstone, VA 24553
(434) 933-8214 (H)
(434) 942-7695 (W)
mkallen@vaems.org

June 30, 2024

Michael E. Harman – **West District**
2828 Embly’s Gap Road
Roseland, VA 22967
(434) 277-5016 (H)
koms@lynchburg.net

June 30, 2024

Ernie Reed – **BOS Liaison**
971 Rainbow Ridge Road
Faber, VA 22938
(434) 249-8330 (C)
ereed@nelsoncounty.org

December 31, 2023

Authority: Established by the Code of Virginia §15.2-2200 et seq. and County Code Article II, Sec.9-26

Membership: 6 members: 5 Appointments by Election District, with 1 appointed Board of Supervisors member.

Term: 4 Years, July 1 – June 30, **No Term Limits**

Summary of Duties: As Established by the Code of Virginia §15.1-427.1 et seq., the Board members serve in order to promote the orderly development of the County and to plan community centers with adequate highway, utility, health, educational and recreational facilities, and to provide for the needs of agriculture, industry and

business in future growth. This includes interpretation and development of the County Zoning and Subdivision Ordinance with review of citizen applications for re-zoning requests, conditional use permits, and subdivision requests with subsequent recommendations to the Board of Supervisors for action on such applications.

Meetings: Regular meetings are held the fourth Wednesday of each month with the exception of November. Members are compensated \$75 per meeting plus mileage paid at the existing State mileage rate.

REGION TEN COMMUNITY SERVICES BOARD

NAME, ADDRESS & PHONE

TERM :3 Years , July-June

Patricia Heggie
93 Fox Run
Nellysford, VA 22958
(H) 434-325-1254
pwheggie@gmail.com

July 1, 2022 – June 30, 2025 (T1)

Peggy Whitehead
25 Willow Brook Lane
Roseland, VA 22967
(434) 277-5732
Maggie2306.whitehead@gmail.com

July 1, 2021 – June 30, 2024 (T2)

Established by the Code of Virginia §37.2-500 et seq.

Membership: 2 local members, with 9-15 total members as apportioned on the basis of population not less than 1 member per subdivision. Members serve on a voluntary basis. 14 members (4 City appointees, 4 Albemarle County appointees, 1 each from Fluvanna and Greene Counties, 2 each from Louisa and Nelson Counties)

Term: 3 years with a 3 consecutive term limit.

Summary of Duties: To Act as a direct agent of the Region Ten member localities in the establishment and operation of community mental health, mental retardation, and substance abuse programs as provided for in the Code of Virginia §37.2-500 et seq. as amended. Reviews and evaluates public mental health, mental retardation and substance abuse services and facilities available to serve the community and such private services and facilities as receive funds through the Board. Submits governing bodies of regions the programs of community mental health, mental retardation and substance abuse services and facilities. Within amounts appropriated, executes programs and services and enters into contracts for rendition of services and facilities. Makes rules and regulations concerning rendition or operation of services and facilities under its directions or supervision.

Meetings: Second Monday of every month at 6PM. **Place:** Region Ten, 502 Old Lynchburg Road Charlottesville VA. 22903

Contact: Region Ten Community Services Board at 434-972-1800 Jessica Phipps
JESSICA.PHIPPS@regionten.org

NELSON COUNTY SERVICE AUTHORITY

NAME, ADDRESS & PHONE

TERM 4 Years, No Limits

Justin Shimp, P.E.- **North District**
148 Tanbark Dr.
Afton, VA 22920
H: (434) 953-6116
Justin@shimp-engineering.com

July 1, 2022 – June 30, 2026

Ernie Q. Reed - **Central District**
971 Rainbow Ridge Rd.
Faber, VA 22938
H: (434) 971-1647
C: (434) 249-8330
ereed@nelsoncounty.org
lec@wildvirginia.org

July 1, 2022 - June 30, 2026

Robert McSwain- **East District**
3254 Dutch Creek Lane
Shipman, VA 22971
H: (434) 263-6714
losthorseshoe2@gmail.com

July 1, 2022 -June 30, 2026

Sergio Sanchez- **South District**
1035 Gladstone Road
Gladstone, VA 22971
H: (434) 941-1811
sergio.sanchez321@yahoo.com

July 1, 2020 - June 30, 2024
(appointed 9/13/22)

David S. Hight – **West District**
P.O. Box 5
Roseland, VA 22967
H: (434) 277-5351
DHUMINC@gmail.com

July 1, 2020 - June 30, 2024

Authority : Established by the Code of Virginia §15.2-5113 and Nelson County Code Chapter 12 - Utilities

Membership: 5 Members appointed by Election District.

Term: 4 Years, July 1 – June 30. No term limits

Summary of Duties: To serve as the governing Board of the Nelson County Service Authority.

Meetings: Regular meetings are held monthly on the third Thursday of each month at 8:30am. Members are compensated \$100 per meeting plus mileage paid at the existing State mileage rate per BOS Resolution dated February 8, 2022.

NELSON COUNTY SOCIAL SERVICES BOARD

<u>NAME, ADDRESS & PHONE</u>	<u>TERM (July – June) 4 Years, 2 Term Limit</u>
Edith Napier – West District 43 Napier Loop Arrington, VA 22922 (434) 996-9403 Emnw739@aol.com	July 1, 2022 – June 30, 2026 (Reg. Term 1)
Brad Johnson – East District 2016 Wheelers Cove Rd Shipman, Va. 22971 H (309) 824-1503 W (434) 872-2766 Bjavin@msn.com	July 1, 2022 – June 30, 2026 (Reg. Term 2)
Diane Harvey - North District 10921 Rockfish Valley Hwy Afton, VA 22920 W (540) 456-6379 harveyasc@gmail.com	July 1, 2021 – June 30, 2025 (Reg. Term 2)
Claudia Van Koba – South District 1033 Falling Rock Drive Amherst, VA 24521 (H) 434-263-4596 (C) 434-907-5836 Email: Claudia_van_koba@yahoo.com	July 1, 2023 – June 30, 2027 (Reg. Term 1)
Darlene Smith – Central District 115 Deer Run Nellysford, VA 22958 PH: (434) 361-1258 bspaving@verizon.net	July 1, 2020 – June 30, 2024 (Reg. Term 2)
J. David Parr- BOS Liaison 250 Firehouse Road Piney River, VA 22964 H: (434) 277-5265	January 2023 – December 31, 2023

Authority: Established by the Code of Virginia §63.2-300 et seq.

Membership: 5 Members appointed by Election District.

Term: 4 Years, July 1 – June 30. **2 term limit**

Summary of Duties: To provide, either directly or through the purchase of services subject to the supervision of the Commissioner and in accordance with regulations adopted by the Board, any or all child welfare services herein described when such services are not available through other agencies serving residents in the locality such as: Protecting the welfare of all children including handicapped, homeless, dependent, or neglected children; preventing or remedying, or assisting in the solution of problems that may result in the neglect, abuse, exploitation or delinquency of children; preventing the unnecessary separation of children from their families by identifying family problems, assisting families in resolving these problems and preventing the break up of the family where preventing the removal of a child is desirable and possible; restoring to their families children who have been removed by providing services to the families and children; placing children in suitable adoptive homes in cases where restoration to the biological family is not possible or appropriate; and assuring adequate care of children away from their homes in cases where they cannot be returned home or placed for adoption.

The local board is also authorized and, as may be provided by regulations of the Board, shall provide rehabilitation and other services to help individuals attain or retain self-care or self-support and such services as are likely to prevent or reduce dependency and, in the case of dependent children, to maintain and strengthen family life.

Meetings: Regular meetings are held monthly on the third Tuesday of each month at 1:00 PM at the Dept. of Social Services building in Lovingsston. Members are compensated \$75 per meeting plus mileage paid at the existing State mileage rate.

JEFFERSON AREA BOARD FOR AGING BOARD OF DIRECTORS

2 Members

Term Expiration

Ernie Q. Reed
971 Rainbow Ridge Rd.
Faber, VA 22938
H: (434) 971-1647
C: (434) 249-8330
ereed@nelsoncounty.org
lec@wildvirginia.org

July 15, 2024

Dana E. Quillen
21 Aistrop Ln.
Faber, VA 22938
H (540) 241-5054
Painterdana21@gmail.com

July 15, 2025

Term(s) of Office: 2 years: July 16th – July 15th

Meeting: Fourth Monday of every other month at noon

Place: Varies

Membership: 4 members appointed by Council, 4 by Albemarle County, 2 each by Fluvanna, Nelson, Greene & Louisa Counties.

Purpose: The JABA Board is responsible for developing a comprehensive and coordinated system for services for all persons 60 and over. JABA acts as an advocate for seniors' interests and as a resource for agencies, organizations and individuals. JABA provides information referral/tracking service and transportation to improve links between older persons and existing services.

Contact: Jefferson Area Board for Aging
674 Hillsdale Drive, Suite 9
Charlottesville, VA 22901
Email: info@jabacares.org
Phone: (434) 817-5222
Fax: (434) 817-5230

BOARD OF ZONING APPEALS
Board Appoints & Recommends Certification by the Circuit Court

<u>Name & Address</u>	<u>Term Expiration Date</u>
Angela Jones 148 Miles Lane Faber, VA 22938 H 434-995-9441 ajjones9267@gmail.com	November 11, 2026
Carole Saunders 1610 Wilson Hill Rd. Arrington, VA 22922 H (434) 263-4976 carolevar@aol.com	November 9, 2028
W. Jerrold Samford 302 Bellevette Place Arrington, VA 22922 (804) 314-7291 jerry.samford@troutman.com	November 11, 2027
Mary Kathryn Allen (Active PC Member) 7763 Richmond Hwy. Gladstone, VA 24553 (434) 933-8214 mkallen@vaems.org	November 1, 2024
Shelby Bruguiere 1339 Stoney Creek West Nellysford VA 22958 540-456-6778 (H) Shelby@DickieBros.com	November 10, 2025
Mary Cunningham (Alternate) 171 Joshua Lane Afton, VA 22920 434-882-1587 (H) mcscherpa@gmail.com	March 30, 2025

BOARD OF ZONING APPEALS

Board Recommends Appointment to the Circuit Court.

Established: by Article 14 of the Nelson County Code,

Composition: 5 members and an alternate recommended by the BOS and appointed by the Nelson Circuit Court, 1 of which is an active Planning Commission member.

Term of Office: 5 years; No Term Limits

Summary of Duties:

To hear and decide applications for Special Use Permits where authorized by Ordinance including deciding interpretation of the district map where there is uncertainty as to location or boundary. To authorize upon appeal in specific cases such variance from the terms of the ordinance as will not be contrary to public interest.

Meetings:

Meetings are held at the call of the Chairman or at such times as a quorum of the board may determine. Members serve on a volunteer basis without pay other than for travel expenses.

JEFFERSON AREA BOARD FOR AGING ADVISORY COUNCIL

2 Members

Term

Carl Stellwag
411 Perry Lane
Faber, VA 22938
C (703) 344-4267
carlstellwag@gmail.com

January 1, 2024 - December 31, 2025

Mary S. Cunningham
171 Joshua Lane
Afton, VA 22920
H (540) 456-8316
C (434) 882-1587
mcscherpa@gmail.com

January 1, 2023 - December 31, 2024

Term(s) of Office: 2 years: January 1st to December 31st

Summary of Duties: Responsible for developing a comprehensive and coordinated system for services for all persons 60 and over. Acts as an advocate for seniors' interests and as a resource for agencies, organizations and individuals. Provides information referral/tracking service and transportation to improve links between older persons and existing service.

Meetings: Meets the first Thursday of each month at Noon at JABA 674 Hillsdale Drive, Charlottesville. Members serve on a volunteer basis. Contact: Marta Keene CEO. mkeene@jabacares.org, ph 434-817-5238

THOMAS JEFFERSON WATER RESOURCES PROTECTION FOUNDATION
(TJSWCD COMMITTEE)

NAME, ADDRESS & PHONE

TERM - 4 YEARS

Andy Wright
1315 Dutch Creek Lane
Shipman, VA 22971
434-263-8938
dutchcreekfarm@aol.com

January 1, 2020-December 2023 (T4)

Walter E. Morgan (TJSWCD Appointee)

Establishment: Established by the TJSWCD and endorsed by the Board of Supervisors in May 2002. Consists of Twelve Members -2 representatives from each participating County, one Board of Supervisors appointed and one appointed by the TJSWCD.

Term(s) of Office: 4 years: January-December

Summary of Duties: To administer the Conservation Easement program of the TJSWCD by educating the public as to the benefits of for water resources protection through such easements.

Meetings: Meetings are on the last Wednesday of every month. Members serve on a voluntary basis. (434) 975-0224

January 9, 2023 Public Hearing

Proposed Amendment to Chapter
11, Taxation, Article I, Exemption
for Volunteer Fire and Rescue
Squad Members

Public Hearing Notice Compliance

Pursuant to State Code §15.2-1427 Adoption of ordinances and resolutions generally; amending or repealing ordinances:

- ▶ The Board of Supervisors authorized the public hearing on this proposed County Code amendment on **December 12, 2023**, via adoption of **Resolution R2023-78**
- ▶ The Public Hearing Notice was published in the **December 28, 2023** and **January 4, 2024** editions of the NC Times in compliance with State Code §15.2-1427

Virginia State Code Authority

Title 58.1 Taxation, Subtitle III Local Taxes Chapter 35,
Tangible Personal Property, Machinery and Tools and
Merchants' Capital

▶ Article 1 Tangible Personal Property

Sec. 3506 Other Classifications of Tangible Personal
Property

- ▶ §58.1-3506 A (15) : Speaks to separate classifications of motor vehicles owned or leased by qualifying volunteer fire and rescue personnel
- ▶ § 58.1-3506 B: Provides that the Governing Body of any County may levy a personal property tax at a different rate of tax and rate of assessment from the tax levied on other tangible personal property but not exceeding that applicable to the general class of tangible personal property

Personal Property Tax Relief Provided for Volunteer Fire and Rescue Personnel as of Current 1993 Ordinance

- ▶ Personal Property Tax Exemption, Chapter 11 Taxation, Article I In General:
- ▶ **Sec. 11-5.1 - Exemption for volunteer fire and rescue squad members**
 - ▶ Members of the Nelson County Volunteer Fire Department and Rescue Squads shall be exempted from paying taxes on the first five thousand dollars (\$5,000.00) of assessed value on their personal property tax bill. The chief or captain of each squad/department shall provide to the Commissioner of the Revenue by June 1st of each year a certified list of all members who are eligible for the exemption during that year.
 - ▶ A qualifying volunteer must have completed one hundred (100) hours of volunteer activities during the preceding twelve (12) months.

Proposed County Code Amendment to
Chapter 11, Taxation, Article I Exemption for
Volunteer Fire and Rescue Squad Members
ORDINANCE O2023-08

- ▶ Sec. 11-5.1. - Exemption for volunteer fire and rescue squad members
 - ▶ (a) Members of the Nelson County Volunteer Fire Department and Rescue Squads shall be ~~exempted from paying taxes on the first five thousand dollars (\$5,000.00) of assessed value~~ *granted a credit of up to three hundred dollars (\$300.00)* on their personal property tax bill. The chief or captain of each squad/department shall provide to the Commissioner of the Revenue by June 1st of each year a certified list of all members who are eligible for the exemption during that year.
 - ▶ (b) A qualifying volunteer must have completed one hundred (100) hours of volunteer activities during the preceding twelve (12) months.

Fiscal Impact of Proposed Change for 2024 Tax Year

- ▶ Value of 2023 Personal Property Tax Relief for Fire and Rescue Volunteers:

Estimated at \$28,942. The amount of \$67,301 previously reported included Disabled Veteran Tax Relief of approximately \$38,359.

- ▶ \$5,000 in Assessed Value = **\$139.50 in tax relief per exemption** ($(\$2.79 \times \$5,000 / \$100)$) for 207 eligible fire and rescue volunteers = \$28,942)
- ▶ Value of Proposed 2024 Personal Property Tax Relief for Fire and Rescue Volunteers:

Estimated Maximum of \$62,100 for approximately 207 eligible fire and rescue volunteers.

- ▶ Up to **\$300 in tax relief per exemption** ($\$300 \times 207 = \$62,100$)

Other Volunteer Fire and Rescue Member Relief (Informational)

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

Vehicle License Fee Exemptions, Chapter 7 Motor Vehicles and Traffic, Article II Local License Fee Sec. 7-30:

- ▶ Value of 2023 Vehicle License Fee: **\$38.75** per Automobile and **\$18** per Motorcycle
- ▶ Value of 2023 Vehicle License Fee Relief for Fire and Rescue Members: **\$8,910** (\$8,874 cars + \$36 Motorcycles)
- ▶ **\$37,852** Total 2023 Personal Property Tax and Vehicle License Fee Relief Provided (\$28,942+\$8,910)
 - ▶ Proposed 2024 Personal Property Tax and Vehicle License Fee Relief (Using 2023 Data): **\$71,010**

Area Exemptions & Incentives for Volunteer Fire and Rescue Squad Members (Informational)

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

Next Steps

- ▶ Conduct the public hearing to receive citizen input on the proposed Ordinance Amendment, **O2023-08**
- ▶ Obtain Input from Staff if desired
- ▶ Consider Adoption of Ordinance **O2023-08** Amendment of the Code of Nelson County, Virginia Chapter 11, Taxation, Article I, Exemption for Volunteer Fire and Rescue Squad Members, Effective January 1, 2024 (2024 Tax Year) as presented or amended

DATE: January 4, 2024

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

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

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

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

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

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

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

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

Value of **2023 Tax Year** Relief: **\$67,301 CORRECTION: \$28,942 - \$38,359 is Disabled Veteran Relief**
\$5,000 in Assessed Value = **\$139.50 in tax relief per exemption** (\$2.79 x \$5,000/\$100)

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

Percentage Increase	0%	20%	40%	60%	70%	100%
Assessed Value Exempted	\$5,000	\$6,000	\$7,000	\$8,000	\$9,000	\$10,000
Equivalent Total Tax Relief	\$28,942	\$34,730	\$40,519	\$46,307	\$49,201	\$57,884
Equivalent Tax Relief per Exemption	\$139.50	\$167.40	\$195.30	\$223.20	\$251.10	\$279.00

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

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

Sec. 7-30. - Exemptions.

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

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

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

Value of **2023 Tax Year** Vehicle License: **\$38.75** per Automobile and **\$18** per Motorcycle

Value of **2023 Tax Year** Total Exemptions: **\$8,909.75** for approximately **207** vehicles

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

Percentage Increase	0%	20%	40%	60%	70%	100%
Assessed Value Exempted	\$5,000	\$6,000	\$7,000	\$8,000	\$9,000	\$10,000
Equivalent Total Tax Relief	\$28,942	\$34,730	\$40,519	\$46,307	\$49,201	\$57,884
Equivalent Tax Relief per Exemption	\$139.50	\$167.40	\$195.30	\$223.20	\$251.10	\$279.00
Vehicle License Fee (VLF)	\$38.75	\$38.75	\$38.75	\$38.75	\$38.75	\$38.75
Total Tax and VLF Relief	\$178.25	\$206.15	\$234.05	\$261.95	\$289.85	\$317.75

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

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

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

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

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

The purpose of the public hearing is to receive public input on an Ordinance proposed for passage to amend Chapter 11, Taxation, Article I, Sec. 11-5.1 Exemption for Volunteer Fire and Rescue Squad Members. Proposed amendments to Section 11-5.1 would change the exempted amount of personal property taxes from the first five thousand dollars (\$5,000.00) of assessed value to a credit of up to three hundred dollars (\$300.00) on the personal property tax bill of eligible volunteer fire and rescue squad members.

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

BY AUTHORITY OF NELSON COUNTY BOARD OF SUPERVISORS



BOARD OF
SUPERVISORS

THOMAS D. HARVEY
North District

ERNIE Q. REED
Central District

JESSE N. RUTHERFORD
East District

J. DAVID PARR
West District

DR. JESSICA LIGON
South District

CANDICE W. MCGARRY
County Administrator

AMANDA B. SPIVEY
Administrative Assistant/
Deputy Clerk

LINDA K. STATON
Director of Finance and
Human Resources

DRAFT

ORDINANCE O2023-08

NELSON COUNTY BOARD OF SUPERVISORS

AMENDMENT OF THE CODE OF NELSON COUNTY, VIRGINIA

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

EXEMPTION FOR VOLUNTEER FIRE AND RESCUE MEMBERS

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

(a) Members of the Nelson County Volunteer Fire Department and Rescue Squads shall be ~~exempted from paying taxes on the first five thousand dollars (\$5,000.00) of assessed value~~ *granted a credit of up to three hundred dollars (\$300.00)* on their personal property tax bill. The chief or captain of each squad/department shall provide to the Commissioner of the Revenue by June 1st of each year a certified list of all members who are eligible for the exemption during that year.

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

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

Adopted: _____

Attest: _____, Clerk
Nelson County Board of Supervisors



BOARD OF
SUPERVISORS

THOMAS D. HARVEY
North District

ERNIE Q. REED
Central District

JESSE N. RUTHERFORD
East District

ROBERT G. BARTON, JR.
South District

J. DAVID PARR
West District

CANDICE W. MCGARRY
County Administrator

AMANDA B. SPIVEY
Administrative Assistant/
Deputy Clerk

LINDA K. STATON
Director of Finance and
Human Resources

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

BE IT RESOLVED, that pursuant to §15.2-1427 of the Code of Virginia 1950 as amended, the County Administrator is hereby authorized to advertise a public hearing to be held on **January 9, 2024 at 7:00 PM** in the General District Courtroom in the Courthouse in Lovingston, Virginia. The purpose of the public hearing is to receive public input on an Ordinance proposed for passage to amend Chapter 11, Taxation, Article I, Sec. 11-5.1 Exemption for Volunteer Fire and Rescue Squad Members. Proposed amendments to Section 11-5.1 would grant a tax exemption of \$300 on the value of one vehicle for eligible volunteer fire and rescue squad members.

Approved: December 12, 2023

Attest: , Clerk
Nelson County Board of Supervisors

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

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

(Ord. of 8-10-93)

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

Sec. 7-30. Exemptions.

- (a) The provisions of this article shall not apply to:
- (1) Any motor vehicle exempted by the provisions of Code of Virginia, §§ 46.2-750 through 46.2-751, 46.2-663 through 46.2-683, and 46.2-755.
 - (2) Any motor vehicle owned by volunteer rescue squads and fire companies.
 - (3) Any motor vehicle which the department of motor vehicles exempts from the issuance of a registration certificate.
 - (4) Any antique motor vehicle licensed pursuant to either Code of Virginia, § 46.2-730A or 46.2-730B.
- (b) Residents who are members of a volunteer rescue squad or fire company, whether located in this county or in an adjoining jurisdiction, shall be entitled to claim as exempt from the local license fee one (1) vehicle owned by such member; provided, however, that a member shall not be entitled to the exemption who is delinquent in the payment of all other applicable local license fees and tangible personal property taxes.
- (Res. of 11-21-06(1))

Code of Virginia

Title 58.1. Taxation

Subtitle III. Local Taxes

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

Article 1. Tangible Personal Property Tax

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

40. Motor vehicles powered solely by electricity;

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

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

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

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

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

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

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

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

48. The following classifications of vehicles:

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

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

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

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

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

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

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

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

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

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